

Planning Committee
4 February 2015

IRVINE, 4 February 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Robert Barr, John Bell, John Bruce, Joe Cullinane, Tom Marshall and Ronnie McNicol

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Economy and Communities); and J. Law, Solicitor (Contracts and Licensing) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Ferguson and Robert Steel.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the Committee held on 14 January 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Ardrossan, Saltcoats and Stevenston

14/00626/PPPM: Site to North of Arran View Nursing Home and West of Dalry Road, Saltcoats.

Robert Ryan/Land Partners, c/o McNally Associated Limited, 6 Newton Place, Glasgow have applied for planning permission in principle for a mixed use development for the erection of housing, offices, manufacturing, production, warehousing facilities and construction of new roundabouts with associated roads and landscaping, on a site to the north of Arran View Nursing Home and west of Dalry Road, Saltcoats. Three letters of objection have been received, as detailed in the report.

The Committee, having considered the terms of the objections, agreed to grant the application, subject to (a) the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan and (ii) to secure an appropriate, affordable housing contribution at a rate of 10%; and (b) the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That, prior to the commencement of the development hereby approved, the applicant shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by 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.
4. That the proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by (i) A Transportation Assessment; (ii) detailed proposals for the provision of structure planting along the northern boundary of the RES(17) residential part of the site and (iii) a Noise Impact Assessment and Air Quality Assessment to assess the potential impact of the proposed manufacturing/production/warehousing facilities and road traffic on existing and proposed residential properties.
6. That no development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

4. Enforcement Notice - Farmfoods, Lamont Drive, Irvine

Submitted report by the Executive Director (Economies and Communities) which proposed the service of an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 to require the removal of an unauthorised second hand clothes collection facility, 'Cash 4 Clothes', and all associated apparatus within the car park of Farmfoods, Lamont Drive, Irvine.

The clothes cabin has been in situ for approximately 6 months and it is considered that the facility constitutes an out of centre development where there has been neither a sequential assessment nor any demonstration of an unmet local need. In addition, suitable sites/premises for such a development are likely to be available within the town centre which would meet both local needs and Irvine more generally. It is considered that the facility would also set an undesirable precedent for similar proposals, the result of which would be an adverse impact on the vitality and viability of the town centre. Furthermore, the cabin is not in keeping with the built environment in the locality, and detracts from the character and appearance of the area. Finally, the report notes that three car parking spaces have been removed to accommodate the cabin.

The Committee agreed, in the interests of the amenity of the area and the vitality and viability of the town centre, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require (i) the cessation of use of the clothes recycling facility within Farmfoods car park, Lamont Drive, Irvine and removal of the cabin and associated apparatus and (ii) the reinstatement of the ground to its former condition as part of the Farmfoods car park.

5. Scottish Government Consultation on the land use planning aspects of the Seveso III Directive on the Control of Major-Accident Hazards

Submitted report by the Executive Director (Economies and Communities) on proposed changes set out in the Scottish Government Consultation on the land use planning aspects of European Directive 2012/18/EU (the Directive) on the control of major-accident hazards involving dangerous substances (referred to as hazardous substances in domestic legislation), also known as the Seveso III Directive. Appendix 1 to the report set out the proposed consultation response.

Section 3 of the report outlined the main changes being made in implementing the Directive. The draft Regulations, which update the wording of the current regulations, also include requirements for national planning policy documents to take account of the aims of the Directive, procedures on appeals and called-in applications in relation to relevant planning permission cases (not included in consultation draft), generic public participation requirements for the various means for granting planning permission for developments which are in scope, and generic requirements for public participation in the preparation of plans and programmes for developments within scope of the Directive.

The Senior Manager (Planning, Transportation and Regeneration) advised of the receipt of a comment from a local business which expressed the view that Question 16 within the consultation document presented an ideal opportunity to provide a full explanation of the issues in relation to the potential for regeneration at and around Ardeer. Accordingly, the Committee was invited to consider an alternative response to Question 16.

The Committee agreed to approve the consultation response set out at Appendix 1 to the report, subject to the Question 16 response being amended to read "Whilst noting that this matter is outwith the scope of the Seveso III consultation, North Ayrshire Council would support, in principle, changes to the primary legislation in order to address redundant hazardous substances consents. There are strategic planning and regeneration issues within North Ayrshire which suitable amendments could resolve."

The Meeting ended at 2.15 p.m.