

Planning Committee
20 September 2017

Irvine, 20 September 2017 - At a meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

Also Present

Alan Hill.

In Attendance

J. Miller, Senior Manager (Planning), J. Law, Solicitor (Contracts and Licensing) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Also In Attendance

John Riddell, Objector.

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as a member of Hunterston SSG, declared an interest in Agenda Item 4.2 - Hunterston A Power Station and took no part in its determination.

2. Minutes

The Minutes of meetings of the Committee held on 23 August 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Irvine

17/00827/PP: Gailes Farm, Irvine

Dawn Developments Ltd, 220 West George Street, Glasgow have applied for planning permission for the erection of replacement dwellinghouse following fire and the erection of 10 dwellinghouses with associated access, parking and green space at Gailes Farm, Irvine. The expiry date for representations is 22 September 2017 and to date no representations have been received.

The Committee agreed to grant the application subject to, no representations being received by 22 September 2017, and to the following conditions:-

1. That prior to the commencement of the development, a detailed schedule and samples of the proposed external finishes to be used, including any additional materials not illustrated on the plans hereby approved, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. In addition, in the event of additional external finishes being proposed, amended elevation drawings shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That, notwithstanding the plans hereby approved, finalised details of the access road and parking arrangements, taking into account the principles of Designing Streets, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of the development, a revised scheme of landscaping, taking into account the advice of the Scottish Wildlife Trust's consultation response dated 24th August 2017, inclusive of details of future aftercare and maintenance, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with the scheme of landscaping as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
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 prior to the commencement of the development, hereby approved, the applicant 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 in BS10175: 2011. 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 to the North Ayrshire Council as Planning Authority.

6. That the precise siting, design and type of the sewage treatment plant and associated soakaway serving the development shall be agreed in writing with North Ayrshire Council as Planning Authority prior to its installation. For the avoidance of doubt, the plant shall provide for the biological treatment of waste water prior to its discharge to the soakaway.
7. That, prior to the commencement of the development, the recommendations contained in the noise report with respect to noise mitigation shall be implemented, and a follow-up report detailing the precise measures to be carried out to mitigate the development against the effects of intrusive noise from the railway and pumping station shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the detailed measures identified in the follow-up report shall be undertaken as part of the development in accordance with such details as may be approved, all to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the following external noise targets shall be achieved at the curtilage of the proposed residential properties:
 - a. During daytime hours between 0700 and 2300hrs, the combined noise level (LAeq 16 hour) from transportation (rail and road traffic) shall not exceed 50 dB. As a minimum, if this external target cannot be achieved, the dwellinghouses shall be designed and constructed in such a way that an internal level of 35 dB can be achieved (inclusive of window open for ventilation);
 - b. During night time hours between 2300 and 0700hrs, the combined noise level (LAeq 8 hour) from transportation (rail and road traffic) shall not exceed 40dB. As a minimum, if this external target cannot be achieved, the dwellinghouses shall be designed and constructed in such a way that an internal level of 30 dB can be achieved (inclusive of window open for ventilation); and
 - c. The rated noise level (as defined in BS 4142) from plant associated with the operation of the existing pumping station to the south of the site and from the proposed sewerage treatment plant within the site shall not exceed the background noise level by 5dB or more.

4. North Coast and Cumbraes

4.1 17/00584/PPM: Site to East of Castlepark Gardens, Fairlie

Dawn Homes Ltd, 220 West George Street, Glasgow have applied for planning permission for a residential development comprising 95 dwelling houses, formation of open space and associated infrastructure works at the site to the east of Castlepark Gardens, Fairlie. 43 letters of objection were received and were summarised in the report. The Committee was advised that a further five letters of objection had been received and the terms of these objections had already been considered within the report.

Mr Riddell, a local resident of Fairlie, addressed the Committee in support of the objections. He referred to Phase 1 of the development granted in 2015, which included 22 planning conditions, including condition 13 which required a temporary footpath via Castlepark Gardens to be in place prior to the occupation of any of the houses in Phase 1. The path has still not been put in place and there is no direct access to Fairlie for the residents of the development. Mr Riddell considered that the application should be deferred until the path has been put in place or if the Committee grants the application the pathway should be completed within 2 months of the consent being granted.

The Senior Manager (Planning) then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- temporary gated access from the development to the school that had been provided;
- three houses at the edge of the development that were not within the original development brief;
- that Historic Environment Scotland is satisfied that the location of the three houses near to the Castle do not impact the setting of the castle site;
- a site visit by Members that had taken place;
- the 3m pathway into the site that would be for pedestrians, cyclists and emergency vehicles only;
- a cut off drain that will be installed to the west of the site;
- an offer from Dawn Homes to put the pathway in place within one year; and
- that a proportion of the housing will be under £200,000.

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

1. No development shall take place within the development site as outlined in red on the approved plan until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to 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.
2. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority:
 - i) Details of a scheme to intercept surface water runoff from the higher ground to the east and routing into the drainage system;
 - ii) Details of a cut off drain along the western boundary of the application site;

- iii) Details of proposed watercourse crossings which ensure that crossings have a better or neutral effect on flood risk and do not result in the elevation of land within the functional floodplain;
- iv) Details of proposed landscaping and safety of the SuDs pond as well as a programme for its completion/operation;
- v) Maintenance of existing water channels which enter and are contained within the site; and
- vi) The proposed programme for the installation of those flooding measures contained within this condition, and those approved with the application, as well as details of maintenance and factoring.

Such details as may be approved shall be completed in compliance with the proposed programme of implementation, agreed under (vi) above, and maintained permanently 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 hard and soft landscaping. The submitted scheme should include:
 - i) details of proposed hard surfacing, including paths, roads, shared spaces, driveways and boundary treatments;
 - ii) details of species and planting densities;
 - iii) details of potential biodiversity, including habitat, improvements;
 - iv) a programme of proposed implementation of the scheme; and,
 - v) proposed maintenance programmes and factoring.

The soft landscaping details, which may be approved, 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.

4. That, prior to the commencement of the development, hereby approved, full details of proposed tree protection measures for the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:
 - i) that there shall be no treeworks undertaken within the Tree Preservation Order area, unless otherwise agreed in writing;

- ii) all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations, until the completion of the development.

The development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

5. That prior to the commencement of plots 45, 46 and 64, 65 and 67, as approved in drawing AL(0)100 I, the applicant shall provide a revised Tree Survey for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations" and shall assess the existing and future health of those trees within the eastern boundary as well as any recommendations for trimming or felling diseased trees.
6. That prior to the commencement of development details of the proposed programme for the installation of the proposed shared use link for pedestrians and cyclists to Castlepark Gardens and the emergency access, located in the south of the site, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The links should be completed in compliance with the approved programme to the satisfaction of North Ayrshire Council as Planning Authority, unless North Ayrshire Council as Planning Authority gives written consent to any variation. For the avoidance of doubt the proposed shared use path to Castlepark Gardens should be completed prior to the completion of plots 34, 35 and 36, as outlined within approved plan AL(0)100 Revision I, or no later than 12 months from the date of the planning consent, whichever is sooner. The proposed emergency access shall be completed prior to the completion of plots 68, 69, 70, as outlined within approved plan AL(0)100 Revision I.
7. That prior to the commencement of development on plots 23 to 26 (inclusive), 33, 34, 35, 37, 68 to 72 (inclusive), 73, 78 and 79 to 95 (inclusive), as illustrated in approved plan AL(0)100 Revision I, details of proposed finished ground levels and finished floor levels, retaining walls, any raised terracing, garden slopes, boundary treatments shall be submitted on plans and section drawings for the written approval of North Ayrshire Council as Planning Authority. Such details as may be approved shall be completed to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
8. That prior to the commencement of development details of proposed habitats and species measures recommended in the Ecological Assessment 2017 by Nigel Rudd, accompanying the planning application, shall be submitted to and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the measures are fully implemented during construction of each phase, to the satisfaction of North Ayrshire Council as Planning Authority.

9. The prior to the commencement of the development details of the proposed equipped play area, which shall include the provision of at least 5 different types of play equipment, seating and unequipped play areas shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include the proposed location of the play area, site levels, programme of installation, any means of enclosure, including gated points of access/exit, surface finish, litter bin provision, maintenance and management arrangements. Unless otherwise agreed in writing the approved play area facilities should be installed and operational no later than, or prior to, the occupation of plots 45, 94 or 95 as outlined within approved plan AL(O)100 I. The approved play area should be completed to the satisfaction of North Ayrshire Council as Planning Authority and maintained in perpetuity.
10. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

4.2 17/00740/PP: Hunterston A Power Station, West Kilbride

Magnox Limited, Oldbury Technical Centre, Oldbury Site, Oldbury Naite, Thornbury, South Gloucestershire have applied for planning permission for the proposed replacement weather envelope cladding to reactor buildings and associated works (revised design to cladding approved under planning permission ref. N/01/00286/PP) at Hunterston A Power Station, West Kilbride. Two letters of objection were received and were detailed in the report. A further objection had been received and the terms of the objections had already been considered within the report.

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

1. That prior to the commencement of the installation of the cladding works, hereby approved, full details/samples of the propose cladding, including colour, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

and (b) that the submitted details/samples of the propose cladding, including colour, should be submitted to the Committee for approval.

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie (Page 58)

Submitted report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring removal of hardstanding and outbuilding from field to South of Manor Park Hotel and North West of Home Farm, Knock Castle Estate, Skelmorlie.

Works comprising the laying of hardstanding and the erection of an outbuilding have been undertaken in a field to the south of the Manor Park Hotel and to the north west of Home Farm, Knock Castle Estate, Skelmorlie. No planning permission has been granted for the works and they are therefore unauthorised. Other works including the formation of an access and erection of boundary fences have also been undertaken on site. However, these works either constitute permitted development or are otherwise acceptable and as such it is not recommended to take action against these works.

The owner of the land has been advised that the works are unauthorised. They stated that the works were in preparation to develop the site for either stables or for a house. The owner has also been advised that any such development proposals are unlikely to be looked upon favourably given the location of the site in the countryside and Special Landscape Area. They have been requested to remove the hardstanding and outbuilding but have not done so. In the interest of the visual amenity, the rural character of the area and the Special Landscape Area, the Committee agreed to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the outbuilding and hardstanding.

The Committee agreed to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of hardstanding and the outbuilding from the field to the south of Manor Park Hotel and north west of Home Farm, Knock Castle Estate, Skelmorlie.

The meeting ended at 3.15 p.m.