

**Planning Committee  
24 August 2022**

**Irvine, 24 August 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, Amanda Kerr, Davina McTiernan and Chloé Robertson.

**Present (Remote Participation)**

Jim Montgomerie.

**In Attendance**

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

**Apologies**

Cameron Inglis 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 Minutes of the meetings of the Ordinary Meeting of the Planning Committee held on 8 and the Special Meeting on 29 June 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 22/00094/PPM: 1 - 5 Crompton Way, North Newmoor, Irvine**

Manse Irvine LLP, have applied for planning permission for the erection of 60 dwellinghouses including the formation of access roads, open space, landscaping and ancillary works at 1-5 Crompton Way, North Newmoor, Irvine. One letter of objection was received and summarised in the report.

Councillor Davidson, seconded by Councillor Robertson, moved that the application be granted, subject to conditions, including a condition requiring all houses with vehicular parking to the rear to be provided with a direct means of access from their allocated parking space to their rear door.

As an amendment, Councillor Billings, seconded by Councillor McTiernan moved that the application be refused in terms of Strategic Policy 2 in that the design did not provide reasonable private outside space for a number of the proposed houses.

On a division and a roll call vote, there voted for the amendment Councillors Billings Ferguson and McTiernan (3) and for the motion, Councillors Foster, Davidson, Kerr, Montgomerie and Robertson (5), and 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, 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 prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed boundary treatments for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, all houses with vehicular parking to the rear shall be provided with a direct means of access from their allocated parking space to their rear door. Thereafter, the development shall progress in accordance with such details as may be approved.
3. 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.
4. 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.
5. That prior to the commencement of the development, hereby approved, full details of the site's surface water drainage system, including the discharge rate, basin capacity, other temporary storage capacity, water quality treatment measures and post development flood flow paths shall be submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

6. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a surface water drainage system to manage and treat runoff at the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
7. That prior to the commencement of the development hereby approved, the developer shall provide full details of the low and zero carbon generating technologies to be used in the development for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, at least 10% of the current carbon emission reduction targets set by Scottish Building Standards shall be met through the use of low or zero carbon generating technologies. Thereafter, the development shall progress in accordance with such details as may be approved.
8. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed acoustic barrier to be erected between the development and the Amer Sports warehouse for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the barrier shall be erected in accordance with such details as may be approved prior to the first occupation of the development and maintained in perpetuity unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
9. The internal noise level from road traffic during daytime hours (0700-2300 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 16-hour 35dB. In addition, the internal noise level from road traffic during night hours (2300-0700 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 8-hour 30dB. If these levels cannot be achieved with an open window strategy, then alternative means of ventilation will require to be provided.
10. The rated noise level, as defined in BS4142, from any existing or consented commercial undertakings at the time of consent (excluding noise from fixed plant or equipment during night hours), must not exceed the background noise level by 5dB(A) or more at the curtilage of any of the proposed dwelling houses. For the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".
11. During night hours (2300-0700 hours) the noise from fixed plant and equipment associated with existing or consented commercial undertakings must not exceed the levels specified in NR 25 as detailed in BS8233 in any habitable room within any residential property to which this consent relates. Compliance with this condition must be met with windows open in a typical manner for ventilation. For

the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".

12. That prior to the commencement of the development, the applicants shall finalise the ground investigation report submitted in support of the application by JPB Reference Number VG190-18/SAG/MAK Draft Issue and dated December 2021 and submit a Remediation Strategy. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted.
13. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council 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.
14. The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

**4. 22/00135/PPPM: Site To North East, South East, And East Of Nethermill 59 Knoxville Road, Kilbirnie**

Chatham House Equities Limited, have applied for planning permission in principle for a residential development of 62 houses to include the upgrading of Knoxville Road, the provision of open space, SuDS infrastructure and realignment of cycle path (NCN 7) at the site to the north east, south east, and east of Nethermill, 59 Knoxville Road, Kilbirnie. Seven letters of objection and one letter of support were received and summarised in the report.

Councillor Robertson, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions. 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, full details of the development shall be provided via either a Matters Specified in Condition Application or a full Planning Application for the approval of North

Ayrshire Council as Planning Authority. Such an application shall include details of:

- (i) Layout, house number, house types, siting and design,
  - (ii) Landscaping and boundary treatments,
  - (iii) Access, road layout and parking,
  - (iv) Drainage and flood prevention, and
  - (v) Low and zero carbon generating technologies
2. That any application(s) submitted under Condition 1 shall include details of the condition of the existing water wheel and, if feasible, plans provided for its retention/salvage and incorporation into the proposed housing development as a piece of public art or heritage feature.
  3. That the road layout for any future Matters Specified in Condition Application or full Planning Application shall accord with the requirements of 'Designing Streets'. A Transport Statement shall be submitted in support of any future application. Full details of the upgrading works to Knoxville Road and the realignment of the NCN7 core path shall be provided and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the development.
  4. That any application(s) submitted under Condition 1 shall include a detailed flood risk assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority, which details a suitable culvert design and route, without 90-degree bends supported by catchment flow information and blockage scenarios for the 0.5% AEP flood event which demonstrates that the final drain route and design will not pose a flood risk to proposed and existing development. For the avoidance of doubt no buildings can be located on top of the culvert route.
  5. That any application(s) submitted under Condition 1 shall include, full details of any modification of the existing Mill Lade within the site is submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
  6. That any application(s) submitted under Condition1 shall include confirmation in writing and certified by a suitably qualified person that a surface water drainage system to manage and treat runoff affecting the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
  7. That any application(s) submitted under Condition 1 shall include full details of the ground levels and finished floor levels of the proposed dwellinghouses shall be submitted for the agreement of North Ayrshire Council as Planning Authority. The details shall demonstrate that the proposed dwellings are not at risk of

surface water flooding when the capacity of the proposed surface water infrastructure is exceeded during the 1 in 200 year designed storm event (plus allowances for climate change and urban creep). Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

8. That any application(s) submitted under Condition 1 shall include a desk study of the application site (including a review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. 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.
9. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency 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 to this and in accordance with BS38882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source material and appropriate test results to demonstrate its suitability for use.
10. Any cut and fill proposals or alterations to the existing ground levels should be clearly marked on any plans and accompanied by appropriate cross sections, Material Management Plan and be implemented in accordance with any SEPA waste/soil reuse guidelines, to the satisfaction of North Ayrshire Council as Planning Authority.
11. That any application(s) submitted under Condition 1 shall include details demonstrating that the increase in road traffic generated as a result of the development shall not have a detrimental impact on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, to the satisfaction of North Ayrshire Council as Planning Authority.
12. That any application(s) submitted under Condition 1 shall include details of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant.
13. That any application(s) submitted under Condition 1 shall include details of;
  - (i) a scheme of intrusive site investigations carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - (ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, that have

been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site To North Of 4 Greenhead Holding, Stevenston**

To seek approval to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act requiring cessation of the use of the land for the siting of a caravan at a site to the North of 4 Greenhead Holding, Stevenston, which would include removal of a caravan from the land.

The report noted that the site was a small agricultural unit, previously known as Hillside Nursery. There was already a caravan on the site which was investigated in 2018 and found to be immune from Planning control by virtue of having been sited for more than 10 years. The caravan was being used for comfort for those working on site and was not lived in.

A second caravan was noted to have been placed on site in 2021. The owner of the site had not responded to any requests for information regarding the second caravan. The second caravan was not considered to be required ancillary development for an existing rural business. There was no support under the adopted Local Development Plan (LDP) for the siting of a caravan in this location for residential purposes. The second caravan was considered contrary to the policies of the LDP and there were no material considerations to the contrary.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, requiring the cessation of the use of the land for the siting of a caravan and the removal of the caravan, as identified in the attached plan, and any associated structures, within 6 weeks of the date of the Notice taking effect.

The meeting ended at 2.45 p.m.