

Infrastructure and Environment Services Committee
11 December 1996

Irvine, 11 December 1996 - At a meeting of the Infrastructure and Environment Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Samuel Gooding, David Munn, Patrick Browne, Jack Carson, James Clements, John Donn, Margaret Highet, Elizabeth McLardy, Thomas Morris, Robert Reilly and George Steven.

In Attendance

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The Director of Planning, Roads and Environment, Dr. J. McCorkell, Head of Planning and Environment, N. Buchan, Head of Roads (Planning, Roads and Environment), W. Nichol, Accountant (Financial Services) and S. Bale, Administration Officer (Chief Executive).

Chair

Mr Gooding in the Chair.

Apologies for Absence

John Sillars

1. Minutes Confirmed

The Minutes of the Meeting held on 6 November 1996, copies of which had previously been circulated, were confirmed.

2. E Coli 0157 Outbreak in Lanarkshire

The Principal Officer Environment reported on the implications of the outbreak of food poisoning caused by E Coli 0157, in the Wishaw area of Lanarkshire and involving one supplier of meat and meat products in particular. As a result of information received from the Scottish Office on 28 November 1996, the Environment Section on 29 November 1996 visited as many of the food premises as possible in North Ayrshire that sold or processed raw, cooked and cold meats for human consumption. Higher risk premises were targeted first and guidelines were delivered on a 10 point action plan to safer cooked meat production. Lower risk premises were targeted by mail.

The members considered that the precautions required to avoid E Coli should be widely publicised.

The Committee agreed to instruct the Principal Officer Environment in conjunction with the Council's Media Relations Officer to prepare an immediate press release.

3. Ayrshire Joint Structure Plan Committee

Submitted report by the Chief Executive enclosing the Minutes of the Ayrshire Joint Structure Plan Committee held on 1 November 1996.

The Ayrshire Joint Structure Plan Committee has agreed to adopt a Development Application and Local Plan Protocol and is seeking the approval of the three Ayrshire Councils to

implement it within their authorities.

The Protocol is a set of working arrangements which will provide consistency and a clarity of approach and offer guidance on those situations which are most likely to prompt requisite consultation amongst the authorities.

The Committee agreed (a) to implement the Development Application and Local Plan Protocol within the Planning, Roads and Environment Directorate; and (b) to adopt the annexed report (Appendix IE1) of the Ayrshire Joint Structure Plan Committee, being the Minutes of their meeting held on 1 November 1996.

4. Environmental Protection Act 1990: Part Two (A): Contaminated Land Consultation on Draft Statutory Guidance

Submitted report by the Director of Planning, Roads and Environment on new duties for local authorities in dealing with contaminated land.

Part Two (A) of the Environmental Protection Act 1990 specifies the duties of local authorities in dealing with contaminated land. The Scottish Office has published draft guidance on the provisions and has requested comments from the Council. The legislation requires a local authority to inspect its area to identify contaminated land, prepare, publicise and adopt a formal written strategy in respect of contaminated land, authorise inspections of land for taking of samples etc, serve remediation notices, hold and operate registers on remediation and where necessary undertake works of remediation.

This legislation will place significant additional responsibilities on the Council with regard to contaminated land and have consequent resource implications in terms of staffing and finance. The Committee agreed (a) to advise the Scottish Office of the Council's concern about the absence of specific funding to undertake this work and seek an appropriate financial allocation; (b) to make similar representations to COSLA and the two local MPs; and (c) to advise the Corporate Strategy Committee of the potential resource implications.

5. Flood Prevention and Land Drainage Act 1996

Submitted report by the Director of Planning, Roads and Environment on resource implications of the Flood Prevention and Land Drainage Act 1996.

The Bill proposes amendments to Flood Prevention legislation and may become law around March 1997.

The main element of this Bill is a proposal to protect non-agricultural land from flooding and to specify within 6 months of the enactment of the legislation the measures which are considered necessary to prevent or mitigate such flooding. The Council does not have the resources or expertise to undertake this work. The Scottish Office has made no provision for these resources

The Committee agreed (a) to request COSLA and the two local MPs to urge the Secretary of State to (i) ensure that sufficient resources are made available to Councils to meet the legislative requirements; (ii) issue appropriate guidance and advice to Councils to enable a consistent approach across Scotland; (iii) delay the commencement of the new Act to allow the production of suitable guidance and enable Councils to respond appropriately; (b) to advise the Corporate Strategy Committee of the potential resource implications; and (c) that the Director of Planning, Roads and Environment report back in due course when the full implications of this legislation are known.

6. Roads Division 4 Year Capital Plan

Submitted report by the Director of Planning, Roads and Environment on a proposed programme for capital spending on Roads projects over the next 4 years.

A detailed programme of Capital Projects required has been drawn up by the Head of Roads. It is intended that these projects will be prioritised as part of the Directorate's overall Capital Programme bid and a report on this matter will be submitted to the next meeting of the Committee.

After a full discussion, the Committee agreed (a) that the Head of Roads investigate traffic calming measures in housing schemes when determining priorities with regard to Roads projects; and (b) that the programme as detailed in the report form the basis for the prioritisation of Roads Projects within the Directorate's overall Capital Programme Bid.

7. Irvine & Kilwinning Local Plan Alterations 1 and 2

Public Response to Proposed Alterations and Procedure to Adoption

Submitted report by the Director of Planning, Roads and Environment on the public response to the Irvine and Kilwinning Local Plan Alterations 1 and 2.

On 25 September 1996, the Committee approved Alterations Nos. 1 and 2 to the Irvine and Kilwinning Local Plan and agreed that the proposed alterations be advertised and made available to public inspection.

An objection has been received from Mr and Mrs Howe, "Morven Lodge", Eglinton Mains, Irvine, regarding the proposed housing allocation around Morven Lodge. This housing allocation forms part of the amended proposals for Montgomerie Park which received approval under Section 6 (1) of the New Towns (Scotland) Act 1968 in June 1995. As the Council is obliged to alter the Local Plan to incorporate all outstanding consents under Section 6 (1) which have been granted by the Secretary of State, the Director of Planning Roads and Environment has considered that the objection from Mr and Mrs Howe is not valid. The objection has, however, been sent to the Secretary of State for his consideration.

A representation was made from the Royal Society for the Protection of Birds expressing concern about the "leisure" allocation on large areas of the grassland and dunes at South Gables. It is therefore proposed that Leisure Policy 4B be amended to read as follows:-

"(c) The amenity and nature conservation interest of the adjoining area is protected".

After discussion, the Committee agreed (a) to publish a Notice of Intention to Adopt Alterations Nos. 1 and 2 to the Irvine and Kilwinning Local Plan; and (b) to adopt the alterations to the plan, including the amendment to Leisure Policy 4B, provided that the Secretary of State, to whom a certified copy of the Local Plan is sent, does not intervene within the statutory period of 28 days.

8. Planning, Roads and Environment Directorate: Environment Section: Reallocation of Workload

Submitted report by the Director of Planning, Roads and Environment on the proposed reallocation of workload of the Environment Section of the Planning, Roads and Environment Directorate.

The Committee agreed (a) to note the details of the report; and (b) agreed to advise the Support Services Committee of these for their information.

9. Ayrshire Marketing Executive: Proposal for Funding Support

Submitted report by the Director of Planning, Roads and Environment on a request for funding from the Ayrshire Marketing Executive.

The Ayrshire Marketing Executive provide low cost marketing services to small companies, who pay a monthly membership fee. In 1995/96, the Ayrshire Marketing Executive received £10,800 from the former Strathclyde Regional Council to subsidise the membership scheme for small companies. The Ayrshire Marketing Executive are seeking financial support for 1996/97 of £6,500. Based on the previous support to cover the whole of Ayrshire by the former Strathclyde Regional Council, North Ayrshire Council's contribution for 1996/97 would be £3,600. A study is being undertaken at present by Enterprise Ayrshire into the future of the Ayrshire Marketing Executive.

The Committee agreed (a) to provide financial support of £3,600 to the Ayrshire Marketing Executive for 1996/97; and (b) to discuss the future role of Ayrshire Marketing Executive with the other funding partners.

10. Road Lighting in North Ayrshire

Submitted report by the Director of Planning, Roads and Environment on the current condition of road lighting equipment.

The Roads Division is responsible for the maintenance of street lighting units, mostly situated on public roads and footpaths as defined by the Roads (Scotland) Act and also on other "non-adopted" areas, which were inherited from the former Burgh Authorities. Only those units on "adopted" roads and footpaths are considered for improvement programmes.

There are a number of current issues affecting road lighting including (a) different types of obsolete lanterns throughout the area; (b) the fifth Core network which is an obsolete communal underground cable system provided by Scottish Power controlling large numbers of lights, and now experiencing faults in certain areas of the district; (c) the live service supplied by Scottish Power who have indicated they will not continue to provide unlimited numbers of live service supplies to columns at a given location; and (d) the deterioration of older lighting columns made of concrete or of cast iron.

COSLA held meetings of local authority Heads of Roads and Chairs of Committees with responsibilities for roads who are considering the lack of funding for roads and lighting throughout Scotland and the resultant implications and who are pressing the Scottish Office for increased funding.

Noted.

11. Child Pedestrian Safety in the United Kingdom

Submitted report by the Director of Planning, Roads and Environment on a Government strategy for improving child pedestrian safety.

The Government has produced a document entitled "Child Safety in the United Kingdom" which introduces their strategy to improve the rate of fatal child pedestrian casualties and suggests possible measures to be adopted to achieve the target of no more than one child pedestrian death per hundred thousand population by the year 2000. Such suggestions include speed restrictions and traffic calming; better enforcement; highway code modification; improving children's road sense; and advertising and publicity campaigns.

The Committee agreed to support the strategy.

12. Trunk Road Management: A737/A738 Route Strategy

Submitted report by the Director of Planning, Roads and Environment on an invitation to undertake the A737/A738 route strategy study.

The Roads Division have been invited to undertake, on behalf of the Scottish Office, the A737 and A738 route strategy study which will cover all aspects of the current and future proposals for these roads.

The Committee agreed (a) that the Roads Division submit a budget estimate to the Scottish Office to undertake the A737/A738 route strategy study on their behalf ; and (b) subject to the budget estimate being accepted by the Scottish Office, that the Roads Division undertake the study.

13. Trunk Road Management: Route A78 Route Strategy

Submitted report by the Director of Planning, Roads and Environment on an invitation to undertake the A78 route strategy study.

The Roads Division have been invited on behalf of the Scottish Office to undertake the A78 route strategy study, which will cover all aspects of current and future proposals for this road including road safety.

The Committee agreed (a) that the Roads Division submit a budget estimate to the Scottish Office to undertake the A78 route strategy study; (b) subject to the budget estimate being accepted by the Scottish Office, that the Roads Division undertake the study; and (c) to obtain assistance from other partners of the South West Scotland Consortium if necessary.

14. Traffic Regulation Order: Windmill Street/Eglinton Street, Saltcoats

Submitted report by the Director of Planning, Roads and Environment on the proposed investigation and preparation of an amended Traffic Regulation Order at Windmill Street/Eglinton Street, Saltcoats.

On 21 November 1996, the Three Towns Area Committee considered the possible extension of the waiting restriction adjacent to Eglinton Court, Saltcoats and requested that a report be submitted to the Infrastructure and Environment Services Committee to approve the investigation and preparation of an amended Traffic Regulation Order.

The Committee (a) agreed to investigate and prepare an amended Traffic Regulation Order and to advertise this publicly; and (b) noted that a further report will be submitted to the Committee following the public advertisement.

15. Traffic Regulation Order: High Road, Saltcoats at Dalry Road and Sharphill Road

Submitted report by the Director of Planning, Roads and Environment on the proposed investigation and preparation of a Traffic Regulation Order at High Road/Dalry Road/Sharphill Road, Saltcoats.

The Scottish Office Development Department proposes to widen the Dalry Road and Sharphill Road approaches to the A78 trunk road junction and to prohibit specific turns into and from the service roads which run parallel to the trunk road. The Scottish Office have requested that North Ayrshire Council promote the appropriate Traffic Regulation Order.

The Committee (a) agreed to investigate and prepare a Traffic Regulation Order for High Road, Saltcoats at Dalry Road and Sharphill Road and to advertise this publicly; and (b) noted that

a report will be submitted to the Committee following the public advertisement.

16. National Planning Policy Guideline 1: The Planning System: Revised Targets for Dealing with Development Proposals

Submitted report by the Director of Planning, Roads and Environment on revised targets for dealing with certain types of development proposals.

The Secretary of State has advised that planning authorities should aim to process at least 90% of householder applications and 85% of minor business and industry and other minor applications within 2 months. The current target in National Planning Policy Guideline 1 is that no authority should decide less than 50% of all applications within 2 months.

The Council's Development Control Section currently deals with 80% of householder applications within 2 months. Approximately two thirds of business and industrial applications and approximately 50% of other minor applications are dealt with within 2 months.

It is considered that the current level of performance by the Planning, Roads and Environment Directorate cannot be readily improved without reducing the service in real terms to the applicant. At present the Development Control Section endeavours to discuss and revise plans with applicants rather than refuse unacceptable proposals without negotiations. To assist applicants, the planning application forms and guidance notes are currently being simplified and made more user friendly, which in itself may lead to some improvement in the time taken to process applications.

The Committee agreed to advise the Secretary of State that the Council considers that the current levels of performance in processing planning applications by North Ayrshire Council cannot be readily improved having regard to the nature of the service which the Council would wish to offer to applicants.

17. Building (Scotland) Act 1959/70: Determination of Application for Building Warrant

Submitted reports on the following applications:-

- (a) 87 Main Road, Fairlie: RFS/5/BW/96/0300

The information submitted with the application does not comply with the Building Standards (Scotland) Regulations 1990 as amended.

The Committee agreed to refuse the application on the grounds that it does not comply with the Building Standards (Scotland) Regulations 1990 as amended.

18. Building (Scotland) Act 1959/70: Requests for Relaxation

Submitted reports on the following applications:-

- (a) 67-69 Main Street, Largs: Regulation 9 as read with Technical Standard D2.3 requirement for separating floor to be of non-combustible construction.

The Committee agreed to grant the application subject to the condition that all the existing ceilings between the ground floor premises and the flat shall be upgraded to provide one hours fire resistance.

- (b) Warehouse No 38, Balgray Bond: Regulation 9 as read with Technical Standard D2.1 maximum area of single storey building in purpose group 7A (High Hazard Storage) should be no greater than 2000 metres squared with an automatic fire control system.

The Committee agreed to grant the application subject to the condition that the area shall be limited to 2320 metres squared, the cubic capacity restricted 18000 cubic metres and the building fitted with an automatic sprinkler system complying with the rule for Automatic Sprinkler System Installation 1990 issued by the Loss Prevention Council.

(c) 11 & 12 Wheelhouse Cottages, Towerlands Farm Road, Bourtreehill: Regulation 9 as read with Technical Standard D2.03 requires a stair forming part of an escape route to be constructed on non-combustible materials.

The Committee agreed to grant the application subject to the condition that a suitable fire alarm and detection system shall be installed to comply with BS 5839 Part I 1988.

(d) 11 & 12 Wheelhouse Cottages, Towerlands Farm Road, Bourtreehill: Regulation 9 as read with Technical Standard E2.10 requires a clear height in an escape route of 2 metres.

The Committee agreed to grant the application subject to the condition that a minimum height of 1.9 metres on the flight of the stair shall be maintained.

19. Urgent Items

The Chair agreed to hear the following urgent items.

20. Planning Application N/01/96/0473: Gateside: Whitestones Farm

Mr Charles M Scott, Redhurst, 5 James Street, Dalry has applied for outline planning permission for the erection of a house at Whitestones Farm, Gateside. Objections have been received from R McKechnie, East Overtoun, Gateside, By Beith and G Williamson, Coldstream Cottage, Beith.

On 31 October 1996, the Development Control Sub-Committee, when considering the application discussed the question of the need for a home on agricultural land which is not farmed on a full time basis and agreed (a) to instruct the Director of Planning, Roads and Environment to submit a report on this matter after consultation with appropriate agricultural bodies to a future meeting; and (b) to continue consideration of the application until the report is available.

On 10 December 1996, the Development Control Sub-Committee resumed consideration of the application along with a supplementary report by the Director of Planning, Roads and Environment, following the consultation with the appropriate agricultural bodies.

Having heard the local member and the member for Ward 17 in support of the application and after a full discussion, the Sub-Committee agreed (a) to recommend to the Infrastructure and Environment Services Committee that the application be granted on the basis that it is a special case; and (b) to instruct the Director of Planning, Roads and Environment to report to the Committee on appropriate conditions which should be attached to the planning permission if granted.

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

(1) That the occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Acts 1972 or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

(2) That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.

(3) That in relation to Condition 2 above the dwelling shall be sited as shown on the plan

hereby approved and its design shall be “traditional” in character.

(4) That prior to the commencement of the development the applicant shall submit details of the septic tank and soakaway arrangements for effluent disposal for the written approval of North Ayrshire Council as Planning Authority which arrangements shall be designed and constructed in accordance with the current code of practice BS 6297:1983.

(5) That surface water drainage shall be excluded from the septic tank.

(6) That the sightlines at the junction with the public road shall be 2.5m x 90.0m, such that there is no obstruction to visibility above a height of 1.05m measured above the adjacent carriageway to the satisfaction of North Ayrshire as Planning Authority.

(7) That the first 2.0m of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried onto the carriageway.

(8) That the access road shall be so designed that no surface water shall issue from the access road onto the public highway.

21. Planning Application: 01/96/0496: Acre Developments Limited: Former Academy Site, Kilwinning Road, Irvine

Acre Developments Limited have applied for planning permission for 59 dwellings at the former Academy site, Kilwinning Road, Irvine.

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1995, where a Planning Authority proposes to grant planning permission for any development to be located on land wholly or partly in their ownership or in which they have an interest in circumstances where the proposed development does not accord with the adopted Local Plan or has been the subject of a substantial body of objection, then it is necessary to refer the matter to the Secretary of State. The Secretary of State has a period of 28 days to decide whether to intervene.

The planning application being contrary in part to the development plan would normally be remitted to the Infrastructure and Environment Services Committee to determine. In view of the possibility that the application may have to be referred to the Secretary of State and the timescales involved, the Committee was requested to delegate to the Development Control Sub-Committee on 7 January 1997 authority to determine the application.

The Committee agreed to delegate to the Development Control Sub-Committee authority to determine planning application 01/96/0496 by Acre Developments Limited.

The meeting ended at 3.10 p.m.