

Planning Committee
8 November 2017

Irvine, 8 November 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, Ronnie McNicol and Donald Reid.

In Attendance

A. Hume, Senior Development Management Officer, A. Craig, Senior Manager (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ellen McMaster

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Billings, as the owner of the property, declared an interest in Agenda Item 3 - 17/00887/PP: Katlin, Lamlash and left the meeting for that item of business.

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 20 September 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 17/00887/PP: Katlin, Lamlash

Mr G Dallamore, Katlin, Lamlash, Isle of Arran has applied for planning permission for the erection of an extension and the formation of a terrace to the detached dwelling house at that address.

The Committee agreed to grant the application subject to the condition that the proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Former Grounds Maintenance Depot, 12 Lanfine Terrace, Girdle Toll, Irvine

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 cessation of the use of the property for vehicle valeting and repair.

The Committee was advised of an email objection to the content of the officer's report that had been received from one of the co-owners of the property. Whilst there is no formal process for objecting to the Council's report, the planning officer has responded to the objector advising him that if the Committee decide to authorise an Enforcement Notice, he will have a right of appeal to the Scottish Government.

Development comprising the material change of use of the property from a Class 6 (Storage) Use to a mixed use comprising vehicle valeting and repair has been undertaken at the former Grounds Maintenance depot, 12 Lanfine Terrace, Girdle Toll, Irvine. The valeting use commenced sometime around January 2016 and the repair use commenced sometime in the summer of 2017. Planning permission has not been sought or granted for the development. The use of the property is considered to have an adverse impact on the area by way of its impact on amenity due to potential disturbance from emissions, noise and vehicular traffic movements.

Members asked questions and were provided with clarification on the sale of the property by the Council to the owners 'as seen' and with no conditions.

The Committee agreed, in the interest of the character and amenity of the area, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require cessation of the use of the property for the purposes of vehicle valeting and vehicle repair.

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 84 Main Street, Largs

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 the removal of unauthorised development comprising the installation of a Piaggio Ape vehicle on the roof of the building.

Development comprising the installation of a Piaggio Ape three wheeled vehicle on the roof of the building has been carried out at 84 Main Street, Largs. The development was undertaken sometime around 3 July 2017. Planning permission has not been sought or granted for the development.

The Piaggio Ape, on the roof of 84 Main Street, Largs is considered to constitute development requiring planning permission, because the siting of it on the roof constitutes operational development comprising other operations on land, as defined by Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). The development is considered to have an adverse impact on the local area by way of its siting, design and appearance. It is not considered to be an advertisement as it is not employed for the purposes of advertising.

The Committee agreed, in the interest of visual amenity, 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 Piaggio Ape from the roof of the property.

6. Update on Scottish Government post-legislative scrutiny of the High Hedges (Scotland) Act 2013

Submitted report by the Executive Director (Economy and Communities) on the recommendations made by the Local Government and Communities Committee on the operation of the above Act since its introduction.

The Local Government and Communities Committee (LGCC) issued a call for views on the operation of the Act between 6 February and 20 March 2017 and received 64 responses from individuals, Local Authorities, MSPs and Ministers. North Ayrshire Council responded to this call on 15 March 2017 (Appendix 1). LGCC subsequently also took evidence in person from witnesses during April and May 2017. Their concerns focused on five areas: Data collection and record keeping; Definition; Enforcement; Fees and costs; and Timing. A copy of the LGCC's report and recommendations was published on 10 September 2017 (Appendix 2).

The LGCC's recommendations to the Scottish Government were summarised in the report at 3.2. It concluded that the High Hedges (Scotland) Act 2013 has been beneficial for some of those affected by the issues but further work is required to ensure its effectiveness, the Act is not currently operating in the spirit intended and , despite having this Act, some people are still to enjoy their homes as a result of nuisance high hedges. The LGCC therefore encourages both the Scottish Government and Local Authorities to consider and take on board the recommendations on how the provisions of the Act, in practice, can be made to work better to the benefit of all.

The Council's response to the initial call for views identified concerns over the clarity of the definitions in the Act, which have been addressed within the recommendations made by the LGCC.

Noted.

The meeting ended at 2.25 p.m.