

Planning Committee
22 May 2019

Irvine, 22 May 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, Shaun Macaulay, Ellen McMaster, and Ronnie McNicol.

In Attendance

J. Miller, Senior Manager (Planning), T. Ledingham, Planning Officer, and A. Gemmell, Planning Officer (Economies and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

None.

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 special meeting of the Planning Committee held on 24 April 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Enforcement Procedures under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran KA27 8JP

Submitted a report by the Executive Director (Economy and Communities) which provided an update on an item continued from the Planning Committee meeting held on 24 April 2019 pending a site investigation of land to the north east of Birchbrae, Corrie, Isle of Arran, KA27 8JP

A report was submitted to a previous meeting of the Planning Committee which sought approval to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, to seek the removal of a quantity of spoil material from a nearby approved development site which had been deposited on an area of wild hillside to the north east of Birchbrae, Corrie. At the last meeting the Committee were informed that work set out in the proposed notice had been carried out, following which they agreed to continue consideration pending a site inspection.

The committee were advised of a site inspection which was conducted by Planning Officers on 29 April 2019 which concluded that the material had been removed with the contours of the site restored to the previous wild hillside state.

The Committee unanimously agreed to note the findings of the site visit report and that the serving of an enforcement notice is no longer required.

4. Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran

Submitted a report by the Executive Director (Economy and Communities) on the process and merits of protecting a group of trees along the A841.

The Senior Manager (Planning) informed the Committee that a number of trees which run along the A841 had been marked suggesting that works were due to be carried out. The Committee were asked to consider the merits of issuing a temporary Tree Preservation Order (TPO) for six months to allow a further investigation to take place to establish the intention of the markings.

Councillor McMaster questioned if it would be possible to extend the proposed TPO to include the trees on the south side of the A841 between Brodick Primary School and the B880 as a number of these have also been marked.

The Committee agreed to postpone consideration to later in the meeting to allow an updated location plan showing the proposed extent of the TPO from Cnocan Bridge to Brodick Primary School to be produced and circulated.

5. Clyde Regional Marine Plan

Submitted a report by the Executive Director (Economy and Communities) on the preparation of a Regional Marine Plan for the Clyde which is currently at the pre-consultation stage.

The Senior Manager (Planning) outlined the report and displayed supporting slides which provided information on the five guiding principles, aims, visions, objectives and policies of the plan as well as the role of the Clyde Marine Planning Partnership, how the regional plan feeds into Scotland's National Marine Plan and the progress of other Marine Planning Partnerships.

A number of comments which will form the basis of the Council's response to the Clyde Marine Planning Partnership were also discussed including resourcing implications on Local Authorities. Discussion also took place around the relationship between the Regional Marine Plans and the Islands Bill and why there was no mention of the bill in the plan.

The Committee unanimously agreed:

- (a) to support the general themes of the content of the pre-consultation draft Clyde Regional Marine Plan;

- (b) that the comments set out in the report, plus one additional comment about links with the Islands Bill, form the basis of the Council's response to the Clyde Marine Planning Partnership on the draft Plan, including the recommendation that greater prominence within the plan is given to both the Clyde's major assets and its existing plans, programmes and proposals, including the Ayrshire Growth Deal and North Ayrshire Tourism Action Plan; and
- (c) that further detail is sought on the future implementation and monitoring of the Plan, specifically, the anticipated role and responsibilities of Local Authorities.

6. Planning Enforcement Charter

Submitted a report by the Executive Director (Economy and Communities) on the updated Planning Enforcement Charter. A copy of the charter was appended to the report.

The Senior Manager (Planning) outlined the report and highlighted that the charter, which requires updating every two years, sets out a statement of the authority's policies with regards to taking enforcement action. Members were informed that no major changes had been made to the previous version.

Councillor Billings suggested that clarity had to be provided around how suspected planning breaches should be reported, namely that reports in person or by phone must be followed up in writing.

The Committee unanimously agreed to approve the updated Planning Enforcement Charter subject to the minor clarification around how suspected planning breaches should be reported.

7. Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran

The Committee agreed to give further consideration of Agenda Item 4 - Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran following the production and circulation of a location plan displaying the proposed update to the TPO boundary.

The Committee unanimously agreed to serve a temporary Tree Preservation Order with respect to a grouping of trees adjacent to the south side of the A841 between Brodick Primary School the junction with the String Road and also on both sides of the A841 from the junction with the String Road to the Cnocan Bridge, Arran under Section 160 of the Town and Country Planning Act (Scotland) 1997 to allow for further investigation as to whether a permanent TPO is required.

8. Urgent Items

8.1 Standards Commission Update

The Senior Manager (Legal Services) provided a verbal update on a Standards Commission case which involved Councillors from Midlothian whose misconduct related to Planning.

The case involved two Councillors who carried out unofficial site visits in relation to a planning application due to be determined by officers and spoke only to objectors and not the applicant. The application was then called in by one of these members who also spoke negatively of the application at the committee meeting. Following a report to the Standards Commission both members were found to have breached the Code of Conduct by inspecting the site from only an objector's property and giving the appearance of being unfair and biased towards one of the parties. Both members were suspended for one month following an investigation.

The Committee were asked to note the update and remain mindful of the Standards Commission's guidance at all times.

Noted.

The Meeting ended at 2.30 p.m.