

**Planning Committee
28 September 2022**

Irvine, 28 September 2022 - 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, Davina McTiernan and Chloé Robertson.

Present (Remote Participation)

Jim Montgomerie.

In Attendance

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

Apologies

Amanda Kerr and Ian Murdoch.

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 Minute of the meeting of the Planning Committee held on 24 August 2022 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 22/00420/PPM: Site To North Of St Andrews Court, Saltcoats

Persimmon Homes And Land Partners (Scotland) Limited, have applied for planning permission for a residential development comprising of 99 units and associated infrastructure on the site. Seven letters of objection were received and summarised in the report.

The Committee discussed the provision of pedestrian crossings in the local area and were advised that whilst there was no requirement for a further pedestrian crossing at the main road, further consultation would be undertaken with Roads.

Councillor Billings, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions, and that further consultation be undertaken with Roads in respect of pedestrian crossing requirements. There being no amendment, the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials 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.
2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants 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 with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
4. That prior to the commencement of the development, hereby approved, the developer shall provide a proposed topographical plan displaying full details of Finished Floor Levels, any ground works, cut and fill and site levelling 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 by North Ayrshire Council as Planning Authority.
5. Site clearance or similar works shall not take place during the nesting bird period (March to August, inclusive). If works cannot be undertaken outside this period, then a breeding bird survey shall be undertaken to determine which nests are active, and no section of the site within 10m of an active nest shall be cleared until the bird nesting season is over. All to the satisfaction of North Ayrshire Council as Planning Authority.
6. If any trees are scheduled to be felled as part of the development, a Preliminary Roost Assessment shall be undertaken on the trees scheduled to be felled, and the results shall be submitted to North Ayrshire Council as Planning Authority. Thereafter, if any remediation works are required, they shall be undertaken as agreed, in writing by North Ayrshire Council as Planning Authority.

7. That prior to any development commencing the applicant shall submit a Remediation Strategy for the written approval of North Ayrshire Council as Planning Authority as recommended in the Ground Investigation Report by JPB June 2020, UG537-14/MAK. Thereafter, the development shall progress in accordance with the approved Remediation Strategy.
8. That the applicant shall submit a Construction Environmental Management Plan (CEMP) for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of any works, as recommended within the submitted Air Quality Impact Assessment report by ITP Energised, May 2022, Project No 5272. Thereafter, the development shall progress in accordance with the approved CEMP.
9. The rated noise level, as defined in BS4142:2014 +A1:2019, from the operation of the proposed pumping station must not exceed the existing background noise level at the curtilage of any noise sensitive property, to the satisfaction of North Ayrshire Council as Planning Authority.
10. That prior to the commencement of the development hereby approved, the full details of the proposed improvements or alterations to the existing ditches and the detail of the proposed ditch both within and outwith the application site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include details of culverts (road crossings) and a '1 in 200' year critical storm resilience check on the proposed drainage system, including identification and design of any necessary flood flow-paths, together with maintenance of these flow-paths. Thereafter, the approved details should be implemented prior to the completion of the development and maintained in perpetuity.
11. 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.
12. That prior to the commencement of the development hereby approved, the developer shall provide full details of the vehicular link to Barga Gardens for the written approval of North Ayrshire Council as Planning Authority. This shall include an updated Transportation Assessment which shall include a traffic impact analysis of the development including the Barga Gardens Road link. Thereafter, the development shall progress in accordance with such details as may be approved.

4 Provisional Tree Preservation Order: Grouping of Trees adjacent to Wildcat Road and Summerlea Road, West Kilbride

Submitted report by the Chief Planning officer seeking authority to serve a Provisional Tree Preservation Order (TPO) to protect a group of trees at Wildcat Road and Summerlea Road, West Kilbride. An independent survey of the trees had been undertaken and was attached at Appendix 1 to the report.

Concerns had been raised by members of the public that trees located in West Kilbride were under threat from a proposed development. The independent survey of the trees, undertaken in August 2022, considered that the grouping of trees met the criteria contained within Section 160 of the Town and Country Planning (Scotland) Act 1997, insofar as it was expedient in the interests of amenity to make that provision.

Councillor Davidson, seconded by Councillor Robertson, moved to grant authority to serve a TPO to protect the group of trees at Wildcat Road and Summerlea Road, West Kilbride. There being no amendment, the motion was declared carried.

The Committee unanimously agreed to grant authority to serve notice of a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997 and undertake consultation with all relevant stakeholders.

5 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former dental surgery, Fergushill Road, Kilwinning

Submitted report by the Chief Planning officer seeking authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.

The former vacant dental surgery building had been subject to break-ins and had deteriorated in appearance in recent years. Complaints received by Planning Services raised concerns about the condition of the building and site. Officers had inspected the site and contacted the owner to raise these concerns, however no response had been received.

Councillor Davidson, seconded by Councillor McTiernan, moved to grant authority to serve a notice in the interests of the amenity of the area. There being no amendment, the motion was declared carried.

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, in the interests of the amenity of the area

The meeting ended at 2.35 p.m.