

**Planning Committee
4 September 2019**

Irvine, 4 September 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.

Also Present

In Attendance

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

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Shaun Macaulay and 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 19 June 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 19/00532/PP: Homebase Ltd 6 Riverway Riverway Retail Park Irvine

TJ Morris Ltd have applied to remove condition 2 of planning permission 01/97/0133 to enable the sale of all types of retail goods. No objections were received.

Planning permission 01/97/0133 relates to the development of the second phase of Riverway Retail Park and has a condition which states:

"That Units 1 - 8 shall be occupied by businesses selling comparison goods only."

The Committee unanimously agreed to grant the application.

3.2 19/00533/PP: 3 Ladyburn Court Lawthorn Irvine

Robert and Joan Corrance have applied for change of use of an open space to incorporate into a garden area including erection of 1.8-metre-high fence. No objections were received.

Planning permission had previously been refused in 2005 by the then Planning Committee, for the change of use of a larger area of open ground, measuring 34.7sqm, to private garden ground and the relocation of an existing fence (ref. 05/00102/PP) at the same property.

The Committee unanimously agreed to grant the application.

4.1 19/00573/ALO: Clauchlands Cottage No 3 Clauchlands Road Lamlash Brodick Isle Of Arran

A & A Reid have applied for the removal of Section 75 obligation attached to planning permission (ref. 08/00918/PP) to remove occupancy restriction. No objections were received.

Planning permission was issued on 14 January 2010 for the erection of a detached dwellinghouse following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The Committee unanimously agreed to grant the application with no conditions.

5.1 19/00351/PPPM: Site To South Of 128-130 Meadowfoot Road West Kilbride

Gladman Developments Ltd have applied for planning permission in principle for a residential development. 27 objections were received and summarised in the report.

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

1. 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.
2. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a written scheme of investigation for a programme of archaeological works. Any scheme as may be approved by the Council, as Planning Authority.
3. That further application(s) for approval under the terms of Condition 1 shall include a report of an appropriate site investigation and subsequent suitable quantitative risk assessment, taking cognisance of the Conclusions and Recommendation on Development contained within Section 6 of the Phase 1 Geo-Environmental Desk Study Report, submitted in support of this application,

Project Reference No P17/378, by Mason Evans and dated May 2019. Any submitted report shall have been verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.

4. That further application(s) for approval under the terms of Condition 1 shall include details of access, road layout and parking provision. For the avoidance of doubt access for residential properties shall be from Ardrossan High Road only. Details of road widening and footways for Ardrossan High Road shall be provided. Any access shall have a visibility splay of 2.5m by 70m. Internal layouts shall be designed in accordance with Designing Streets principles
5. That further application(s) for approval under the terms of Condition 1 shall include details of drainage which have been designed for exceedance i.e. 200-year critical storm event + climate change. Details of overland flow-paths, 'additional' attenuation measures, control devices etc and demonstration that access/egress will be maintained must be provided. A Drainage Impact Assessment must be provided including a land drainage strategy and details of implementation and maintenance.
6. That further application(s) for approval under the terms of Condition 1 shall include a dated Protected Species Survey updating the survey by EnviroCentre dated 24th April 2019 and submitted as part of this application.

5.2 19/00506/PP: Site To East Of Castlepark Gardens Fairlie Largs

Dawn Homes Ltd have applied to vary planning condition number 4 of 18/00659/PP, to provide a temporary shared-use path adjacent to plots 38,39 & 46, in lieu of the permanent path proposed adjacent to plots 35, 36 & 37. Two objections were received and summarised in the report.

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

1. That, within one month of the date of consent, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority:
 - i) Details of a scheme to intercept surface water runoff from the higher ground to the east and routing into the drainage system;
 - ii) Details of a cut off drain along the western boundary of the application site;
 - iii) Details of proposed watercourse crossings which ensure that crossings have a better or neutral effect on flood risk and do not result in the elevation of land within the functional floodplain;
 - iv) Details of proposed landscaping and safety of the SuDs pond as well as a programme for its completion/operation;
 - v) Maintenance of existing water channels which enter and are contained within the site; and
 - vi) The proposed programme for the installation of those flooding measures contained within this condition, and those approved with the application, as well as details of maintenance and factoring.

Such details as may be approved shall be completed in compliance with the proposed programme of implementation, agreed under (vi) above, and maintained permanently thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

2. That within one month of the date of consent, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of hard and soft landscaping. The submitted scheme should include:
 - i) details of proposed hard surfacing, including paths, roads, shared spaces, driveways and boundary treatments;
 - ii) details of species and planting densities;
 - iii) details of potential biodiversity, including habitat, improvements;
 - iv) a programme of proposed implementation of the scheme; and
 - v) proposed maintenance programmes and factoring.

The soft landscaping details, which may be approved, 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.

3. That, within one month of the date of approval full details of proposed 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:
 - i) that there shall be no treeworks undertaken within the Tree Preservation Order area, unless otherwise agreed in writing;
 - ii) 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.
4. The temporary footpath link through the primary school grounds, as shown on approved drawing 3494 AL(0)119, shall be removed and the primary school grounds restored to their former condition on the completion of the proposed shared use path to Castlepark Gardens located between plots 35, 36 and 37. The shared use path shall be completed prior to the occupation of the dwellings on plots 35, 36 or 37 or no later than 12 months from the date of this permission.
5. That prior to the commencement of development on plots 26, 27, 28, 29, 34, 35, 36, 45 and 46, as illustrated in approved plan AL(0)114, details of proposed

finished ground levels and finished floor levels, retaining walls, any raised terracing, garden slopes, boundary treatments shall be submitted on plans and section drawings for the written approval of North Ayrshire Council as Planning Authority. Such details as may be approved shall be completed to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

6. That the measures identified within the Ecological Assessment 2017 by Nigel Rudd, approved under the original planning permission 17/00584/PPM shall be fully implemented within phase 2, to the satisfaction of North Ayrshire Council as Planning Authority.
7. That within one month of the date of approval details of the proposed equipped play area, which shall include the provision of at least 5 different types of play equipment, seating and unequipped play areas shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include the proposed location of the play area, site levels, programme of installation, any means of enclosure, including gated points of access/exit, surface finish, litter bin provision, maintenance and management arrangements. Unless otherwise agreed in writing the approved play area facilities should be installed and operational no later than, or prior to, the occupation of plots 25 or 26 as outlined within approved plan AL(0)114. The approved play area should be completed to the satisfaction of North Ayrshire Council as Planning Authority and maintained in perpetuity.
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 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.

5.3 19/00554/PP: 48 Gallowgate Street, Largs

Mr Stephen McDonald has applied for the modification of condition 2 of 18/00518/PP to allow furniture to be stored in Gallowgate Square, Largs. One objection was received.

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

1. That the seating area shall at all times be enclosed by a suitably designed removable barrier, full details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt no artificial lighting or individually sited heating systems shall be provided within the outdoor seating area.
2. That the maximum permitted hours of operation of the outdoor seating area shall be between 1100 and 2100 hours on any day unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. The seating together with any

tables, umbrellas, associated posts and barriers shall be removed from the approved seating area and stored against the wall of 48 Gallowgate Street, as shown on the approved location plan marked 'Seating Area - Option B,' outwith these hours and at all times when the premises are closed to customers. When stored against the wall, the seating etc. will be secured by a chain attached to the wall of 48 Gallowgate Street.

6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former Seafield School, Eglinton Road, Ardrossan

Submitted report by Executive Director (Place) to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of the land for the abatement of the adverse impact on the local area.

The Senior Manager (Planning) provided the Committee with information on the site and advised that both the House and the Stables have been subject to vandalism and unauthorised entry. The owners have been instructed by the North Ayrshire Council to board any smashed window, secure the buildings and make them wind and water tight. They were also instructed to demolish modern extensions which had been built onto Seafield House. These extensions were demolished in the summer of 2017 with the rubble left on site. Seafield House, was the subject of a fire in 2017. This fire was largely contained in the eastern wing of the building. However, the roof of that section of the building has collapsed.

Members asked questions and were provided with further information on:-

- the robustness of the exterior grade plywood recommended for boarding all openings, which it was also noted was being pursued by the Council in terms of the Building (Scotland) Acts; and
- the steps which would be taken if enforcement notice was served and no further action was taken as well as issues around reclaiming costs from owners.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area at the former Seafield School, Eglinton Road, Ardrossan.

7. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Site of Former St Peter's Primary School, 24 South Crescent Road, Ardrossan

Submitted report by Executive Director (Place) to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of the land for the abatement of the adverse impact on the local area.

The Senior Manager (Planning) provided the Committee with information on the site and advised a fence had been erected on the southern frontage of the site. The fence is in a dilapidated condition and has collapsed entirely at its eastern end. The interior of the site is overgrown and there remains demolition rubble on site. The condition of the land, due to the dilapidated condition of the fence, and view to the overgrown

rubble strewn interior which it provides has a significant adverse impact on the amenity of the local area.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area at the former St Peter's Primary School, 24 South Crescent Road, Ardrossan.

8. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Construction access track on a designated area of Wild Land and Special Protection Area within Clyde Muirshiel Regional Park

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in relation to a construction access track on a designated area of Wild Land and Special Protection Area within Clyde Muirshiel Regional Park.

The Senior Manager (Planning) provided the Committee with information on the site and advised the route of the construction track through the Wild Land Area had been agreed beforehand as a condition of the planning permission for the turbine house. A complaint was received from Scottish Natural Heritage in February 2019 which alleged that the track as formed differed to that illustrated in the documents associated with the planning permission. A site inspection has confirmed that the alignment of the track is significantly different to that which had been previously identified by the developer, with some 700 metres having been constructed within the Special Protection Area. The developer was contacted in February 2019 and no action has been taken to either reinstate the land to its former condition, or submit an application seeking consent to retain the track.

Members asked questions and were provided with further information on:-

- whether a permanent track would constitute an adverse impact on the area, being located within both a Special Protection Area and Wild Land Area;
- the 18-month timescale given to the owner to restore the land to its previous wild hillside condition; and
- the steps which would be taken if enforcement notice was served and no further action was taken as well as issues around reclaiming costs from owners were the Council to undertake the restorative works.

Councillor Foster, seconded by Councillor McNicol, moved that the Committee serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to remove the construction track north of the former Pundeavon Reservoir, including the removal of any associated, culverts and bridge structures; and the restoration of the land and any associated borrow pits to its previous wild hillside condition.

As an amendment, Councillor Barr, moved that, the access road be kept as a public path. There being no seconder, the amendment fell.

Accordingly, the Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the

reinstatement of the construction access track to wild land following the construction of pipework to serve a hydro electric power generating plant near Holehouse Farm, Kilbirnie.

9. Notification by Clydeport Operations Ltd (Peel Ports Group) to broaden the scope of the Liaison Committee for Hunterston Marine Yard

Submitted report by the Executive Director (Place) on the intentions of Clydeport Operations Ltd (Peel Ports Group) to broaden the scope of the Liaison Committee for Hunterston Marine Yard.

The Senior Manager (Planning) provided the Committee with information on Clydeport Operations Ltd (Peel Ports Group) intention to extend the scope of the liaison committee. They intend to widen the scope of the liaison committee to cover the whole of Clydeport Operations Ltd's interests at the site, Hunterston PARC, in addition to the decommissioning of marine structures.

Noted.

10. The Planning (Scotland) Act 2019

Submitted report by the Executive Director (Place) on a new statutory basis for the operation of the planning system has been passed and to highlight the main changes to the overall framework under which the system operates.

The Senior Manager (Planning) provided the Committee with information on the Act which includes provisions for regulations to be made relating to a wide range of issues, including development planning, development management, performance and fees. The regulations will set out the detail of how new provisions introduced by the Act will work in practice. Additionally, there are new requirements for statutory guidance relating to matters including regional planning, engagement and the role of a Chief Planning Officer.

Noted.

11. Control of Advertisements Planning Guidance

Submitted report by the Executive Director (Place) on the current planning guidelines on advertisements.

Members asked questions and were provided with further information on:-

- advertising on roundabouts and election advertising; and
- the decision taken by other Local Authorities on advertisements.

The Committee unanimously agreed to (a) grant delegated powers to the Head of Economic Development and Regeneration to adopt the proposed Control of Advertisements Planning Guidance, subject to confirmation that a strategic environmental assessment is not required; and (b) approve the deletion of the current

Control of Advertisements Planning Guidance at the point of adoption of the reviewed guidance.

The Meeting ended at 3.15 p.m.