

**Planning Committee**  
**26 January 2022**

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, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid

**In Attendance**

A. Craig, Head of Service (Democratic Services); J. Miller, Chief Planning Officer, I. Davies and A. Hume, Senior Development Management Officers, L. Dempster and K. Gee, Technicians (Planning) (Economic Development and Regeneration); J. Law, Solicitor (Legal Services) and A. Little and C Stewart, Committee Services Officers (Chief Executive's Service).

**Apologies**

Ian Clarkson and Ellen McMaster.

**Chair**

Councillor Marshall in the Chair.

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

In terms of Standing Order 5.7, the Chair agreed that the meeting be adjourned at 2.15 p.m. to allow internet connectivity issues to be addressed. The meeting reconvened at 2.25 p.m. with the same Members and officers present and in attendance.

**3. 21/01115/PP: Site To North Of Fairlie Bowling Club, Main Road, Fairlie, Largs**

Mr David Castelvechi had 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 Bowline Club, Main Road, Fairlie, Largs. Two objections and one submission of support were received and were summarised in the report.

Councillor Billings, seconded by Councillor Marshall, moved that the application be refused on the grounds outlined in the report.

As an amendment, Councillor McNicol, seconded by Councillor Barr, moved that the application be granted, subject to appropriate conditions, including future housing development on the site.

On a division and a roll call vote, there voted for the amendment, Councillors Barr, Larsen, Macauley, McNicol and Reid (5) and for the motion, Councillors Marshall, Billings and Foster (3), and the amendment was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. The use of the site shall be restricted to the ratio of floor area of garden centre to restaurant/café as shown on the approved drawings as identified on drawing 1934 / P04 D.
2. Prior to the commencement of the development, a Construction Management Plan shall be submitted to North Ayrshire Council, as Planning Authority, for written agreement in conjunction with Transport Scotland. The development will thereafter be carried out in accordance with any Plan as may be approved.
3. Prior to the commencement of the development, the details of the access onto the A78 shall be submitted to North Ayrshire Council, as Planning Authority, for written agreement in conjunction with Transport Scotland. The details shall include visibility splays and landscaping and no connection to the trunk road drainage shall be proposed. Thereafter the access shall be formed in accordance with any details as may be approved. The existing access shall be closed following completion of the new access and prior to the operation of the garden centre and restaurant.
4. Prior to the commencement of the development details of the amended core path and a minimum of 10 bicycle parking spaces shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be carried out in accordance with any details as may be approved and the amended path will be completed, and the bicycle parking spaces installed and available for use prior to the operation of the garden centre and restaurant.
5. A 1.8m high trespass proof fence shall be installed on the western boundary adjacent to the railway, to the satisfaction of North Ayrshire Council, as Planning Authority, prior to the operation of the garden centre and restaurant. Any fence installed shall thereafter be retained to the satisfaction of North Ayrshire Council, as Planning Authority.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, as amended, no development shall take place in the area to the north of the post and wire fence as identified on drawing 1934/P02L.

7. Prior to the commencement of the development, details of the proposed planting for the northern boundary of the site shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any landscaping approved shall be carried out in the first planting season following completion of the building. Any landscaping 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.
  8. That the development shall operate only between 9am and 9pm Monday to Sunday.
  9. That prior to the operation of the restaurant/café details of any proposed external flues or cooking ventilation systems shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any details as may be approved shall be installed prior to operation of the restaurant/café and shall be maintained thereafter unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
  10. That prior to the operation of the development details of any proposed external lighting shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any details as may be approved shall be installed prior to operation of the development and shall be maintained thereafter unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
  11. That prior to the commencement of the development, details of surface water management including a soakaway system and porous landscaping shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development shall thereafter be carried out in accordance with the details as may be approved.
  12. That prior to the commencement of the development, details of how at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation of low and zero-carbon technologies, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development shall thereafter be carried out in accordance with the details as may be approved.
4. **Notices under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land to rear of 62 Main Street, Kilwinning; and Land to rear of 126 High Street, Irvine**

Submitted report by the Chief Planning Officer seeking authority to serve Notices under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all fly-tipped materials on the area of land to the rear of 62 Main Street, Kilwinning and the land to the rear of 126 High Street, Irvine for the abatement of the adverse impacts on the amenity of the local area

A report regarding considerable fly-tipping on privately owned land to the rear of 62 Main Street in Kilwinning had been received by Planning Services in December 2021. A fixed penalty notice had been served on the lessee of the adjacent (vacant) shop, and some of the fly-tipped materials had then been deposited onto the adjoining public car park, rather than being removed from to licensed waste or recycling facility. The majority of the waste remained on the private land which is visually prominent from the adjacent public car park and harmful to the amenity of Kilwinning town centre.

Waste had also been dumped within a rear yard beside a public car park at the rear of 126 High Street in Irvine. The bulky waste included various large items of furniture as well as several shopping trolleys. Contact had been made with the owner to request that the area is cleared and Streetscene offered their assistance to the owner and provided a quote to uplift the items for disposal. No action had been taken and the waste remained on the site, harming the amenity of Irvine town centre.

The Committee unanimously agreed (a) to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) on the respective landowner in each case to require:-

- (i) the removal of all waste materials to a licensed waste disposal or recycling facility from (i) the land at the rear of 62 Main Street, Kilwinning; and (ii) the land at the rear of 126 High Street, Irvine;
  - (ii) improved maintenance of both areas of land, to include regular checks for fly tipping and its prompt removal should it occur again; and
  - (iii) the timescale for undertaking such works should be no greater than 6 weeks from the date of the notice;
- (b) that the Head of Service (Democratic Services) make arrangements for a media message publicising the enforcement action being taken in order to preventing future fly-tipping; and (c) that the Chief Planning Officer provide to Members details of the cost to the Council to clear fly-tipping and to take action against owners of sites.

The meeting ended at 3.05 p.m.