

Planning Committee
14 August 2013

IRVINE, 14 August 2013 - 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, John Bruce, Joe Cullinane, Ronnie McNicol and Robert Steel.

In Attendance

J Miller, Senior Manager (Planning, Transportation and Regeneration) and D. Hammond, Team Manager (Development Plans)(Development and Environment); and A. Craig, Team Manager (Litigation) and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Tom Marshall.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the previous meeting of the Planning Committee held on 5 June 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Ardrossan, Saltcoats and Stevenston

13/00373/PP: Stevenston: Ardeer: ICI Ardeer Site

NPL Estates Limited, 183 St Vincent Street, Glasgow, G2 5QD has applied for planning permission for the erection of a green waste recycling facility (in-vessel composting) with a designed maximum capacity of 24,750 tonnes and associated access and infrastructure at the ICI Ardeer site, Ardeer, Stevenston.

The Senior Manager (Planning, Transportation and Regeneration) advised of the receipt of an objection from an adjacent landowner.

The Committee, having considered the terms of the objection, 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 exact details of all external finishes to the buildings and the design and external appearance of the office/messing facility.

2. 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.

3. That, unless North Ayrshire Council as Planning Authority gives written consent to any variation, the re-cycling facility hereby approved shall be used only for the processing of green and food wastes.

4. That the transfer/process all materials shall take place within the confines of the buildings and connected to the odour abatement systems, to the satisfaction of North Ayrshire Council as Planning Authority.

4. Garnock Valley

4.1 13/00358/PP: Kilbirnie: Site to North West of 1-3 Newton Street

BT Openreach, 123 Judd Street, London has applied for planning permission for the installation of 1 DSLAM telecoms cabinet on a site to the north west of 1-3 Newton Street, Kilbirnie.

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

1. That, within six months of the equipment becoming obsolete or redundant, it shall be removed and the footpath reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

4.2 13/00393/PP: Dalry: Site to West of 2 Aitken Street

BT Openreach, 123 Judd Street, London has applied for planning permission for the installation of 1 DSLAM telecoms cabinet on a site to the west of 2 Aitken Street, Dalry.

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

1. That, within six months of the equipment becoming obsolete or redundant, it shall be removed and the footpath reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

5. Irvine/Kilwinning

5.1 13/00398/PP: Kilwinning: 32 St Winnings Well

Michael O'Hagan, 32 St Winnings Well, Kilwinning has applied for planning permission for the part change of use of open space to form garden ground and the erection of a single storey extension to the side and rear of the end terraced dwellinghouse at that address.

The Committee agreed to grant the application.

5.2 13/00384/PP: Irvine: 18 Kilwinning Road: Si! Cafe Bar Restaurant

Malcolm and Karen Simpson, The Gailles, Marine Drive, Gailles, Irvine have applied for planning permission for an amendment to planning permission 10/00801/PP for a bar/restaurant to include the erection of a store within the rear car park, formation of an enclosed service yard, elevational alterations (all in retrospect), together with amendments to the car parking layout and additional parking spaces at Si! Cafe Bar Restaurant, 18 Kilwinning Road, Irvine. Three objections have been received, as detailed in the report.

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

1. That, within one month of the date of this consent, hereby approved, details of the timescale for the provision of the additional parking area shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include evidence of monitoring activities and demonstrate to the satisfaction of the Planning Authority the justification for the proposed timescale. Thereafter, the implementation of the additional parking area shall be undertaken in accordance with the timescale as may be approved in accordance with the layout on drawing 135/0356/PL, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
2. That the external seating areas, including the beer garden and first floor terrace, may be used for any purpose ancillary to the bar/restaurant hereby approved only between the hours of 1100 and 2300 on any day, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. For the avoidance of doubt, no amplified music shall be played externally.

6. North Coast and Cumbraes

6.1 13/00326/PP: Largs: Fairlie: Site to South of 11 Highfield Terrace

Michael McGinty, Fairlie Community Sports Club, 14 Castlepark Gardens, Fairlie has applied for planning permission for the formation of a multi use games area to replace the former tennis court on a site to the south of 11 Highfield Terrace, Fairlie, Largs. Five objections have been received, as detailed in the report.

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

1. That, prior to the commencement of the development, hereby approved, details of the proposed location and design of the cycle parking racks, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter, the approved details, shall be implemented prior to the commencement of the use of the multi use games area.
2. That, prior to the commencement of the development, hereby approved, details relating to: (i) the felling and replanting (siting and species) of the cherry trees to the west of the multi use games area; and (ii) measures for the protection of the existing cherry trees along the roadside of Highfield Terrace during the course of the development in accordance with BS 5837:2012, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. All planting shall be carried out in the first planting season following the coming into use of the multi use games area 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.
3. That, for the avoidance of doubt, floodlighting is not approved as part of this development, and the changing pavilion, illustrated on Drawing No. DD 101 (Revision C) does not form part of this planning approval.

6.2 13/00278/PP: Fairlie: Pier Road: Site to North of Car Park

Organic Growers of Fairlie, Pier Road, Fairlie have applied for planning permission for the continuation of the use of land for a Community Garden and retrospective permission for the erection of storage/garden room building and four polytunnels on a site to the north of the car park, Pier Road, Fairlie.

The Committee agreed to grant the application.

6.3 13/00342/PP: West Kilbride: 25 Caldwell Road

Mr R Woods, 25 Caldwell Road, West Kilbride has applied for planning permission for the formation of timber decking and the siting of a gazebo to the side of the detached dwellinghouse at 25 Caldwell Road, West Kilbride. One letter of objection has been received, as detailed in the report.

At the request of the Committee, the Senior Manager (Planning, Transportation and Regeneration), provided clarification that this application, which would otherwise be determined by officers under delegated powers, had been submitted for the Committee's consideration at the request of a local Elected Member rather than as a result of a formal Call In to the Committee.

Councillor Barr, seconded by Councillor Brown, moved that consideration of the application be remitted to officers to determine under delegated powers. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed that the application be remitted to officers for determination under delegated powers.

6.4 13/00379/PP: Largs: The Promenade: The Bean and Leaf

Miss Toni Dawson, The Bean and Leaf, The Promenade, Largs has applied for planning permission for alterations to the front elevation of the building 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.

7. Scheme of Delegation

Submitted report by the Corporate Director (Development and Environment) on a proposed amendment to the Council's Scheme of Delegation.

The current Scheme of Delegation for Local Developments, as required by Section 43A of the Town and Country Planning (Scotland) Act, 1997, was approved by North Ayrshire Council in May 2009. This gives appointed officers powers to determine applications for planning permission within the category of local development or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.

The Scottish Government, in monitoring the efficiency of the planning application process, has responded to concerns that applications in which local authorities have an interest are being unnecessarily delayed as a consequence of a statutory obligation to have such applications determined by a Committee of the Council. The Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013 remove this obligation by allowing determination under an approved Scheme of Delegation.

The existing Scheme of Delegation reflects previous Government guidance and regulations and was approved by the Scottish Ministers. Although Schemes of Delegation are to be prepared at intervals of no greater than 5 years, and the current scheme has been operational for just over 4 years, it is appropriate to exercise the opportunity provided by the new regulation, which will facilitate the delegation of local planning applications submitted by North Ayrshire Council or by any member of the Council, and any local planning application relating to land in the ownership of North Ayrshire Council or in which North Ayrshire Council has a financial interest.

The Committee agreed to recommend to the Council that it (a) adopts the amendment to the Scheme of Delegation prepared under the terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 for determining local developments and subject to approval from Scottish Ministers; and (b) submits the amended Scheme of Delegation to the Scottish Ministers for approval.

8. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Stevenston: 22 Burnlea Place

Submitted report by the Corporate Director (Development and Environment) on the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance and the abatement of the adverse impact on the local area, in relation to the building and land at 22 Burnlea Place, Stevenston.

The land in question has previously been cleared in early 2013 but further refuse and litter has accumulated on the site. The boards over the windows are in a poor state of repair. In the interest of the amenity of the area, it is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure (i) the removal of all rubbish and refuse from the front, side and rear gardens of the property; and (ii) the renewal, as necessary, of the boarding over the windows and doors and painting of the boards a recessive colour.

The Committee agreed to authorise the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance and the abatement of the adverse impact on the local area, in relation to the building and land at 22 Burnlea Place, Stevenston.

9. Notice Under Section 168 of The Town & Country Planning (Scotland) Act 1997: Kilwinning: Montgreenan: Land to North East of East Lodge North

Submitted report by the Corporate Director (Development and Environment) on the serving of a Tree Replacement Notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 requiring the planting of trees to replace those cut down in contravention of a Tree Preservation Order on land to the north east of East Lodge North, Montgreenan, Kilwinning.

The site forms part of the woodland of the former Montgreenan Estate and is covered by the Kilwinning No 1 Tree Preservation Order (TPO).

In the interest of the amenity of the area, it is proposed that a Tree Replacement Notice under Section 168 of the Town and Country Planning (Scotland) Act 1997 be served to secure (i) the planting of tree whips, approximately 1 metre in height with a central stem and little or no side branching, along the border of the woodland and Craven Mill Road. Four to five whips to be planted per linear metre for a distance of approximately 75 metres, where the previous hedgerow trees have been removed. The whips are to be a mixture of hawthorn, blackthorn and field maple tree whips; (ii) within the woodland set back from the road, where trees have been cleared, the planting of 30 oak whips; and (iii) any trees which, within a period of five years, following compliance with clauses (i) and (ii) of the Notice, 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.

The Committee agreed (a) to authorise the serving of a Tree Replacement Notice under Section 168 of the Town and Country Planning (Scotland) Act 1997 requiring the planting of trees to replace those cut down in contravention of the Kilwinning No 1 TPO on land to the north east of East Lodge North, Montgreenan, Kilwinning; and (b) that, in the event of non compliance with the terms of the Notice, to authorise officers to refer the matter to the Procurator Fiscal.

10. Notice Under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Saltcoats: 13 Winton Street

Submitted report by the Corporate Director (Development and Environment) on the serving of an Advertisement Enforcement Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring the removal of an unauthorised advertisement at 13 Winton Street, Saltcoats.

In the interest of the amenity of the area, it is proposed that an Advertisement Enforcement Notice be served under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to secure the removal of the advertisement from the boundary wall.

The Committee agreed to authorise the serving of an Advertisement Enforcement Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to secure the removal of the advertisement from the boundary wall on land at 13 Winton Street, Saltcoats.

11. North Ayrshire Supplementary Landscape Wind Capacity Study

Submitted report by the Corporate Director (Development and Environment) on the preparation of “North Ayrshire Supplementary Landscape Wind Capacity Study” as an addendum in support of the existing Supplementary Guidance prepared in 2009 entitled “Landscape Capacity Study for Wind Farm Development in North Ayrshire”.

In June 2013, Scottish Natural Heritage, in conjunction with the 3 Ayrshire Councils and the Ayrshire Joint Planning Unit commissioned a landscape capacity study for wind turbine development in Ayrshire. The review study provides supplementary information to the 2009 Landscape Capacity Study in the form of a more detailed landscape and visual sensitivity assessment for wind turbine developments within selected landscape character types. It also sets out clear spatial principles as to what height of turbine would be appropriate, in landscape and visual terms, within the different landscape character types considered in the study. The design and siting guidance provided should promote good practice in locating and siting individual and small groups of turbines below 50m in height.

The Committee agreed (a) to approve (i) the "North Ayrshire Supplementary Landscape Capacity Study" for publication as a 'non statutory' addendum of the existing Supplementary Guidance on landscape capacity prepared in 2009; and (ii) the publication of the addendum for consultation to allow it to become 'statutory' on adoption of the new Local Development Plan; and (b) that Carol Anderson Landscape Associates be invited to provide a wind turbine training session for Members of the Committee.

The meeting ended at 2.35 p.m.