

Planning Committee
2 December 2015

Irvine, 2 December 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 Bell, Ian Clarkson, Joe Cullinane, Tom Marshall, 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 Bruce.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Councillors Code of Conduct.

2. Minutes

The accuracy of the Minutes of meeting of the Committee held on 11 November 2015 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Kilbirnie and Beith: 15/00264/DCMS: Loanhead Quarry, Beith

W H Malcolm Ltd, Loanhead Quarry, Beith have applied for a periodic review of the mining site at Loanhead Quarry, Beith. No objections or representations were received.

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

Duration

1. The extraction of mineral shall cease on 4th May 2058 or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.

General/Phasing

2. The developer shall operate the development in accordance with the working plans hereby approved. If, due to unforeseen circumstances, it becomes necessary or expedient to materially amend the provisions contained within the approved documents, developer shall submit for the consideration of North Ayrshire Council, as Planning Authority, proposals, plans and a statement of intent. The developer shall adhere to the approved plans until such time as an amended application may be approved by the Council, as Planning Authority.
3. From the commencement of development until its completion, a copy of the permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection on the site during the prescribed working hours.

Access/Transportation

4. All vehicular access to the site shall be via the existing access with the A737/Boydstone Road.
5. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council as Planning and Roads Authority.
6. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious materials on public roads.
7. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.
8. The diverted Right of Way footpath shall be maintained to the satisfaction of North Ayrshire Council, as Planning Authority.

Hours of Working

9. The hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays,.

Noise

10. That noise from the quarry shall not exceed 55dBL_{aeq}, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property except during periods of overburden removal where prior written approval shall be obtained from North Ayrshire Council, as Planning Authority, to exceed this limit.
11. Noise from the development caused by soil/drift stripping and/or landscaping

operations shall not exceed 70dB LAeq, 1 hour (free field) at any noise sensitive premises. This noise limit shall only be permitted for a maximum of eight weeks in any calendar year. Otherwise the noise limit in Condition 10 above shall be complied with.

12. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. All new plant introduced to the site shall be fitted with broadband type reversing alarms.
13. That within 3 months of the date of this decision the developer shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme for the monitoring of noise from the site to reflect the locations identified in Table 6.10 of 6 of the Environmental Statement dated May 2015. Thereafter the developer shall monitor noise from the site and to record the findings in reports all in accordance with the submitted and approved monitoring scheme.

Blasting

14. That blasting shall be restricted to weekdays between 1000 and 1600 hours.
15. That there shall be no more than 3 blasts in any day.
16. That each blast shall be designed and controlled so that the air overpressure is minimised and the acceptable magnitude of ground vibration of 8.5mm per second is not exceeded on more than 10% of the blasting occasions at the nearest existing vibration sensitive property.
17. That surface detonating cord and plaster boarding shall not be used at the site unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
18. That the developer shall monitor blasts on the site and record the findings in reports all in accordance with the previously submitted and approved monitoring scheme dated March 2003.

Dust

19. At all times during the carrying out of operations authorised or required under this permission water bowsers and sprayers, mobile or fixed, shall be used at times as it is necessary to minimise the emission of dust from the site.
20. That the developer shall continue to monitor dust from the site and to record the findings in reports all in accordance with the previously submitted and approved monitoring scheme dated March 2003.

21. The developer shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed within Section 7.6 of the Environmental Statement dated May 2015 shall be implemented on site and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.

Water Management

22. Perimeter ditches shall be maintained in order to prevent the ingress of surface water.
23. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction activities and ongoing operational activities.
24. All soil storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture.

Ecology

25. All vegetation clearance shall be carried out out-with the bird nesting season (March to July inclusive.) Where this is not possible, surveys for nesting birds shall be carried out and suitable mitigation measures put in place, as approved by the Council, as Planning Authority.
26. Before vegetation clearance/soil stripping of previously unquarried land, the area affected plus the surrounding 30metres shall be subject to protected species walkover surveys undertaken by a suitably qualified ecologist who shall, in consultation with the Planning Authority, advise the operator of any necessary mitigation measures.
27. That during the life of the quarry operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
28. The developer shall continue to adopt appropriate measures to ensure that no employee from the site visits the nest of either the Peregrines or the Ravens or the Barn Owls at any time.
29. Prior to the removal of the building structures at Gateside of Fullwoodhead and any associated broadleaved trees, with potential to support roosting bats, the developer shall undertake a survey in order to confirm the presence, or absence of roosting bats.

Restoration/Aftercare

30. That the site shall be progressively worked and restored in accordance with the phasing and restoration details shown in Drawing Numbers 3s to 11s of the Environmental Statement and in accordance with Section 3.14 of the Environmental Statement dated May 2015.
31. Unless retained for agricultural purposes, on the cessation of the workings, all buildings plant or machinery and areas of hardstanding within the ROMP site boundary shall be removed from the site with reinstatement being undertaken in accordance with Section 3.14 of the Environmental Statement.
32. The aftercare scheme as detailed in Section 3.14 of the Environmental Statement shall be implemented progressively following the reinstatement of appropriate areas of the ROMP site.

Planning Audit

33. That every five years from the approval of conditions, the operator shall submit a statement and drawings to the planning authority illustrating the extent of quarry working and projected operations during the forthcoming five year period as an audit of operations. This shall include an audit of compliance with conditions.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997:23 Fullarton Street, Irvine

Submitted report from Executive Director (Economy and Communities) on the proposed serving of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the cessation of unauthorised use as a hot-food takeaway with sit in facilities, at 23 Fullarton Street, Irvine.

The use of the property as a hot food takeaway with sit in facilities has commenced without the requisite planning permission and is therefore unauthorised. An application to retain the use was made and has been determined to be unacceptable due to its impact on residential amenity by way of inadequate odour control. Complaints about odour from cooking on the premises have been received, and the fact that, due to a lack of information, Environmental Health is not satisfied that the propose extraction system would prevent complaints relating to noise, smoke or odours in the future.

The Committee was advised that the application to retain the use as a hot food takeaway with sit in facilities was refused on 30 November 2015.

The Committee agreed to approve the serving of a Notice Under Section 127 of the Town and Country Planning (Scotland) Act 1997 to cease the unauthorised use as a hot food takeaway with sit in facilities at 23 Fullarton Street, Irvine.

5. Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997: Parks Garage and Showroom, 5 Corsehill Mount Road, Dreghorn

Submitted report from Executive Director (Economy and Communities) on the proposed serving of Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permissions, in relation to Parks Garage and Showroom, 5 Corsehill Mount Road, Dreghorn.

Complaints have been received since 2013 regarding deliveries not being carried out in accordance with the approved details. In particular, transporters have been parking on Corsehill Mount Road and cars have been loaded and unloaded on the public road. The owner of the property has been advised in writing, on several occasions, to fully comply with the requirements of the conditions. There has not been any response to the most recent correspondence and complaints continue to be received regarding the loading and unloading of transporters on the public road. Condition 2 of planning permission dated 8 April 2011 (11/00033/PP) and Condition 1 of planning permission dated 6 December 2013 (13/00660/PP) are found to be in breach.

The Committee agreed to approve the serving of Notices under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permissions (ref: 11/00033/PP and 13/00660/PP) in respect of Parks Garage and Showroom, 5 Corsehill Mount Road, Dreghorn.

6. Cancellation of Article 4 Direction Orders

Submitted report from Executive Director (Economy and Communities) on the proposed cancellation of Article 4 Direction Orders, which restrict permitted development rights in six of North Ayrshire's conservation areas.

Article 4 Directions were made by North Ayrshire Council and its predecessors to restrict permitted development rights for specific works in selected conservation areas, the effect of which meant that planning permission for the specific works was required. In particular the Directions served to control minor householder development to buildings in a conservation area, which could detract from the historic character and appearance of the Conservation Area. Appendix 1 to the report detailed the Classes of the Permitted Development which are restricted by the Article 4 Directions in six Conservation Areas at Dreghorn, Corrie, Lamblash, High Corrie, West Kilbride and Skelmorlie.

The Committee agreed to (a) cancel the current Article 4 Direction Orders listed within Appendix 1 to the report, with immediate effect; and (b) thereafter, publicise the cancellations in statutory press notices as required.

7. Energy Targets and Scottish Planning Policy

Submitted report from Executive Director (Economy and Communities) on the Scottish Government's current position on on-shore wind farms, in light of the UK Government's announcement in June 2015 to the earlier end of subsidies for new onshore wind farms. The Chief Planner's letter to Scotland's planning authorities outlining the Scottish Government's current position on on-shore windfarms was attached as Appendix 1 to the report.

On 22 June 2015, the UK Secretary of State for Energy and Climate Change made a statement that there is enough planned and existing on-shore wind to meet the 11-13GW of electricity from on-shore wind by 2020. This statement was made in the context of the UK Government's decision to bring early close to the Renewable Obligation subsidy scheme. Any proposed new on-shore wind farms would be excluded from this scheme from 1 April 2016, which is one year earlier than originally planned. In this context, the Chief Planner seeks to remind Planning Authorities that the Scottish Government's Scottish Planning Policy (2014) and Electricity Generation Policy Statement (2013), which contain the government's current position on on-shore wind farms, remains valid.

The Scottish Government retains the target for Scotland to generate at least the equivalent of 100% gross electricity consumption from renewables by 2020. The Scottish Government's 500 MW target for community and locally owned renewables has been reached but will be reviewed to maintain momentum, and that the Scottish Ministers support for community and local ownership remains undiminished. The North Ayrshire Local Development Plan is under review, providing an opportunity to refresh current local planning policy and guidance for renewable energy development in light of SPP, which was published after the plan's adoption in May 2014.

Members asked questions and were provided with further information in relation to the Scottish Planning Policy which makes it clear that net economic impact, including community socio-economic benefits such as employment, associated business and supply chain opportunities, are relevant material considerations, which should be addressed in determining planning applications for renewable energy technologies, such as on-shore wind.

Noted.

8. Trees and Development Guidance

Submitted report from Executive Director (Economy and Communities) on the proposed Trees and Development Guidance prepared to address common tree issues within new development schemes, as outlined in Appendix 1 to the report.

Section 159 of the Town and Country Planning (Scotland) Act 1997 imposes a duty on the Council as Planning Authority "to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees."

The new guidance offers prospective developers a set of standards which would inform new developments, where trees are a planning consideration. It also encourages developers to consider trees and hedgerows at an initial site assessment and provides applicants with a checklist of information to accompany planning applications, where trees are a planning consideration. The guidance also outlines the latest British Standard for trees in relation to design, demolition and construction, which is the standard, used by Councils to consider the potential impacts on trees.

The Committee agreed to approve the adoption of the Tree and Development Guidance.

The meeting ended at 2.25 p.m.