

**North Ayrshire Council (Planning Determination Meeting)
4 March 2019**

Irvine, 4 March 2019 - At a Special Meeting of North Ayrshire Council (Planning) at 1.00 p.m.

Present

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Marie Burns, Joe Cullinane, Scott Davidson, Todd Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Christina Larsen, Shaun Macaulay, Jean McClung, Ellen McMaster, Davina McTiernan, Tom Marshall, Jimmy Miller, Jim Montgomerie, Donald Reid, Donald L Reid, and John Sweeney.

In Attendance

A. Fraser, Head of Democratic Services and A. Craig, Senior Manager (Legal Services) (Chief Executive's Service); C. McAuley, Head of Service (Economic Growth) and J. Miller, Senior Manager Planning (Economy and Communities); and E. Gray, Committee Services Officer.

Chair

Provost Clarkson in the Chair.

Apologies for Absence

Joy Brahim, John Easdale, Alex Gallagher, Ronnie McNicol, Ian Murdoch and Angela Stephen.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Sweeney, as a local resident who raised queries during the pre-application and application consultation exercises, declared an interest in Agenda Item 3.1. The nature of the interest in the context of the agenda item did not necessitate Councillor Sweeney leaving the meeting during consideration of this item.

2. Three Towns

18/00882/PPM: Auchenharvie Playing Fields, Boglemart Street/ Saltcoats Road, Stevenston

North Ayrshire Council (Education and Youth Employment) have applied for planning permission for (1) the erection of an additional support needs school campus development comprising of nursery, primary and secondary departments together with the provision of vehicular and pedestrian access, parking, external play and sports facilities, polytunnel, landscaping and (2) the erection of residential and respite accommodation together with associated access, parking and landscaping at Auchenharvie Playing Fields. Eight letters of objection were received and detailed in the report.

The Senior Manager Planning presented the officer's report on the application, responding to the points raised in the Pre-Determination hearing before the Council earlier that day and in the objections, representations and consultation responses received, and highlighting the policy and other material considerations leading to the recommendation that the application be accepted subject to conditions.

Reference was also made to a site visit which took place on 25 February 2019 and which was attended by nine members.

Members then asked questions of the Senior Manager Planning and received responses (shown in italics) on the following:-

- The recommendation by the Coal Authority that a condition is added to the planning permission requiring further intrusive site investigations to be carried out and for the results of these tests to be reported to the Coal Authority prior to the commencement of works.
The Coal Authority will seek further information on the geo-techno make-up of the site prior to work being carried out. The applicant has given indication that the site ground is satisfactory for this type of development. This would also be a requirement for a building warrant.
- The recommendation by the sportscotland that a condition is added to the planning permission requiring the construction of the all-weather pitch to be carried out by a specialist contractor and the reason that this has not been included in the recommended conditions set out in the report.
Assurances have been given by the applicant that this work will be carried out by a specialist contractor. This would be necessary to meet other legal requirements and does not, therefore, require to be the subject of a planning condition.
- The footpath from Glen Crescent to Auchendarvie Academy and whether this would have street lighting.
A planning condition has been recommended in the officer's report which requires the applicant to provide in writing details of all external lighting for the site within 12 months of approval. It was noted that this is not a material consideration.
- The loss of sports pitches and whether consultation has been carried out with existing users of the facilities.
No information is available as to whether this consultation was carried out. The range of facilities in the surrounding area would suggest more than adequate availability.

Councillor Cullinane, seconded by Councillor Marshall, moved that the application be granted, subject to the conditions set out in the report.

Councillor Billings recommended that an additional condition be added to ensure that the all-weather pitch is constructed in accordance with sportscotland's minimum requirements.

Councillors Cullinane and Marshall agreed to incorporate the proposed change into their motion.

There being no amendment, the motion was declared carried.

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

1. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations shall be undertaken, the scope of which shall be adequate to fully assess the ground conditions and inform any required remedial works. Once complete, a report detailing the findings arising from the further intrusive site investigations, including details of the extent and nature of any remedial works, shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. Thereafter, any remedial works that are required for ground stability purposes shall be implemented only in accordance with such details as may be approved prior to the commencement of the development.
2. That the development hereby approved shall be implemented in accordance with the recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That the developer shall secure the implementation of an archaeological watching brief for the northeast part of the site, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority during the phase of land engineering and site preparation works. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief shall be supplied by West of Scotland Archaeology Service. 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.
4. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
5. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used on the buildings in the development. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

6. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the landscaping scheme as may be approved shall be implemented prior to the development becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a biodiversity action plan, which shall include details of bat hibernacula, bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation. Thereafter, the action plan as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, within 12 months of the date of approval, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of all external lighting and signposting within the site. Thereafter, the external lighting and signposting scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
9. That prior to the development becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Site Waste Management Plan (SWMP). Thereafter, the SWMP as may be approved shall be implemented upon the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 5 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
10. That prior to the development becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a Travel Plan for the development. Such a Travel Plan shall include details of active travel proposals for all users of the site and an indication of the measures which shall be undertaken to reduce car journeys. Thereafter, the Travel Plan as may be approved shall be implemented upon the development becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 2 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
11. That, prior to the development becoming operational, a right turn lane shall be formed to serve the ASN school access on Boglemart Street, the design of which shall be confirmed with North Ayrshire Council as Planning Authority beforehand.
12. That visibility splays of 2.5 metres by 70 metres, in both directions, shall be provided and maintained at the junction of the ASN school access with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level shall be located within these sightline triangles.

13. That, within 12 months of the date of approval, details of a replacement bus shelter and associated hardstanding for the existing eastbound bus stop on Boglemart Street to the south of the application site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The hardstanding shall be located to the rear (north) of the existing footway and the shelter type shall be a DDA compliant enclosed 3 bay model (as a minimum) that meets the standards of Strathclyde Partnership for Transport (SPT). Thereafter, the works shall be implemented in accordance with such details as may be approved prior to the development becoming operational and permanently retained thereafter.

14. That the sports pitches to be provided within the development shall be constructed in accordance with the consultation response of sportscotland dated 8th October 2018, to the satisfaction of North Ayrshire Council as Planning Authority.

The meeting ended at 1.40 p.m.