

North Ayrshire Council (Determination Meeting)  
24 February 2016

**IRVINE, 24 February 2016** - At a Special Meeting of North Ayrshire Council  
(Determination Meeting) at 1.30 p.m

**Present**

Joan Sturgeon, Robert Barr, Matthew Brown, John Bruce, Marie Burns, Ian Clarkson, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Willie Gibson, Alan Hill, John Hunter, Ruth Maguire, Tom Marshall, Grace McLean, Catherine McMillan, Peter McNamara, Ronnie McNicol, Donald Reid and Robert Steel.

**Also Present**

Tony Gurney.

**In Attendance**

E. Murray, Chief Executive, A. Fraser, Head of Democratic Services, A. Craig, Team Manager (Litigation); K. Yeomans, Executive Director, C. McAuley, Head of Service and P. Brennan, Specialist Environmental Health Officer (Economic Growth) and J. Miller, Senior Manager Planning (Economy and Communities); G. Hamilton, Provost's Office Co-ordinator, M. Sugden, Communications Officer (Media and Internal Communications) and A. Little, Committee Services Officer.

**Also In Attendance**

D. Lodge, Road Safety Consultant.

**Chair**

Provost Sturgeon in the Chair.

**Apologies for Absence**

John Bell, Jean Highgate, Jim Montgomerie and Irene Oldfather.

**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.

Councillor Gurney did not take part in the discussions or decisions given that he had not been present during the Pre-Determination Hearing in respect of the applications.

**2. Irvine/Kilwinning**

**15/00705/PPPM: Dundonald Links, Ayr Road, Irvine**

Loch Lomond Golf Club, Rossdhu House, Luss, has applied for planning permission in principle for a residential development and visitor accommodation to include associated access, parking, landscaping and ancillary works at Dundonald Links, Ayr Road, Irvine. No objections have been received.

The Senior Manager Planning presented the officer report on the application, responding to the points raised in representation 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 further condition (12) to be added to ensure, as the justification for the development was as enabling development, that the clubhouse was completed prior to commencement of the development. The applicant had been advised of this condition.

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

- whether an agreement had been reached with the applicant in respect of Policy PI 8 which relates to drainage, SuDS and flooding;  
*this had been agreed with the applicant and any increased levels would require further permission.*
- the current occupancy of Loudoun-Montgomery Primary School and the remaining capacity;  
*this information was not available for the meeting, however Education and Youth Employment had no objection to the application*

Councillor Gibson, seconded by Councillor Hill, moved that the application be granted, subject to the conditions detailed in the report and the additional condition referred to by the Senior Manager Planning. As an amendment, Councillor Marshall, seconded by Councillor Clarkson, moved that the application be granted, subject to the conditions detailed in the report and the additional condition referred to by the Senior Planning Manager, with the exception of Condition 4 (in respect of siting, design and external appearance) which should be remitted to the Planning Committee for consideration.

On a division, there voted for the amendment 5 and for the motion 16 , and the motion was declared carried.

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

1. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 3, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved 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.

2. That prior to the submission of the first application for the approval of matters specified in conditions (MSC) a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 3, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
  
3. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site and a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan and development brief shall take into account the findings of the archaeological investigations and the detailed SuDS scheme required by conditions 1 and 2 respectively, and shall indicate:
  - the means of access to the site, including multi-user link(s) to public transport at Ayr Road;
  - the development layout;
  - the housing designs for the development;
  - structural landscaping including earthworks to mitigate road noise from the A78 and industry;
  - areas of open space;
  - areas for children's play and
  - phasing.

For the avoidance of doubt, the maximum number of housing units within the development hereby approved shall not exceed 45. In addition, the housing development area shall be limited to the land generally to the south of the replacement clubhouse consented under the terms of planning permission ref. 15/00558/PP.

Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

4. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development and affordable housing contribution shall be obtained before the development is commenced.

5. That application(s) for the approval of matters specified in conditions (MSC) shall include details of the noise mitigation measures in accordance with PAN 1/2011 'Planning and Noise' and the associated Technical Advice Note (TAN) - 'Assessment of Noise'. The assessment shall take into account all noise related details contained in the consultation response of Environmental Health dated 9th December 2015. Thereafter, the findings arising from the noise impact assessment as may be approved shall be implemented prior to any of the houses being occupied to the satisfaction of North Ayrshire Council as Planning Authority.
6. That application(s) for the approval of matters specified in conditions (MSC) shall include measures to implement the findings and recommendations of the Extended Phase 1 Habitat Survey prepared by Energised Environments Ltd dated October 2015. Thereafter, the development shall be implemented only in accordance with the measures as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.
7. That application(s) for the approval of matters specified in conditions (MSC) shall include a biodiversity action plan, which shall include details of bat hibernacula, bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation. Thereafter, the action plan as may be approved shall be implemented prior to the completion or occupation of the development, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.
8. That visibility splays of 4.5m x 215m shall be provided and maintained on land within the applicant's control, 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.
9. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development shall be submitted for the 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." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. 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 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, during the implementation of the development hereby approved, all recommendations contained within the report titled "Residential Development - Dundonald Links, Geo-Environmental Desk Study Report" by Fairhurst, Report No. 111895 and dated November 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
11. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of 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; and
12. That the clubhouse, as previously approved under the terms of planning permission ref. 15/00558/PP, shall be erected to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of the housing development hereby approved, unless otherwise agreed in writing.

### **3. North Coast and Cumbraes**

#### **15/00642/PPM: Site to east of Alexander Avenue, Largs**

North Ayrshire Council (Education and Skills), Cunninghame House, Irvine has applied for planning permission for the erection of an educational campus comprising a nursery, primary and secondary schools, including associated pedestrian and vehicle access points, parking areas, outdoor sports/play areas and landscaping at the site to the east of Alexander Avenue, Largs. Thirteen objections have been received. Two late objections had also been received and had been circulated at the Pre-Determination Hearing.

The Senior Manager Planning presented the officer report on the application, responding to the points raised in representation 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 that there had not been a previous planning application for this site, as referred to by Largs Community Council (LCC) in the Pre-Determination Hearing, but that LCC may have objected to the Local Development Plan. He further advised that the proposed conditions will address the issues that have been raised regarding the Travel Plan and public transport.

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

- the number of buses that will be used to transport pupils to the campus;  
*six buses will be required to transport the young people to and from the campus;*

- the limited use of one way systems by parents at other new schools, such as Elderbank Primary school;  
*a one way system will be provided for parking and drop-off within the campus for use by parents. The arrangements will be monitored during the first year to ensure any issues are identified and resolved.*

Councillor Gibson, seconded by Councillor Hill, moved that the application be granted, subject to the conditions detailed in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council, having considered the terms of the objections and representations received, agreed, subject to referral to Scottish Ministers in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, to grant with the undernoted conditions:-

1. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development shall be submitted for the 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." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. 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 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.

2. That, prior to the commencement of the development, hereby approved, the following surveys for nature conservation purposes shall be undertaken:
  - an updated bat survey shall be undertaken following an inspection of the site for the presence of bat roosts.
  - pre-construction surveys for the presence of badgers and otters shall be undertaken during the 2 week period before the commencement of works.

In the event of any bat roosts, badgers or otters being found within the site, survey reports shall include a mitigation plan to conserve or replace bat roosting sites, badger setts or otter holts, the details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Any mitigation plan which may be approved shall be brought into operation prior to the commencement of site operations to the satisfaction of North Ayrshire Council as Planning Authority.

3. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of 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.
4. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of all off-site path and lighting improvement works as may be deemed necessary by North Ayrshire Council as Roads Authority. Thereafter, the off-site path and lighting improvements and all other works as may be approved shall be fully implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
5. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used on the campus building and an annotated plan indicating the surface treatments for open spaces, footpaths, play areas, roads and car parks. 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, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed plan and schedule of the proposed boundary treatments to be formed as part of the development. Thereafter, the boundary treatments as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the landscaping scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a biodiversity action plan, which shall include details of bat hibernacula, bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation. Thereafter, the action plan as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
9. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a noise impact assessment in accordance with PAN 1/2011 'Planning and Noise' and the associated Technical Advice Note (TAN) - 'Assessment of Noise'. The assessment shall take into account all noise related details contained in the consultation response of Environmental Health dated 27th November 2015. Thereafter, the findings arising from the noise impact assessment as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
10. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority the specification of the boiler plant to be installed at the campus. The specification shall take into account all of the air quality related details contained in the consultation response of Environmental Health dated 27th November 2015. Thereafter, the building operations shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
11. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of measures to be taken to reduce carbon dioxide emissions arising from the campus building. Thereafter, the building operations shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
12. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of all external lighting and signposting within the site. Thereafter, the external lighting and signposting scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.

13. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of secure cycle parking within the site, which shall be provided at a rate of 10% for the peak level of staff/visitors and 10% of pupils within a defined cycling catchment area. The cycling catchment area shall be defined by the applicant for the written agreement of North Ayrshire Council as Planning Authority prior to the calculation of the 10% figure. In addition, details of secure scooter parking at a rate of 1% of pupil numbers within the defined cycling catchment area shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all details as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
14. That prior to the campus becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Travel Plan for the campus. Such a Travel Plan shall include details of active travel proposals for all users of the site and an indication of the measures which shall be undertaken to reduce car journeys. Thereafter, the Travel Plan as may be approved shall be implemented upon the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 2 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
15. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a Public Transport Strategy for the campus. This shall provide details of public transport infrastructure to be provided (bus stops and shelters) and travel information to be provided to ensure users are aware of pedestrian, cycle and public transport provision. The strategy may also include measures for the provision of real time public transport information and details of the frequency, routing of and funding mechanisms for any new or amended bus services to serve the development. Thereafter, the development shall be implemented in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
16. That prior to the campus becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Site Waste Management Plan (SWMP). Thereafter, the SWMP as may be approved shall be implemented upon the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 5 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

The meeting ended at 2.25 p.m.