

Planning Committee
18 March 2015

IRVINE, 18 March 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, Ian Clarkson, Joe Cullinane, Tom Marshall, Ronnie McNicol and Robert Steel

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Economy and Communities); and A. Craig, Team Manager (Litigation) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell.

1. Chair's Remarks

The Chair welcomed a delegation of Elected Members and officials from Lisburn and Castlereagh Council in Northern Ireland, who were in attendance to observe the work of the Committee.

Thereafter, the Chair agreed, in terms of Standing Order 9.4, to accept an item of urgent business relating the unauthorised removal of trees in Perceton Conservation Area. Reference was also made to the withdrawal of Agenda Item 8 (Commencement of the Next North Ayrshire Local Development Plan).

2. Declarations of Interest

Councillor McNicol made a statement advising the Committee that he had been contacted by an objector in respect of Agenda Item 3 (14/00626/PPPM : Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats). Councillor McNicol advised the objector that, as a Member of the Planning Committee, it would not be appropriate for him to comment on the application, but was able to facilitate a meeting with the Planning Service to allow the objector to raise his concerns regarding the pre-application consultation arrangements.

The Committee noted that (a) the purpose of Councillor McNicol's statement was to update the Committee and did not constitute a declaration of interest; and (b) there were no other declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

3. Minutes

The accuracy of the Minutes of the Committee held on 4 February 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Suspension of Standing Orders

The Committee resolved, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of the recommendation within Agenda Item 4 (14/00626/PPPM: Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats).

5. 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.

At its meeting on 4 February 2014, the Planning Committee agreed to grant this 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 conditions contained in Appendix 1 to the report.

Following discussion with the applicants, a letter dated 4 March 2015 was received from Nellany & Co., the solicitors for the applicants, with a letter dated 24 February 2015 (set out in the Annex to Appendix 1) signed by the joint applicants, confirming that pre-conditions would address matters set out in Section 1 of the report in the subsequent application(s) for Matters Specified in Conditions (MSC). In the circumstances, the report recommended that the proposed Section 75 Agreement was no longer required as these matters were fully addressed in the aforementioned correspondence and could be implemented within the subsequent application(s) for MSC.

The Committee agreed to grant the application, subject to (a) the terms outlined in the letter dated 24 February 2015 set out in the Annex to Appendix 1 to the report and (b) to 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, means of access to the proposed development, affordable housing contribution, and a business plan to demonstrate employment provision or improvements to existing employment space, 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.

6. Irvine/Kilwinning

15/00040/PP : Site to the North West of 1 McLuckie Drive, Kilwinning

Edward McLaughlin, 8A McLuckie Drive, Kilwinning, has applied for planning permission for the erection of single-storey detached dwellinghouse with attached double garage to the north west of 1 McLuckie Drive, Kilwinning. One representation has been received, as detailed in the report.

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

1. That, notwithstanding the permission granted by Classes 1A, 1B and 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development in association with the erection of the dwellinghouse with attached garage, hereby approved.
2. That the side window on the north east elevation of the dwellinghouse hereby approved shall be fitted with obscure glass and permanently retained thereafter, to the satisfaction of North Ayrshire Council as Planning Authority.
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.

7. Enforcement Charter: Town and Country Planning (Scotland) Act 1997, as Amended by the Planning Etc. (Scotland) Act 2006

Submitted report by the Executive Director (Economy and Communities) on the amendments to the Planning Enforcement Charter, which requires to be reviewed and re-published by the Council under the terms of Section 27 of the Planning Etc. (Scotland) Act 2006.

The Council approved and adopted the existing Planning Enforcement Charter in 2007. The revised Charter, set out at Appendix 1 to the report, incorporates a number of updates and additions in respect of advertisement and treework controls and takes account of Scottish Government guidance on the form and content of Enforcement Charters.

The Committee agreed to adopt the revised Planning Enforcement Charter set out at Appendix 1 to the report, subject to the approval of Scottish Ministers.

8. Land at Willowyard, Beith, Tree Preservation Order

Submitted report by the Chief Executive in respect of the Tree Preservation Order at Willowyard, Beith.

A Tree Preservation Order was served on the owner of the affected property at Willowyard, Beith, effective from 5 November 2014 and expiring after a period of 6 months unless confirmed. A Public Notice was made concurrently through a newspaper advertisement and the statutory period for receipt of objections lapsed on 4 December 2014. There have been no objections to the Order and six letters of support have been received, as summarised in Section 2 of the report.

The Committee agreed to confirm the Tree Preservation Order approved by the Planning Committee on 22 October 2014, in to order to protect the existing trees and woodland at Willowyard, Beith in the interest of amenity and their cultural and historic significance.

9. Commencement of the Next North Ayrshire Local Development Plan

The Acting Committee and Member Services Manager advised that this report had been withdrawn and would instead be subject to consideration at a meeting of the Local Development Plan Committee.

Noted.

10. Urgent item

10.1 Section 172 of the Town and Country Planning (Scotland) Act 1997: Unauthorised Removal of Trees within Perceton Conservation Area

Submitted report by the Executive Director (Economy and Communities) of the unauthorised removal of trees in Perceton Conservation Area which are protected under Section 172 of the Town and Country Planning (Scotland) Act 1997, as amended.

The Planning department received a telephone enquiry from a member of the public on 16 March 2015, expressing concern that mature trees had been felled at 35 The Paddock, Perceton. An initial site inspection noted that approximately 12-16 mature trees within the rear garden had been recently felled. Several mature trees remain standing around the boundary, but the overall number of trees within the tree belt in the garden have been reduced significantly.

The mature trees within the curtilage of the various properties in The Paddock make a significant contribution to the character and appearance of the Conservation Area, and it is considered that significant re-planting will be required to reduce the adverse impact on the Conservation Area. To date, there has been no indication of any replacement planting proposals by the owner.

The Committee agreed to (a) note the breach of planning legislation in respect of the unauthorised removal of the trees at 35 The Paddock, Perceton; (b) support action to secure replacement re-planting; and (c) approve formal legal enforcement action in terms of Section 171 of the Town and Country Planning (Scotland) Act 1997 in the event of replacement re-planting not being secured.

The Meeting ended at 2.35 p.m.