

Planning Committee 1 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 and Donald Reid.

Also Present

Todd Ferguson.

In Attendance

J. Miller, Chief Planning Officer, I. Davies, Senior Development Management Officer, L. Dempster, Technician, K. Gee, Technician (Planning); A. Craig, Head of Service (Democratic Services), L Ingram, Solicitor (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies

Ellen McMaster.

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 16 June 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 Call In Request: 21/00676/PP – Millport, College Street Erection of 5 holiday lodges

Submitted report by the Chief Executive on a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

The stated reason for the call in request was detailed in the call in request dated 17 July 2021 and summarised as follows: -

- Application will affect the setting of the Cathedral of the Isles - a Category A listed building - and its environs;
- Large number of local objections; and
- Overprovision of this type of tourist accommodation in Millport.

Councillor Ferguson was in attendance and addressed the committee in support of the call in request.

Councillor Foster, seconded by Councillor McNicol, moved to call in the application and that it should be determined by the Planning Committee.

Councillor Reid, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers. There being no seconder, the amendment fell.

There being no amendment, the motion was carried.

Accordingly, the Committee agreed to call in the application to be determined by the Planning Committee.

Councillor Ferguson left the meeting at this point.

4.1 21/00655/PP: Glenard Manse Road Brodick, Arran, KA27 8DN

Mr Bruce Jenkins has applied for the removal of condition 1 of planning approval 04/00333/PP and retain use as dental surgery at Glenard Manse Road, Brodick, Arran. No objections were received.

Councillor Billings, seconded by Councillor Foster, 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 condition:

- 1 That the operating hours of the surgery hereby approved shall be limited to between 0800 and 1800 hours, Monday to Friday inclusive unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

5.1 21/00547/PP: Plot 1 Craig-En-Ros Road Millport Ayrshire

Mr and Mrs F Taylor have applied for planning permission for the erection of a detached dwelling house and variation of Conditions 2 and 8 of N/06/01108/PP at Plot 1, Craig-En-Ros Road, Millport. Four objections were received and summarised in the report. A late objection had also been received and circulated to the Committee.

Councillor Foster, seconded by Councillor McNicol, 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 finishing materials shall be submitted 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 any proposed boundary treatments shall be submitted 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 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.

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, notwithstanding the permission granted by Article 3 of and Classes 1A, 1B, 1D, 3A and 3B of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the curtilage of the dwellinghouse, hereby approved.
5. That prior to the commencement of the development hereby approved, the applicant shall obtain a valid Construction Consent and Road Bond for the upgrading of the access road from the end of the currently adopted section of Craig-en-Ros Road up to the access to the dwellinghouse hereby approved. The road shall then be upgraded prior to the first occupation of the dwellinghouse to the satisfaction of North Ayrshire Council as Planning Authority.
6. That the first 2m of the driveway of the dwellinghouse hereby approved shall be surfaced in a hard, bituminous material to the satisfaction of North Ayrshire Council as Planning Authority and designed to ensure that no surface water shall issue from the access onto the road. Vehicular access to the site shall be

provided with a drop kerb crossing to be formed as detailed in the Roads Development Guidelines.

7. That prior to the commencement of the development hereby approved, full details of the solar photovoltaic panels shall be submitted 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.

5.2 21/00555/PP: 10 Kirkton Crescent Millport Ayrshire KA28 0HJ

Ms Carol Fox has applied for planning permission for the erection of a detached dwelling house at 10 Kirkton Crescent, Millport. No objections were received.

Councillor McNicol, seconded by Councillor Larsen, 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, the applicant 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 the approved details to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development hereby approved, the applicant shall obtain a valid Construction Consent, including a Road Bond, for the upgrading of Kirkton Crescent to adoptable standards up to the driveway access to the dwellinghouse hereby approved. The road shall then be upgraded prior to the first occupation of the dwellinghouse to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the first occupation of the dwellinghouse hereby approved, the first 2m of the driveway shall be hard surfaced to the satisfaction of North Ayrshire Council as Planning Authority and designed to ensure that surface water shall not issue from the driveway onto the public footway or carriageway.
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.

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 no development shall take place until details of a mature planting screen along the southeast boundary of the site is provided for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the screen shall be provided in accordance with the approved details within 6 months of the occupation of the house.
6. That prior to the commencement of the development hereby approved, the applicant shall provide full details of the proposed boundary treatments for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with the approved details to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

5.3 21/00596/PP: Site To North Of Fairlie Bowling Club Main Road Fairlie Largs Ayrshire

Mr David Castelvechi has applied for planning permission for the erection of a garden centre and restaurant with associated access, parking and landscaping at the site to the north of Fairlie Bowling Club, Main Road, Fairlie, Largs. Six objections and one representation were received and summarised in the report.

The Committee was advised that advice on flooding had now been received and could be shared with the Committee.

Councillor Foster, seconded by Councillor Macaulay, moved to refuse the application on the grounds set out in the report.

As an amendment, Councillor McNicol seconded by Councillor Barr, moved that the application be granted, subject to conditions to be agreed at a future meeting of the Committee.

On a division and a roll call vote, there voted for the amendment, Councillors McNicol, Barr, Clarkson and Reid (4) and for the motion, Councillors Foster, Macauley, Marshall, Billings and Larsen (5) and the motion was declared carried

Accordingly, the Committee agreed to refuse the application on the following grounds:-

1. The development would be contrary to Policies 15 and Strategic Policy 2 of the adopted North Ayrshire Local Development Plan, as inappropriate development which would undermine the setting of Fairlie, with potential for visual and physical coalescence along the coast, set an undesirable precedent for other unjustified development, and have an unacceptable impact on the Special Landscape Area.
2. The development would be contrary to Policy 17 of the adopted North Ayrshire Local Development Plan, as it would fail to take account of the wider objectives of Clyde Muirshiel Regional Park.

Councillor Foster left the meeting at this point.

5.4 21/00247/PP: 120-122 Irvine Road Largs Ayrshire

GHG Holdings Ltd have applied for planning permission for the erection of 30 dwelling flats with associated access and landscaping at 120-122 Irvine Road, Largs. Seventeen objections and one representation were received and summarised in the report.

Councillor Billings, seconded by Councillor Marshall, 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 if the development, hereby approved, does not commence prior to 1st May 2022, then prior to the date of commencement of the development a Preliminary Bat Roost Assessment, dated between May and August in the year of the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the development will be carried out in accordance with the recommendations of any Assessment as may be approved
2. Prior to the commencement, the proposed means of access to the A78 shall be constructed in accordance with drawing 5822-PA-3C. The type (and method) of construction to be approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Roads Authority, before the development is commenced. For the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.
3. That prior to the commencement of the development, details of tree protection measures for the trees identified as to be retained on approved drawing 5822-PA-3C shall be submitted to the Council, as Planning Authority, for written

approval. The development will thereafter commence in accordance with any details as may be approved.

4. The trees identified as to be retained on approved drawing 5822-PA-3C shall not be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed except with the written permission of the Council, as Planning Authority.
5. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping. Any landscaping scheme as may be approved shall be carried out in the first planting season following completion or first occupation of the development, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. 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, details of the surface water attenuation shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter the development will be carried out in accordance with any details as may be approved.
7. That prior to the commencement of the development details of the bin stores shall be submitted to the Council, as Planning Authority, for written approval. Any details as may be approved shall be implemented prior to the occupation of the relevant block.
8. That prior to the commencement of the development, details of the external finish materials for the blocks shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter commence in accordance with any details as may be approved.
9. That prior to the commencement of the development details of the eastern boundary treatment shall be submitted to the Council, as Planning Authority, for written approval. This must include visibility splays from the vehicle access as shown on drawing 5822-PA-3C . In a vertical plane, nothing shall obscure visibility measured from a driver's eye height between 1.05m and 2m positioned at the set back dimension to an object height of between 0.26m and 1.05m along the y dimension. Any details as approved must be implemented prior to the occupation of the first property.
10. That, prior to the commencement of the development hereby approved, details of the heat and power systems for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance

with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

11. That prior to the commencement of the development, details of obscure glazing for the southernmost elevation windows of Block 1 and northernmost elevation windows of Block 2 shall be submitted to the Council, as Planning Authority, for written approval. Any glazing, as may be approved, shall be installed prior to occupation of the relevant flat and retained thereafter.

6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land outside of Laigh Gree and East Laigh Gree, Burnhouse.

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 requiring the clearance of all deposited rubble, boulders and masonry blocks on the land outside of Laigh Gree and East Laigh Gree, Burnhouse for the abatement of the adverse impacts on the amenity of the local area.

The Chief Planning Officer advised the Committee that a report regarding the placement of a single row of boulders within the area of land between the carriageway of the B706 Dunlop to Beith Road and the entrances to Laigh Gree Cottage and the neighbouring East Laigh Gree, was received by Planning Services on the 15 February 2021.

An apparent disagreement between the neighbours on the exact position of the boulders was considered by Planning Services to be a private matter for the interested parties to address between themselves. Further reports were received on the 29 March and 27 May 2021 by Planning Services on the additional placement of rubble, boulders, and masonry blocks. As the neighbours now appear unlikely to be able to resolve the matter between themselves, it is considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require the clearance of all deposited rubble, boulders, and masonry blocks, returning the land to an acceptable condition.

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 to improve and safeguard the amenity of the area.

The meeting ended at 3.35 p.m.