

Planning Committee  
22 February 2023

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, Timothy Billings, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

**Present (Remote Participation)**

Scott Davidson, Jim Montgomerie, Ian Murdoch and Chloé Robertson.

**Also Present (Physical Participation)**

Todd Ferguson (Agenda Items 1-4).

**In Attendance**

J. Miller, Chief Planning Officer, A. Gemmell, Strategic Planning Manager and T. Ledingham, Planning Officer (Strategic Planning) (Economic Development and Regeneration) (Place); R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services), D. McCaw, C. Stewart and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**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 Minutes of the Meeting held on 25 January 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. National Planning Framework 4 (NPF4)**

Submitted report by the Executive Director (Place) on the adoption of Scotland's fourth National Planning Framework (NPF4), which now formed part of the local development plan for North Ayrshire, sitting alongside the adopted Local Development Plan (LDP2).

The Strategic Planning Manager presented information in connection with the background to implementation of the plan, including spatial principles, regional priorities and national developments which aimed to contribute to creating places which were sustainable, liveable and productive. The Committee was advised that a Delivery Programme had been prepared setting out the approach for key short and medium term actions in relation to governance and collaboration, delivery mechanisms, infrastructure funding and finance, skills resources and performance, and monitoring and evaluation. This would be updated within 6 months and thereafter on an annual basis.

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

- the designation of Hunterston as a National Development within NPF4 to support repurposing;
- any unforeseen issues in connection with implementation of NPF4 in conjunction with LDP2 where matters may not accord; and
- the fit of Arran and Cumbrae within the Central Region and how this would be interpreted to sustain communities and pioneer investment in the blue economy.

The Chief Planning Officer advised that an Elected Member development session would take place on 20 March 2023 covering transitional arrangements in connection with implementation of NPF4 in conjunction with LDP2.

The Committee agreed to note (i) the adoption of National Planning Framework 4; and (ii) that the Framework was now part of the development plan for North Ayrshire.

#### **4. Tree Preservation Order: Grouping of Trees adjacent to Wildcat Lane and Summerlea Road, West Kilbride**

Submitted report by the Chief Planning Officer regarding confirmation of a Tree Preservation Order (TPO) for a group of trees located along Wildcat Road and Summerlea Road, West Kilbride.

The TPO, created in September 2022 following approval by the Planning Committee, was subject to a public consultation period in line with relevant legislation. The report summarised the representations made and provided recommendations on further action upon consideration of those recommendations. The report recommended that the TPO be confirmed unmodified as the grouping of trees contributed to wider public amenity.

Councillor Billings, seconded by Councillor Stewart Ferguson, moved confirmation of the TPO in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to confirm a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997 in the interests of protecting public amenity.

Councillor Todd Ferguson left the meeting at this point.

## **5. Tree Preservation Order: Grouping of Trees located at Stevenston High Kirk Manse**

Submitted report by the Chief Planning Officer regarding the process and merits of protecting a group of trees located on the grounds of Stevenston High Kirk and the adjacent Manse.

The report indicated that concerns had been raised by a member of the public in connection with a lack of protection for trees located within the grounds of Stevenston High Kirk and the adjoining Manse. Council Officers conducted a site visit and desk top analysis to assess the suitability of a TPO and relevant legislation. Following a preliminary assessment of the trees, it was considered that the trees added to the local landscape character and contributed to amenity. It was also noted that the trees were mostly located in the grounds of Stevenston High Kirk, a Category B-Listed Church and cemetery and designated within the Local Development Plan as Open Space. Further considerations included the existence of a core path located east of the Kirk which led to the Town Centre then down to the Coast. A subsequent site visit confirmed numerous tree species of note including a Tulip Tree normally found within botanical gardens. The trees were found to have met the criteria for a TPO and the report recommended that this be served in the interests of protection of public amenity and cultural heritage.

Members of the Committee expressed support for a TPO to preserve the heritage and character of the particular area of Stevenston.

Councillor Montgomerie, seconded by Councillor McTiernan, moved to support the serving of a TPO in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to the serving of a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997.

## **6. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Tennox Farm, Kilbirnie**

Submitted report by the Executive Director (Place) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act, 1997 requiring the removal of the unauthorised dwellinghouse, associated outbuildings and ancillary works at Tennox Farm, Kilbirnie and restoration of the land to its former condition prior to development.

The report advised that the Council had received a number of reports in recent years that land at Tennox Farm near Kilbirnie had been developed with a number of unauthorised buildings as well as formation of a large yard area. An Enforcement Notice under Section 33A of the Act was served on the owner of the land in March 2022. The Notice included the requirement for the submission of a planning application in respect of a dwellinghouse and ancillary outbuildings, which was subsequently refused planning permission during 2022. A review of the decision was undertaken by the Local Review Body on 25 January 2023. The review was dismissed with the consequence that the development remained unauthorised.

Councillor Foster, seconded by Councillor Billings, moved to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, requiring the removal of the unauthorised dwellinghouse, associated outbuildings and ancillary works at Tennox Farm (ref. 22/00331/PP) and the restoration of the land to its former condition prior to the development taking place.

The meeting ended at 2.35 p.m.