

Planning Committee
3 June 2015

IRVINE, 3 June 2015 - 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, Ian Clarkson, Joe Cullinane, Tom Marshall, Ronnie McNicol and Robert Steel

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); and J. Law, Solicitor (Contracts and Licensing) and M. Anderson, Acting Committee Services Manager (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the Committee held on 18 March 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Isle of Arran

3.1 14/00631/DCMS: Bogary Quarry

John Thomson Construction Limited, Lamlash, Isle of Arran, has applied for a periodic review of the mining site at Bogary Quarry, Sliddery, Isle of Arran in accordance with the Review of Old Mineral Permissions (ROMP) procedure.

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

1. That the development hereby permitted shall be in complete accordance with the approved plans and specification.
2. That the development hereby permitted shall be discontinued on or before 30 June 2024.

3. That, on expiry of the planning permission hereby granted or on such earlier date as the operator may have discontinued quarrying operations, the site and the terraced quarry face shall be left in a condition satisfactory to North Ayrshire Council as Planning Authority.
4. That the use hereby permitted except in an emergency shall operate between the hours of 0700 and 1900 hours Monday to Friday, 0700 and 1600 hours on a Saturday and shall not operate on a Sunday or public holidays.
5. That noise levels measured at least 3.5 metres in front of the facade of any dwellinghouse facing the quarry shall not exceed 55dB LAeq, 1h during the working hours specified above and 42dB LAeq, 1h at all other times, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That adequate wheel washing facilities shall be provided and open vehicles carrying materials shall be sheeted before leaving the site, to ensure that vehicles leaving the site shall not deposit deleterious material on public roads.
7. That blasting shall take place only on weekdays between 1000 and 1600 hours, excluding April to July inclusive, unless agreed otherwise in writing with North Ayrshire Council as Planning Authority. That there shall be a maximum of three blasts on any day and that each blast shall be designed so that no more than 10% of blasts exceeds ground vibration of 8.5mm per second and no blast exceeds 12.7mm per second, all to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the drainage arrangements shall comply with the method statement agreed by the Scottish Environment Protection Agency, including cut off drains in the land surrounding the quarry, to the satisfaction of North Ayrshire Council as Planning Authority.
9. That the renewed drainage pipe across the quarry entrance shall be maintained to its current standard, to the satisfaction of North Ayrshire Council as Planning Authority.
10. That no fixed plant or buildings shall be located on site without the benefit of a separate planning permission.
11. That, prior to the first blasting operation after the date of this permission, the applicant shall give 7 days notice to North Ayrshire Council as Planning Authority.
12. That extractive waste at this quarry will be managed in accordance with the extractive waste management plan. This plan will be reviewed by the operator no later than 30 April 2017 and every 5 years thereafter or in the event of substantial changes to the extractive waste, area, or waste facility, or waste deposited. Any amendments to the extractive waste management plan, whether as a result of a review or otherwise, shall be notified to North Ayrshire Council as Planning Authority.

3.2 15/00233/PP: Site to East of Grianan

Mr and Mrs Mann, T/A Grianan Holidays, 3 Chemin des Voirons, 1296 Switzerland, have applied for planning permission for the erection of a dwellinghouse to the east of Kildonan Road, Kildonan, Isle of Arran. Two letters of objection have been received, as detailed in the report. Details of a consultation response from Isle of Arran Community Council, together with a response to the issues raised, were circulated at the meeting.

The Committee, having considered the terms of the objections and consultation response, agreed to grant the application, subject to (a) no significant objections being received before 5 June 2015 and (b) the following conditions:-

1. That, prior to the commencement of the development, details of the boundary enclosures shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, any such details which may be agreed shall be implemented prior to the occupation of the dwellinghouse and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the occupation of the dwellinghouse, hereby approved, the access/driveway shall be designed in such a way that no surface water shall issue onto the public road, to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, prior to occupation, the dwellinghouse hereby approved shall be provided with an adequate and wholesome water supply, details of which shall be submitted to and have received the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

4. Garnock Valley

15/00103/PPPM: Blairland Farm, Dalry

The Blair Trust Company Limited, c/o Edinburgh Quay, 133 Fountainbridge, Edinburgh has applied for planning permission in principle for a residential development at Blairland Farm, Dalry. Eight letters of representation expressing objections and points of concern have been received, as detailed in the report.

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

1. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), further intrusive site investigations shall be undertaken to establish the location and condition of the recorded mine entries, the results of which shall inform the layout of the detailed masterplan required by Condition 5 and any subsequent remediation works which may be required. Confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that the required site investigations and any subsequent remedial works have been undertaken.

2. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved 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.

3. That, prior to the submission of the first application for approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (March 2007), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:

- there shall be no drainage connections to the trunk road drainage system;
- all foul water arising from the development must be collected and diverted away from operational railway land;
- all surface water arising from the development must be collected and discharged no closer than 10 metres from operational railway land; and,
- the SuDS scheme shall not be sited within 10 metres of railway infrastructure.

Thereafter, the scheme as may be approved shall be implemented during the course of development (taking phasing into account) and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 5. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.

5. That, prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site in general accordance with the concept masterplan prepared by McCreadie Design (drawing ref. L(90)002) together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively, and shall generally accord with the concept masterplan in relation to:

- the means of access to the site, including at least two vehicular connections from the public road network into the site and multi-user links including a link to the railway station and through the site to Blair Road (Core Path GV 13);
- the street layout;
- structural landscaping;
- areas of open space; and
- areas for children's play.

In addition, the detailed masterplan and development brief shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

6. That application(s) for the approval of matters specified in conditions (MSC) shall include a scheme of mitigation measures for the design and construction of the houses to ensure that the noise levels at each plot shall not exceed the following:

- (a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
- (b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
- (c) Night time internal level, 45dB LA Max (2300-0700).

Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.

7. That, prior to the commencement of the development hereby approved, the developer shall implement the recommendations contained within the "Preliminary Geo-Environmental Risk Assessment including Coal Mining Risk Assessment Report" dated March 2014 by Waterman (document reference EED14275-100-R-1-2-1-JLD-PERA) and also the recommendations contained within the "Preliminary Slag Analysis Report" by Waterman dated 7th July 2014 (document reference EED14275-100-C-001-SC-HW) in order to assess the likelihood of any ground contamination present at the site. Remediation proposals shall also be presented to North Ayrshire Council as Planning Authority in relation to any significant findings. All documentation shall meet BS 10175:2011 and shall be verified by a suitably qualified environmental consultant. 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 a remediation scheme to be agreed in writing with North Ayrshire Council as Planning Authority. On completion of the proposed works, written verification, detailing what was done by way of any remediation, shall also be submitted to North Ayrshire Council as Planning Authority.

8. That, prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

9. That, prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.

10. That, prior to the commencement of the development hereby approved, the developer shall submit details of the lighting within the site for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland TRBO.

11. That, prior to the commencement of the development hereby approved, the developer shall submit details of the frontage landscaping treatment along the boundary with the proposed A737 Dalry bypass trunk road for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland TRBO.

12. That, prior to the occupation of any dwellings within the development, a barrier/boundary feature of a type to be approved in writing by North Ayrshire Council as Planning Authority in consultation with Transport Scotland TRBO shall be erected and maintained along the proposed boundary of the site with the proposed A737 Dalry Bypass trunk road. In addition, the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary, which shall include provision for access to facilitate future maintenance and renewal.

13. That the recommendations of the "Bat Survey Report" (ref. EED14275-100-R-2-2-1) and "Preliminary Ecological Survey" (ref. EED14275-100_R_1_1_2_WE) by Waterman shall be taken into account during the MSC stage and implemented during the course of the development to the satisfaction of North Ayrshire Council as Planning Authority.

14. That the development shall initially be limited to a maximum of 20 house completions per annum unless otherwise agreed in writing between the developer and North Ayrshire Council as Planning Authority. Thereafter, at 2 yearly intervals following the commencement of the development until its completion, a review of the build rate shall be undertaken by the developer to consider new house completions, new house sales and local primary school capacity. Each review shall propose the number of houses that can be completed during the following 2 year period (at a rate of not less than 20 units per annum), and shall be submitted for the consideration and written approval of North Ayrshire Council as Planning Authority.

5. Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Beith: 83 Eglinton Street

Submitted report by Executive Director (Economy and Communities) on a proposed Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring removal of unauthorised advertisements at 83 Eglinton Street, Beith.

The advertisements at 83 Eglinton Street, Beith were installed without consent following the commencement of the shop use in December 2014. An application to retain the advertisements, and others on the premises, was submitted February 2015. The application was partially approved and partially refused on 9 April 2015. The refused advertisements include internally illuminated fascia signs, already in situ, sited on the front (north) elevation. By virtue of their size, including excessive combined width, bulky return depth and internal illumination, they are considered to have an adverse impact on local amenity, neither preserving nor enhancing the adjacent Beith Conservation Area and having an adverse impact upon its setting. They are also contrary to Policy A3 in the Adopted North Ayrshire Local Development Plan, as they do not comply with the Council's approved Control of Advertisements Policy.

The Committee agreed, in the interest of the amenity of the area, to approve the serving of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to secure the removal of the internally illuminated fascia signs from the front (north) elevation at 83 Eglinton Street, Beith.

6. Tree Preservation Order: North of Glen Road, Fairlie

Submitted report by Executive Director (Economy and Communities) on a proposed Tree Preservation Order (TPO) for trees and woodland on some 2 hectares of land situated to north of Glen Road, Fairlie which are potentially under threat from residential development.

In June 2014, an planning application for the erection of two detached dwellinghouses at the site was received. This application was subsequently withdrawn to enable the applicant to undertake the preparation of a tree survey of the site, which was required to consider the arboricultural impacts of the proposed development, including any proposed tree works. A further planning application for the erection of two detached dwellinghouses at the site has been submitted, but remains invalid pending the submission of the required tree survey.

The Order to protect existing trees and woodland in the interests of amenity and their historic or cultural significance would be effective from the date of service and would continue to be enforced until the end of six months or until the Order is confirmed.

The Committee agreed to serve a Tree Preservation Order on all the trees and woodland on land to the north of Glen Road, Fairlie within the boundary outlined in the plan at Appendix 1 to the report in order to protect existing trees and woodland in the interests of amenity and their cultural and historical significance.

The Meeting ended at 2.40 p.m.