

**Planning Committee
26 September 2018**

Irvine, 26 September 2018 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

A. Hume, Senior Development Management Officer (Economy and Communities); M. Barbour, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ian Clarkson, Robert Foster and Shaun Macaulay

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 29 August 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 18/00655/PP - Riverway Retail Park, New Street, Irvine

M&G Real Estate have applied for planning permission for non-compliance with conditions 4, 5 and 6 of outline planning permission CH/10/88/0546/L in order to enable a discount food retailer to move into Unit 3 of the site.

Conditions 4, 5 and 6 of outline planning permission CH/10/88/0546/L state:

"C4 - that the proposed development shall be used for non-food retail businesses and for no other purpose.

C5 - that the gross floorspace of the development shall not exceed 90,000 square feet.

C6 - that all retail sales shall be located on the ground floor of any unit."

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

4. 18/00823/ALO - Whin Farm, Brodick, Isle Of Arran

Mr and Mrs I. Armstrong have applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission (ref. 06/00278/PP) at Whin Farm, Ballymenoch, Kildonan, Brodick, Isle of Arran.

Planning permission was issued on 16 May 2007 for the erection of dwelling house 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. Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997: Site To East Of Castlepark Gardens, Fairlie

Submitted report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 18/00659/PP) should be served.

Condition 4 of planning permission (ref: 18/00659/PP) states:

"That for the avoidance of doubt the proposed shared use path to Castlepark Gardens should be completed prior to the completion of plots 35, 36 and 37, as outlined within approved plan AL(0)114, or no later than 12 months from the date of the original planning consent, that date being 20th September 2018."

The Committee was informed that on 20 September 2018 no work had been undertaken to comply with the above condition.

The Senior Development Management Officer updated the Committee on work which had been undertaken at the site since 20 September 2018, namely the installation of a temporary path from Phase 1 of the development to Castlepark Gardens which, following the erection of security fencing, will be accessible to the public. The Committee was advised that no further action was required.

The Committee unanimously agreed that (a) planning officers will (i) liaise with the applicant to ensure the path is open for public access and (ii) report to a future meeting if this is not the case; and (b) no formal enforcement action was required at this time.

The meeting ended at 2.15 p.m.