

**Planning Committee**  
**26 October 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, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

**Present (Remote Participation)**

Scott Davidson, Amanda Kerr and Jim Montgomerie.

**In Attendance (Physical Participation)**

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

**Apologies**

Ian Murdoch and Chloé Robertson.

**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 Minute of the meeting of the Planning Committee held on 28 September 2022 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 22/00595/PPM: DSM Nutritional Products UK Ltd, Drakemyre, Dalry**

DSM Nutritional Products UK Ltd have applied for planning permission for the erection of a chemical production and distribution facility for the manufacture of an animal feed additive within the site boundary of DSM Nutritional Products at Drakemyre, Dalry.

The Committee was advised of a late objection from Scottish Gas Network (SGN) relating to a gas pipeline in the vicinity of the proposed development. The applicant had further advised that there would be a corridor of 15m either side of the pipe, ensuring there would be no encroachment on the pipeline and that consultation had taken place with SGN that addressed any safety concerns. It was noted that the development was located approximately 30m from the pipeline.

Discussion took place on the type, range and pitch of noise from the operation of the proposed facility. The Chief Planning Officer, advised that Condition 9 stated the facility must not exceed the background noise level by 5dB or more at the curtilage of any noise sensitive property. He undertook to obtain further information from Environmental Health and advise Councillor Billings accordingly. It was noted that the final design of the facility would examine this area in more detail.

Councillor Inglis, 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 the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of the EIA Report and associated supporting documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, the scope and content of which shall be informed by the EIA Report. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development hereby approved, the applicant shall agree the Remediation Method Statement contained within Appendix 8-4 of the Environmental Impact Assessment Report with North Ayrshire Council as Planning Authority. 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 the Planning Authority prior to any material being used. In addition to this, and in accordance with BS3882:2015 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 and or phasing to be agreed with the Planning Authority, the applicant shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use. In addition, on completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted for the written approval of North Ayrshire Council as Planning Authority.

4. That, for the avoidance of doubt, surface water arising from the development of the site, including during construction operations, shall be treated and managed using a SuDS system. 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 scheme to treat the surface water arising from the development of the site (during construction and operational phases) 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.
5. That the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.
6. That, notwithstanding the plans hereby approved, 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 (inclusive of colour scheme). 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.
7. That, prior to the commencement of any landscaping works, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and woodland planting. The finalised scheme shall be based on the Indicative Landscape Masterplan hereby approved and shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Renewable and Low Carbon Technology Feasibility Study' prepared by BakerHicks dated 18th July 2022, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
9. The rated noise level, as defined in BS4142:2014 + AL:2019, from the operation of the proposed facility must not exceed the background noise level by 5dB or more at the curtilage of any noise sensitive property.

#### **4. 22/00593/PP: 32 Eglinton Street, Beith**

Mr M Jawad, has applied for a change of use of vacant bank premises to a hot food takeaway to include the erection of a ventilation flue to rear at 32 Eglinton Street, Beith. Three representations were received and summarised in the report.

Councillor Billings, seconded by Councillor Ferguson, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

1. That prior to the commencement of the development hereby approved, full details and drawings of the extraction system (including details of odour control and noise/vibration reduction measures) shall be submitted and approved in writing by North Ayrshire Council as Planning Authority. Details of the extraction system will be accompanied by written certification from a member of the Building & Engineering Services Association, or any other suitably qualified person, confirming that the extraction system, as designed:
  - can be affixed to the external wall without the need for approval by a third party, or alternatively, evidence of such approval;
  - is suitable for use in a catering environment;
  - will provide a suitable rate of extraction above all cooking appliances;
  - will sufficiently reduce or eliminate odours and efficiently extract products of combustion, considering the nature of the business, will discharge to the external air in a suitable area to prevent odours affecting the residents of surrounding dwellings; and
  - has incorporated any necessary noise/vibration reduction measures to ensure operation of the system will not result in intrusive levels of noise affecting the residents of adjoining and surrounding dwellings.

Thereafter, the extraction system shall be fully installed as detailed in the drawings and tested prior to the commencement of the operation, shall always be in operation when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

2. The rated noise level, as defined in BS4142, from the operation of plant/equipment (extraction system and associated flues) shall not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property in the vicinity of the site.
3. That the maximum operating hours of the hot food takeaway hereby approved shall be between 1200 and 2100 hours on any day. The premises shall not operate out with these hours without the prior written approval of North Ayrshire Council as Planning Authority.

**5     22/00137/MSCM: West Byrehill Industrial Estate Byrehill Place, West Byrehill, Kilwinning**

Persimmon Homes & Ashtenne Industrial Fund LLP have applied for approval of matters specified in conditions of planning permission in principle ref. 20/00323/PPM for a residential development comprising the erection of 426 dwellinghouses and associated infrastructure at West Byrehill Industrial Estate, Byrehill Place, West Byrehill, Kilwinning. One representation was received and summarised in the report.

The Committee was advised of continuing work by the Council's consultants on the impact of the development on the road network and their ongoing discussions with the applicant's traffic consultants. In order to protect the safety and free flow of traffic on the trunk road network near the site, it was considered that a condition was required to restrict the scale of the development until all road network matters had been agreed. Condition 5, as set out in the report, would limit the development, to no more than 108 houses, until all road network matters had been concluded.

The Committee noted that there was no commitment on the Council to contribute to the road network improvement.

Councillor Ferguson, seconded by Councillor Inglis, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the submitted plans, drawings and supporting documents, all to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing. Prior to commencement, the layout and the site plan shall be updated to show the works to form the flood storage area including any designed flood flowpath between the open culvert and the storage area, the details of which shall be agreed in writing before drainage works commence.
2. That the development shall be implemented in accordance with the phasing plan hereby approved unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
3. That the landscaping and open space provision shall be provided on a phase-by-phase basis. The implementation of the main area of open space to serve the development shall be agreed in writing by North Ayrshire Council as Planning Authority.

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 planting 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. The development hereby approved shall commence in phases, and in accordance with the following transport requirements, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority and in consultation with Transport Scotland. For the avoidance of doubt, not more than 108 houses constructed within the red line boundary shall be occupied until either:
  - (i) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network; OR
  - (ii) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network in the event of the implementation of appropriate measures identified within the approved transport assessment; OR
  - (iii) The modifications to the A78(T)/A738(T) Pennyburn Roundabout, generally as indicated in SIAS drawing number 75064-1 titled 'Pennyburn Roundabout Signalisation - Revision 1', and the modifications to the A738(T)/Pennyburn Road mini-roundabout and the A738(T) Whitehirst Road signalised to form a roundabout junction generally as indicated in SIAS drawing number 75064-5 titled Whitehirst Park Road have been implemented; OR
  - (iv) North Ayrshire Council as Planning Authority Planning Authority or any other party has concluded an appropriate legal agreement or agreements for the funding and implementation of the works to mitigate the development.
6. That, following the completion of the first phase of housing, the Energy Strategy for the remainder of the development shall be updated for the written approval of North Ayrshire Council as Planning Authority. The update shall reflect progress made towards the options identified in the August 2022 version of the Strategy, namely, centralised air source heat pumps or ground source heat pumps to distribute heat to individual homes based on demand. Thereafter the updated Energy Strategy as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

## **6 Development Plan Scheme - LDP3**

Submitted report by the Executive Director (Place) providing an update on the preparation of the Council's next Local Development Plan (LDP3) and seeking approval of an updated Development Plan Scheme. The Development Plan Scheme, was attached at Appendix 1 and set out the timetable for preparing and reviewing the Local Development Plan.

The Committee agreed to adopt the Development Plan Scheme as set out in Appendix 1 to the report.

The meeting ended at 2.55 p.m.