

**Planning Committee
4 December 2019**

Irvine, 4 December 2019 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Planning), J. Law, Solicitor (Legal Services); and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ellen McMaster.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Planning Committee held on 2 October 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Chair Remarks

The Chair advised that the LDP 2 was formally adopted on 28 November 2019 and reminded Members that the policy required to be considered by the Planning Committee when determining applications.

The Chair advised that if any Member had a financial or non-financial interest in any contract or any other matter as defined by section 5 of the Code of Conduct for Councillors and was present at the meeting at which the matter was to be considered, the Member must disclose an interest and the nature of that interest. Members should also not be involved in any form of lobbying as defined by section 6 of the Councillors Code of Conduct.

The Chair also advised of the recent ruling by the Supreme Court that community benefits were not a planning material consideration and could not be taken in to account when deciding whether to grant planning permission.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short recess due to IT issues.

The meeting reconvened with the same Members and officers present and in attendance.

3.1 19/00748/PPM: Dundonald Links, Ayr Road, Irvine

Darwin Leisure Development Properties (Guernsey) Ltd have applied for Planning permission for a tourism development at Dundonald Links golf course to the south of Irvine. The proposal involves the erection of a replacement clubhouse and 97 holiday lodges (which would provide 124 individual units) as well as other improvements and upgrades to maintenance facilities, removal of the existing pre-fabricated clubhouse building and the formation of a new road access onto Ayr Road. In addition to changing facilities for golfers, the proposed clubhouse would provide a bar, lounge and catering for use by guests staying at Dundonald Links and the general public. No representations were received.

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

1. That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant in consultation with the West of Scotland Archaeology Service and approved in writing 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 consultation with the West of Scotland Archaeology Service.
2. That the development hereby approved shall be implemented in accordance with the recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of the development, the habitat management plan (HMP) shall be updated to include measures that would contribute to the Irvine to Girvan Nectar Network (IGNN) that aims to establish connected nectar and pollen-rich sites along the Ayrshire coast to ensure long-term survival of pollinating insects in the area. The updated HMP shall be then submitted for the written approval of North Ayrshire Council. Thereafter, all of the measures contained in the updated HMP shall be implemented during the course of the development.

4. That prior to the commencement of the development of the replacement club house, the applicant shall undertake a targeted intrusive site investigation to confirm ground conditions for geotechnical purposes, with selected soil and groundwater samples to confirm the absence of any significant environmental impact. A UXO assessment should also be undertaken prior to any earth moving operations. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted for the written confirmation of North Ayrshire Council as Planning Authority.
5. That the foul drainage arrangements for the development shall be connected to the public sewer. For the avoidance of doubt, surface water shall not be drained to the public sewer.
6. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme 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, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments ground surface treatments to be used in the development. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
8. That, prior to the commencement of the any landscaping works on the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of plant/shrub species, planting densities, soil treatment and aftercare. The designer of the scheme shall incorporate measures to minimise the attractiveness of the landscaping to birds. Since any type of landscaping or planting of any new trees/shrubs may attract birds by providing feeding, nesting and roosting habitat, large quantities of berry-bearing species should be avoided wherever possible in close proximity to Glasgow Prestwick Airport. Thereafter, the landscaping scheme as may be approved shall be implemented prior the completion of each phase of the development to the satisfaction of North Ayrshire Council as Planning Authority.

9. That details of any treeworks, inclusive of tree protection measures, to be undertaken during the development shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." For the avoidance of doubt: - there shall be no treeworks undertaken during the main bird breeding season (March - September); - all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the relevant phase of the development. The development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
10. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
11. That visibility splays of 4.5m x 215m shall be provided and maintained on land within the applicant's control at the access junctions with Ayr Road such that there is no obstruction to visibility above a height of 1.05 metre measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.
12. That a 3 metre wide all abilities path connection shall be formed between the north bound bus stop on Ayr Road and the central area of the development site prior to the replacement club house coming into operation.
13. That, prior to the commencement of phase 2 of the development, an appendix to the transport statement shall be prepared to consider the need for a ghost island right turn lane on Ayr Road at the main site access and submitted for the written approval of North Ayrshire Council as Planning Authority. The scope of the transport statement shall be agreed in writing with the planning authority beforehand. In the event that a ghost island right turn lane on Ayr Road is required, the facility shall be provided prior to the completion of phase 2 of the development to the satisfaction of North Ayrshire Council as Planning Authority, or, with the mutual agreement of both parties, by an earlier date as may be deemed necessary in the interests of the safe and efficient movement of traffic on Ayr Road. For the avoidance of doubt, phase 1 shall comprise the clubhouse and the first 40 lodges. Phase 2 shall comprise the remaining 84 lodges.
14. That no holiday lodges shall be occupied until the replacement clubhouse, hereby approved, is completed and operational to the satisfaction of North Ayrshire Council as Planning Authority.

15. That the occupation of the lodges hereby approved shall be limited to persons visiting Dundonald Links for holiday purposes only. The maximum letting period to any individual or group shall be limited to 30 days and shall not be re-let to the same person(s) for consecutive periods or for more than 30 days in any 12 month period. In addition, the lodges shall not be sold, let, or sub-let for any other purpose without the prior written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, none of the lodges shall be occupied as a permanent residence.

Councillor Larsen left the meeting at this point.

4.1 19/00443/PPM: Site To South Of Wood Farm, Kilwinning, Ayrshire

Taylor Wimpey West Scotland have applied for planning permission for the erection of 198 dwellinghouses including formation of site access onto A737, footpaths, landscaping, open space and ancillary infrastructure. 1 representation was received and summarised in the report.

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

1. That prior to the commencement of the development, a written scheme of investigation for a programme of archaeological works shall be submitted to the Council, as Planning Authority, for written approval and agreement of the West of Scotland Archaeological Service. Thereafter any programme of works as agreed will be carried out in accordance with the written scheme to the satisfaction of the Council, as Planning Authority.
2. That prior to the commencement of the development, the results of soil samples taken from the route of water supply pipes, as recommended in the Site Investigation Report by Mason Evans dated April 2019 Project Reference P16/608, and details of proposed water supply pipe shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the pipes shall be installed in accordance with any details agreed.
3. That prior to the commencement of the development, details of the effect increased road traffic will have on local air quality shall be submitted to the Council, as Planning Authority, for written approval. Any details shall include an assessment of whether there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. If there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, then the details must also include details of remediation measures. Thereafter, the development will be carried out in accordance with any details as may be approved.

4. On the basis works do not commence prior to 7th March 2020, that prior to the commencement of the development a Preliminary Ecological Appraisal, dated not less than 6 months before the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the development will be carried out in accordance with the details of any Appraisal as may be approved.
5. Prior to the construction of any other part of the development, the new priority junction with the A737 and the widening of the footpath on the eastern side of the A737 shall be constructed to the satisfaction of North Ayrshire Council as Planning Authority, in consultation with Transport Scotland, unless otherwise agreed in writing.
6. Prior to the commencement of the development, the bus stops adjacent to the site, on both sides of the A737, shall be upgraded to the satisfaction of North Ayrshire Council, as Planning Authority, in consultation with Transport Scotland.
7. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping including measures for separation of the site from Wood Farm, boundary details for the western boundary onto the A737, details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare.
8. That any landscaping scheme as may be approved under Condition 7 shall be carried out in the first planting season following completion or occupation of the houses, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. 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.
9. That prior to commencement of the development, details of drainage proposals including;
 - i) a maintenance plan and schedule showing the party or parties responsible for the upkeep of all surface water infrastructure assets;
 - ii) full design details of the exceedance flow-path including appropriate mitigation;
 - iii) a strategy for dealing with land drainage and/or any existing field drains;
 - iv) drawings showing the overflow device and access arrangements for the proposed SuDS Basin;
 - v) material to demonstrate that the discharge of surface water to the water environment accords with the principles of the SuDS Manual (C753), published by CIRIA in November 2015, and complies with the terms of The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (as amended); and
 - vi) confirmation of discharge rates and locations along with details of appropriate water quality treatment measures.

10. That within 6 months of the date of the completion of the houses on Plots 163 and Plots 181 respectively, footpath links to the core path network to the south of the site will be completed to the satisfaction of North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing.

4.2 19/00542/PP: Hullerhill Sand Quarry, Kilwinning

Hugh King & Co have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the to vary conditions 8 (hours of working) and 14 (noise limits) of planning permission N/14/00656/DCMS in order to enable increased working hours for the operation of the drying and mortar plants at Hullerhill Quarry, near Kilwinning.

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

1. That no extraction, aggregate processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. The operation of the drying plant and mortar plant is permitted during the hours of 06.00 to 21.00 Monday to Friday, 06.00 to 20.00 on Saturdays and 07.00 to 20.00 on Sundays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority. **This condition shall have effect for a temporary period of 1 year and shall expire on 4th December 2020, unless otherwise agreed in writing.**
2. That noise from the development during the hours 06.00 to 19.00 Monday to Friday and 06.00 to 16.00 on Saturdays shall not exceed 55dB LAeq, 1hour (free field) at any noise-sensitive premises, except noise from soil stripping or landscape operations. Noise from the development during the hours 19.00 to 21.00 on Mondays to Fridays, 12.00 - 20.00 on Saturdays and 07.00 to 20.00 on Sundays shall not exceed 45dB LAeq, 1hour (free field) at any noise-sensitive premises, all to the satisfaction of North Ayrshire Council as Planning Authority. **This condition shall have effect for a temporary period of 1 year and shall expire on 4th December 2020, unless otherwise agreed in writing.**

5.1 19/00523/PPM: Site To West Of Mayfield Farm, Mayfield Road, Stevenston

Persimmon Homes have applied for Planning permission for a major residential development on an area of agricultural land at Mayfield Farm between Stevenston and Saltcoats. The site lies to the north of Priest Hill View/Gooding Crescent, Stevenston; east of Ailsa Road/Middlepart Crescent/Fleck Avenue, Saltcoats; to the north of A378 High Road/Mayfield Filling Station and south of James Reid School, Saltcoats. 9 objections and 2 representations were received and summarised in the report.

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

1. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations for mine entries and adits shall be undertaken by appropriately qualified persons, the scope of which shall be adequate to fully assess the ground conditions below the site and inform any required remedial works. Thereafter, the applicant or their representative shall prepare and submit a report of findings arising from the intrusive site investigations, including the following:
 - the submission of a layout plan which plots the precise location and zones of influence for the mine entries on site;
 - the submission of a scheme of treatment for mine entries for approval as well as any necessary mitigation measures required;
 - the submission of a scheme of remedial works for shallow workings for approval; and thereafter
 - the implementation of all remedial, treatment and mitigation works prior to the commencement of the development,all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the development hereby approved shall be implemented in accordance with all of the recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That the developer shall secure the implementation of an archaeological watching brief for the site, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority. The first stage of the watching brief shall be an intrusive archaeological evaluation of an 8% sample of the undisturbed parts of the application area to illuminate the possibilities for buried remains surviving on site. This will serve to investigate the nature and significance of any surviving buried archaeology. Thereafter, the retained archaeological organisation shall be afforded access at all reasonable times during the groundworks phase of the development and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief shall be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
4. That, prior to the commencement of the development, the findings of the submitted/updated flooding and drainage studies shall be incorporated into the final design stages for the drainage system for the development, certified by an appropriately qualified person and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved.

5. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments and in-curtilage ground surface treatments to be used in the development (i.e. driveways, gardens and any incidental open space). Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the children's play area(s) to be provided within the development, inclusive of a summary of their future management and maintenance arrangements. Thereafter, the play area(s) as may be approved shall be implemented prior the completion of each phase within the development to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare. Thereafter, the landscaping scheme as may be approved shall be implemented prior the completion of each phase within the development to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
9. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
10. That:
 - a) During the construction of Area 2, a hard surfaced 2m wide temporary footpath link (to include lighting) shall be provided between the northwest corner of Area 2 and the main access route into the site from High Road (within Areas 1 and 2) until such times as a permanent footpath connection is formed via Area 4 and to the satisfaction of North Ayrshire Council as Planning Authority;

- b) Within 6 months of the date of the completion of the houses within Area 2, a footpath link to all abilities standard into Priest Hill View to the south of the site shall be completed to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
11. That, notwithstanding the plans hereby approved, the approval of North Ayrshire Council as Planning Authority shall be obtained before the commencement of building operations to erect any housing within Area 4 as indicated in drawing PH-MFS-BR-01, with regard to the siting, design and external appearance of the dwellinghouses, landscaping and means of access. For the avoidance of doubt, there shall be no vehicular access to the development via Fleck Avenue.

6.1 19/00787/MSCM: Site To East Of 7 - 9 Beith Road, Glengarnock, Beith

JR Construction Scotland Ltd have applied for planning permission for the approval of matters specified in conditions relating to the construction of 83 dwellings for social rent. The application relates to a number of the conditions attached to the planning permission in principle. The approval of this application would enable the development to proceed, subject to the approval of the outstanding conditions. 3 letters of representation were received and summarised in the report.

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

1. That, prior to the commencement of the development hereby approved, the matters specified in criterion (c) and (d) of condition 1 of the associated planning permission in principle (ref. 17/00389/PPPM) shall to be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That condition 5 of planning permission in principle (ref. 17/00389/PPPM) is hereby modified as follows: "A 3m wide footway/cycleway shall be provided along the frontage of the site to the satisfaction of North Ayrshire Council as Planning Authority."
3. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments ground surface treatments to be used in the development. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

7. The Planning (Scotland) Act 2019 Commencement Regulations

The committee agreed to continue consideration of this item to the next meeting.

The Meeting ended at 3.55 p.m.