

**Planning Committee
23 November 2022**

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Stewart Ferguson, Cameron Inglis, Ian Murdoch and Chloé Robertson.

Present (Remote Participation)

Timothy Billings, Davina McTiernan and Jim Montgomerie.

In Attendance (Physical Participation)

J. Miller, Chief Planning Officer (Planning); R. Lynch, Senior Manager (Legal Services), A. Little and C. Stewart, Committee Services Officers (Chief Executive's Service).

Apologies

Scott Davidson.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minute of the meeting of the Planning Committee held on 26 October 2022 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 22/00717/LUE: Hunterston Construction Yard, Fairlie, Largs Certificate of Lawfulness for existing general industrial use (Class 5)

Clydeport Operations Ltd had applied for a Certificate of Lawful Use or Development (CLUD) to ascertain whether any operations, use of land or building or a breach of a planning condition is or would be lawful for the site at Hunterston Construction Yard, Fairlie, Largs.

The report highlighted that a CLUD was not equivalent in law to a grant of planning permission but the purpose of a CLUD for an existing use was usually to secure immunity from enforcement action by the Planning Authority or to provide certainty for future planning applications.

The Chief Planning Officer advised that there were no requirements for neighbour notification or publicity measures for a Certificate of Lawfulness application and no consultations had therefore been undertaken on the application. Representations had however been received and he provided details of these to the Committee.

The Senior Manager (Legal Services) stated to the Committee the terms of Section 150 of the Town and Country Planning (Scotland) Act 1997 and what the Committee required to consider in terms of the Act. He added that if the Committee were minded to refuse the application, the applicant had a right of appeal to the Scottish Ministers and if successful, the Council would be liable for any resultant expenses.

Members asked questions and were provided with further information in relation to:-

- the provision of evidence that demonstrated the industrial use of the site over a period of 10 years;
- Class 5 certification that was not equivalent in law to the grant of planning permission;
- the purpose of a Certificate of Lawful Use or Development (CLUD) for an existing use which is usually to secure immunity from enforcement action by the Planning Authority or to provide certainty for future planning applications;
- any future proposals for the site that would be the subject of a planning application;
- the permanent location of the 3 test wind turbines on the site that would not have been supported by the planning authority, the wind turbines on site that had been in situ for a limited period for testing purposes and therefore within Class 5 uses;
- any enforcement in terms of SSSI that would mainly be for consideration by NatureScot; and
- the application for Class 5 certification that had no bearing on the Special Development Order for Ardeer Peninsula.

Councillor Inglis, seconded by Councillor Ferguson, moved that the application be granted. There being no amendment, the motion was declared carried.

The Committee agreed to grant a Certificate of Lawful Use or Development (CLUD), under Section 150 of the Town and Country Planning (Scotland) Act 1997.

4. Notice under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997: Townhead Close, Largs

Submitted report by the Executive Director (Place) seeking approval to promote the stopping up of Townhead Close, Largs under sections 207 and 208 of The Town and Country Planning (Scotland) Act 1997 at Townhead Close, Largs.

On 24 May 2022, planning permission was granted for the demolition of all existing buildings and structures on site and the development of a single retail unit (for convenience retailing purposes), associated car parking, revised vehicular access, servicing and ancillary development plus hard and soft landscaping at a site at 123-125 Main Street, Largs. The site contains the access from Main Street to Townhead Close, a small, adopted cul-de-sac containing three residential properties and the rear

access to an additional residential property on Waterside Street. In total, the access for four properties would be affected by the development.

The Parking Management Plan, as required by the terms of the condition, has not yet been submitted, however, it is expected that the customer car park would be controlled through APNR licence plate recognition of cars entering and leaving the car park. Residents of Townhead Close would be able to register to have their vehicles excluded from the scheme.

Councillor Murdoch, seconded by Councillor McTiernan, moved to grant authority to promote the stopping up of Townhead Close, Largs under sections 207 and 208 of The Town and County Planning (Scotland) Act 1997 at Townhead Close, Largs. There being no amendment, the motion was declared carried.

The Committee agreed to grant authority to proceed with promoting a Stopping Up Order for Townhead Close, Largs.

The meeting ended at 2.40 p.m.