

Planning Committee
22 July 2014

IRVINE, 22 July 2014 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Joe Cullinane, Ronnie McNicol, Tom Marshall and Robert Steel.

Also Present

Jean Highgate.

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) and D. Hammond, Senior Manager (Strategic Planning and Infrastructure) (Development and Environment); and A. Craig, Team Manager (Litigation), L. McEwan Communications Manager and Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell and Jim Montgomerie.

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 (i) ordinary meeting of the Committee held on 28 May 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

3.1 14/00284/PPM: Site to the North West of Longbar Farm, Glengarnock, Beith

North Ayrshire Council (Finance and Property) has applied for planning permission for the erection of a secondary school, primary school and nursery building, incorporating swimming pools, indoor sports facilities, playing fields and parking/drop off area on a site to the north west of Longbar Farm, Glengarnock, Beith. Twenty-five letters members of the public have submitted objections, some having sent multiple comments in separate correspondence. Objections have also been received from the parent councils of three local schools. Two letters of representation in support of the proposal, one from the parent council of a local school, have also been received.

The Senior Manager (Planning, Transportation and Regeneration) advised that 2 representations and a letter of objection had been received in respect of this application since the Committee papers were published.

Councillor Cullinane moved to adjourn the meeting for a site visit to be undertaken by the Committee. There being no seconder, the motion fell.

Councillor Marshall, seconded by Councillor McNicol, moved to grant the application, subject to the conditions outlined in Appendix 1 to the report. As an amendment, Councillor Cullinane moved that the application be refused. There being no seconder, the amendment fell. There being no amendment, the motion was declared carried.

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

1. That, prior to the commencement of the development, hereby approved, a revised masterplan showing the campus building in a position approximately 10 metres further east of that shown on site plan refs. L(90)001, L(90)002 and L(90)003 shall be submitted to North Ayrshire Council as Planning Authority. The revised masterplan shall take into account all other layout/siting matters arising as a consequence of the amended campus building position, and shall be approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of any works on site. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. For the avoidance of doubt, site masterplan drawings ref. L(90)001, L(90)002 and L(90)003 are not hereby approved.

2. That, prior to the commencement of the development, hereby approved, an addendum to the Transport Assessment, addressing the matters raised in the consultation response of North Ayrshire Council Strategic Planning & Infrastructure (Transportation) dated 1st July 2014, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

3. That, prior to the commencement of the development, hereby approved, detailed SUDS drawings and calculations shall be submitted demonstrating a reduction in surface water flow from the development below the green field run-off rate for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the SUDS scheme as may be approved shall be fully implemented prior to the campus becoming operational and shall be maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the commencement of the development, hereby approved, the applicant shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation, the scope of which shall be agreed with the West of Scotland Archaeology Service and approved in writing by North Ayrshire Council as Planning Authority. Thereafter, the applicant 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 Planning Authority in agreement with the West of Scotland Archaeology Service.

5. That, prior to the commencement of the development, hereby approved, an updated bat survey shall be undertaken following an inspection of the site for the presence of bat roosts. In the event of any bat roosts being found within the site, the report shall include a mitigation plan to conserve or replace bat roosting sites, and shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Any mitigation plan which may be approved shall be brought into operation prior to the commencement of site operations.

6. 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.

7. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of all external path and lighting improvement works, including the upgrading of the footpath between the site and Beith together with all other works as may be deemed necessary by North Ayrshire Council as Roads Authority. Thereafter, the external path improvements and all other works as may be approved shall be fully implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used on the campus building and an annotated plan indicating the surface treatments for open spaces, footpaths, play areas, roads and car parks. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

9. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed plan and schedule of the proposed boundary treatments to be formed as part of the development. Thereafter, the boundary treatments as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

10. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the landscaping scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

11. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a noise impact assessment in accordance with PAN 1/2011 'Planning and Noise' and the associated Technical Advice Note (TAN) - 'Assessment of Noise'. The assessment shall take into account all noise related details contained in the consultation response of Environmental Health dated 25th June 2014. Thereafter, the findings arising from the noise impact assessment as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

12. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority the specification of the boiler plant to be installed at the campus. The specification shall take into account all of the air quality related details contained in the consultation response of Environmental Health dated 25th June 2014. Thereafter, the building operations shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

13. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of measures to be taken to reduce carbon dioxide emissions arising from the campus building. Thereafter, the building operations shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

14. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of all external lighting and signposting within the site. Thereafter, the external lighting and signposting scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

15. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of secure cycle parking within the site, which shall be provided at a rate of 10% for the peak level of staff/visitors and 10% of pupils within a defined cycling catchment area. The cycling catchment area shall be defined by the applicant for the written agreement of North Ayrshire Council as Planning Authority prior to the calculation of the 10% figure. In addition, details of secure scooter parking at a rate of 1% of pupil numbers within the defined cycling catchment area shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all details as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

16. That prior to the campus becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Travel Plan for the campus. Such a Travel Plan shall include details of active travel proposals for all users of the site and an indication of the measures which shall be undertaken to reduce car journeys. Thereafter, the Travel Plan as may be approved shall be implemented upon the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 2 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

17. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a Public Transport Strategy for the campus. This shall provide details of public transport infrastructure to be provided (bus stops and shelters) and travel information to be provided to ensure users are aware of pedestrian, cycle and public transport provision. The strategy may also include measures for the provision of real time public transport information and details of the frequency, routing of and funding mechanisms for any new or amended bus services to serve the development. Thereafter, the development shall be implemented in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

18. That prior to the campus becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Site Waste Management Plan (SWMP). Thereafter, the SWMP as may be approved shall be implemented upon the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 5 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

4. Enforcement Notice: Irvine: 44 Caldon Road

Submitted report by the Corporate Director (Development and Environment) on a proposed Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 requiring cessation of unauthorised hot-food takeaway use (copy enclosed).

Complaints were received in September 2013 that the property at 44 Caldon Road, Irvine, was in use as a hot-food takeaway. An inspection of the property on 11 September 2013 confirmed that this use was in operation. An application to retain the use of the property as a hot-food takeaway was received by the Council in November 2013 and was subsequently refused for the reasons detailed in the report. A later review against the refusal of planning permission was then dismissed by the Local Review Body on 28 May 2014.

An inspection of the property on 1 July 2014 revealed that the hot-food takeaway use remained in operation with the cooking equipment on site. The operator of the use indicated that it was intended to continue the use and submit a further application for planning permission, which would address the previous reasons for refusal. To date, however, no application has been received.

The operation of the hot-food takeaway use at the Property has resulted in the loss of Class 1 (Retail) unit for the area and has undermined local shopping facilities. There are at least two other hot-food takeaway uses in the area and there is no demonstrable need for further hot-food takeaway uses.

The Committee agreed, in the interest of protecting local shopping facilities, to approve the serving of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to requiring the cessation of the hot-food takeaway use of the property at 44 Caldon Road, Irvine, and the removal of the deep-fat fryers, oven, hotplate/griddle, grills and all other cooking equipment which facilitate the use.

5. Breach of Condition Notice: Beith: 54 Eglinton Street

Submitted report by the Corporate Director (Development and Environment) on a proposed Breach of Condition Notice under the Town and Country Planning (Scotland) Act 1997 requiring removal of a caravan from the land in accordance with Condition 2 of Planning Permission dated 24 July 2013 (ref: 13/00357/PP).

Planning permission was granted on 24 July 2013 for the erection of detached dwelling house to include the formation of raised timber decking to rear, at 54 Eglinton Street, Beith. The development allowed the temporary placing of a caravan on site to allow the developer to live on site whilst the dwelling house was being built, as detailed in the report.

The Council wrote to the owner to advise that Condition 2 of the planning permission was in breach and the caravan should be removed by 24 July 2014. The owner was further advised that, if the caravan was removed, the Council would have no option but to consider formal enforcement action. To date, no response has been received and a recent inspection has revealed that the caravan remains in situ. Although the last possible date the caravan could remain on site until is 24 July 2014, Condition 2 has been in breach since 24 September 2013.

The Committee agreed, in the interest of protecting the amenity of the area, to approve the serving of a Breach of Condition Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of the caravan from the land at 54 Eglinton Street, Beith.

6. North Ayrshire Local Development Plan: Action Programme

Submitted report by the Corporate Director (Development and Environment) on the proposed adoption and publication of the revised Action Programme in respect of the North Ayrshire Local Development Plan (LDP)

The North Ayrshire LDP was adopted on 20 May 2014. Planning legislation requires the LDP to be accompanied by an action programme, which sets out how the Council intends to implement the plan. The document requires to be updated and republished at least every two years. In addition, the Planning Authority is obliged to publish an Action Programme within three months of adoption of the LDP. A proposed Action Programme was set out at Appendix 1 to the report.

The Committee agreed to (a) note progress on the implementation of the North Ayrshire Local Development Plan to date, as summarised within the report; and (b) adopt and publish the Action Programme set out at Appendix 1 to the report.

7. Seascape/Landscape Assessment for the Firth of Clyde

Submitted report by the Corporate Director (Development and Environment) on the Seascape and Landscape Assessment for the Firth of Clyde as non-statutory planning guidance, for use as a material consideration in the determination of planning applications.

The key findings of the Seascape and Landscape Assessment of the Firth of Clyde carried out on behalf of the Firth of Clyde Forum were summarised at Appendix 1 to the report highlights the importance in the Clyde of the interrelationship of views and the importance it has to a range of economic interests. The North Ayrshire coastal area falls within the four coastal character areas described at Section 2.2 of the report. This categorisation into four coastal character types is a reflection of the extent, diversity of coastal features, uniqueness of the seascape and openness of the North Ayrshire coastline. Any offshore development within these coastal areas would be sensitive to onshore interests and any landward development would require to be compatible in terms of scale with existing landscape and seascape characteristics.

The Committee agreed to approved the Seascape and Landscape Assessment of the Firth of Clyde as non-statutory planning guidance for use as a material consideration in the determination of planning applications which are anticipated to have an impact on the seascape and/or coastal landscape.

The Meeting ended at 2.55 p.m.