

Planning Committee
30 September 2020

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 (Planning), A. Craig, Senior Manager, J. Law; Solicitor (Legal Services); S. Paterson, Customer Solutions Technician (ICT); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Also In Attendance

A. Gemmell, Strategic Planning Manager, A. Hume, Senior Development Management Officer, I. Davies, Senior Development Management Officer, J. Thompson, Assistant Planning 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 2 September 2020 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 20/00676/PP: Site To South And West Of 10 Crompton Way, Irvine

Persimmon Homes have submitted a Section 42 application to amend condition 3 of planning application 19/00908/PPM in respect of the specification for thermal double glazing and acoustic ventilation. No representations were received.

Councillor Marshall seconded by Councillor Foster, moved to approve planning permission to vary a condition under Section 42 of the Town and Country Planning (Scotland) Act 1997 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 prior to the commencement of the development hereby approved, the applicant shall submit:
 - Full details of the proposed acoustic barriers,
 - Full details of the proposed noise bund, and
 - A scheme of maintenance for the acoustic barriers and noise bund for the written approval of North Ayrshire as Planning Authority. For the avoidance of doubt the barrier requires to be effective acoustically, such as a close boarded timber fence with a mass per unit of area in excess of 12kg/m² and with no gaps at the joints, or alternatively, a continuous masonry wall. The acoustic barriers shall thereafter be erected in accordance with such details as may be approved and maintained in accordance with such a scheme as may be approved, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 29dB_{Rw} for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation 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, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
4. That the rated noise level, as defined in BS4142, from the commercial activities must not exceed the background noise level at the curtilage of any proposed residential property by 5dB(A) or more.
5. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings.
All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.

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.

On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted, all to the satisfaction of North Ayrshire Council as Planning Authority.

6. That prior to the commencement of the development 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.
7. That prior to the commencement of the development hereby approved, full details of the drainage arrangements including:
 - post development overland flow paths, attenuation measures and overflow devices,
 - porous paving or linear filter trenches adjacent to car areas/driveways,
 - a maintenance schedule for the proposed drainage assets,
 - a land drainage strategy shall be provided 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.
8. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations for mine entries and adits shall be undertaken by appropriately qualified persons, the scope of which shall be adequate to fully assess the ground conditions below the site and inform any required remedial works. Thereafter, the applicant or their representative shall prepare and submit a report of findings arising from the intrusive site investigations for the approval of North Ayrshire Council as Planning Authority. Any remediation works which are approved shall then be carried out prior to the commencement of the development.
9. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
10. That immediately prior to the commencement of the development hereby approved, a pre-construction badger survey shall be undertaken in order to determine whether any new setts have been established on the site and submitted for the approval of North Ayrshire Council as Planning Authority.

If any setts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

11. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the proposed boundary treatments for the written approval of North Ayrshire 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.
12. 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.
13. 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.
14. That during construction, a 30m buffer shall be established around the four trees identified in the Phase One Habitat Survey (EDI_1952) as being within 30m of the site and having potential for bat roosts. If this cannot be achieved a further tree climbing assessment shall be carried out and If any roosts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

4. The Scottish Planning Policy and Housing – Technical Consultation on Proposed Policy Amendments

Submitted report by Executive Director (Place) on a consultation response on the proposed interim changes to Scottish Planning Policy regarding housing with the response to the consultation set out at Appendix 1 to the report.

The Committee agreed to (a) note the detail of the consultation on proposed policy amendments to Scottish Planning Policy; and (b) approve the consultation response set out at Appendix 1 to the report.

5. Short-term Lets – Consultation a Licensing Scheme and Planning Control Areas in Scotland

Submitted a report by the Executive Director (Place) on proposals for the regulation of short-term lets in Scotland, including through the introduction of planning control areas. Members were advised that the report related to Planning and that the Licensing aspects of the consultation document would be addressed separately.

Members asked questions and were provided with further information in relation to:

- all short-term lets where the host does not normally live will be in the scope of the proposed definition of a short-term let; and
- accommodation requires to be a residential property.

The Committee agreed to add the following to paragraph 2.16 “every short-term let, including those in tenements and flatted accommodation, will be considered on a case-by-case basis as to the requirement for planning permission for change of use”.

The Committee agreed that the observations set out in paragraphs 2.15 to 2.17 of the report form the basis of a response to the Scottish Government on the proposed regulations introducing control areas for short-term lets.

6. Conservation Area Assessments

Submitted report by Executive Director (Place) on the production of 10 Conservation Area Assessments and recommending appropriate actions.

Members asked questions and were provided with further information in relation to:

- the consultation process for the Dreghorn area;
- the inclusion of the old Gate Lodge of Whitehouse within Lamblash Conservation Area; and
- the old police station in Dalry being modern in terms of historic interest and doesn't merit inclusion in the conservation area.

The Committee agreed (a) to note the Assessments and their findings; (b) to approve the recommended alteration of the Conservation Area boundaries at Dalry, Lamblash and Dreghorn; (c) that the Council proceed with the legal process to designate the revised Conservation Areas; and (d) that the Conservation Areas Appraisals be adopted as non-statutory Supplementary Guidance.

The meeting ended at 2.55 p.m.