

Planning Committee
2 February 2010

IRVINE, 2 February 2010 - 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, Ronnie McNicol, Pat McPhee and Ryan Oldfather.

In Attendance

R. Forrest, Planning Services Manager, J. Miller, Chief Development Management Officer, A. Craig, Senior Solicitor and J. Law, Solicitor (Legal and Protective); and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair.

Apologies for Absence

John Moffat, David Munn and Robert Rae.

1. Declarations of Interest

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

2. Ardrossan, Saltcoats and Stevenston

09/00674/PP: Saltcoats: 22 Montgomerie Crescent

McLaughlin Construction Ltd., 13 Ailsa Road, Kyle Estate, Irvine, have applied for planning permission for the erection of 12 flats with associated access and parking including demolition of existing buildings at 22 Montgomerie Crescent, Saltcoats. 6 objections have been received, as detailed in the annex to the report, together with an objection from Saltcoats Community Council.

At its meeting on 3 November 2009, the Planning Committee accepted a call in request by 3 Elected Members and agreed that this application, which would otherwise be determined by Officers under delegated authority, be submitted to a future meeting of the Committee for determination.

The Chief Development Management Officer advised that Councillor Gibson, one of the Elected Members who submitted the call in request, had intimated his support for the recommendation contained within the report. The Chief Development Management Officer further advised of the receipt of an email communication in support for the application submitted by the applicant, and reported on the issues contained therein.

The Committee, having considered the terms of the representations, agreed to refuse the application on the following ground:-

1. That the proposed development would not satisfy criteria (a) and (b) of the Development Control Statement of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that its siting, design and external appearance are incompatible with the existing buildings in the vicinity. The development would also have an adverse impact on the townscape character and amenity of this cohesive seafront residential area by reason of its scale, bulk and massing.

3. Garnock Valley

3.1 09/00769/PP: Kilbirnie: Site to the South West of 24 Kerswinning Avenue

Mrs Frances Russell, 24 Kerswinning Avenue, Kilbirnie, has applied for planning permission for a proposed change of use from open space to form garden ground at that address.

The Committee agreed to grant the application.

3.2 09/00861/PP: Kilbirnie: Paddockholm Road: Kilbirnie Recycling Centre

North Ayrshire Council, Housing Services, Montgomerie House, 2a Byrehill Drive, West Byrehill Industrial Estate, Kilwinning, has applied for planning permission for alterations and extension to the existing recycling depot to provide upgraded facilities at Kilbirnie Recycling Centre, Paddockholm Road, Kilbirnie.

The Committee agreed to grant the application subject (i) no further representations raising new material planning considerations being received before 12 February 2010; and (ii) the following condition:-

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. On completion of the proposed works, written verification, detailing what was done by way of any remediation, shall also be submitted.

3.3 09/00831/PP: Beith: Gateside: Boghall Cottage

Lorna Knox and Sloan Smith, Boghall Cottage, Gateside, Beith, have applied for planning permission for the demolition of the existing sub-standard dwellinghouse and replacement with new dwellinghouse at that address. 1 representation has been received, as detailed in the case officer's file.

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, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed external finishes.
2. That the proposed septic tank and soakaway drainage system for the dwellinghouses shall be designed and constructed in accordance with the requirements set out in "The Scottish Building Standards: Technical Handbook: Domestic" issued in May 2005; the soakaway shall be located at least 50 metres from any private water supply or other ground water resource and a minimum of 10 metres from any watercourse or permeable drain.
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 in the course of the development.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
5. That the proposed development shall be provided with an adequate and wholesome water supply, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

6. 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 house and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the septic tank shall be located in such a position as will enable it to be emptied by road tanker.

4. Irvine/Kilwinning

09/00872/PP: Irvine: High Street: Porthead Tavern

Stuart Brown, Porthead Tavern, High Street, Irvine, has applied for retrospective planning permission for the erection of a retractable awning to the front of the public house at that address.

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

1. That the proposed awning would be contrary to Policy BE 1, and would not comply with criterion (a) in the Development Control Statement, in the adopted North Ayrshire Local Plan (excluding Isle of Arran) in that it would detract from the visual amenity of the area and the character and appearance of the conservation area.

5. North Coast and Cumbraes

5.1 08/00863/PP: Skelmorlie: 19 Shore Road

Acre Lettings Limited, 6 Stanlane Place, Largs, have applied for planning permission for the erection of 15 dwelling flats with associated access and car parking, including demolition of the existing house, at 19 Shore Road, Skelmorlie. 13 objections were received, together with a petition of 15 signatures, as detailed in the annex to the report. A representation has also been received from Skelmorlie Community Council.

A site familiarisation visit was undertaken by the Planning Committee in respect of this application.

The Committee, having considered the terms of the objections, agreed to grant the application subject to (i) no further representations raising new material planning considerations being received before 5 February 2010; (ii) the applicants entering into a Section 75 Agreement or other arrangement deemed appropriate by the Council to provide a commuted sum for the provision or updating of play facilities in the locality; and (iii) the following conditions:-

1. That no part of the development, including demolition of the house, shall commence until it has been proven to the satisfaction of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland, that the following visibility splays can be achieved and maintained. These splays are the triangles or ground bounded on two sides by the first 2.4m of the centre line of the access driveway (the setback dimension) and the nearside trunk road carriageway measured 90m (the Y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a drivers eye height of between 1.05m and 2m positioned at the setback dimension to an object height of 1.05m anywhere along the Y dimension.
2. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of all external finishes to the building and areas of hard surfacing including parking and manoeuvring areas, footpaths, etc.
3. That, prior to the occupation of the flats hereby approved, the access, parking and manoeuvring areas shall be implemented in accordance with the approved plans and details approved by Condition 2 above.
4. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of (i) screens for the balconies/patios for both the north-most and south-most flats, (ii) proposals for replacement roof lights on the north and south facing roof slopes of high level design – for the avoidance of doubt the velux windows shown on drawing no. 110 Rev. J are not approved and (iii) the proposed 1.8m high screen fencing along the south boundary of the site; the approved screens, screen fencing and opaque glazing shown on the north and south gable windows on drawing no. 110 Rev. J shall be installed prior to the occupation of the flats and thereafter shall not be removed without the prior written approval of North Ayrshire Council as Planning Authority.
5. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a flood risk assessment which demonstrates that the site is not at risk from a 1 in 200 year flood event, i.e. a flood with a 0.5% chance of being equalled or exceeded in any year. Any assessment shall take into account flooding from all sources as well as the latest government advice on climate change and address the requirements in Annex B of the SEPA-Planning Authority Protocol 'Development at risk of flooding: Advice and Consultation', to the satisfaction of North Ayrshire Council as Planning Authority.

6. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a Drainage Assessment which shall be prepared in accordance with the SUDS working party guidelines 'Drainage Assessment, a Guide for Scotland' which can be found on the SEPA website. The discharge of storm water from the development shall comply with the stipulated design criteria, current SUDS design guidance (CIRIA Report C521) and any requirements of Scottish Water. In addition the Drainage Assessment shall address the following: the effects of a 1 in 200 year storm and run-off, plus climate change; the effects of differing storm intensities over and above the 10 year return; the extents of differing flood conditions shown on a site plan to ensure that no water enters buildings or restricts movement of emergency vehicles, including an assessment of flow routing of surface water through the site; a strategy for dealing with any field drainage affected by the works; and a maintenance regime for surface water drainage measures. All calculations shall be approved and certified by an appropriately qualified person.

7. 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.

8. That, within the root protection areas shown on the arboricultural report submitted in support of the application by Alan R Motion, where construction of hard surfaces is to take place in the vicinity of trees that are to be retained, the use of permeable surfaces shall be employed and shall be constructed in accordance with the arboricultural report adhering to the principles of the "no dig" construction methodology.

9. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of proposals for the erection of protective fencing around the root protection areas indicated in the arboricultural report by Allan R Motion submitted in support of the application, which protective fencing shall be constructed in accordance with the details submitted in the arboricultural report. The protective fencing shall be erected prior to the commencement of any part of the development and maintained there after during both the demolition and construction phases and shall not be removed or altered without the prior written approval of North Ayrshire Council as Planning Authority.

10. 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.

11. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

12. That, prior to the felling of any trees within the site, a survey shall be undertaken to establish the potential for roosting bats, the results of which survey shall be submitted for and have received the written approval of North Ayrshire Council as Planning Authority prior to the felling of any of the trees. Any further works deemed necessary resulting from the survey shall be undertaken in accordance with an agreed timescale, to the satisfaction of North Ayrshire Council as Planning Authority.

5.2 09/00360/PP: Ardrossan: High Boydstone Farm

David Parker, High Boydstone Farm, Ardrossan, has applied for planning permission for the erection of an extension to the side of the 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 at that address and including the removal of condition 1 of planning consent N/03/00147/PP.

A site familiarisation visit was undertaken by the Planning Committee in respect of this application.

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

1. That the proposed development would be contrary to Policies ENV1 and INF1 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), as unjustified industrial development in the countryside, which would be detrimental to the character, amenity and appearance of the area.

6. Enforcement Notice: Saltcoats: Land at 25 Saughtree Avenue

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed serving of an Enforcement Notice to require the cessation of an unauthorised business at 25 Saughtree Avenue, Saltcoats.

In 2008, a complaint was received that an unauthorised business was operating within the timber garage at 25 Saughtree Avenue, Saltcoats. During a visit by the Planning Inspector, it was noted that the garage, which has no windows, had been converted into an office to accommodate 6 people working for an IT company. The owner of the business in question was advised verbally and in writing that planning permission was required for a change of use from a domestic garage to form a temporary administration office. A retrospective application was submitted in August 2008, but could not be registered due to insufficient information having been provided.

In October 2009, a further complaint was received regarding the unauthorised business which was still in operation. The owner advised that he had been under the impression that his agent had obtained the necessary planning permission in 2008. An application was subsequently registered on 12 November 2009 and refused under delegated powers on the grounds set out in Section 3.2 of the report.

The Committee agreed to approve the serving of an Enforcement Notice in terms of section 127(1)(b) of the Town and Country Planning (Scotland) Act 1997 to secure the cessation of an unauthorised business within the curtilage of the semi detached dwellinghouse at 25 Saughtree Avenue, Saltcoats.

7. Urgent Item

The Chair agreed that the following item of business be considered as a matter of urgency in order to update Members.

7.1 Development Services: Performance Indicators

The Chair referred to performance indicator statistics provided by the Scottish Government in respect of the processing of planning applications by Development Services across Scotland.

The statistics for North Ayrshire Council indicated that, in 2008/09, 90% of householder applications had been dealt with within 2 months (ranking 7th in Scotland), 59.7% of non-householder applications had been dealt with within 2 months (ranking 6th in Scotland) and 73.9% of householder and non-householder applications had been dealt with within two months (ranking 4th in Scotland).

Noted.

The meeting ended at 2.55 p.m.