

Planning Committee 24 April 2024

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, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis and Chloé Robertson.

Present (Remote Participation)

Davina McTiernan and Ian Murdoch.

In Attendance (Physical Participation)

A. Finlayson, Chief Planning Officer, L. Kirk, Head of Service (Economic Development, Growth and Regeneration), M. Ritchie, Interim Senior Manager and K. Smith, Regeneration (Growth & Investment) (Place); R. Lynch, Senior Manager (Legal Services), C. Stewart and H. Clancy, Committee Services Officers (Democratic Services) (Chief Executive's Service).

Chair

Councillor Foster in the Chair.

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 20 March 2024 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Great Harbour Masterplan, Irvine

Submitted report by the Executive Director (Place) seeking approval of a masterplan for the Great Harbour area in Irvine. The Great Harbour Masterplan was set out at Appendix 1 to the report.

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

- the guidelines and whether they were indicative, rather than detailed; and
- additional residential parking, mentioned in the report, in the section titled 'Site 4 Harbour Master's Car Park (42 Spaces)'.

The Committee agreed to approve the Great Harbour Masterplan (Appendix 1 of the report). The approved Masterplan would inform and be a material consideration in the determination of future planning applications for the area; the preparation of the

Council's third Local Development Plan, and in setting out the wider development aspirations for the area.

4. 24/00112/PPM: Site to south of 1 Newhouse Drive, Kilbirnie, North Ayrshire

Keepmoat Homes Ltd. have applied for permission for the erection of 112 residential dwellings with associated works including access, parking, landscaping, open space, and SuDS on an allocated greenfield site within the settlement boundary of Kilbirnie.

The Chief Planning Officer advised the Committee on representations received and officer responses in terms of the application.

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

- vehicular access to the development through Newhouse Drive;
- consultations that had been carried out in respect of the application, noting that the area in question was zoned for housing in the Local Development Plan; and
- adoption of the road by North Ayrshire Council and maintenance of the SuDS pond which would be a matter for the developer through their appointed factor.

Councillor Inglis, seconded by Councillor Robertson, moved that the application be granted, subject to the conditions set out in the officer's report. There being no amendment, the motion was declared carried.

Accordingly, 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 submitted plans, drawings and recommendations contained in the application (inclusive of all associated supporting documentation) 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 submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
3. 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.
4. That, if 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, any fill material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours and in accordance with BS3882:2015 and BS8601:2013. 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 within residential development.

5. That prior to the commencement of the development hereby approved, full details of:
 - the proposed land and surface water drainage networks shall be provided;
 - the SuDS Basin design shall be provided. (For the avoidance of doubt, the embankment levels of the basin shall be designed that exceedance overflows will flow towards the burn and away from the housing within the development);
 - exceedance flow paths of the drainage network shall be provided;

all for the written approval of North Ayrshire Council as Planning Authority.

The finalised surface water drainage scheme shall accord with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the details as may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

6. That prior to the commencement of the development hereby approved, the developer shall provide final details of the boundary treatments 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 to the satisfaction of North Ayrshire Council as Planning Authority.
7. That all planting, seeding or turfing comprised in the approved details of landscaping scheme and compensation woodland scheme shall be carried out in the first planting season and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees, plants or areas of grass seeding 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 until established, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

5. 24/00116/CON: Site to south east of Goldcraigs Road Depot, Kilwinning

The Scottish Government's Energy Consents Unit have consulted the Council, as Planning Authority, on an application under Section 36 of the Electricity Act 1989.

In this respect, Flemyland Battery Storage Ltd., per LoganPM, have applied for permission for the development and installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 100MW on undeveloped farmland to the southeast of the Goldcraigs Road Depot on the B778 to the northeast of Kilwinning.

The Chief Planning Officer advised the Committee on internal consultations undertaken and officer responses in terms of the proposals.

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

- emergency fire and safety plans for the proposed development including relevant safety aspects thereto;
- EIA screening; and
- the differences in nature / type of this development (battery energy storage system), and the battery recycling centre at Kilwinning, which was the scene of a recent fire, including the greater distance to the nearest residential properties in this proposal.

The Committee (a) was minded to not object to the proposed development and that the conditions set out in the officer's report, and noted below, be recommended to the Scottish Government's Energy Consents Unit (SGECU) for its consideration; and (b) agreed that a covering letter, highlighting the concerns of Members in relation to the proposed development, be issued to the SGECU with a copy of that letter also being circulated to Members of the Committee, including the local Ward Members, for their information.

Accordingly, the Committee agreed that it was minded to not object to the proposed development and that the following conditions be recommended to the Scottish Government's Energy Consents Unit for its consideration:-

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the 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 submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, the scope and content of which shall be informed by the contents of the application. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
3. That 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 the West of Scotland Archaeology Service, and approved 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.
4. That, with regards to the site access (for which a road opening permit will be required):

- (a) visibility splays of 2.5 metres by 215 metres, in both directions, shall be 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.
- (b) the first 10 metres of the access, measured from the heel of the carriageway, shall be hard surfaced in order to prevent deleterious material being carried onto the road and designed in such a way that no surface water shall issue from the access onto the carriageway.
- (c) all parking for construction and service vehicles shall be within site boundary.

All of the above shall be carried out to the satisfaction of North Ayrshire Council as Planning Authority.

- 5. That, in respect of the management of surface water run-off from the roads/tracks within the site:
 - (a) the condition of the existing culvert that would accept road run-off from the site shall be investigated. Thereafter, the culvert shall be repaired or improved if necessary, and
 - (b) the future maintenance arrangements are secured with the other owners of the culvert prior to the first use of the site as an energy storage facility.

All of the above shall be carried out to the satisfaction of North Ayrshire Council as Planning Authority.

- 6. That details of the colour scheme for all plant, equipment and boundary treatment to be sited or erected within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
- 7. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of earthworks, landscaping and woodland planting. The scheme shall be based on the submitted plans and shall include details of an additional area of woodland planting to be provided between the northwest edge of the battery storage compound and the existing woodland area which adjoins the B778. Additional hedgerow trees shall be included along the southeastern boundary of the site. Details of tree and plant species, planting densities, soil treatment and aftercare shall be included with the finalised scheme. Thereafter, the 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.

6. 24/00162/ALO: Mannsfield, Kings Cross, Brodick, Isle of Arran, North Ayrshire KA27 8RF

Mr. Ronald Mann has applied for permission for the removal of the Section 75 agreement from planning permission 13/00329/PP to remove occupancy restriction in relation to Mannsfield, Kings Cross, Brodick, Isle of Arran.

The Chief Planning Officer advised the Committee on the background to the request and on relevant Development Plan policies.

The Committee unanimously agreed to approve the application with no conditions.

7. Urgent Items

There were no urgent items.

The meeting ended at 3.05 p.m.