

Planning Committee
23 January 2013

IRVINE, 23 January 2013 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

J. Miller, Senior Planning Services Manager (Development and Environment); A. Craig (Team Manager - Litigation), J. Law, Solicitor (Contracts & Licensing) and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell and John Bruce.

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 Minutes of the previous meeting of the Planning Committee held on 5 December 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Irvine/Kilwinning

12/00662/PP: Irvine: Riverside Business Park

Irvine Bay Regeneration Company, 43 Ardrossan Road, Saltcoats have applied for planning permission for the erection of 1.8m and 1.2m high fencing along the road verge at Riverside Business Park, Irvine.

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

1. That the fences hereby approved shall be located outwith the road boundary and not interfere with any existing sightlines.

4. North Coast and Cumbraes

12/00159/PPM: Fairlie: Castlepark Gardens: Site to North of Fairlie Primary School

Dawn Homes Limited, 220 West George Street, Glasgow have applied for planning permission for the formation of a new access road and the erection of 36 flats and 26 detached dwellinghouses on a site to the north of Fairlie Primary School, Castlepark Gardens, Fairlie. Twelve letters of objection and one representation have been received, as detailed in the report.

During discussion, Members expressed the view that, in the interests of pedestrian safety, the grant of planning permission should be subject to a further condition in relation to the provision of a pedestrian link between Kelburn Avenue and the application site through the adjoining petrol filling station.

The Committee agreed to grant the application subject to (i) the applicants entering into a Section 75 Agreement to ensure that the agreed Financial and Business Plan and the Open Book Accounting Statement are implemented and to ensure that all proceeds, other than a reasonable developers profit of 10.79%, are channelled into The Kelburn Castle Restoration Works Trust for the restoration and subsequent maintenance thereafter of Kelburn Castle and improvements to the Country Centre; and (ii) the following conditions:-

1. That no development, excavation or tree felling works shall commence until sufficient flow capacity has been provided to carry the 200 year plus climate change flow in the Keppen Burn to the sea from the application site, which capacity shall include compensation for the loss of flood water storage and surface water discharge; the design and location of the culvert works required to provide the required flow capacity shall be submitted for and shall have received the prior written approval of North Ayrshire Council as Planning Authority, prior to any works commencing on the site.

2. That the development hereby approved shall not commence until the applicants have provided the following information in relation to flood risk: (i) provision of model cross section data for review and verification along with the modelling approach and parameters used for the relevant hydraulic structures; (ii) confirmation of channel characteristic to enable verification of discharge capacities; and (iii) confirmation that the flood management measures recommended in the Flood Risk Assessment submitted in support of the application shall be adopted together with a programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That silt traps shall be installed in the Keppen Burn to avoid channel blockages, the location, details and timing of the installation of which shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of the development.
4. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority details of (i) proposals for the construction of a cut-off drain along the east side of the development site to collect surface water from the adjoining high ground; (ii) a programme for the installation of the cut-off drain; (iii) proposals for providing access to and for the regular maintenance of the cut-off drain by a factor; (iv) the proposed factoring arrangements for the maintenance of the cut-off drain; and (v) proposals for managing the additional volume of water as part of the surface water design, all to the satisfaction of North Ayrshire Council as planning authority.
5. That prior to the occupation of any of the residential units hereby approved, foul drainage from the development shall be connected to the public sewerage system.
6. That prior to the commencement of the development hereby approved, details of 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", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
7. That the development hereby approved shall be provided with a public mains water supply prior to the occupation of any of the residential units hereby approved.
8. That the proposed access shall join the trunk road at a new junction which shall be constructed by the applicants to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All Purpose Trunk Roads) (as amended in Scotland) complying with Layout 5. The junction shall be constructed in accordance with details that shall be submitted to and approved by North Ayrshire Council as Planning Authority, after consultation with Transport Scotland, before any part of the development is commenced.
9. That there shall be no drainage connections to the trunk road drainage system.

10. That visibility splays shall be provided and maintained on each side of the new access to the A78, to the satisfaction of North Ayrshire Council as Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5m of the centreline of the access road (the set back dimension) and the nearside trunk road carriageway measured 70m (the Y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05m and 2m positioned at the set back dimension to an object height of between 0.26m and 1.05m anywhere along the Y dimension.

11. That prior to the commencement of the development hereby approved revised proposals shall be submitted for the access to the flats and two dwellings to the north of the site access road, which shall be served by a short road built to an adoptable standard, all to the satisfaction of North Ayrshire Council as Planning Authority .

12. That driveways shall have a minimum length of 6m measured from the rear of the service strip.

13. That all internal junction radii shall be designed to accommodate general service vehicles, including vehicle tracking, to the satisfaction of North Ayrshire Council as planning authority.

14. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the design and alignment of the temporary footpath from the south-east edge of the site to Castlepark Gardens, which shall be of a standard to facilitate use by both pedestrians and cyclists, shall be lit and shall be provided prior to the occupation of any of the houses on plots 1-24, all to the satisfaction of North Ayrshire Council as Planning Authority.

15. That all tree planting, seeding or turfing comprised in the landscaping proposals hereby approved shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

16. That prior to the occupation of any of the flats or dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a landscape management plan which shall include retention of a green link through the site and the whorled caraway marshland north of the access road, long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape management plan shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

17. That the minimum number of trees shall be felled; and no trees or hedges, other than those shown to be felled or lopped on the plans hereby approved, shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.

18. That prior to any tree felling taking place, the trees shall be surveyed for the presence of bats and a report shall be submitted for the written approval of North Ayrshire Council as Planning Authority detailing the findings of the survey and any measures required to be taken prior to the felling of the trees should the presence of bats be detected, all to the satisfaction of North Ayrshire Council as Planning Authority.

19. That all tree removal, ground and vegetation clearance works shall take place outwith the main bird breeding season, i.e. outwith the period March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority.

20. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of: (i) all external finishes to the buildings; (ii) all hard surfaces including parking areas and footpaths; (iii) all boundary and internal enclosures; (iv) the proposed bin store enclosures; (v) the finished floor levels for the flats and dwellinghouses relative to existing levels; and (vi) details of proposals for excavating the embankment to accommodate the access road to the upper level of the site.

21. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed equipped play area which shall include the provision of 5 different types of play equipment, seating; details shall also be submitted with regard to the means of enclosure including 2 gated points of access/exit, surface finish, litter bin provision and maintenance and management arrangements. The approved play area proposals shall be implemented on completion of more than 75% of the houses on plots 1-24 inclusive, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

22. 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 all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted by the applicants, agreed by the West of Scotland Archaeology Service and approved by North Ayrshire Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

23. That prior to the commencement of the development hereby approved, the applicants shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS 10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of the Environmental Health Service of North Ayrshire Council. 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 acceptable to the Environmental Health Service of North Ayrshire Council. On completion of the proposed works written verification, detailing what has been done by way of remediation shall also be submitted to the Environmental Health Service of North Ayrshire Council.

24. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, details of proposals for the provision, including timescale, of a pedestrian link between Kelburn Avenue and the application site, through the grounds of the adjoining petrol filling station; the pedestrian link shall be implemented in accordance with the approved details, to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

The meeting ended at 2.40 p.m.