

**Planning Committee  
2 October 2019**

**Irvine, 2 October 2019** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

I. Davies, Senior Development Management Officer, and N. McIlvanney, Strategic Development Manager (Place); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Shaun Macaulay.

**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 4 September 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 19/00600/PP: Glaxosmithkline, Shewalton Road, Riverside Business Park, Irvine**

GlaxoSmithKline Plc. have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the to vary Condition 1 (Mitigation Strategy) of planning permission 19/00164/PP.

Condition 1 of 19/00164/PP states:

*"No turbine blade shall be fixed to either turbine until:*

- (i) The developer has agreed radar mitigation schemes with Glasgow Prestwick Airport and the National Air Traffic Services, and those schemes have been approved in writing by North Ayrshire Council as Planning Authority; and*
- (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.*

*Thereafter, the development shall operate fully in accordance with the approved schemes and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme."*

The applicant requested the amendment of the wording of this condition and that definitions, detailed in the report, be added for a number of terms used in the decision notice.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. (i) No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as North Ayrshire Council receives confirmation from the Airport Operator that all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented.  
  
(ii) No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.
2. At wind speeds not exceeding 12ms<sup>-1</sup>, as measured or calculated at a height of 10m above ground level at the wind turbine, the noise immission level at any noise sensitive premises, including those dwellings listed in Table 5 of the applicant's Noise Report 'Proposed extension to wind energy development - GSK Irvine, Noise Impact Assessment, KSG Acoustics, Prepared for Stephenson Halliday, 27 February 2019', shall comply with the following:
  - (i) During night hours, defined in The Assessment and Rating of Noise from Wind Farms, 1996 ETSU-R-97 as 23:00 to 07:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 43dB LA90,10min or the ETSU-R-97 derived night hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The night hours noise limits shall be taken from Table 5 of the applicant's noise report.
  - (ii) During Daytime Hours, defined as 07:00 to 23:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 35dB LA90,10min or the ETSU-R-97 derived quiet waking hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The quiet waking hours noise limits shall be taken from Table 5 of the applicant's noise report.
3. When assessed at any noise sensitive premises the operation of the wind turbine shall not result in any audible tones as defined in The Assessment and Rating of Noise from Wind Farms, 1996 (ETSU-R-97).

4. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Environmental Health Service of North Ayrshire Council. Thereafter, a suitable investigation strategy, agreed with the Environmental Health Service of North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.
5. That the applicant shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, and agreed by the West of Scotland Archaeology Service, and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
6. That the applicant shall construct and operate the development in accordance with the Protected Species Survey Report (ref. SHA05.19.1833) and, where necessary, shall implement recommended mitigation measures contained in the Protected Species Survey Report to the satisfaction of North Ayrshire Council as Planning Authority.
7. By the end of a period of 25 years from the completion of the development, all of the above ground elements of the development hereby approved shall be removed within 24 weeks. Thereafter, the site shall be restored in accordance with an appropriate scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority.
8. If any turbine ceases to be operational for a continuous period of 6 months all of its above ground elements shall be removed within 24 weeks and the ground reinstated to the satisfaction of North Ayrshire Council as Planning Authority.
9. No development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, detailed timescales for the various stages of site clearance, construction and commencement of operation and environmental mitigation measures has been submitted to, and agreed in writing by North Ayrshire Council as Planning Authority. The development shall then progress in accordance with the approved Construction Method Statement.
10. That prior to the commencement of the development hereby approved, the applicant shall complete all relevant Abnormal load movement application and notification forms and submit all relevant forms to North Ayrshire Structures Team. Unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, all HGV traffic associated with the construction of the wind turbines shall enter and leave the site from the A78 trunk road via the Newhouse Interchange, the B7080 (moss Drive) and Oldhall Roundabout.

11. No turbine blade shall be fixed to either turbine until:

- (i) The developer has agreed a radar mitigation scheme with the National Air Traffic Services and this scheme has been approved in writing by North Ayrshire Council as Planning Authority; and
- (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the development shall operate fully in accordance with the approved scheme and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme.

#### **4. 19/00322/PPPM: Site to East Of Golf Course Road, Skelmorlie**

Fairhold Limited have applied for planning permission in principle for a residential development at a site to the East of Golf Course Road, Skelmorlie. 48 objections were received and summarised in the report.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development and affordable housing contribution, shall be obtained before the development is commenced.
2. That further application(s) for approval under the terms of Condition 1 shall include a report of an appropriate site investigation and subsequent suitable quantitative risk assessment, taking cognisance of the Recommendations for Ground Investigation contained within Section 9 of the Phase 1 Desk Study (Contamination), submitted in support of the application, Report Reference No 8170OR01, by FWS and dated February 2019. 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.
3. That further application(s) for approval under the terms of Condition 1 shall include an air quality screening study demonstrating the cumulative effect of traffic, from the proposed development and any nearby existing developments, on local air quality to the satisfaction of North Ayrshire Council, as Planning Authority.
4. That further application(s) for approval under the terms of Condition 1 shall include details of access, road layout and parking provision. For the avoidance of doubt no more than 10 residential properties shall be accessed from Golf Course Road. An emergency vehicular access from the site to Golf Course Road shall be required if the total number of residential properties using Innes Park Road exceeds 200 dwellings. Internal layouts shall be designed in accordance with Designing Streets principles. Proposals should include extensions to the

existing layby parking on Innes Park Road and pedestrian and cycle links to Golf Course Road.

5. That further application(s) for approval under the terms of Condition 1 shall include an updated Flood Risk Assessment (FRA), to the satisfaction of SEPA when detailed planning permission is sought. Such an FRA will establish the developable extent of the site with a layout in accordance with Scottish Planning Policy and the principle of flood avoidance.
6. That further application(s) for approval under the terms of Condition 1 shall include details of drainage which have been designed for exceedance i.e. 200 year critical storm event + climate change. Details of overland flow-paths, 'additional' attenuation measures, overflow devices etc must be provided. A Drainage Impact Assessment must be provided including a land drainage strategy and details of implementation and maintenance. Any discharge of surface water to the water environment must accord with the principles of the SUDS Manual (C753), published by CIRIA November 2015 and comply with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011.
7. That further application(s) for approval under the terms of Condition 1 shall include a tree survey identifying any trees within the site to be retained and protection measures to be put in place during any construction. A plan of landscaping including details of replacement tree planting shall also be provided.
8. That further application(s) for approval under the terms of Condition 1 shall include a dated Phase 1 Habitat Survey.
9. That further application(s) for approval under the terms of Condition 1 shall include a scheme for the remediation and treatment of Japanese Knotweed within the site.

## **5. Adoption of the Montgomerie Park Simplified Planning Zone (SPZ)**

Submitted a report by the Executive Director (Place) on the adoption of the proposed Montgomerie Park Simplified Planning Zone. The SPZ Scheme - Information Document was set out at Appendix 1 to the report, the SPZ Scheme - Consent at Appendix 2, and the Summary of Representations at Appendix 3.

The scheme would set out a framework for development within the zone containing pre-commencement conditions. If developers comply with these conditions they would not need to apply for planning permission and would be required to comply with the notification processes prior to work commencing.

The scheme was prepared in conjunction with the Scottish Government as part of the Simplified Planning Zone pilots which will inform the introduction of Masterplan Consent Areas (which will replace SPZs) through the new Planning Act.

A consultation exercise ran from 14 August until 25 September 2019. A number of objections were received from members of the public on the proposed Montgomerie Park SPZ Scheme. No statutory consultees raised any objection.

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

- the use of SPZ Schemes by other Planning Authorities and the types of development they have been used to promote;
- the scale of the proposed SPZ and whether there would be scope for expansion or use in other areas following the pilot;
- the consultation exercise which took place and the how many members of the public took part;
- the proposed conditions which require to be met in order for development to be consented; and
- whether shops or any other type of commercial development could be included within the SPZ.

The Planning Committee unanimously agreed to adopt the Montgomerie Park SPZ with no modifications, subject to referral and clearance from Scottish Ministers.

#### **6. Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran**

Submitted a report by the Executive Director (Place) seeking confirmation with modification of the temporary Tree Protection Order concerning a group of trees along the A841 at Brodick, Isle of Arran.

At the meeting on 22 May 2019 the Planning Committee agreed to serve a Tree Preservation Order (TPO) along the A814 from North of Brodick Primary School to Cnocan Bridge on the Isle of Arran. The Committee was advised at the time that a probationary period of no more than six months would be in place. During this probationary period a consultation exercise took place which attracted two letters of representation.

An independent survey of the trees also took place in August 2019 and the following changes to the TPO were recommended:

- That the trees between Brodick Primary School and Rosa Bridge be removed from the TPO;
- That the words “Brodick Primary School” are removed from the title of the TPO and replaced with “Rosa Bridge”;
- That the Schedule to the TPO be amended to remove the trees from an “area” designation and instead include them within a “woodland” designation as shown within a continuous red line on the map (map shown in Appendix 1 to the report);
- That an “individually specified protection” be included for Tree 13 (Beech) and its location highlighted in green on the said map; and
- That a “group” protection be included for the four mature common lime trees located outside “Arran Aromatics” and their location highlighted with a broken black line on the said map.

Members asked questions and were provided with further information in relation to consultation which has taken place with the landowners since the TPO was served in May 2019.

The Committee unanimously agreed to (a) approve the recommended amendments to the TPO; and (b) confirm the North Ayrshire Council A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran Tree Preservation Order under Section 160 of the Town and Country Planning (Scotland) Act 1997 in the interests of public amenity.

The Meeting ended at 2.45 p.m.