

Planning Committee  
13 December 2011

**IRVINE, 13 December 2011** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Elizabeth McLardy, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, William Gibson, Ronnie McNicol, Pat McPhee, John Moffat, Jim Montgomerie and Ryan Oldfather.

**In Attendance**

R. Forrest, Planning Services Manager, J. Miller, Chief Development Management Officer and J. Law, Solicitor (Contracts and Conveyancing) (Corporate Services); and P. Shiach, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor McLardy in the Chair.

**Apologies for Absence**

Margie Currie.

**1. Declarations of Interest**

Councillor Brown declared a non pecuniary interest as a Member of the Board of Directors of Irvine Bay Regeneration Company in items 5.1 and 5.2 .

Councillor Gibson declared a non pecuniary interest as a Member of the Board of Directors of Cunninghame Housing Association in item 6

**2. Minutes**

The Minutes of the previous meeting of the Committee held on 22 November 2011 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Ardrossan, Saltcoats and Stevenston**

**11/00727/ADC: Ardrossan: 47 Parkhouse Road**

Hugh Begbie, 47 Parkhouse Road, Ardrossan, has applied for retrospective advertisement consent for the erection of a fascia sign to the front elevation, one freestanding double sided externally illuminated hanging sign and two single sided signs to the front of the guest house at that address. One objection has been received, as detailed in the report.

The Chief Development Management Officer was heard in relation to an email from the applicant in support of his application which had been circulated to Members of the Planning Committee.

The Committee, having considered the terms of the objection, agreed to refuse the application on the following ground:-

1. That the advertisement displays are contrary to both Policy TC8 of the North Ayrshire Local Plan (Excluding Isle of Arran) and the approved Control of Advertisements Policy of North Ayrshire Council by reason of their location, prominence and visual clutter to the detriment of the visual amenity and character of the area.

#### **4. Garnock Valley**

##### **11/00734/PP and 11/00735/LBC: Beith: 2 Strand**

Beith Cultural and Heritage Society, 2 Strand, Beith, have applied for planning permission and listed building consent for the installation of new ground floor windows, doors, decorative window grilles and repainting at that address.

The Committee agreed to grant (a) planning permission 11/00734/PP; and (b) listed building consent 11/00735/LBC, both subject to the following condition:-

1. That, prior to the commencement of the works hereby approved, details of the external colour scheme shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the colour scheme as may be approved shall be implemented, unless North Ayrshire Council as Planning Authority gives written approval for any variation.

#### **5. Irvine/Kilwinning**

##### **5.1 11/00712/ADC: Irvine: Riverside Business Park**

Irvine Bay Regeneration Company, 43 Ardrossan Road, Saltcoats, have applied for advertisement consent for the erection of internally illuminated totem signs at Riverside Business Park, Irvine.

The Committee agreed (a) to grant the application subject to the following conditions; and (b) that the submission in respect of three additional signs be delegated to Officers to determine :-

1. That the display shall be for a period of 5 years from the date of this consent.
2. That notwithstanding the details hereby approved, Sign Type 3a, b and c as shown on the elevations (Identified on the plans as Concept 1: Monolith Signage System) dated July 2011, are not approved.

## **5.2 11/00713/PP: Irvine: Riverside Business Park**

Irvine Bay regeneration Company, 43 Ardrossan Road, Saltcoats, have applied for planning permission for the erection of post and wire fencing and the formation of a new footpath at Riverside Business Park, Irvine.

The Committee agreed to grant the application.

## **5.3 11/00702/PP: Kilwinning: Pennyburn Road: Kilwinning Sports Club**

Kilwinning Sports Club, Pennyburn Road, Kilwinning, have applied for planning permission for the erection of a single storey sports pavilion, including the provision of two accessible car parking spaces, at that address.

The Committee agreed to grant the application subject to the following conditions:-

1. 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.
2. That prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, details of the proposed external finishes.

## **6. North Coast and Cumbraes**

### **11/00709/PP: Largs: Flatt Road: Site to South of Flatt Farm Cottage**

Cunninghame Housing Association Ltd., 82/84 Glasgow Street, Ardrossan, have applied for planning permission for the erection of 26 dwelling flats, with associated road and parking infrastructure, on a site to the south of Flatt Farm Cottage, Flatt Road, Largs. 56 objections have been received, including 2 petitions with a total of 171 signatures as detailed in the report.

The Committee, having considered the terms of the objections, agreed that consideration of the application be continued to allow a site inspection to be undertaken prior to its final determination.

### **7. Breach of Condition Notice: Kilbirnie: East Meets West Restaurant: 13 Bridgend: Non-compliance with Condition 1 of planning permission ref. 11/00049/PP**

Submitted report by the Solicitor to the Council on the serving of a Breach of Condition Notice seeking compliance with Condition 1 of Planning Permission reference 11/00049/PP.

Planning Permission for the change of use of a public house to a restaurant at 13 Bridgend, Kilbirnie was granted under delegated powers on 1 April 2011. Condition 1 of the planning consent restricted the operation of the takeaway facility to a home delivery basis only, with no collection of food or beverages by customers from the premises. The reason for this condition was to meet the requirements of North Ayrshire Council as Roads Authority, due to the proximity of the site to the signal controlled junction with the access between the A760 and the Tesco Superstore.

Following the partial discharge of Condition 1, in relation to the submission of an amended floor plan which deleted all reference to a takeaway counter, the premises opened for business trading as East Meets West. Since opening, complaints have been received in relation to non-compliance with the restriction placed on the collection of takeaway foods.

The restaurant operator has been advised that Committee approval would be sought for formal enforcement action in the event of continuing non-compliance with Condition 1. As compliance has not been forthcoming through voluntary means, the Committee was advised that it is open to the Council to serve a Breach of Condition Notice.

The Committee agreed to approve the serving of a Breach of Condition Notice to require compliance with condition 1 of Planning Permission 11/00049/PP granted on 1 April 2011 in respect of the premises at 13 Bridgend, Kilbirnie.

## **8. Enforcement Notice: Irvine: 40 Caldon Road**

Submitted report by the Solicitor to the Council on the serving of an Enforcement Notice to remove an unauthorised storage container.

On 9 August 2011, a complaint was received regarding the siting of a storage container to the rear of a parade of shops within Caldon Road, Irvine. Following a site visit, it was understood that the unauthorised container was sited to the rear of 42 Caldon Road, and the Committee, at its meeting on 22 November 2011 approved the serving of an Enforcement Notice in terms of Section 127 (1) of the Town and Country Planning (Scotland) Act 1997 to secure the removal of the unauthorised storage container.

Subsequently, it was confirmed that the address of the property behind which the unauthorised container was sited was 40 Caldon Street. Legal Services has advised that, for the avoidance of doubt, the Planning Committee is required to approve the service of the Notice on the corrected address to enable the Enforcement Notice to be properly served.

The Committee agreed, in the interests of the amenity of the area, to approve the serving of an Enforcement Notice in terms of Section 127(1) of the Town and Country Planning (Scotland) Act 1997 to secure the removal of the unauthorised storage container at 40 Caldon Road, Irvine.

## **9. Urgent Item**

The Chair agreed that the following item of business be considered as a matter of urgency due to the requirement for establishing a Trust.

## **10. The Ladies Walk Trust**

The Solicitor (Contracts and Conveyancing) advised the Committee of the receipt of a letter from Partick Earl of Glasgow seeking approval of the terms of the Ladies Walk Trust by 13 December 2011.

At its meeting on 30 August 2011, the Planning Committee considered a report of the development brief for Ladies Walk, Fairlie, and agreed (1) to approve (a) proposals for Trustees for the Ladies Walk Trust and refer the matter of appointment of the Council Representatives on the Trust to the next meeting of North Ayrshire Council, (b) the provisions of the Trust as set out in clauses 2.1.1 to 2.1.6 of the report, (c) that the matter of repayment of outstanding loans in respect of Kelburn Castle and Country Centre in terms of RES 2B be continued to a future meeting of the Planning Committee pending further information in terms of the business plan and profit and loss accounts; and (2) to note that negotiations in relation to the Trust are ongoing and that a further report be submitted to a future meeting of the Committee to approve the final terms of the Trust.

Subsequently, a letter dated 2 December 2011 was submitted by Lord Glasgow outlining difficulties being experienced in the absence of a Trust Agreement.

The Solicitor (Contracts and Conveyancing) advised the Committee that while financial information had been received in relation to the proposed Trust, this information required to be independently verified by a third party prior to the Trust being established.

The Committee agreed that authority be delegated to the Solicitor to the Council to approve the terms of the Ladies Walk Trust, subject to independent verification by a third party of the financial information submitted by Lord Glasgow.

The Meeting ended at 2.35 p.m.