

Planning Committee
24 March 2021

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

Present

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

In Attendance

J. Miller, Chief Planning Officer, L. Dempster, Technician, K. Gee, Technician (Planning); A. Craig, Senior Manager (Legal Services); and E. Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

Also in Attendance

R. Cowieson, L. Kay, P. Chandler (Friends of Millstone Point); P. Hawdon (Scottish Salmon Company); T. Wheeler and C. Horner (Arcus Consultancy).

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 25 February 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 19/00609/PPM: Site To East Of Millstone Point Lochranza Brodick Isle Of Arran

The Scottish Salmon Company have applied for planning permission for the installation and operation of an Atlantic Salmon Fish Farm comprising 12 x 120m circumference fish pens and an accompanying feed barge at the site to the East of Millstone Point, Lochranza, Isle of Arran. 436 objections and 19 comments of support were received and summarised in the report.

Mr Cowieson, accompanied by Mr Chandler and Ms Kay representing Friends of Millstone Point, addressed the Committee in support of the objections. Mr Cowieson advised of the main concern, namely the impact on the landscape, as the proposed location was wild, unspoilt and tranquil, with spectacular views and, with no road access, enjoyed a feeling of remoteness. The coast in this area has thousands of visitors each year being part of the Arran Coastal Way with the area sitting within a designated National Scenic Area (NSA), a location of exceptional beauty to be held

unspoilt in the Scottish national interest. The boundary of the NSA extends beyond the shoreline.

Mr Cowieson highlighted that the proposal was the equivalent of 8 football pitches in length only 200 yards from shore and referred to the problems encountered with fish farms, such as noise, visual impact, lights, pollution and the toxic chemicals used to control disease and parasite infestation. The overall impact would be a large amount of fish waste, scales, feed and chemicals pushed directly towards the shoreline when the wind blew from the east, which would have serious consequences for locals and tourists. Mr Cowieson referred to Nature Scotland's objection, the Carradale North salmon farm escape last year, and the likely impacts on the local economy on Arran with tourism generating some £60m to the island economy. Local employment is supported which is a good example of community wealth building.

Mr Wheeler and Ms Horner of Arcus Consulting, and Ms Hawdon of The Scottish Salmon Company, then addressed the Committee on behalf of the applicant, in response to the objectors.

Mr Wheeler referred to the Planning Officer's report which covered the issues the application raised, such as potential effects on the marine environment, smell and noise. The report stated that none of these matters created issues which should lead to a refusal of planning permission, and this conclusion was supported by SEPA and Marine Scotland. Through appropriate consultation with SSC, SEPA and Marine Scotland agreeable solutions had been identified and presented in support of the proposed development. The development would provide significant economic benefits to Arran with the recruitment of 6 full time members of staff, support 31 jobs in the supply chain and 6 wider jobs in Scotland with a gross added value of just under £6 million a year. Mr Wheeler advised that it had been suggested there could be adverse effects on tourism but there was no proven link between salmon farms and negative effects on tourist numbers, they could be a point of interest to visitors. It was not anticipated that the development would discourage visitor numbers due to limited visual effects, but the applicant was happy to explore local engagement opportunities to support the development of the Coastal Path.

Mr Wheeler highlighted that the Planning Officer's report concluded there would be no conflict with Policy 8 of the Local Development Plan, which supported development that would have positive effects on the vitality, vibrancy and viability of the Island but that the visual impact would harm the National Scenic Area and the isolated coast.

Ms Horner referred to the siting of the development stating the landscape designations as a whole would not be significantly adversely affected, this would be restricted to the coast immediately adjacent to the development resulting in very localised landscape, seascape and visual effects. She advised that the Scottish Salmon Company currently had 12 fish farms located within a National Scenic Area in Scotland and 2 sites located within 1km of isolated coast, which illustrated that a development of this nature could be accommodated within a nationally designated landscape. Predicted visibility of the development was restricted to 1km inland and 5.5km stretch along the coastline. When considering Policy 15, the National Scenic Area would not be compromised in relation to the need to protect existing sports and

recreational interests. The development could be supported in terms of planning policy and would support economic recovery and offer employment opportunities.

The objectors then had an opportunity to make brief final comments. Mr Chandler advised that the area was the only National Scenic Area in Ayrshire and that within the National Marine Plan and Local Development Plan there had to be economic benefits of national significance for this type of development to go ahead. Mr Chandler advised we were in a biodiversity and climate crisis and that a green recovery was required following the Covid-19 pandemic.

Members then asked questions of the objectors and applicants' representatives in respect of effects on tourism, chemicals used and the effects on other sea life, predator controls, the jobs associated with the development, the wider economic benefits, the Carradale North salmon farm escape and measures in place to prevent this happening on Arran.

The Chief Planning Officer then outlined the terms of the planning report and planning officer's recommendation.

Councillor Foster, seconded by Councillor McMaster, moved to refuse the planning application on the grounds that (a) the visual impact of the development would adversely affect the visual amenity of the area, the landscape quality of the water environment and the special qualities of the National Scenic Area, (b) the proposal does not align with Scotland's National Marine Plan or the emerging Clyde Marine Plan and (c) any economic value is not considered significant enough to overcome the adverse effect. The proposal is therefore contrary to Strategic Policy 1, Policy 15, Policy 22, Policy 24, Policy 25, and Strategic Policy 2 of the LDP.

There being no amendment the motion was declared carried.

The Chair agreed that the meeting be adjourned at 4.00 p.m. for a comfort break. The meeting reconvened at 4.10 p.m. with the same Members and officers present and in attendance, with the exception of Cllr Foster.

4.1 20/00942/PP: Site To South West Of Hunterston Coal Yard Fairlie Largs

ESB Asset Development UK Ltd has applied for planning permission for the installation of a synchronous compensator and ancillary infrastructure at Hunterston Coal Yard, Fairlie. One objection was received and summarised in the report.

Councillor Marshall, seconded by Councillor McMaster, moved to grant the application 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 the development, details of the external finishes for the generator and flywheel building shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter proceed in accordance with any details as may be approved.
2. That prior to the commencement of the development, a Construction Management Plan, including details of routing of any abnormal loads, shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter proceed in accordance with any Plan as may be approved.
3. The development will be undertaken in accordance with the recommendations set out in Section 4.5 of the Extended Phase 1 Habitat Survey, prepared by Nevis Environmental dated September 2020, and submitted with this application.
4. That the Rating Noise level, as defined in BS 4142:2014+A1:2019, from the operation of the synchronous compensator and ancillary fixed plant must not exceed the background noise level at the curtilage of any noise sensitive premises existing or consented as of the date of the permission.

4.2 21/00054/PP: 9 Brisbane Street Largs KA30 8QW

MPB Structures Ltd has applied for planning permission for the demolition of an existing hotel building and erection of a new building comprising of 14 flatted dwellings with associated landscaping, car parking, cycle parking and bin/recycling store at 9 Brisbane Street, Largs. One objection and three letters of support were received and summarised in the report.

Councillor McNicol, seconded by Councillor Barr, moved to grant the application 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 the development hereby approved, full details of the proposed finishing external materials shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved.
2. That prior to the commencement of the development hereby approved, full details of the proposed access and parking layout shall be submitted for the written approval of North Ayrshire Council as Planning Authority. These details shall include confirmation that:

i) The aisle width of the parking area is to be a minimum of 6m;
ii) Visibility splays of 2.5metres by 20 metres, in both directions, are provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles;
iii) No surface water is to be issued from the site onto the public road;
iv) Vehicular access to the site to is be provided in the form of a minor commercial access footway crossing as detailed in sections 5.2 & 10.8 (and Fig 10.18) of the Roads Development Guidelines (single minor commercial access or car park up to 50 spaces footway crossing)
Thereafter, the proposed access and parking arrangements, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt there shall be no means of direct access from the site to the trunk road either pedestrian or vehicular.

3. That prior to the first occupation of the flatted dwellinghouses, hereby approved, the landscaping shall be carried out in accordance with the approved landscaping plans. Thereafter, the landscaping shall be maintained in accordance with the Landscape Management Plan hereby approved to the satisfaction of North Ayrshire Council as Planning Authority.
4. That notwithstanding the location of the bin store on the plans hereby approved, the bin store shall be located to the rear (east) of the flatted building hereby approved. Prior to the commencement of the development the applicant shall submit plans showing the location and appearance of the relocated bin store for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.
5. That prior to the commencement of the development hereby approved, the applicant shall provide full details of the screen to be erected on the south facing third floor balcony for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

5.1 21/00036/PP: SSE Anaerobic Digestion Plant, Dalry, KA24 4JJ

Barkip Biogas Ltd has applied for a section 42 application to remove condition 1 of planning permission 09/00444/PPM at SSE Anaerobic Digestion Plant, Dalry, KA24 4JJ. Six objections were received and summarised in the report.

Councillor McNicol, seconded by Councillor Barr, moved to grant the application.

There being no amendment the motion was declared carried.

6. 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 a planning authority must keep the enforcement charter under review and must update and republish it every 2 years. North Ayrshire Council's planning enforcement charter was last reviewed and republished May 2019.

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

7. Policy Guidance Note: Housing in the Countryside

Submitted report by the Executive Director (Place) on the Draft Policy Guidance Note on Housing in the Countryside, set out at Appendix 1 to the report.

The Chief Planning Officer highlighted the document provided guidance to developers and applicants on the relevant Local Development Plan policies and matters that should be considered when approaching an application for the development of one or more houses in the countryside. The guidance note may also be referenced by Planning Officers when assessing the merit of an application for housing in the countryside and would be a material consideration in decision making.

The Chief Planning Officer undertook to add the Locality Partnerships into the consultation process.

The Committee agreed to (a) note the detail of the proposed guidance relating to Housing in the Countryside; and (b) approve the Draft Housing in the Countryside policy guidance note, set out at Appendix 1 to the report, for consultation.

The meeting ended at 5.00 p.m.