

## **Planning Committee 29 April 2021**

At a Special 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, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid.

### **In Attendance**

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

### **Apologies**

Robert Foster and Ellen McMaster

### **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. Ardrossan North Shore Development Framework**

Submitted report by the Executive Director (Place) on the development of the Ardrossan North Shore Framework. The Framework was set out at Appendix 1 and comments received from the consultation set out at Appendix 2 to the report.

The Chief Planning Officer highlighted the Framework would inform the detailed proposals and be a material consideration in the determination of future planning applications for the site if approved. The framework was developed through analysis of how the Council's aspirations for the regeneration of the site could best be accommodated, technical information and cost.

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

- 20mph speed limit in the surrounding areas;
- coastal path currently used and fencing of the area;
- the Marina service area in proportion to the rest of the site; and
- depth of soil samples undertaken, soil material removed from the site, height of the site, and materials that may be imported or exported from the site during the remediation.

Councillor Marshall, seconded by Councillor Macauley, moved to approve the Ardrossan North Shore Development Framework.

Councillor McNicol, seconded by Councillor Barr, moved to not approve the Ardrossan North Shore Development Framework.

On a division and a roll call vote, there voted for the amendment, Councillors Barr and McNicol (2) and for the motion, Councillors Billings, Clarkson, Larsen, Macauley, Reid and Marshall (6), and the motion was declared carried.

Accordingly, the Committee agreed to approve the Ardrossan North Shore Development Framework as set out at Appendix 1.

### **3. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Kirkleegreen Reservoir, Beith**

Submitted a report by the Chief Planning Officer to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all fly-tipped materials on the land for the abatement of the adverse impacts on the amenity of the local area at Kirkleegreen Reservoir, Beith.

The Chief Planning Officer advised the Committee an area of land beside the public road adjacent to Kirkleegreen Reservoir near Beith had been blighted by fly-tipping incidents involving a variety of construction waste and other bulky items such as scrap metal. Contact had been made with the owner to request the removal of all waste materials from the land and disposal to a licensed waste or recycling facility. To date, the land had not been satisfactorily cleared of the waste and the condition was harming the amenity of the rural area at Kirkleegreen Reservoir.

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 improve and safeguard the amenity of the area at Kirkleegreen Reservoir, Beith.

### **4 21/00214/PP: Blairland Farm, Dalry KA24 4EJ**

The Blair Trust Co Ltd have applied for a Section 42 planning application to vary conditions 1, 2, 3, 4 and 5 of planning permission in principle ref. 15/00103/PPPM as amended by planning permission ref. 18/00328/PPM. 4 objections were received and summarised in the report.

Councillor Marshall, 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, along with the first application for the approval of matters specified in conditions- (MSC), further intrusive site investigations shall be undertaken to establish the location and condition of the recorded mine entries, the results of which shall inform the layout of the detailed masterplan required by Condition 5 and any subsequent remediation works which may be required. Confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that the required site investigations and any subsequent remedial works have been undertaken.
2. That, along with the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved 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 North Ayrshire Council as Planning Authority.
3. That, along with the first application for the approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:
  - there shall be no drainage connections to the trunk road drainage system;
  - all foul water arising from the development must be collected and diverted away from operational railway land;
  - all surface water arising from the development must be collected and discharged no closer than 10 metres from operational railway land; and,
  - the SuDS scheme shall not be sited within 10 metres of railway infrastructure.Thereafter, the scheme as may be approved shall be implemented during the course of development (taking phasing into account) and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, along with the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 5. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200-year functional floodplain.

5. That, along with the first application for the approval of matters specified in conditions (MSC), a development brief together with a masterplan for the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. The brief and masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively. The development brief and associated masterplan shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter, the details contained in the MSC application(s) shall accord with the development brief and masterplan as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.
  
6. That application(s) for the approval of matters specified in conditions (MSC) shall include a scheme of mitigation measures for the design and construction of the houses to ensure that the noise levels at each plot shall not exceed the following:
  - (a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
  - (b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
  - (c) Night time internal level, 45dB LA Max (2300-0700).Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.
  
7. That, prior to the commencement of the development hereby approved, the developer shall implement the recommendations contained within the "Preliminary Geo-Environmental Risk Assessment including Coal Mining Risk Assessment Report" dated March 2014 by Waterman (document reference EED14275-100-R-1-2-1-JLD-PERA) and also the recommendations contained within the "Preliminary Slag Analysis Report" by Waterman dated 7th July 2014 (document reference EED14275-100-C-001-SC-HW) in order to assess the likelihood of any ground contamination present at the site. Remediation proposals shall also be presented to North Ayrshire Council as Planning Authority in relation to any significant findings. All documentation shall meet BS 10175:2011 and shall be verified by a suitably qualified environmental consultant. 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 a remediation scheme to be agreed in writing with 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 to North Ayrshire Council as Planning Authority.
  
8. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on

road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

9. That prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
10. That prior to the commencement of the development hereby approved, the developer shall submit details of the lighting within the site for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland.
11. That prior to the commencement of the development hereby approved, the developer shall submit details of the landscaping treatment along the boundary with the A737 Dalry bypass trunk road for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland.
12. That, prior to the occupation of any dwellings within the development, a barrier/boundary feature of a type to be approved in writing by North Ayrshire Council as Planning Authority in consultation with Transport Scotland shall be erected and maintained along the proposed boundary of the site with the A737 Dalry Bypass trunk road. In addition, the developer shall provide a suitable trespass proof fence adjacent to Network Rail's boundary, which shall include provision for access to facilitate future maintenance and renewal.
13. That the recommendations of the "Bat Survey Report" (ref. EED14275-100-R-2-2-1) and "Preliminary Ecological Survey" (ref. EED14275-100\_R\_1\_1\_2\_WE) by Waterman shall be taken into account during the MSC stage and implemented during the course of the development to the satisfaction of North Ayrshire Council as Planning Authority.
14. That the development shall initially be limited to a maximum of 25 house completions per annum unless otherwise agreed in writing between the developer and North Ayrshire Council as Planning Authority. Thereafter, at 2 yearly intervals following the commencement of the development until its completion, a review of the build rate shall be undertaken by the developer to consider new house completions, new house sales and local primary school capacity. Each review shall propose the number of houses that can be completed during the following 2 year period (at a rate of not less than 25 units per annum), and shall be submitted for the consideration and written approval of North Ayrshire Council as Planning Authority.

The meeting ended at 3.10 p.m.