

Planning Committee
16 September 2015

Irvine, 16 September 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Joe Cullinane, Ronnie McNicol and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); and A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell, Ian Clarkson and Tom Marshall.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as the Chair of a local committee with an interest in the work of Community Windpower Ltd, declared an indirect, non-pecuniary interest in application 15/00200/PPM from Community Windpower Limited for the erection of six wind turbines at Blackshaw Farm, West Kilbride, submitted under Agenda Item 4, and left the meeting for that item of business.

2. Minutes

The Minutes of meeting of the Committee held on 26 August 2015 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following amendment:-

6.1 15/00200/PPM; Blackshaw Farm, West Kilbride

Paragraph 4 - "The Committee agreed (a) to continue consideration of the application to the next meeting, to allow an opportunity to consider further issues in respect of the internal landscape consultation regarding the scheme, a response from Environmental Health in relation to noise and private water supplies and outstanding aviation issues; and (b) that the Members undertake a site familiarisation visit."

3. Irvine/Kilwinning

09/00690/PPPM: Irvine Harbour, Harbour Street, Irvine

Irvine Bay Developments, c/o Ayrshire Innovation Centre, 2 Cockburn Place, Irvine have applied for planning permission in principle for a mixed use development comprising up to 360 residential units, a hotel, up to 2,700m² of commercial space divided between offices, a cafe/restaurant and retail and health/leisure use at Irvine Harbour, Harbour Street, Irvine.

On 7 April 2010, planning permission was granted for a mixed use development comprising up to 360 residential units, hotel, up to 2,700m² of commercial space divided between offices, cafe/restaurant, retail and health/leisure use, subject to conditions and to the applicant entering into a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure a requirement for off-site road works, access routes and improvements to bus stops.

In the absence of a committed developer for the site, the Council has been unable to conclude the Section 75 agreement and the application seeks approval to grant application 09/00690/PPPM subject to conditions rather than subject to a Section 75 agreement and conditions.

The Committee agreed to grant the application subject to the following conditions:-

1.
 - a) Application for the approval of matters specified in conditions shall be made before the expiration of 5 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval for all outstanding matters specified in conditions may be made within 6 months of the date of such refusal or dismissal.
 - b) The approved development shall be commenced not later than the expiration of 5 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
2. Prior to the commencement of the development, hereby approved, details of the undernoted reserved matters shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing, for each approved phase of development, where relevant; the submission shall be in the form of a detailed layout of the site (or relevant phase) and include detailed plans, sections of the buildings and all other structures:
 - (a) Siting, design and height of development, including design of all external features and glazing specifications (including acoustic capabilities);

- (b) Particular attention should be paid to setting and treatment of listed buildings and interface with the adjacent Conservation Area;
- (c) A 6 metre wide distributor road to be provided around the site and linked to the existing secondary distributor routes;
- (d) The road, footway and transport infrastructure to be designed in accordance with the current adopted Roads Development Guide or any subsequent amendments;
- (e) Parking for the development to be in accordance with the methodology set out in the addendum to the Transport Assessment dated the 26th March 2010, whereby the development will require a minimum of 683 spaces. A minimum of 50% of the residential unallocated spaces to be located as surface parking, spaced evenly throughout the site;
- (f) Traffic calming in accordance with the requirements set out in the Roads Development Guide or any subsequent amendments;
- (g) Bus stops shall be provided at intervals of no greater than 400 metres along the proposed bus service route. The bus stops shall be located at trip generators (i.e. shops, cafes) along the route;
- (h) Vehicle and cycle parking, access, road layout and alignment, turning areas, footpaths and sightlines all of which should comply with the requirements of North Ayrshire Council's Adopted Roads Development Guidelines;
- (i) No development shall take place within the area hatched in red on drawing No. (PL)004, forming part of this planning permission in principle, until such time as the wave return wall has been constructed to the satisfaction of North Ayrshire Council as Planning Authority. Full details of the wave return wall shall be submitted for prior approval;
- (j) The findings of the "Irvine Bar Study" shall be implemented at the appropriate phase of development;
- (k) All buildings shall be set back a minimum of 10m from the edge of the quay side;
- (l) A Drainage Assessment shall be prepared in support of any application for matters specified in conditions. The general design of the development should be such that all surface water drains naturally towards the quayside;
- (m) Surface water and drainage arrangements. In this regard the discharge of surface water to the water environment should be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007. It is also advised that the seaward area to the south of the site is identified as bathing water under the Bathing Water Directive (2006/7/EC). It should therefore be ensured that surface water run off from the entire site should be treated in accordance with the above principles;
- (n) Refuse and recycling facilities. Such facilities should be in line with North Ayrshire Council collection plans to address the recycling, composting, recovery and disposal targets contained within the Area Waste Plan and NAC's implementation plan;

- (o) Hard and soft landscaping details, possibly guided by a noise assessment and particularly to screen/protect the proposed residential uses from adjacent business uses and to appropriately provide a buffer between buildings and the adjacent noise generating uses, including: Walls, gates, and any other boundary treatments; the location of new trees, shrubs and hedges; a schedule of plants to comprise species, plant size and proposed number/density; Programme of completion and subsequent maintenance; existing and proposed services such as cables, pipelines, substations; other artefacts and structures such as street furniture, including lighting columns and fittings; details of phasing of these works;
 - (p) Existing and finished ground and floor levels in relation to Ordnance Datum. Finished Floor Levels (FFL) shall not be less than 4.41mAOD;
 - (q) Details of all trees to be retained/removed and measures for the protection of any remaining during the construction period;
 - (r) Full details of biomass plant and associated facilities to be submitted for prior approval; and
 - (s) Full details of plant, machinery, venting arrangements, etc
3. A phasing plan, including an overall Design Brief for the development, hereby approved, shall be submitted for prior approval of North Ayrshire Council as Planning Authority.
 4. The following use classes, hereby approved, shall not exceed:

Class 1 (Shops) a maximum of 1400m² with no single unit in excess of 400m²; Class 2 (Financial & Professional Services) a maximum of 1400m² with no single unit in excess of 400m²; Class 3 (Food and Drink) a maximum of 1400m² with no single unit in excess of 600m²; Class 4 (Business) a maximum of 1400m² with no single unit in excess of 400m²; Class 9 (Houses) including Flatted dwellings (Sui Generis) a maximum of 360 units; Class 11 (Assembly and Leisure) a maximum of 1400m² with no single unit in excess of 600m²; Hot Food Takeaway a maximum of 300m²; Public House a maximum of 600m² with no single unit in excess of 300m².
 5. Prior to the commencement of the development, hereby approved, a substantial Travel Plan, which shall include details of phasing and implementation, shall be submitted to and approved by North Ayrshire Council as planning authority. Thereafter the details of the approved Travel Plan shall be implemented to the satisfaction of North Ayrshire Council as planning authority.
 6. That prior to commencement of the development hereby approved, an Access Plan shall be submitted for the written approval of North Ayrshire Council as planning authority. The Access Plan shall seek to address the needs of pedestrians and cyclists, including the provision of secure covered cycle parking facilities, and links to the wider Core Path Network, all taking into account the principles of Secured by Design. The development shall thereafter be completed in accordance with the approved Access Plan.

7. The design of residential properties shall incorporate measures such that the noise levels, associated with traffic and existing and proposed business uses, are attenuated to a satisfactory level. A noise report, prepared by a suitably qualified Acoustic Consultant, demonstrating compliance with these requirements, and impacts on adjacent existing property, shall be submitted, in support of full details of the proposed residential properties, for the prior approval of North Ayrshire Council, as Planning Authority.
8. Site investigation/decontamination arrangements. Prior to the commencement of any phase of development a desk study of the application site shall be undertaken, (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. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitable qualified environmental consultant and submitted 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. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted.
9. That prior to commencement of the development hereby approved, a Play Strategy shall be submitted for the written approval of North Ayrshire Council as planning authority. The Play Strategy shall seek to address provision of play needs of residents of the hereby approved development, taking into account the detail within Support Paper 4 of the adopted Local Plan. The development shall thereafter be completed in accordance with the approved Play Strategy.
10. That prior to the commencement of the development hereby approved, a scheme describing the means by which the provision of public art as part of the development shall be secured shall be submitted for the written approval of North Ayrshire Council as planning authority. Thereafter, the development shall be carried out and completed in accordance with the approved scheme.
11. That no trees or hedges on the site shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority. Such works shall seek to avoid the bird breeding season (March – September).
12. A scheme of replacement habitat should be included within landscaping proposals, such that appropriate levels of provision is made for landscaping lost as a result of the development.

13. Prior to the closure and demolition of the existing public toilet facility full details of a replacement facility shall be provided and approved. Such replacement facility shall be provided within an agreed timescale. Should there be any period of time between the closure of the existing facility and the provision of appropriate temporary arrangements shall be agreed. All to the satisfaction of North Ayrshire Council as Planning Authority.
14. That, prior to the commencement of the development hereby approved, details and phasing of off-site road works, access routes and improvements to the bus stops shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved.

4. North Coast and Cumbraes

15/00200/PPM: Blackshaw Farm, West Kilbride

Community Windpower Ltd, First Floor, 2 Parklands Way, Maxim Business Park, Motherwell have applied for planning permission for the erection of six wind turbines each with a maximum blade to a height of up to 125m and associated infrastructure including access tracks, hard standings, substation and control room, 80m meteorological masts, temporary construction of storage compound and borrow pits on a site at Blackshaw Farm, West Kilbride. Initially 55 letters of objection were received, 10 of which were of a pro-forma style and which also included a petition of 66 signatures. Fifty seven letters of support were also received, including two styles of pro-forma letters, 51 of which were collected and submitted by the applicant. A further letter was received neither objecting to or supporting the application but indicating matters requiring consideration in the determination of the application. Additional representations received, comprised one letter of objection, one letter of support and a submission from the applicant of 51 pro-forma letters of support.

At its meeting on 26 August 2015, the Planning Committee agreed to (a) to continue consideration of the application to the next meeting, to allow an opportunity to consider further issues in respect of the internal landscape consultation regarding the scheme, a response from Environmental Health in relation to noise and private water supplies and outstanding aviation issues; and (b) that the Members undertake a site familiarisation visit.

The Committee was advised of further late correspondence from the applicant in respect of (i) landscape (ii) noise and private water supplies and (iii) aviation issues. The Senior Manager (Planning) advised that the areas raised in the correspondence required further consideration by officers.

Members asked questions in relation to the reason for the late correspondence from the applicant. The Senior Manager (Planning) advised that whilst the application had been submitted in April 2015, the late correspondence raised issues that required further investigation by officers.

The late correspondence from the applicant, a letter from Glasgow Prestwick Airport and a further representation were circulated to the Committee.

Councillor Cullinane, seconded by Councillor Steel, moved that the Committee consider the application, including the late correspondence from the applicant. As an amendment, Councillor Ferguson, seconded by Councillor McNicol, moved that the application be continued to the next meeting to allow officers an opportunity to consider the areas raised in the late correspondence. On a division, there voted for the motion 2 and for the amendment 3 and the amendment was declared carried.

Accordingly, the Committee agreed to continue consideration of the application to the next meeting.

5. Notice under Section 179 of the Town and Country Planning (Scotland) 1997: 111 Bank Street, Irvine, Ayrshire KA12 0PT

Submitted report by the Executive Director (Economy and Communities) on the proposed serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area, in relation to the land and building at 111 Bank Street, Irvine.

The land comprises the building and curtilage of 111 Bank Street, a vacant residential property last in use as a House in Multiple Occupation. The front garden of the property is overgrown and there has been an accumulation of litter. The rear yard of the property has been used for dumping of waste and some burnt-out containers are sited on the land. There has also been an accumulation of litter on the land. Following a fire within the building, a herras fence has been erected over the access to the rear yard. However, the refuse has not been cleared and burnt items remain throughout the site. Several windows have been smashed including many on the front elevation. Whilst most of the windows have been boarded internally, shards of broken glass remain within the frames. The land, particularly the front elevation facing onto Bank Street, is highly visible from adjacent properties and public viewpoints. The yard to the rear can be seen from the public land to the north. The condition of the land due to the condition of the building, the overgrown front garden, and the accumulation of refuse and litter has a significant adverse impact on the amenity of the local area.

It was proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure the following:-

- (i) removal of all refuse and litter from the yard between the front elevation and the front boundary of the property;
- (ii) removal of vegetation from the yard between the front elevation and the front boundary of the property;
- (iii) remove all pieces of smashed glass from the windows on all elevations and install, as necessary in any smashed windows not already boarded, exterior grade plywood (or similar) boarding; and

- (iv) remove all vegetation, litter and refuse, including the remains of outbuildings and containers, from the rear yard of the property.

Members asked questions in respect of the period for compliance with the Notice. The Senior Manager (Planning) undertook to provide this information directly to Members.

The Committee agreed (a) to authorise the serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance to abate the adverse impact on the local area, in relation to the land and building at 111 Bank Street, Irvine, as detailed in the report; and (b) that the Senior Manager (Planning) provide information to Members on the time period for compliance with the Notice.

6. Waste Collection and Storage Planning Guidance

Submitted report by the Executive Director (Economy and Communities) on the proposed Waste Collection and Storage Planning Guidance, which brings together the Council's policy for waste collection, sets out up-to-date requirements to ensure waste storage and collection access matters are adequately considered at the design stage and improves collection arrangements at new developments for the benefit of the environment, residents and businesses.

Members asked questions in respect of the time period for residents to collect emptied waste bins from pavements and arrangements for waste bins where there is no pavement in front of the property. The Senior Manager (Planning) undertook to provide this information directly to Members.

The Committee agreed (a) to approve the guidance for use in determining relevant planning applications; and (b) that the Senior Manager (Planning) provide information to Members in respect of the removal of waste bins from pavements and arrangements for waste bins where there are no pavements.

The meeting ended at 2.20 p.m.