

North Ayrshire Council (Determination Meeting)
8 August 2016

IRVINE, 8 August 2016 - At a Special Meeting of North Ayrshire Council (Determination Meeting) at 2.00 p.m.

Present

Joan Sturgeon, Robert Barr, Matthew Brown, John Bruce, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Tom Marshall, Elizabeth McLardy, Catherine McMillan, Ronnie McNicol, David O'Neill, Donald Reid and Robert Steel.

In Attendance

E. Murray, Chief Executive, A. Fraser, Head of Democratic Services and A. Craig, Team Manager (Litigation); C. McAuley, Head of Service (Economic Growth) and J. Miller, Senior Manager Planning (Economy and Communities); and M. Anderson, Committee Services Team Leader.

Chair

Provost Sturgeon in the Chair.

Apologies for Absence

John Bell, Marie Burns, Joe Cullinane, Willie Gibson, Jean Highgate, Alan Hill, John Hunter and Grace McLean.

1. Declarations of Interest

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

2. North Ayrshire and Cumbraes

16/00397/PPPM: Lawhill Farm

Mr Robert McMillan, Lawhill Farm, Lawbrae, West Kilbride has applied for planning permission in principle for a residential development on a site to the South East of 41 Tarbert Avenue, West Kilbride. Eight objections have been received. Representations received from Patricia Gibson MP and Kenneth Gibson MSP have also been received and were circulated at the meeting.

The Senior Manager Planning presented the officer report on the application, responding to the points raised in the Pre-Determination hearing before the Council earlier that day and in the objections, representations and consultation responses received, and highlighting the policy and other material considerations leading to the recommendation that the application be refused. The officer also read from extracts of the Reporter's decision and an email from the Executive Director of Cunninghame Housing Association, documents referred to by parties in the Pre-Determination Hearing.

Members then asked questions of the Senior Manager Planning and received responses (shown in italics) on the following:-

- the adequacy of affordable housing allocation within West Kilbride in the event of the application being refused
In addition to the provision at the current application site, there are two other viable sites within Seamill/West Kilbride. West Kilbride forms part of the wider North Coast area, which has provision for affordable housing
- whether the loss of the 70 affordable housing units on the application site could be accommodated
The affordable housing provision on the application site is still deemed to be viable
- whether the removal of the RES4 affordable housing allocation on this site would require a separate application
The applicant is proposing the relocation of the affordable housing provision to another part of the application site, rather than its removal. The current location of this provision is set out in the Local Development Plan, which has only been recently adopted.
- clarification of the total affordable housing provision associated with the current application site
Some 70 units would be provided within the RES4 allocation, plus a 25% affordable housing contribution from the remaining units, bringing the total provision to some 130 units

Councillor Brown, seconded by Councillor Dickson, moved that the application be refused for the reasons detailed in the report. As an amendment, Councillor Barr, seconded by Councillor Steel, moved that the application be granted, subject to conditions.

On a division and roll call vote, and with Councillor Marshall abstaining, there voted for the amendment Councillors Barr, Easdale, McNicol and Steel, and for the motion Councillors Brown, Bruce, Dickson, Ferguson, Gallagher, McLardy, McMillan, O'Neill, Reid and Sturgeon, and the motion was declared carried.

Accordingly, the Council agreed to refuse the application, for the following reasons:-

1. That the proposed development is contrary to Policy ENV2 of the North Ayrshire Local Development Plan in that the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.

2. That the proposed development is contrary to Policy RES1 and RES2 of the Adopted North Ayrshire Local Development Plan, as there is an adequate supply of allocated housing land both within North Ayrshire and in the North Coast & Cumbraes' Sub-Housing Market Area. The approval of this development would prejudice the current housing land supply and the proper planning of the area.
3. That the proposed development by reason of its scale and location would be contrary to criterion c) of the General Policy of the Local Development Plan, as it would result in the loss of countryside and would be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.

3. Isle of Arran

16/00467/PPPM: Site to West of Clachaig Farm

Isle of Arran Distilleries Limited, Offices 4 and 5, Touch Business Park, Touch Estate, Stirling, has applied for planning permission in principle for the development of a new distillery, visitor centre and bonded warehousing, associated landscaping, infrastructure, access and car parking. Four objections have been received.

The Senior Manager Planning presented the officer report on the application, responding to the points raised in the Pre-Determination hearing before the Council earlier that day, and in the objections representations and consultation responses received, and highlighting the policy and other material considerations leading to the recommendation that the application be approved subject to conditions. He advised of a proposed amendment to Condition 2 to reflect the applicant's undertaking in respect of restoration arrangements.

Members then asked questions of the Senior Manager Planning and received responses (shown in italics) on the following:-

- the implications of the proposed restoration bond
Condition 2 (as amended) sets out the default position effectively provided by the restoration bond, the details of which would be the subject of further discussion between the applicant and the Council's Legal Services
- whether the proposed conditions would be overly prohibitive in terms of limiting the types of products which might be sold on site
Sales of ancillary products would be permitted within reason
- the likelihood of the warehousing blending into the surroundings over time
the buildings have been designed to use the topography of the site in order to limit visual impact and extensive planting is also proposed

- whether any condition requiring the distillery to be built prior to the warehousing would impact on the feasibility of the proposals
such a requirement could delay the project by up to two years and, in the meantime, warehousing provision is urgently required
- whether any action would be taken in the event of a delay in commencing construction of the distillery and visitor centre
Planning Officers would be in contact with the applicant in the event of slippage in terms of the phased construction

Councillor Brown, seconded by Councillor Dickson, moved that the application be approved, subject to the conditions (as amended) within the officer's report. As an amendment, Councillor Bruce, seconded by Councillor Marshall, moved that the application be approved, subject to (i) the conditions (as amended) within the officer's report and (ii) an amendment to Condition 1 to remove phase 2(a) and the transfer of those elements of the project to phase (1).

On a division, there voted for the amendment 2 and for the motion 12, and the motion was declared carried.

Accordingly, the Council agreed to grant the application, subject to the following conditions:-

1. That, the development, hereby approved, shall be completed in line with the approved phasing plan, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, the Phasing Plan states that the site shall be developed in 3 phases as follows:

| | |
|-----------|---|
| Phase 1: | warehouses 1-3 construction (October 2016 to April 2017); |
| Phase 2a: | distillery building works (February 2017 to April 2018); |
| Phase 2b: | distillery fit out (January 2018 to July 2018); |
| Phase 3: | warehouses 4-6. |
2. That, in the event of any failure to carry out Phases 2a and 2b in accordance with the Phasing Plan as indicated within Condition 1, or through any amendment of the Phasing Plan, as may be agreed in writing by North Ayrshire Council as Planning Authority, any development undertaken in terms of Phase 1 shall be removed and the land restored to its former condition, in accordance with the existing context plan (Ref. 1562-PLA-014). That, prior to the commencement of the development, hereby approved, a restoration bond to secure the removal of any buildings erected under Phase 1, should Phases 2a and 2b not be implemented, shall be agreed with North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of each phase of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.

4. That, prior to the commencement of the development, details of all external lighting, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
5. 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 'The SuDS Manual' (CIRIA report C753, published November 2015), shall be submitted to and approved in writing 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.
6. That, prior to the commencement of the development, details of the proposed cycle parking spaces (including number, location and design), shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. The approved details shall be installed prior to the coming into use of the distillery and visitor centre, hereby approved, and thereafter retained.
7. That, a road condition survey of the C147 in the vicinity of the proposed access, in conjunction with the Arran Local Office shall be carried out prior to the work commencing on site and after the work is completed. The development shall be completed in strict accordance with the approved Transportation Statement, to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, prior to the coming into use of the distillery, visitor centre or warehouses, hereby approved: (i) the access shall be hard surfaced for a minimum of 15 metres to prevent loose material being deposited onto the public road; and (ii) the access shall be designed in such a way that no surface water shall issue onto the public road, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That, no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation that has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer 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 as Planning Authority, in agreement with the West of Scotland Archaeology Service.

10. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the applicant shall construct and operate the development in accordance with the provisions of the application, the supporting reports (design and access statement, architectural design statement, drainage impact assessment and flood risk assessment, ecological appraisal, economic and tourism impact appraisal, heritage assessment, planning statement, transport statement, landscape appraisal and landscape proposals) and submitted plans and shall fully implement the mitigation measures contained within the submission to the satisfaction of North Ayrshire Council as Planning Authority. For clarification, the Good Practice Measures detailed in the Ecological Appraisal (sections 6.28 to 6.33) shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

The Meeting ended at 3.15 p.m.