

Planning Committee
10 March 2022

At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

Christina Larsen, Timothy Billings, Robert Barr, Robert Foster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Chief Planning Officer, I. Davies, Senior Development Management Officer, A. Gemmel, Manager, L. Dempster, Technician (Planning); L. Kirk, Senior Manager (Regeneration) (Economic Development and Regeneration); J. Law, Solicitor (Legal Services) and H. Clancy and C. Stewart, Committee Services Officers (Chief Executive's Service).

Apologies

Ian Clarkson and Shaun Macaulay.

Chair

Councillor Larsen in the Chair.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct, Councillor Billings declared an interest in Agenda Item 3 (21/00756/PPM - Glenkiln Farm, Lamash, Arran) and left the meeting for that item of business.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short recess to allow Members to consider legal advice on Declarations of Interest. The meeting reconvened with the same Members and officers present and in attendance, with the exception of Councillors McNicol and Barr, who left the meeting at this point.

2. 21/01161/PP: Site At North Shore Adjacent To North Crescent Road, Ardrossan

North Ayrshire Council have applied for planning permission for enabling works to support the future development proposed on the North Shore site, consisting of earthworks, remediation, construction of road, replacement revetment, drainage and formation of a coastal footpath at the site at North Shore adjacent to North Crescent Road, Ardrossan. Three objections and one neutral representation were received and summarised in the report.

The Chief Planning Officer advised the Committee of a reference to the road length within the report, which should read 725m long with a 215m spur running south-west.

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

1. Following demolition and removal of the existing building footprint area identified in the Coast to Coast Site Phase I and II Interpretive Report, May 2022, Document Number 8754 and prior to any remediation works commencing within the application area, the applicant shall undertake an additional site investigation and interpretive risk assessment and submit the findings with any remedial measures within the application site Remediation Strategy for the approval of North Ayrshire Council, as Planning Authority and Environmental Health.
2. Prior to commencement of the development, the applicant shall submit a revised Remediation Strategy that will take cognisance of and include: the findings of any existing and further site investigations, risk assessments and remediation trials to demonstrate that they can achieve the remedial targets; details of the phasing of the proposed remediation; Materials Management Plan; surface and groundwater monitoring plans and regulatory liaison proposals for the approval of North Ayrshire Council, as Planning Authority and Environmental Health.
3. A named Clerk of Works will be appointed by the contractor and the approved remediation strategy shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site.
4. On completion of the remediation works a validation and verification report, which demonstrates the effectiveness of the completed remediation works, with all documentation verified by a suitably qualified Environmental Consultant, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.
5. If there is a requirement to re-use site won material and to import material, then the assessment criteria, sampling frequency and submission phasing, 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, and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.
6. That the presence of any unsuspected contamination that become evident during the seawall revetement works of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council, as Planning Authority, shall be implemented and any necessary remediation works carried out prior to any further works taking place on the site, all to the satisfaction of North Ayrshire Council, as Planning Authority.

7. The works shall be carried out in accordance with the mitigation measures identified in the submitted European Protected Species Risk Assessment, to the satisfaction of North Ayrshire Council, as Planning Authority.

3. 21/00756/PPM: Site To Southeast Of Riding Arena Glenkiln Farm, Lamlash, Arran

Mr Robert McNeice has applied for planning permission for the creation of mountain biking facilities within an existing forestry site at Dyemill, approximately 0.8km southwest of Lamlash. One objection was received and was summarised in the report.

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

1. That, prior to the commencement of the development hereby approved, details of the design and siting of the proposed bike repair station, vending machine, charging point and bike wash facilities shall be submitted for the written agreement of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority
2. That, prior to the commencement of the development hereby approved, details of the design, installation, and proposed operation of all lighting at the site shall be submitted for the written agreement of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority
3. That prior to its installation, full details of the design, appearance and construction of the shelter hereby approved shall be submitted for the written approval of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority
4. That, prior to the commencement of the development hereby approved, details of all proposed signage at the site shall be submitted for the written agreement of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority
5. 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 the 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. Making Waves Festival: Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003

Submitted report by the Executive Director (Place) on the Making Waves Festival to be held at Irvine Beach Park between 22 and 24 July 2022 and the Proposed Section 11 Order to facilitate the event.

The Section 11 Order would exempt the area of Irvine Beach Park identified in the application from the access rights between 21 and 25 July 2022, enabling a charge to be made for admission and provide for public safety and security prior to, during and after the event.

Members asked a question and received clarification on the event being achieved within the 5-day period.

The Committee agreed to (a) issue a public notice of and consult on the proposed order as detailed in Appendix 3; (b) report the outcome of the consultation to Scottish Ministers; and (c) issue a public notice of the Order if confirmed by Scottish Ministers.

5. Local Development Planning – Regulations and Guidance: Consultation

Submitted report by the Chief Planning Officer on proposals for regulations and guidance on all aspects of implementing the future Local Development Plan system that had been published for consultation.

The Planning (Scotland) Act 2019 makes significant changes to development planning aimed at creating strong and flexible development plans. The proposed regulations and draft guidance seek to deliver a new type of Local Development Plan (LDP) that is more delivery-focused, place-based and people-centred.

Members asked a question and received clarification on local based policy plans being included in future Local Development Plans.

The Committee agreed to delegate authority to the Chief Planning Officer to complete and submit a detailed response to the consultation on Local Development Plans Regulations and Guidance.

6. Draft National Planning Framework 4

Submitted report by the Chief Planning Officer that provided an update on the preparation of Scotland's fourth National Planning Framework and sought delegated authority to respond in full to the consultation.

Members asked a question and received further information in relation to local based policies and how they fit within the National Planning Framework.

The Committee agreed (a) that the comments set out in Paragraphs 2.12 to 2.23 form the basis of the Council's response to the consultation on Draft National Planning Framework 4; and (b) to delegate authority to the Chief Planning Officer to complete and submit a full consultation response to the Scottish Government.

The meeting ended at 3.35 p.m.