

**Planning Committee  
02 September 2020**

**02 September 2020** - At a Virtual Meeting of the Planning Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**Also Present**

Donald L Reid

**In Attendance**

J. Miller, Chief Planning Officer (Planning), A. Craig, Senior Manager, J. Law; Solicitor (Legal Services); M. Lindsay, Customer Solutions Supervisor (ICT); M. Anderson, Senior Manager (Committee & Member Services), and D. McCaw and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also In Attendance**

A. Hume, Senior Development Management Officer, I. Davies, Senior Development Management Officer, K. Gee, Technician and L. Dempster, Technician (Planning).

**Chair**

Councillor Marshall in the Chair.

**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 24 June 2020 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3.1 19/00930/PPM: Phase 2 Site to North Of Tarryholme Pond Irvine Ayrshire**

Irvine Housing Association have applied for Planning Permission for the erection of 77 dwellinghouses to include associated roads, footpaths, open space, landscaping and associated SuDS infrastructure. No representations were received.

Members expressed concern about the lack of a footpath connection from the north of the site to the connecting footpath network and the new pedestrian crossing. A condition was required seeking details of such provision.

Members noted the response from Education regarding school capacity.

Councillor Foster seconded by Councillor Larsen, moved to approve planning permission subject to conditions.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. 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. 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.
2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.
4. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the localised regrading for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, these details shall contain section drawings of the slope at appropriate intervals throughout its length, details of its construction and details of its finish. The development shall then progress in accordance with such details as may be approved.
5. That the ecological mitigation measures set forth on pages 22-23 of the "Tarryholme (Phase 2), Irvine Preliminary Ecological Appraisal" (document no. 8882) prepared by McTaggart Construction and issued on the 24th of October 2019, shall be fully implemented prior to and maintained during the construction of the development hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That prior to the first occupation of the development hereby approved, a V-notch shall be cut into the detention basin to channel the flow into the large pond to the south of the basin in the event of the basin capacity exceeding the 1 in 200 years design flow, to the satisfaction of North Ayrshire Council as Planning Authority.

7. That prior to the commencement of the development hereby approved, the applicant shall assess if a Detailed Air Quality Assessment is required to ensure that the development will not impact ambient air quality at any sensitive receptors and submit the findings to North Ayrshire Council. If required, a Detailed Air Quality Assessment will be submitted to the satisfaction of North Ayrshire Council prior to the commencement of the development.
8. 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.
9. That notwithstanding the plans hereby approved, details of an all abilities pedestrian/cycle link leading from the northwest of the site to the adjacent public footpath network shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Thereafter, such details as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation or completion of the houses within the development, whichever is the sooner.

### **3.2 20/00572/PP: Dundonald Links Ayr Road Irvine Ayrshire KA11 5AB**

Darwin Leisure Development Properties (Guernsey) Ltd have applied for Planning Permission to vary condition 14 attached to planning application N/19/00748/PPM. No representations were received.

Condition 14 states:

“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.”

Councillor Barr seconded by Councillor McMaster, moved to approve planning permission subject to conditions.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That no holiday lodges shall be occupied until the replacement clubhouse structure, hereby approved, is completed to the satisfaction of North Ayrshire Council as Planning Authority and thereafter the clubhouse must be operational within 6 months of the overnight accommodation being first brought into use.

2. That, upon the completion of the first phase of holiday lodges, a timescale for the closure and removal of the existing clubhouse shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

#### **4.1 19/00903/PPM: Site To South East Of Moorpark Primary School Milton Road Kilbirnie Ayrshire**

North Ayrshire Council have applied for Planning Permission for the erection of a primary school to include associated access, parking, playground and sports pitch. No representations were received.

The Chief Planning Officer (Planning) undertook to contact Education to seek clarification on the proposed allocation for 231 pupils.

Councillor Foster seconded by Councillor Reid, moved to approve planning permission subject to conditions.

There being no amendment, the motion was declared carried, Councillor Barr dissenting.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. 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 agreed in terms of the conditions to the consent, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the school, which shall include low or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be 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 unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of site clearance works, a further bat survey shall be undertaken. The findings of the survey together with details of measures to protect any bats and any bat habitats that are found within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved.
4. That, prior to the commencement of site clearance works, all trees to be retained (including T25 and T26) shall be enclosed with protective fencing in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction. Recommendations). The tree protection measures shall require to be inspected by the Planning Authority before the commencement of site clearance works. Thereafter, unless otherwise agreed, the tree protection measures as approved

shall be retained in a satisfactory condition throughout the duration of the land engineering and building works required to implement the development to the satisfaction of North Ayrshire Council as Planning Authority.

5. That, notwithstanding the scheme of landscaping hereby approved, a revised scheme shall be prepared following the implementation of tree protection works on site to ensure the inclusion of trees T25 and T26 within the development. The revised scheme shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the implementation of any landscaping works on the site. Thereafter, the revised scheme of landscaping as may be approved shall be implemented to the satisfaction of North Ayrshire Council not later than the first planting and seeding season following the opening of the school for education purposes. Unless otherwise agreed, any trees, plants or areas of seeding which subsequently fails shall be replaced with others of a similar size and species until successfully established.
6. 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 to be used on the school building. 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. 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.
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 school 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 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.
10. That prior to the development 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.

**5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA**

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of an outbuilding at 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA.

The Chief Planning Officer (Planning) advised the Committee that eight complaints from members of the public about a large outbuilding having been erected at 27 Lomond Crescent, Beith had been received and added that since the Report was completed a further 2 representations have been received. A Planning Contravention Notice (PCN) was served on the owner of the site on 17th July 2020. Although a formal response has not been received, the owner has made contact with Planning Services by telephone. Following investigation, it has been established that the outbuilding does not constitute permitted development and does not benefit from planning permission. The outbuilding is therefore unauthorised. It is considered that due to the industrial design, scale and position of the structure, the development is harmful to the residential and visual amenity of the area.

Councillor Barr seconded by Councillor Billings, moved to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997.

There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of an outbuilding at 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA.

**6. Planning Performance Framework**

Submitted report by Executive Director (Place) on the 2019/20 Planning Performance Framework set out at Appendix 1 to the report.

Councillor Barr seconded by Councillor McMaster, moved to note the report.

There being no amendment, the motion was declared carried.

The meeting ended at 11.10 a.m.