

Planning Committee  
27 March 2012

**IRVINE, 27 March 2012** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Elizabeth McLardy, Margie Currie, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, William Gibson, Ronnie McNicol, Pat McPhee and John Moffat.

**In Attendance**

J. Miller, Chief Development Management Officer, and J. Law, Solicitor (Contracts and Conveyancing) (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

K. Anderson, Anderson Bell Christie.

**Chair**

Councillor McLardy in the Chair.

**Apologies for Absence**

Jim Montgomerie and Ryan Oldfather.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16.

**2. Minutes**

The Minutes of the previous meeting of the Committee held on 6 March 2012 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Supplementary Rural Design Guidance**

**3.1 Presentation**

The Committee received a presentation from Karen Anderson, Anderson Bell Christie on design guidance on single houses in rural areas. The presentation provided information in relation to:-

- the background, purpose and policy context of the design guidance;
- Ayrshire's architectural legacy and retaining a sense of place;
- the design guidance structure;

- the process that includes typical landscape settings for sites, getting started and developing proposals;
- precedent design approaches and principles that include coastal homes, villas in the landscape, the house as a agricultural building, objects on the landscape and other approaches.

Noted.

### **3.2 Addendum to Supplementary Rural Design Guidance**

Submitted report by the Solicitor to the Council and receive presentation on an addendum to the non-statutory Supplementary Rural Design Guidance to support current and future Local Plan Policies on the design of single houses in rural areas.

The current Local Plans and Proposed Local Development Plan provides for limited housing development in the countryside due to the sensitivities associated with such areas and the potential for adverse visual impact. Where proposals are for an individual new house, which is not part of an existing group, these impacts can be significant. Current policy permits conversions of farm buildings, additions to existing groups and stand alone single houses, all subject to meeting policy criteria.

An addendum to the Rural Design Guidance on single houses in rural areas has been produced to provide more focus on single houses in the countryside and to clarify the existing policy approach. This item has been referred from the Local Development Plan Committee for approval. The Committee received a presentation on the addendum.

In May 2009, the Local Development Plan Committee approved non-statutory Supplementary Rural Design Guidance, which conformed to Scottish Planning Policy in promoting opportunities for small scale housing development in rural areas through clusters, groups and individually designed houses. The Guidance can be applied to various types of development but aims mainly to address best practice for designing new small scale developments, generally of between one and four new homes, as additions to existing groups in the countryside. The guidance did not cover single houses which were not associated with an existing group in detail, although many of the principles in the Guidance are relevant to single house proposals.

The addendum to the Rural Design Guidance focuses on single houses and provides for a robust assessment with a required clear approach and very high standard for design. The proposed addendum is necessary not only to ensure high quality applications and decisions but also to address dubiety in the interpretation of policies H2/ENV 2.

The Committee agreed to approve the addendum to the Rural Design Guidance, which will become statutory planning policy on adoption of the Local Development Plan.

#### **4. Irvine/Kilwinning**

Submitted reports on the following applications:-

##### **4.1 12/00127/PP: St Luke's Primary School, Pennyburn Road, Kilwinning**

North Ayrshire Council, Education and Skills, Cunninghame House, Irvine have applied for planning permission for the erection of a single storey extension to the east wing of the primary school at St. Luke's Primary School, Pennyburn, Kilwinning.

The Committee agreed to grant the application, subject to the following condition:-

1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.

##### **4.2 11/00626/PP and 11/00628/LBC: Fullarton Parish Church and Halls, Church Street, Irvine**

Fullarton Parish Church, Church Street, Irvine have applied for planning permission for alterations and extension to the church, including the demolition of the ancillary building and the construction of a new sports hall at that address. One representation has been received, as detailed in the report.

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

1. That prior to the commencement of the development, hereby approved, further details of the roof form to the new build elements, the external design of the sports hall, finishing materials, restoration and repair works to the listed buildings, all connections between the new build structure and the listed buildings, and any external ventilation arrangements or plant and machinery, shall be submitted for the prior approval of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development, hereby approved, self certified details, including maintenance arrangements, 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 North Ayrshire Council as Planning Authority. Thereafter that scheme shall be implemented prior to the completion of the development and maintained thereafter.

3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of the development. The aftercare shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

4. 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.

5. That details of the vehicular access arrangements to the site shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Such arrangements shall be in the form of a minor commercial access footway crossing as detailed in sections 5.2 & 10.8 (and Fig 10.18) of the Roads Development Guidelines, and designed such that no surface water issues from the access onto the public road and that the first 10 metres of the access to be a minimum of 5.5 metres wide and hard surfaced.

6. During the course of development works, redundant accesses shall be reinstated to footways and details of all access arrangements (pedestrian and vehicular, including servicing) shall be submitted for the prior approval of North Ayrshire Council as Planning Authority, and any damage to footways as a result of the construction phase should be repaired. All works shall be completed prior to the first usage of the hereby approved development.

7. That prior to the commencement of the hereby approved development there shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority full details of ventilation arrangements associated to cooking operations at the premises, such approved details shall be provided in advance of the first use of the premises. Should no ventilation arrangements be proposed, cooking shall be limited to that by microwave only.

8. Should any external lighting be proposed, prior to the commencement of the development hereby approved, an external Lighting Plan shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Such a Lighting Plan shall result in lighting design, installation and operation in line with guidance issued by the Institute of Lighting Engineers in order to minimise the intensity of useful light and spill light and that all light trespass into windows of dwellinghouses shall be limited to 10EV(Lux)(0700 - 2300hours) and 2EV(Lux)(2300 - 0700hours).

9. That prior to the commencement of the development, hereby approved, details and the timing of the provision of the installation of secure cycle parking facilities shall be submitted for the prior approval of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

10. That details of the boundary enclosures shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter any such details, which may be agreed, shall be implemented prior to the occupation of the premises and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority.

## **5. Kilbirnie - Building at 2 Main Street: Notice for Proper Maintenance of Land**

Submitted report by the Solicitor to the Council on the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the owner or any other person with an interest to improve the visual appearance of the vacant building at 2 Main Street, Kilbirnie and thereafter maintain the building in a tidy condition.

The two storey office building at 2 Main Street, Kilbirnie has deteriorated over a number of years and has been the subject of numerous complaints. At present, the building has neither a roof nor windows, and the ground floor is boarded up. Regular complaints have been made regarding the condition of the building. The Council has had regular contact with the current and previous owners of the building in order to encourage proposals for redevelopment of the site.

In January 2012, Planning Services requested in writing, that a series of works be undertaken to enhance the frontage of the building. This request was timed to coincide with the current phase of streetwork improvements in Kilbirnie town centre, being funded by the Council. Whilst the requested enhancements were not costed, they comprised of minor cosmetic improvements such as fixing painted plywood boards over the window openings and providing replacement fascia detailing over the shop front. A period of thirty days was given to the owner in order to undertake this work voluntarily. However, to date, none of the requested improvements have been made.

In order that the improvement works are carried out on the building in a reasonable timescale and in order to avoid further delays, it was proposed that a Notice for the proper maintenance of the building under Section 179 of the Town and Country Planning (Scotland) Act 1997 be served on the owner or any other person with an interest. The report provided details of the list of works that are required.

The Committee agreed to authorise the service of a Notice requiring the proper maintenance of the building at 2 Main Street, Kilbirnie.

## **6. A Local Planning Protocol for the Irvine Enterprise Area**

Submitted report by the Solicitor to the Council seeking approval for the provisions of a Local Planning Protocol to ensure efficient consenting procedures within the Irvine Enterprise Area (EA).

The Committee was advised of a change to Appendix 2 to the report where, under the heading "Application Determination Period", the reference to "Statutory Consultees to respond . . ." should read "Statutory consultees **aim** to respond within 2 weeks through the identified lead officer".

Four Enterprise Areas (Sectors) were designated by the Scottish Government on 17 January 2012, which included the designation of 'Life Sciences' Enterprise Areas (EA) in Irvine, Moray, Highlands, Edinburgh and Midlothian. The Life Sciences EA at Irvine comprises four geographically co-located sites (GlaxoSmithKline Plant; i3 Business Park and Single User site; and, Annickbank). The Non Domestic Rates (Enterprise Areas) Scotland Regulations 2012 were laid before Parliament on 20 February for a 40 day period and will be active from 1 April 2012. EA designation will be effective from 1 April 2012 to April 2017.

Within defined areas of the i3 Business Park and Annickbank, fiscal incentives to encourage investment and employment will include rate relief for Life Sciences companies. A plan of the areas to which rate relief, which has been confirmed by the Scottish Government) and enhanced capital allowances, which is to be confirmed by the UK Treasury, will apply was provided at Appendix 1.

Prior to the EA announcement, the Scottish Government and COSLA agreed a non-statutory framework requesting all EA partners to work together to achieve efficient planning processing. The Scottish Government sought agreement on this National Planning Protocol from each of the local authorities in Scotland, which contain an Enterprise Area. The National Protocol is a reciprocal undertaking by all stakeholders, comprising of the statutory agencies, and developers, as well as the Scottish Government and local government, as a basis for delivery. The Planning Committee on 6 March 2012 accepted the principles of the National Planning Protocol; and instructed Officers to develop further detailed provisions to reflect local circumstances.

The Local Planning Protocol augments the National Planning Protocol; and aims to ensure the efficient consideration and determination of planning applications within the EA. The Local Planning Protocol sets out the aims of the protocol and the expectations of applicants and the Council as Planning Authority respectively (Appendix 2). The Local Planning Protocol includes:

- A commitment that major planning applications will be determined within 3 months, and minor applications within 2 months, which may require calling Special Committee Meetings;
- The identification of the Senior Planning Manager as the single point of contact to manage the application process and to ensure that the other regulatory consents are progressed in parallel;
- A commitment to the provision of specific pre-application advice through a developer's information pack;
- The offer of a pre-submission meeting to ensure that all information is in order and to facilitate the validation of an application; and,
- The provision of as much up front technical and environmental information as can be provided, including requirements for Environmental Impact Assessment, Coal Authority referral area, flooding information, etc., which will be updated, as required, during the life of the EA. None of the issues identified to date represent a major constraint to development.

The Committee agreed (a) to approve the contents of the draft Local Planning Protocol; and (b) that the Local Protocol be circulated to statutory consultees and other stakeholders for formal agreement.

## **7. Urgent Items**

The Chair agreed that the following item be considered as a matter of urgency to allow the matters to be actioned without delay.

## **7.1 Outstanding Applications**

The Committee was advised of a number of applications that have been outstanding for a considerable period of time. An exercise has been undertaken to contact the applicants and/or agents in an effort to ascertain plans to progress matters. Information continues to be gathered and it is anticipated that a report on these applications will be available for a future meeting.

The Committee agreed that the Solicitor to the Council report to a future meeting on applications that have been outstanding for a considerable period of time.

The meeting ended at 3.15 p.m.