

Planning Committee 20 September 2023

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Stewart Ferguson, Cameron Inglis, Davina McTiernan, Ian Murdoch and Chloe Robertson.

Present (Remote Participation)

Timothy Billings and Amanda Kerr.

In Attendance (Physical Participation)

Y. Holland, Manager (Property Management & Investment), A. Finlayson, Chief Planning Officer and I. Davies, Senior Development Management Officer, (Place); and R. Lynch, Senior Manager and J. Niven, Solicitor (Legal Services), M. Sugden, Communications Officer, and S. Wilson, Committee Services Officer (Democratic Services) (Chief Executive's Service).

In Attendance (Remote Participation)

D. McCaw, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Also In Attendance (Physical Participation)

J. Corcoran, on behalf of Harbour View (Ardrossan) residents and A. Wishart, J.M. Architects.

Also In Attendance (Remote Participation)

N. Jones, on behalf of Harbour View (Ardrossan) residents.

Chair

Councillor Foster in the Chair.

Apologies

Scott Davidson and Jim Montgomerie.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 23 August 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 23/00319/PPM: Site at North Shore adjacent to North Crescent Road, Ardrossan

North Ayrshire Council have applied for planning permission for the erection of a Community Campus comprising early years, primary & secondary school with additional support needs, shared community facilities including; library, learning hub and integrated services, indoor sports facilities including swimming pool, sports hall, gymnasium, dance studio & fitness studio, outdoor sports facilities including two sports pitches and Multi-Use Games Area (MUGA); Outdoor learning landscape, recreational spaces and growing spaces, associated parking and infrastructure on a site at North Shore adjacent to North Crescent Road, Ardrossan. Three objections were received as detailed in the report.

The Chair advised that he had accepted a request from objectors to address the Committee and Judith Corcoran and Nikki Jones, on behalf of Harbour View residents, were in attendance to speak to the terms of their objections. Adrian Wishart, J.M. Architects and Yvonne Holland, Manager (Property Management & Investment) were in attendance as representatives of the applicant.

The Senior Manager (Legal Services) outlined the terms of the Procedure for those addressing the Planning Committee and all parties confirmed their understanding and acceptance thereof.

Ms Jones addressed the Committee in support of the submitted objections and highlighted comments in relation to air quality monitoring systems, traffic assessments when considering potential increased traffic, the impact of noise and lighting levels and the nuisance factor in terms of these particular areas.

Ms Jones referred to various matters including:-

- the potential loss of views for the Harbour View residents;
- a number of well-established trees which were evident on the site;
- the impact assessment criteria in relation to the demolition of the Coast to Coast bus garage;
- the potential impact on the Harbour View residential area from campus parking, footfall or vehicular access;
- that air quality monitoring should be extended beyond the perimeter of the site and repeated following completion of the development;
- the need for an updated road traffic assessment;
- the likely increased impact and magnitude of noise levels from the sports pitches and plant and equipment; and
- the requirement for a further lighting impact assessment to be undertaken.

Ms. Jones summarised by asking that consideration of the application be delayed until all responses and concerns were addressed and all stakeholders comfortable to proceed.

Ms. Corcoran then reiterated the main concern of objectors in terms of the need for an updated road traffic assessment to be carried out.

Mr. Wishart, J.M. Architects, then addressed the Committee on behalf of North Ayrshire Council as applicant, in response to the objectors. Information was presented in relation to the proposed Community Campus location and site, Local Development Plan policies which had been addressed throughout the design process, including the six qualities of a successful place, namely Distinctive, Welcoming, Safe and Pleasant, Adaptable, Resource Efficient and Easy to Move Around and Beyond.

Mr Wishart also addressed objectors concerns in relation to transport, noise, air quality and lighting, including:-

- that the transport analysis figures had been factored up based on 2017 (pre Covid 19) survey data when the 2021 survey works were carried out;
- that plant noise levels would meet the recommended criteria;
- that an assessment of sports pitch noise levels at the existing residential premises and the nearest potential future housing, would meet the widely accepted noise limit of LAeq 50dB;
- the proposed all electric energy strategy resulting in no emissions affecting air quality;
- the proposed planning condition to outline the potential impact of increased road traffic prior to the development becoming operational;
- that the proposed lighting would provide necessary security while also limiting obtrusive lighting to neighbouring properties; and
- that raised planters, with a separation membrane from the ground below, would be used for any food production.

Mr. Wishart summarised that the proposals for the Community Campus accorded with the Local Development Plan and offered the opportunity to regenerate and revitalise the area within Ardrossan.

The objectors were then afforded the opportunity to make brief final comments in relation to the main entrance access route to the Campus, the existing contamination on the proposed site and the reiteration of the request for the application to be deferred until all concerns were allayed, including those in terms of noise.

Members then asked questions of the objectors and applicant's representatives and received further information on the following:-

- the potential for updating the traffic management survey information;
- the designated main entrance to the Community Campus; and
- measures to address any potential impact in relation to ferry traffic and emergency service vehicles.

The Chief Planning Officer then outlined the terms of the planning report.

Members has the opportunity to ask further questions and received clarification on the following:-

- that any mitigation of noise levels would be best addressed at source through school management regimes;
- the assessment of noise levels having established that any increase up to 5dB would be considered reasonable;

- the Council's obligations in terms of statutory nuisance levels;
- legislative powers which could be utilised by the Council should noise levels rise to unacceptable levels; and
- that no development on the site could take place until remediation, testing and verification was carried out in relation to the site contamination.

Councillor Inglis, seconded by Councillor McTiernan, moved that the application be granted subject to an updated traffic management survey being carried out to 2023 levels.

As an amendment, Councillor Billings, seconded by Councillor Murdoch, moved that consideration of the planning permission be deferred to allow more detailed assessment and reporting on the five specific issues raised by objectors, namely air quality, traffic, noise levels specifically raising of noise levels other than plant noise, lighting and nuisance factors.

On a division and roll call vote, there voted for the amendment Councillors Billings, Ferguson and Murdoch (3) and for the motion Councillors Foster, Inglis, Kerr, McTiernan and Robertson (5) and the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to (a) the carrying out of an updated traffic management survey to 2023 levels; and (b) the following conditions:-

1. That prior to the commencement of the development, the remediation works (approved under permission 21/01161/PP) shall have been completed and a validation and verification report, which demonstrates the effectiveness of the completed remediation works, with all documentation verified by a suitably qualified Environmental Consultant, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.
2. That prior to the commencement of the development the applicant shall review any previous site investigations and risk assessments to assess the likelihood of contamination and submit an appropriate Remediation Strategy to the satisfaction of North Ayrshire Council as Planning Authority. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.
3. On the basis there is a requirement to re-use site won material and/or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council, as Planning Authority prior to any material being used. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

4. 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. That prior to the commencement of the development, a Construction Management Plan shall be submitted for the written approval of North Ayrshire Council, as Planning Authority, and the development will thereafter be carried out in accordance with the details of any approved plan.
6. That prior to the commencement of the development, details of post development exceedance flow-paths shall be submitted to demonstrate that overland flow would be directed away from existing and proposed buildings and that site access and egress would be possible when the capacities of the drainage systems serving the site are exceeded, including an allowance for the predicted effects of climate change.
7. That prior to the commencement of the development a scheme to secure the flood risk management performance of the seawall / revetment and any other feature that protects the site from coastal flooding and private drainage assets that serve the site is provided for the approval of North Ayrshire Council, as Planning Authority, and any scheme as may be approved is implemented prior to the occupation of the site and maintained in perpetuity.
8. That prior to the development becoming operational, a report outlining the potential impact of increased road traffic on local air quality, including concentrations of atmospheric pollutants, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.
9. 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 finalised Travel Plan for the development. Such a Travel Plan shall include details of active travel proposals for all users of the site and an indication of the measures which shall be undertaken to reduce car journeys. Thereafter, the Travel Plan as may be approved shall be implemented upon the development becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 2 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
10. That prior to the commencement of the development, details of boundary treatments shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The development will thereafter only be carried out in accordance with any details as may be approved.
11. That the proposed landscaping shall be carried out in the first planting season following completion of the development or occupation of the building, whichever is soonest. Any landscaping which dies, becomes diseased, or otherwise fails, within 5 years of the completion of the development shall be replaced to the satisfaction of North Ayrshire Council, as Planning Authority.

12. That prior to commencement of the development or within 12 months of the date of approval, whichever is later, a biodiversity action plan, which shall include details of bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the action plan as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
13. That prior to commencement of the development or within 12 months of the date of approval, whichever is later, details of all external lighting within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the external lighting scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
14. The rated noise level, as defined in BS4142:2014 +A1:2019, from the operation of all plant and equipment must not exceed the background noise level by 5dB or more at the curtilage of any existing or consented noise sensitive premises.
15. That prior to the commencement of the development, a Traffic Survey dated no earlier than September 2023 shall be carried out and submitted for the written approval of North Ayrshire Council as Planning Authority. Any findings shall be used to prepare the finalised Travel Plan required under Condition 9.

The meeting ended at 3.10 p.m.