

## **Planning Committee 23 August 2023**

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

### **Present**

Timothy Billings, Scott Davidson, Cameron Inglis, Jim Montgomerie and Chloé Robertson.

### **Also Present**

John Sweeney.

### **In Attendance**

Y. Baulk, Head of Service (Housing & Public Protection), A. Finlayson, Chief Planning Officer; I. Davies and A. Hume, Senior Development Management Officers (Planning) and N. McAteer, Planning Officer (Place); and R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services) and C. Stewart, H. Clancy and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

### **Chair**

Councillor Billings in the Chair.

### **Apologies**

Robert Foster, Amanda Kerr, Davina McTiernan and Ian Murdoch.

### **1. Chair's Remarks**

On behalf of Members, Councillor Billings, Chair, introduced and warmly welcomed Allan Finlayson, newly appointed Chief Planning Officer, to his first meeting of the Planning Committee.

### **2. 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.

### **3. Minutes**

The Minutes of the Meeting held on 14 June 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **4. Planning Enforcement Charter**

Submitted report by the Executive Director (Place) on the updated Planning Enforcement Charter, set out at Appendix 1 to the report.

The Chief Planning Officer highlighted that a Planning Authority must keep its enforcement charter under review and must update and republish it every two years. North Ayrshire Council's Planning Enforcement Charter was last reviewed and republished in March 2021.

The Committee agreed to approve the updated Planning Enforcement Charter set out in Appendix 1 to the report.

#### **5. 23/00388/PPM: Bonded Warehouse Chivas Bros Ltd, Balgray, Beith**

Chivas Bros Ltd. have applied for a change of use of agricultural land to form extension to bonded warehouse complete to include the erection of 5 no. double cell and 3 no. triple cell warehouses, associated earthworks, internal access roads, SuDS and landscaping at the Chivas Bros Ltd. site at Balgray, Beith.

The Senior Development Management Officer advised the Committee on representations received and officer responses in terms of the application.

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

- the issue of black mould forming on all outside surfaces, which was deemed not to be a planning consideration;
- the uses of the warehousing and whether it could be used for any other purpose; and
- the condition surrounding landscaping to enhance and encourage biodiversity.

Councillor Billings, seconded by Councillor Inglis, moved that the application be granted subject to a condition. There being no amendment, the motion was declared carried.

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

1. That no development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the applicant 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.
2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan (CEMP) for the written approval of North Ayrshire Council as Planning Authority. The CEMP shall take into account the management of construction traffic to and from the site, and shall include information about the roads to be used and their suitability for heavy goods vehicles. Consideration shall be given to the potential impacts on safety within the village of Gateside particularly during school drop-off and pick-up times. The CEMP shall also identify the hours of working for the construction of the development. Thereafter, the development

shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, for the avoidance of doubt, surface water arising from the development of the site, including during construction operations, shall be treated and managed using a SuDS system. 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 development of the site (during construction and operational phases) 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.
4. That, prior to the commencement of any landscaping works, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and planting. The finalised scheme shall be based on the landscape plan hereby approved and as per the recommendations Part 5 (Planting for Wildlife) of the Preliminary Ecological Appraisal submitted in support of the application (Wild Surveys project number WSWS4047.23 dated 18 April 2023). The scheme shall include details of species, planting densities, soil treatment, aftercare and future management. All tree and plant species shall be selected to enhance biodiversity and support nature/wildlife, with future management measures designed to minimise the use of chemical pesticides and manufactured fertilisers. The scheme as may be approved shall be implemented prior the development becoming operational and retained/managed permanently thereafter to the satisfaction of North Ayrshire Council as Planning Authority. Any trees or areas of planting which fail shall be replaced until successfully established.
5. That the recommendations contained in Part 5 of the Preliminary Ecological Appraisal submitted in support of the application (Wild Surveys project number WSWS4047.23 dated 18 April 2023) shall be implemented during the course of the development. For the avoidance of doubt, no vegetation clearance or soil stripping works shall be undertaken during the main bird breeding season of March - September.

**6. 23/00436/PP: Old Pavilion, Lamlash, Brodick**

Fergie's have applied for siting of a burger van within one car parking space for a temporary period of three years at the Old Pavilion, Lamlash, Brodick, Isle of Arran.

The Senior Development Management Officer advised the Committee on representations received and officer responses in terms of the application.

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

- the issue of what effect the application might have on the character of the conservation area;
- the issue of availability of parking in the surrounding area adjacent to the application site; and
- ownership of the car park, including landowners' permission.

Councillor Billings, seconded by Councillor Davidson, moved that the application be granted on the basis that the impact on parking and on the conservation area was negligible and that the snack van had operated for a considerable period at this location and operated over 5 days a week (normally Tuesdays to Saturdays) between the hours specified in the application (between 10am and 4pm), and that the van should be removed from the location, when not in use and trading. There being no amendment, the motion was declared carried.

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

1. That the siting of the snack van shall cease within 3 years of the date of decision.
2. That the use hereby shall only take place between the hours of 10am and 4pm Tuesday to Saturday, and at no other time.

The meeting ended at 3.00 p.m.