

Planning Committee
18 May 2010

IRVINE, 18 May 2010 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Elizabeth McLardy, Robert Barr, Margie Currie, Ian Clarkson, John Ferguson, Ronnie McNicol, Pat McPhee and John Moffat

In Attendance

J. Miller, Chief Development Management Officer, A. Craig, Senior Solicitor, Jean Law, Solicitor and A. Hume, Planning Officer (Corporate Services); and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair (Agenda Items 1 - 4.2 and 5.2 - 7.2) and Councillor Currie in the Chair (Agenda Item 5.1).

Apologies for Absence

David Munn and Robert Rae.

1. Declaration of Interest

Councillor McLardy declared an interest in Agenda Item 5.1, vacated the Chair and withdrew from the meeting for that item of business. Councillor Currie assumed the Chair for Agenda Item 5.1.

2. Isle of Arran

09/00767/PP: Brodick: Mid Mayish: Site to the South of Bellevue Cottage

John Thomson Construction Ltd, Benlister Road, Lamlash, Isle of Arran has applied for planning permission for the erection of a detached dwellinghouse on a site to the south of Bellevue Cottage, Mid Mayish, Brodick, Isle of Arran. One objection has been received, as detailed in the report.

Members expressed concern about parking and access restrictions in relation to the site, particularly with regard to access by emergency vehicles, and considered their road safety implications.

Councillor Currie, seconded by Councillor Moffat, moved that the application be refused on the grounds that the proposed development would be detrimental to traffic safety in the area.

As an amendment, Councillor R. Barr, seconded by Councillor McPhee, moved that the application be granted, subject to the conditions contained in the officer's report.

On a division, there voted for the amendment 4 and for the motion 4. On the casting vote of the Chair, the motion was declared carried.

Accordingly, the Committee, having considered the terms of the objection, agreed to refused the application on the following ground:-

1. That the proposed development would be detrimental to traffic safety in the area.

3. Garnock Valley

0/00213/PP: Kilbirnie: Site to the West of 73 Newhouse Drive

Michael Martin, 7 Briery Court, Kilbirnie has applied for planning permission for a change of use from open countryside to form allotments, including the siting of two storage containers and the erection of a 2.5m high metal fence on a site to the west of 73 Newhouse Drive, Kilbirnie. Two objections have been received, as detailed in the report.

The Chief Development Management Officer advised of a proposed amendment to conditions 2 and 3, to allow a period of 1 month for the preparation of a desk study in relation to any contamination on the site and the provision of details of the proposed storage containers and security fencing.

The Committee, having considered the terms of the objections, agreed to grant the application subject to the following conditions:-

1. That, prior to the commencement of the development, hereby approved, the applicants shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated by PAN 33 and BS10175: 2001. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter, the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.

2. That, within 1 month of the date of the consent, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the storage containers and security fencing including colours of the proposed external finishes. Such details should be made in the form of a coloured and annotated visual representation.

3. That, within 1 month of the date of the consent, hereby approved, the applicant shall submit for the approval in writing of North Ayrshire Council as Planning Authority, a Management Scheme for the operation of the allotments, which shall detail specifications for any additional structures and other means of enclosure. Operation of the allotments shall thereafter conform to the details contained within any approved Management Scheme, unless agreed in writing by North Ayrshire Council as Planning Authority.

4. That the first 2 metres of the access, measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

5. That vehicular access to the site shall be provided with a drop kerb footway crossing to be formed as detailed in sections 5.2 & 10.8 (and Fig 10.18) of the Roads Development Guidelines to the satisfaction of North Ayrshire Council as Planning Authority.

4. Irvine/Kilwinning

4.1 10/00204/PP: Irvine: 14 Carnoustie Place

Mr & Mrs Paul & Shirley Finnie, 14 Carnoustie Place, Irvine have applied for planning permission for the erection of a single-storey extension incorporating a garage to the side of a detached dwellinghouse, including a change of use of open space to form garden ground, at that address.

The Committee agreed to grant the application, subject to no objections being received before 28 May 2010 and to the following condition:-

1. That, prior to the commencement of the development, hereby approved, details of the species and planting densities of the replacement landscaping, to be planted along the northern side of the new boundary, shall be submitted for the approval in writing of North Ayrshire as Planning Authority and that, within one month of the occupation of the extension, hereby approved, the replacement landscaping shall be completed and thereafter maintained, all to the satisfaction of North Ayrshire as Planning Authority. For the avoidance of doubt, such landscaping shall comprise native plant species.

4.2 10/00141/ADC: Irvine: 110 High Street

The Money Shop, Castlebridge Office Village, Kirtley Drive, Castle Marina, Nottingham has applied for planning permission for the erection of 2 externally illuminated fascia signboard, 1 fascia signboard, and 2 internally illuminated projecting signs at 110 High Street, Irvine.

The Committee agreed to refuse the application on the following ground:-

1. That the proposed advertisements would be contrary to Policies TC 8, BE1, BE5 of the Adopted North Ayrshire Local Plan (Excluding Isle of Arran), in that the number, design and type of illumination of the advertisements would both detract from, and have an adverse impact on, the architectural/historical character and appearance and overall amenity of the listed building and Irvine Town Centre Conservation Area.

5. North Coast and Cumbraes

5.1 09/00584/PP: Seamill: Merrick Hotel, 31 Ardrossan Road

Mr R Waugh, per Thomson Dawes Chartered Architects, 21 Portland Road, Kilmarnock has applied for planning permission for the formation of decking to rear for the consumption of food and beverages and repositioning of exit door at the Merrick Hotel, 31 Ardrossan Road, Seamill, West Kilbride. Six objections have been received, as detailed in the report.

The Chief Development Management Officer advised of the receipt of a further letter of objection from an existing objector and responded to the issues contained therein. He also referred to the receipt of 12 letters of support for the application, details of which, together with the officer's response to the points contained within them, were circulated at the meeting for Members' information.

The Chief Development Management Officer further advised of the proposed deletion of the reference to overlooking within the recommended reason for refusal of the application.

Members expressed the view that further discussion should take place with the applicant, to explore possible screening, limitations on the seating capacity and hours of usage of the decking area, and a cap on the permitted height of the leylandii cypress trees on the site.

The Committee agreed to continue consideration of the application to the next meeting, to allow officers to discuss with the applicant possible measures to mitigate against the potential noise and nuisance which might arise from the proposed development.

5.2 10/00178/PP: Ardrossan: High Boydston Farm

Mr David Parker, High Boydston Farm, Ardrossan has applied for planning permission for the erection of an extension to side of an existing waste transfer and recycling facility, including the provision of a skip parking area and external inert waste storage area at the rear of the recycling shed, and the removal of Condition 1 of planning permission N/03/00147/PP, at High Boydston Farm, Ardrossan.

The Committee agreed to grant the application, subject to no objections being received before 28 May 2010 and to the following conditions:-

1. That no operations shall be carried out from the site between the hours of 17.00 and 07.00 unless North Ayrshire Council as Planning Authority give written consent for any variation.
2. That, prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by, North Ayrshire Council as Planning Authority. Thereafter, any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, within 3 months of the date of this permission, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, detailed proposals for a scheme of landscaping to be provided along the north west and south west boundaries of the site. The proposals shall include details of alterations to ground levels, species, planting densities, soil treatment and aftercare.
4. That the approved details of landscaping shall be carried out during the current planting season, unless North Ayrshire Council as Planning Authority gives written consent for any variation; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
5. That there shall be no external storage of waste, vehicles and other plant and machinery associated with the business within the yard forward of the front elevation of the waste transfer building.
6. That, within 3 months of the date of this permission, or longer if agreed in writing with North Ayrshire Council as Planning Authority, the applicant shall fully implement the proposed passing places, and erect signage as detailed in the Transport Statement (Revision 2) submitted in support of the application to the satisfaction of North Ayrshire Council as Planning Authority.

7. That, in addition to the works required by condition 6, above, the applicant shall carry out an additional section of road widening between the B780 and the first lay-by, full details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to it being formed within 3 months of the date of this permission. The road shall be widened around the bend to a minimum of 6.5 metres wide or to a width that can be accommodated within the existing road boundary.

5.3 10/00063/PP: Fairlie: Main Road: Fairlie Bowling Club and Site to North

RDK Construction Ltd, 1 Sharphill Estate, Dalry Road, Saltcoats has applied for planning permission for the formation of a garden centre and bar/restaurant at Fairlie Bowling Club and a site to the north, Main Road, Fairlie. Four objections have been received, as detailed in the report, including a letter of objection from Fairlie Community Council.

The Committee agreed to refuse the application on the following grounds:-

1. That the proposed development would not accord with Policies TC5, ENV1, ENV5 and ENV5A of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) in that it would (i) comprise retail and commercial/leisure development within the countryside for which no specific locational need has been demonstrated; (ii) be detrimental to the openness and appearance of the countryside between Fairlie and Largs which is designated as a Sensitive Landscape Character Area and is located within Clyde Muirshiel Regional Park; and (iii) establish an undesirable precedent for further development within the countryside between Fairlie and Largs thereby contributing towards the coalescence of settlements.

2. That the proposed development would not accord with criteria (a), (b) and (c) of the Development Control Statement of the North Ayrshire Local Plan (excluding Isle of Arran), in that the siting of the development would represent an encroachment into the countryside for which no specific locational need has been demonstrated which would be detrimental to the amenity of the countryside, that the development would detract from visual amenity and the amenity of nearby residential properties by reason of increased noise and disturbance and that the proposed development would have a detrimental impact on the open landscape character of countryside between Fairlie and Largs.

6. Stevenston: Land at 32 Townhead: Notice Requiring Proper Maintenance of Land

Submitted report by the Solicitor to the Council on the proposed serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to require the proper maintenance of land at 32 Townhead, Stevenston.

32 Townhead in Stevenston, which is the site of the former Lonsdale Bar Public House, was cleared in 2009. For security purposes, 'Heras'-type fencing erected along the front of the site facing onto Townhead, pending its redevelopment.

In February 2010, complaints were received regarding the condition of the site. A site inspection by the Planning Inspector noted that the fencing had been pulled over, material from the demolition of the public house was still on site, and there was evidence of 'fly-tipping'. The overall appearance of the land, which is clearly visible to both vehicular and pedestrian traffic, is considered detrimental to the amenity of the area.

Contact has been made with Millar Developments Limited, the company which obtained planning permission to demolish the former licensed premises and develop the site for residential use, but no information has been provided as to when development might commence on site.

The Committee agreed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner(s) of the site at 32 Townhead, Stevenston, or any other person with an interest in it, to require the proper maintenance of the land, including reinstating the 'Heras'-type fencing and ensuring it is secured to prevent unauthorised access to the site, clearing the land of building debris/fly-tipping materials and maintaining the land in a tidy condition.

7. Enforcement Notices

7.1 Advertising Enforcement Notice: Dalry: Land Adjacent to Graze Restaurant, 1-5 Crossroads

Submitted report by the Solicitor to the Council on the proposed serving of an Advertising Enforcement Notice in terms of Regulation 24 of the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 to secure the removal of an unauthorised advanced advertising sign on land adjacent to Graze Restaurant, 1-5 Crossroads, Dalry.

On 12 January 2010, a complaint was received about the unauthorised siting and display of a sign advertising Auchengree Farm Shop, Glengarnock, on a trailer within a field to the north of the A737 trunk road adjacent to Graze Restaurant, 1-5 Crossroads, Dalry. On 15 January 2010, the operator of Auchengree Farm was advised by letter to have the unauthorised sign removed.

The display of the sign in question requires Advertisement Consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and, under Policy TC8 (Control of Advertisements), such advertisements require to be displayed in accordance with the Council's approved Advertisement Policy. The sign is contrary to the Council's approved Advertisement Policy, which presumes against advanced advertising signs unless they relate to isolated business which comply with the following criteria, namely, they are substantially dependant on passing trade from outwith the immediate vicinity; the premises and associated signs which could be erected without express permission are not readily visible from an A-Class road; and the local directional signposting is inadequate for identification purposes. Where permitted, such advanced signs should conform to a standard design, as agreed by the Council. Overall, the policy summarises that no advanced signs shall be permitted unless they are in the public interest or a clear justification of need is demonstrated.

It is considered that the unauthorised sign in question, which does not comply with the Advertisement Policy, is visually obtrusive, detracts from the setting and appearance of the countryside and, if allowed, would set an undesirable precedent. To date, the operator of Auchengree Farm has refused to remove the unauthorised sign.

The Committee agreed that a Notice be served in terms of Regulation 24 of the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 to secure the removal of the unauthorised sign on land adjacent to Graze Restaurant, 1-5 Crossroads, Dalry.

7.2 Advertising Enforcement Notice: Ardrossan: Land to South of Sorbie Farm

Submitted report by the Solicitor to the Council on the proposed serving of an Advertisement Enforcement Notice for the removal of an unauthorised advanced advertising sign on land south of Sorbie Farm, Ardrossan.

On 8 December 2009, a complaint was received regarding a sign advertising milk supplies at Sorbie Farm, on a trailer within a field to the west of Sorbie Farm, in close proximity to the south-bound lane of the 3 Towns By-Pass (A78 trunk road). On 10 December 2009, a request was made in writing to the person responsible for siting the sign to have it removed.

The display of the sign in question requires Advertisement Consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and, under Policy TC8 (Control of Advertisements) such advertisements require to be displayed in accordance with the Council's approved Advertisement Policy.

The sign is contrary to the Council's approved Advertisement Policy, which presumes against advanced advertising signs unless they relate to isolated business which comply with the following criteria, namely, they are substantially dependant on passing trade from outwith the immediate vicinity; the premises an associated signs which could be erected without express permission are not readily visible from an A-Class road; and the local directional signposting is inadequate for identification purposes. Where permitted, such advanced signs should conform to a standard design, as agreed by the Council. Overall, the policy summarises that no advanced signs shall be permitted unless they are in the public interest or a clear justification of need is demonstrated.

It is considered that the unauthorised sign in question, which does not comply with the Advertisement Policy, is visually obtrusive, detracts from the setting and appearance of the countryside and, if allowed, would set an undesirable precedent. To date, the operator of Sorbie Farm has failed to reply to a further letter dated 23 February 2010 instructing the removal of the unauthorised sign.

The Committee agreed that a Notice be served in terms of Regulation 24 of the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984 to secure the removal of the unauthorised sign on land to the south of Sorbie Farm, Ardrossan.

The meeting ended at 3.30 p.m.