

Planning Committee 22 May 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, Scott Davidson, Stewart Ferguson, Cameron Inglis, Davina McTiernan and Chloé Robertson.

Present (Remote Participation)

Timothy Billings and Jim Montgomerie.

In Attendance (Physical Participation)

A. Finlayson, Chief Planning Officer; R. Lynch, Senior Manager (Legal Services), C. Stewart and S. Wilson, Committee Services Officers (Democratic Services) (Corporate Services).

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

3. 24/00307/PP: Blairland Farm, Dalry

A Section 42 application has been sought by the Blair Trust Co. Ltd. in relation to some of the planning conditions attached to permission in principle for a major housing development at Blairland Farm in Dalry. The site has been allocated for residential development purposes since the adoption of the Council's first Local Development Plan in May 2014.

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

A Member asked a question and was provided with information in relation to the position concerning delegation, in the event there was any variation in respect of conditions 8. and 9., as noted below and listed in the report:-

The Committee unanimously agreed that the application be granted, 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 (taking phasing into account) 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 waste 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 Environmental Management Plan (CEMP) for the written approval of North Ayrshire Council as Planning Authority, which shall include details of routing arrangements for construction traffic. For the avoidance of doubt, the CEMP 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 CEMP as approved.

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.
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 reviewed, updated and 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.

4. 24/00331/PP: 'Endmoor', Lochlibo Road, Burnhouse KA15 1LF

A Section 42 application has been sought by Mrs Patricia Wilson for permission to delete a condition that was imposed on a planning permission granted in 2002 for the erection of a dwellinghouse within the settlement of Burnhouse (ref. 02/00232/PP).

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.

5. Urgent Items

There were no urgent items.

The meeting ended at 2.20 p.m.