

Planning Committee
22 January 2020

Irvine, 22 January 2020 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

Also Present

John Easdale, Jean McClung and Todd Ferguson.

In Attendance

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

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.

Members of the Planning Committee advised that they were in receipt of both correspondence and telephone calls from the applicant for Agenda Items 4 and 5, but had not engaged in any way which would necessitate a declaration of interest in the matter.

2. Minutes

The Minutes of the meeting of the Planning Committee held on 4 December 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Introductory Remarks

The Legal Adviser to the Planning Committee set out the call in process for agenda items 4 and 5 and advised the pre meeting requirements had been met and the matters were now before the Planning Committee.

4. Call In Request: Crompton Way, North Newmoor, Irvine

Submitted a report by the Chief Executive of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors Easdale, Burns and Donald L Reid that an application for the erection of a foodstore should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers. The stated reason for the call in request was detailed in the call in request dated 24 October 2019 circulated to Members prior to the meeting and summarised as follows:-

- Creation of up to 40 local employment opportunities;
- No other suitable or available sites to accommodate this development;
- Retail Impact Assessment has shown there will be minimal impact on the designated town centre;
- Strong community support;
- Reuse of vacant and derelict site; and
- Demand for retail foodstore.

Councillor Easdale was in attendance and addressed the committee in support of the call in request. Councillor Easdale referred to the strong community support for this proposal, Lidl's informative consultation pack and the process for notifying Elected Members about planning applications which had been submitted.

Councillor Foster seconded by Councillor McNicol, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

There being no amendment the motion was declared carried.

5. Call In Request: Sorbie Farm, Ardrossan

Submitted a report by the Chief Executive of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors McClung, Gurney and Montgomerie that a section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m, should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers.

The stated reason for the call in request was detailed in the call in request dated November 2019 circulated to Members prior to the meeting and summarised as follows: -

- The application will contribute to 12MW capacity of clean renewable electricity which will go towards achieving the Scottish Government's aim for generation of renewable energy;
- North Ayrshire Council has declared a climate emergency;
- Mitigation of the landscape and visual impacts of the proposal has been undertaken by the applicant;
- The carbon balance of the proposal has been improved by the applicant;

- The applicant is unable to procure a wind turbine that would fit within the consented 104.3m envelope;
- Economic Benefits to North Ayrshire; and
- The terms of policy 29 of the Local Development Plan.

Councillor McClung was in attendance and addressed the committee in support of the call in request. Councillor McClung referred to a recent press release by North Ayrshire Council that aims to achieve net-zero carbon emissions within a decade. Councillor McClung also referred to the applicant's steps to further mitigate the landscape and visual impacts of the proposal and the significant economic benefit to the people of North Ayrshire. Councillor McClung also advised the money generated by Sorbie Dairy Farm will also allow the applicant to invest in local jobs and grow their business.

Councillor Foster seconded by Councillor Billings, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

As an amendment, Councillor Barr, seconded by Councillor Macaulay, moved that the application be called in and determined by the Planning Committee.

On a division, there voted for the amendment five and for the motion five, and on the casting vote of the Chair, the motion was declared carried.

6.1 19/00539/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG

Doveyard Ltd have applied for Planning Permission for the development of an Energy Recovery Facility (ERF) to include (1) the erection of materials recycling/fuel preparation building; (2) the erection of an energy recovery building for the production of electricity and heat with associated (60m high) exhaust flue; and (3) the provision of associated site facilities to include silos, access roads, parking, attenuation pond, landscaping and security fencing. No representations were received.

The Committee agreed to grant the application subject to the following conditions:

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. 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 North Ayrshire Council as Planning Authority.

Any required remediation measures shall be undertaken, prior to the commencement of the development 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. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. 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 (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. 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.
5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. For the avoidance of doubt, the area for tree planting shall be limited to the southeast corner of the site only. In addition, the species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds. Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the flue stack shall be fitted within an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
8. That, following the removal of all recyclable materials within the Materials Recovery Facility hereby approved, the feedstock for the Energy Recovery Facility hereby approved shall be limited to non-hazardous materials derived from municipal, commercial and industrial sources. The plant shall be designed to operate up to a maximum tonnage of 180,000 tonnes of refuse derived fuel per annum. For the avoidance of doubt, there shall be no food waste, medical waste or hazardous waste accepted at the site.
9. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Efficiency' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

7.1 19/00864/PPM: Loanhead Quarry Beith Ayrshire KA15 2JN

W H Malcolm Ltd have applied for planning permission for the operation of a materials recycling and wash plant at Loanhead Quarry, Beith. 7 objections were received and summarised in the report.

Councillor Barr seconded by Councillor McNicol, moved that a site visit should be undertaken before the planning application is determined.

As an amendment, Councillor Macaulay, seconded by Councillor Foster, moved that a site visit should not be undertaken, and the application be determined.

On a division there voted for the amendment five and for the motion four, the amendment was declared carried.

Councillor Reid seconded by Councillor Macaulay, moved to approve planning permission subject to conditions.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved to refuse planning permission on the grounds that the committee did not have sufficient information.

On a division there voted for the amendment three and for the motion seven, and the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That the use hereby permitted shall cease on 4th May 2058, or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.
2. That, within 3 months of the date of the permission, a scheme of restoration for the area of the permitted use shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.
3. The types of material to be processed will be restricted to those permitted by SEPA in any permit for the site, or any future regulatory permit by the authorised environmental protection body. Any changes to the types of material permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.
4. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council, as Planning and Roads Authority.
5. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious material on public roads
6. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.
7. That the hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday, except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays.
8. That the noise from the use shall not exceed 55dBL_{aeq}, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property.
9. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.
10. That the development shall monitor noise from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission 15/00264/DCMS
11. At all times during the carrying out of operations authorised or required under this permission, water bowsers and sprayers, mobile or fixed, shall be used at all times as it is necessary to minimise the emission of dust from the site.

12. That the development shall monitor dust from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission
 13. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction and ongoing activities.
 14. All storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them.
 15. That during the life of the operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
 16. The appropriate measures shall be adopted to ensure that no employee from the site visits the nests of either Peregrines, or Ravens or Barn Owls at any time.
- 8. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX**

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

The Senior Manager (Planning) provided the Committee with information on the site and advised the total height of the fence was 1.9m, the works were undertaken in 2018 and Planning permission had not been granted for the works, which were therefore unauthorised. The owner of the land has been advised that the works are unauthorised and has been requested to reduce the height of the fence. A response has not been received from the owner.

The Committee unanimously agreed to grant authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

Councillor Foster left the meeting.

9. The Planning (Scotland) Act 2019 Commencement Regulations

Submitted report by the Executive Director (Place) on the implementation of the Planning (Scotland) Act 2019.

Noted.

10. Scottish Government Consultation on Planning Performance and Fees

Submitted report by the Executive Director (Place) on the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees.

The Committee unanimously agreed to approve the content of the report which will form the basis of the response to the Consultation.

The Meeting ended at 3.40 p.m.