

Planning Committee 29 September 2021

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

Present

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

In Attendance

J. Miller, Chief Planning Officer, I. Davies, Senior Development Management Officer, A. Gemmell, Manager (Economic Development and Regeneration), L. Dempster, Technician, K. Gee, Technician (Planning); J. Law, Solicitor (Legal Services) and A. Little and C. Stewart, Committee Services Officers (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.

2. Minutes

The Minutes of the meeting of the Planning Committee held on 1 September 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 21/00676/PP - Site To North Of The Cathedral Of The Isles, College Street, Millport

Alt Stays Scotland have applied for planning permission for the erection of five holiday lodges and a reception building to include the formation of access, car park, landscaping and ancillary works at the site to the north of the Cathedral Of The Isles College Street Millport Ayrshire. Thirty-four objections, three neutral representations and eleven letters of support were received and summarised in the report.

At its meeting on 1 September 2021, the Committee considered a Call In request by Councillors Ferguson, Gallacher and Glover that the application should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers. The Committee agreed to call in the application to be determined by the Planning Committee.

The Committee questioned the relevance of Policy 8 Business Development on Arran and Cumbrae of the adopted Local Development Plan to the application, that had not been reviewed within the report. The Chief Planning Officer displayed and outlined Policy 8 and advised that pre-application discussions had taken place with the

applicant and a variety of sites were examined and considered. This site was selected as appropriate for the proposed activity and there was no conflict with Policy 8.

Councillor Foster, seconded by Councillor Barr, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, full details of the proposed bin store and cycle store shall be provided 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 prior to the commencement of the development hereby approved, full details of the proposed signage, including any signage displayed on the buildings, shall be provided 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.
3. That prior to the commencement of the development hereby approved, full details of the proposed boundary treatments, including alterations to the existing stone wall, shall be provided 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.
4. 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.
5. 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.
6. That prior to the commencement of the development hereby approved, full details of the proposed surface water drainage proposals, utilising Sustainable Urban Drainage (SuDS), shall be provided 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.

7. That prior to the first occupation of the lodges hereby approved, the first 6m of the vehicular access shall be surfaced in a hard, bituminous material to the satisfaction of North Ayrshire Council as Planning Authority. No surface water shall issue from the access onto the public road.
8. That prior to the first occupation of the lodges hereby approved, visibility splays of 2.5m by 90m in both directions shall be provided at the access to the site from the public road to the satisfaction of North Ayrshire Council as Planning Authority. No item of higher than 1.05m above the adjacent carriageway shall be located in these sightline triangles. These visibility splays shall be maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.
9. That no development shall take place 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 and agreed in writing by North Ayrshire Council as Planning Authority, in consultation with The West of Scotland Archaeology Service. 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 North Ayrshire Council as Planning Authority, in agreement with The West of Scotland Archaeology Service.
10. That prior to the commencement of the development hereby approved, the applicant shall provide full details demonstrating that at least 10% of the current carbon emission reduction targets set by Scottish Building Standards are met through the use of low or zero carbon generating technologies, for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved.

3.2 21/00787/PP: 44 - 46 Boyd Street, Largs

HK Properties have applied for a change of use of the existing vacant shop unit to form restaurant with ancillary takeaway and erection of flue at 44-46 Boyd Street, Largs.

Councillor Marshall, seconded by Councillor McMaster, moved to grant the application subject to conditions.

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 use of the site as a restaurant with ancillary takeaway hereby approved shall not operate outside the hours of 10am to 11pm on Sundays to Thursdays and from 10am to 12midnight on Fridays and Saturdays without the written approval of North Ayrshire Council as planning authority.
2. That the rated noise level from the operation of all external plant shall not exceed the background noise level by 5dB(A) or more at the curtilage of any noise

sensitive property, as measured in accordance with the principles of BS 4142 or any future updated or replacement recognised standard for measuring the impact of noise.

3. That prior to the first use of the site as a restaurant with ancillary takeaway hereby approved, full details of the performance and maintenance requirements of the proposed extraction system shall be provided for the written approval of North Ayrshire Council as planning authority. Thereafter, the approved details shall be fully implemented prior to the first use of the site as a restaurant with ancillary takeaway and the extraction system shall be maintained in perpetuity in accordance with the approved details to the satisfaction of North Ayrshire Council as planning authority.

3.3 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 9 Stakehill, Largs

Submitted report by the Chief Planning Officer to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring a reduction in height of a fence at 9 Stakehill, Largs.

The Chief Planning Officer advised the fence was on a boundary of the front garden fronting onto Stakehill. It was approximately 15m in length, curving around the northern and eastern side of the garden and 1.8m in height to the northern boundary. The height of the fence reduced to approximately 1.2m on the eastern boundary to the road turning head and had been erected behind an existing brick wall approx. 0.5m in height. The works were brought to the Council's attention in May 2021 by a member of the public. The owner had been advised of the need for permission and requested to remove the fence but had not responded.

The property was located within an area identified in the Local Development Plan (LDP) as part of the general urban area of Largs. The area was residential and the front boundaries characterised by open space or low boundaries. The adjacent property at Millburn Gardens, was a similar type of property and had a 1m high rendered boundary wall. Where higher boundaries were visible in the area these were either to the rear or side boundaries.

Councillor Marshall, seconded by Councillor Foster, moved to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring a reduction in height of a fence at 9 Stakehill, Largs.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to (a) grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the reduction in the height of the fence so that it did not exceed 1m in height; and (b) that the owner be given 6 weeks from the date of any Notice taking effect in which to carry out the requirements.

4 Development Plan Scheme

Submitted report by the Executive Director (Place) on an indicative timetable and participation strategy for the preparation of the next Local Development Plan (LDP3), attached at Appendix 1 to the report.

North Ayrshire Council adopted the current Local Development Plan (LDP2) on 28 November 2019. The Plan had a vision, aligned with the North Ayrshire Community Planning Partnership, that looked forward 20 years, plans for a 10-year period to 2029 and, under current planning legislation, must be replaced within five years, by November 2024.

An annual Development Plan Scheme was required to set out the programme for preparing and reviewing the local development plan and the last Development Plan Scheme was approved by the Planning Committee in June 2020

An updated Development Plan Scheme had been prepared and the indicative programme reflected the position of the planning system in Scotland within a period of substantial transformation. The proposed timetable for producing LDP3 set out in the Development Plan Scheme has been pushed back approximately six-months to reflect that the Scottish Government's timetable for implementing the Planning Acts has been impacted by the coronavirus pandemic. It was expected the regulations and guidance relating to LDPs would be published in the latter part of 2021 and it was now anticipated that these would come into force in Spring/Summer 2022.

The Committee unanimously agreed to adopt the Development Plan Scheme.

The meeting ended at 2.55 p.m.