



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 14 March 2018 at 14:00** to consider the undernoted business.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of meetings of the Committee held on 14 February 2018 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice under Section of 145 of the Town and Country , KA24Planning (Scotland) Act 1997: 67 Sharon Street, Dalry, KA24 5DT

Submit report by the Executive Director (Economy and Communities) on a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 16/00488/PP) (copy enclosed).

4 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to East of Linevern, Whiting Bay, Isle of Arran

Submit report by the Executive Director (Economy and Communities) on a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the residential use and removal from the site of the residential caravan and associated works at site to the east of Linevern, Whiting Bay, Isle of Arran (copy enclosed).

5 Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

Present

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

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); and A. Craig, Senior Manager (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ellen McMaster and Ronnie McNicol.

1 Declarations of Interest

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

2 Minutes

The Minutes of the meeting of the Committee held on 17 January 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 17/01038/LUP - Shore Compound, Ardeer, Stevenston

Irvine Bay Developments/Clowes Developments Ltd have applied for a Certificate of Lawfulness in respect of the proposed establishment of a multi-purpose events area on the site known as Shore Compound, within the former ICI factory site at Ardeer, Stevenston. Five objections and a representation were received and were detailed in the report. Further late representations were received which raised issues that were already addressed within the report, and noting amongst other matters that investment may not have been made by neighbouring businesses if the existence of the SDO had been known

The Committee was advised that the applicant's agent had questioned the reporting of the letters of representation and that the application was being considered by the Committee, when normal practice would have been for this to be determined by officers under delegated powers. It was the view of the Senior

Manager (Planning) that it was in the public interest for the application to be considered by the Committee in an open and transparent way.

The Committee agreed to issue a Certificate of Lawfulness in respect of the proposed establishment of a multi-purpose events area on the site known as the Shore Compound at Ardeer, Stevenston.

4 1701191PP - Rose Cottage, Portencross, West Kilbride

Mr David and Gordon Wright, have applied for planning permission for the replacement of the existing dwelling house and erection of four new dwelling houses within the grounds of Rose Cottage, Portencross, West Kilbride. Thirteen letters of objection and a pro-forma style letter from six residents of the same property, were received and were detailed in the report.

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

1. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.

2. That, prior to the commencement of the development, details of remediation measures to eradicate Japanese Knotweed from the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the remediation measures as may be approved shall be undertaken and the developer shall appoint a suitably qualified person to certify that Japanese Knotweed has been eradicated from the application site, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, prior to any demolition works taking place to Rose Cottage, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, a full survey of the building to establish if it is being used by roosting or hibernating bats; if bats are discovered, applications shall be made for appropriate licences, and details of measures to minimise the disturbance to bats shall be submitted, for the approval in writing of North Ayrshire Council as Planning Authority prior to any works taking place.

4. That the first 5 metres of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried on to the carriageway.

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 plan indicating the provision of a turning area within the site to accommodate large service vehicles. Thereafter, the proposals as may be approved shall be provided to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of any of the houses hereby approved.

6. That the new access road hereby approved shall be provided to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of any of the houses hereby approved.

7. 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/samples of the proposed external finishes.

8. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a phasing plan to indicate the sequence and timescale for the erection of the various components of the development hereby approved. For the avoidance of doubt plots 3 and 4 and the combined plots 1 and 2 will each require to have commenced within the 2 year period as instructed by the Direction to the planning permission.

The Meeting ended at 11.00 a.m.

NORTH AYRSHIRE COUNCIL
14 March 2018**Planning Committee**

Title: **Notice under Section of 145 of the Town and Country ,
KA24Planning (Scotland) Act 1997: 67 Sharon Street, Dalry,
KA24 5DT**

Purpose: To seek approval to serve a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 16/00488/PP)

Recommendation: That the Committee grants authority for the service of a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 16/00488/PP)

1. Executive Summary

- 1.1 Planning permission was granted on 23 June 2016 (ref: 16/00488/PP) for the demolition of a dwellinghouse, including boundary walls to the front and rear. The permission was granted subject to two conditions. Condition 2 requiring screen fencing around the site frontages in the interest of visual amenity.
- 1.2 The site is within a residential area as identified within the Adopted Local Development Plan (LDP). Adjacent to the site on the south side of Sharon Street is a mix of residential properties, including 2 storey traditional properties and a 3 storey flatted development which was erected approx. 20 years ago. Planning permission in principle (ref. 13/00682/PPP) was approved in January 2014 for the erection of residential development which included the demolition of 67 Sharon Street. The consent has since expired and there has been no further applications.

2. Background

- 2.1 The following condition attached to planning permission dated 23 June 2016 (ref: 16/00488/PP) has not been complied with and is therefore a breach.

Condition 2 - That following the demolition of the house, the site shall be fully screened along Sharon Street and Wee James Street frontages by 2m high timber screen fencing, the design details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the works hereby approved.

Thereafter the fence shall be retained in a satisfactory condition until such time as the site is redeveloped, all to the satisfaction of North Ayrshire Council as Planning Authority.

Designs details of the fence were not submitted and a timber screen fencing has not been erected.

- 2.2 The Council became aware that the dwellinghouse had been demolished in November 2017 and following inspection, most recently, February 2018, revealed that Condition 2 had not been complied with. The site has been enclosed by heras fencing and not timber screen fencing and the design details of the fencing were not submitted to the Council for consideration and approval. The owner was written to on two occasions in January, with no response. The owner was again written to in February and advised that it was now the Council's intention to seek authority for the issue of a Breach of Condition Notice. The owner responded by confirming that it was his intention to comply with the condition when the site is cleared and if the funds are available.
- 2.3 For a condition to be immune from planning control, it has to have been in breach for at least 10 consecutive years. The relevant permission was granted 23 June 2016 (ref: 16/00488/PP) and the condition has been in breach for approximately 4 months.
- 2.4 Whilst Condition 2 required that the design details of the fencing should be submitted to the Council for approval prior to the demolition of the dwellinghouse, given the dwellinghouse has already been demolished, the Condition Notice would require full compliance of the condition, including design details to be approved. There is no right of appeal against a Breach of Condition Notice. Anyone responsible for not complying with a Breach of Condition Notice is guilty of an offence, which can be reported to the Procurator Fiscal.

3. Proposals

- 3.1 In the interest of amenity, it is proposed to issue a Breach of Condition Notice requiring the following action, in respect of Condition 2 of the planning permission dated 23 June 2016 (ref: 16/00488/PP);
 - (i) Submit for the written approval of North Ayrshire Council as Planning Authority, design details of the 2m high screen fencing.
 - (ii) Erect the screen fencing as may be approved, along Sharon Street and Wee James Street.
- 3.2 It is proposed that the compliance period be 4 weeks for the submission of the design details and 6 weeks for the erection of the fencing from the date of issue, which will allow sufficient time for the works to be carried out.

4. Implications

Financial:	The service of the Notice has no financial implications outwith normal budgetary provisions.
Human Resources:	N/A
Legal:	The proposed Breach of Condition Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Breach of Condition Notice supports the Council Plan priority – “Protecting and enhancing the environment for future generations.”
Community Benefits:	N/A

5. Consultation

5.1 Finance and Corporate Support has been advised of the report in terms of its budgetary provision.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference: 18/00024/NONCOM

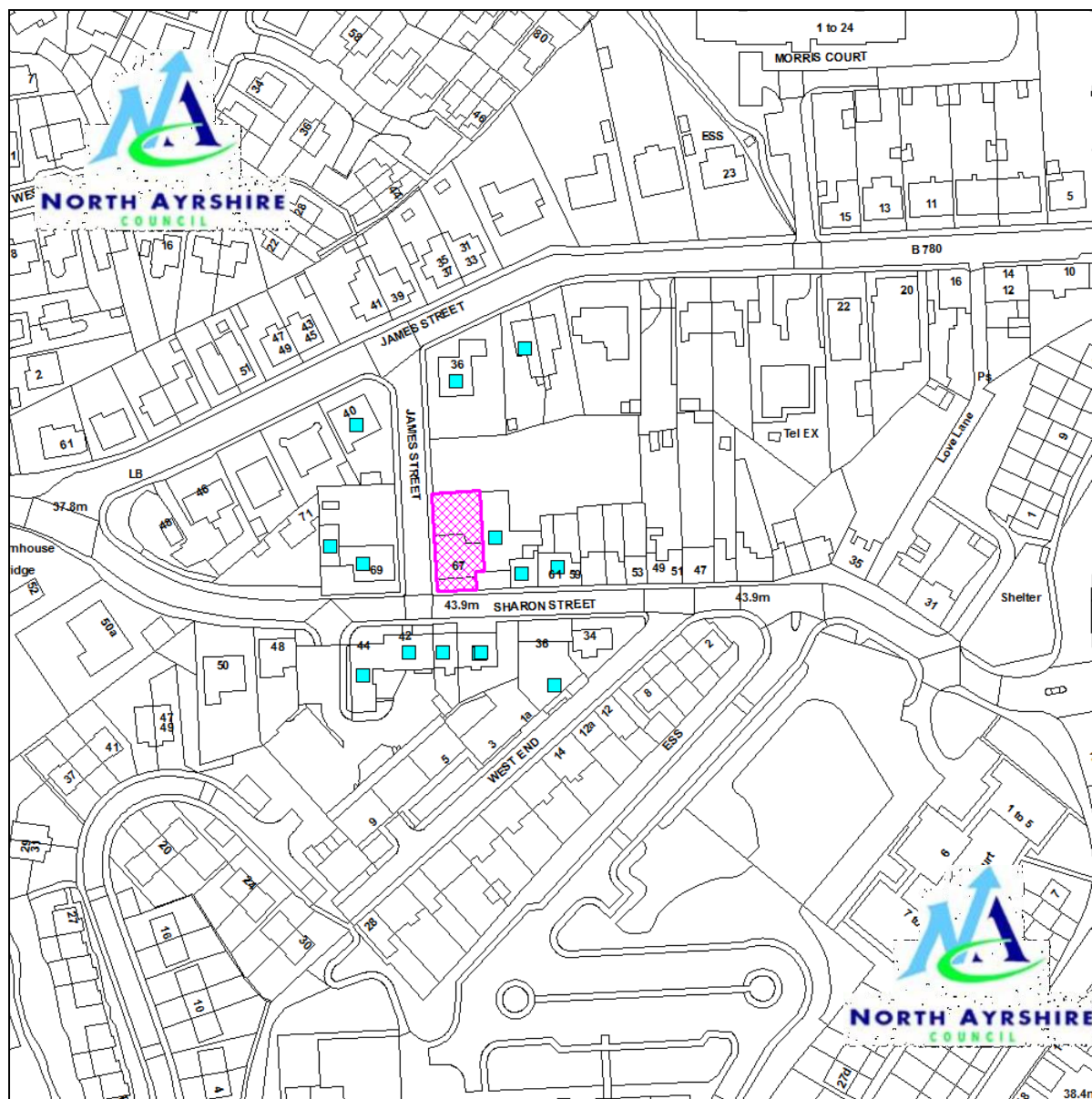
For further information please contact **Fiona Knighton** on **01294 324313**.

Background Papers

N/A

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

12th March 2018

Planning Committee

Title:	Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to East of Linevern, Whiting Bay, Isle of Arran
Purpose:	To seek authority to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in relation to Site to East of Linevern, Whiting Bay, Isle of Arran
Recommendation:	Agree that authority be given to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the residential use and removal from the site of the residential caravan and associated works at site to the east of Linevern, Whiting Bay, Isle of Arran

1. Executive Summary

- 1.1 A residential caravan with associated power connections, attached raised timber deck and a 1m high timber boundary fence has been sited on land in the Silverhills area of Whiting Bay, Isle of Arran.
- 1.2 In discussions between planning officers, the owner and his agent, it was made clear that the caravan was unauthorised and was to be removed from the site. This has not been done and at the date of the planning committee, the caravan will have been in situ for over seven months. In informal discussions, the applicant has indicated that he intends to pursue planning permission for a dwelling on the site and is currently discussing provision of an improved access road into the site with the other landowners in the area. However, given the length of time which has already passed, it is recommended that formal enforcement action is commenced to achieve the removal of the caravan from the site in the interests of the amenity of the surrounding area.

2. Background

- 2.1 On 21st July 2017 a planning application (17/00443/PP) for the erection of a one and a half storey dwellinghouse on the site was refused as the proposal was contrary to the General Policy due to inappropriate siting, which would be detrimental to the visual amenity of the area, and that further development of the area, prior to the provision of an access road to serve Silverhills, would represent

piecemeal development which would not be in the interests of the proper planning of the area. The requirement for such a road has been a longstanding requirement of any planning approvals at Silverhills and requests for review of such conditions have been consistently rejected by the Local Review Board of the Council. The meeting of the Local Review Board on 31st May 2010 upheld the planning decision to attach a condition requiring road upgrading to planning permission 09/00804/PP.

- 2.2 Following this refusal, it was brought to the attention of Planning Services that a caravan had been placed on the site. Planning Officers visited the site on 3rd August and advised the owner that the development was unauthorised. The owner suggested that the caravan and works had been arranged in anticipation of approval of 17/00443/PP and was intended to allow him to live on site while managing construction of the house. He also intimated that a second planning application was to be made, with amendments and also requesting the temporary siting of the caravan during construction of the house.
- 2.3 A second planning application (17/01007/PP) was subsequently submitted on 21st September. Four objections to this application were received including comments on the detrimental effects on privacy and residential amenity of the unauthorised caravan. The application did not sufficiently address the previous reasons for refusal and following discussions with officers, it was withdrawn by the applicant on 12th January 2018, prior to a refusal of planning permission. Two complaints have subsequently been received by Planning Services regarding the continued unauthorised siting of the caravan and the resulting impact on amenity.
- 2.4 The site is located within the settlement boundary of Whiting Bay, as identified in the Adopted North Ayrshire Local Plan ("the LDP"). The caravan was placed on the site at some point prior to 3rd August 2017 without the benefit of planning permission having been granted.
- 2.5 The siting of the caravan and the associated works is considered to constitute development requiring planning permission, because its siting has changed the use of the land on which it is sited, has altered the physical characteristics of the site and has a degree of permanence. The development is considered to have an adverse impact on the local area by way of its siting, design and appearance and potential effects on the residential amenity of other permanent dwellinghouses in the immediate area.
- 2.6 The development is therefore held to be contrary to the General Policy of the LDP and, given the above, it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require removal of the caravan, power connection points, raised deck and timber boundary fence. The Enforcement Notice would take effect not less than 28 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be fully complied with within 6 months of the date that it takes effect. There is a right of appeal against an

Enforcement Notice, but not on the grounds that planning permission ought to be granted.

3. Proposals

3.1 In the interest of visual and residential amenity it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-

- i) Removal of the residential caravan and associated infrastructure, raised deck and timber boundary fence from the land.

4. Implications

Financial:	The Council can take direct action against non-compliance with an enforcement notice and seek any costs incurred from the land owner or lessee.
Human Resources:	N/A
Legal:	The proposed Enforcement Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Children and Young People:	
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Enforcement Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	N/A

5. Consultation

5.1 None



Karen Yeomans
Executive Director Economy & Communities

For further information please contact **Neil McAteer, Planning Officer** on **1294 324316**.

Background Papers

N/A

Appendix 1: Location Plan

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