

Planning Committee  
17 April 2012

**IRVINE, 17 April 2012** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Elizabeth McLardy, Margie Currie, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, William Gibson, Ronnie McNicol, Pat McPhee and John Moffat.

**In Attendance**

J. Miller, Chief Development Management Officer, and J. Law, Solicitor (Contracts and Conveyancing) (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor McLardy in the Chair.

**Apologies for Absence**

Jim Montgomerie

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16.

**2. Minutes**

The Minutes of the previous meeting of the Committee held on 27 March 2012 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Isle of Arran**

**3.1 09/00171/PP: Kildonan: Woodside Farm**

Mr and Mrs Michel Augier, Woodside Farm, Kildonan, Isle of Arran applied for planning permission for the erection of a detached dwellinghouse at Woodside Farm, Kildonan, including demolition of existing dwellinghouse (retrospective).

At its meeting on 4 August 2011, the Planning Committee agreed to grant planning permission subject to (a) the applicants entering into a S75 Agreement to limit the occupation of the dwellinghouse to persons employed in the farm business at Woodside Farm or a dependant of such persons; and (b) the conditions contained in the report.

Since that time there has been no contact from the applicants to purify these matters, and in particular no response to a letter dated 21 March 2012, requesting details of any progress. It is therefore assumed that the applicants no longer wish to proceed with the application, and it is recommended that the application should now be refused, on the basis of the applicants failure to timeously resolve the outstanding issues.

The Committee agreed to refuse the application on the grounds that:-

1. The proposal would not accord with criterion (b) of the Development Control Statement of the adopted Isle of Arran Local Plan, in that the dwellinghouse would not enjoy a satisfactory standard of amenity, due to the proximity of the farm park business.

#### **4. Ardrossan, Saltcoats and Stevenston Area**

##### **4.1 11/00059/PP: Saltcoats: 22 Montgomerie Crescent**

McLaughlin Construction, 13 Ailsa Road, Irvine have applied for planning permission for the erection of 10 flats with associated access and parking including demolition of an existing building at 22 Montgomerie Crescent, Saltcoats. Two objections have been received, as detailed in the report.

The Committee agreed to continue consideration of the application to a future meeting to allow for further consultation with Saltcoats Community Council and for the applicant to provide samples of the fascia finishes.

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

##### **5.1 03/00265/OPP: Irvine: Site to the North of Marine Drive**

Mr G Fowler & Mr G Dickson, 124 Bank Street, Irvine applied for outline planning permission for a leisure development comprising eight sports pitches, associated buildings and car parking at a site to the North of Marine Drive, Irvine.

At its meeting on 30 June 2003, the Planning Sub Committee of the Corporate Services Committee, having considered the detail of the application and other material considerations, agreed that the application be approved, subject to conditions and the conclusion of a Section 75 legal agreement relating to ecological mitigation/management measures. There has been no significant progress, in relation to progressing the S75, for a considerable period of time. Ecological impacts have not been addressed or mitigation measures defined and clearly set out. It is therefore proposed that the application now be refused.

The Committee agreed to refuse the application on the following ground:-

1. That the proposed development would be contrary to Policies IND6 and IND7 in that it does not comprise uses within Classes 4, 5 or 6, Policy IND6A (b) in that it has not been demonstrated that the development would facilitate the reinstatement of conservation interests on the balance of the site and Criterion (e) of the Development Control Statement of the North Ayrshire Local Plan (Excluding Isle of Arran), in that it has not been demonstrated that the development would not cause significant irreversible damage to the environment.

**6. Fairlie: Main Road: Proposed Garden Centre and Restaurant at Site to North of Fairlie Bowling Club: Planning Application (Ref 10/00813/PP)**

Submitted report by the Solicitor to the Council on a proposal to amend the previous decision of the Planning Committee to grant conditional planning permission, subject to the applicant entering into an Agreement in terms of Section 75 of The Town and Country Planning (Scotland) 1997 to (1) vary the definition of the range of goods to be sold from the premises and (2) delete the requirement to reserve land within the site for the National Cycle Path.

At its meeting on 8 March 2011, the Planning Committee agreed to grant conditional planning permission for a proposed garden centre and restaurant development on a site to the north of Fairlie Bowling Club, Main Road, Fairlie, subject to (a) the applicant entering into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to ensure (i) that no further development takes place to the north of the garden centre building; (ii) that the applicant makes proper provision to reserve a route to allow the National Cycle Path to pass through the site; (iii) the provision of a pedestrian crossing on the A78 trunk road; and (iv) to restrict the use of the premises to those uses specified in the application, and (b) the noted Conditions.

Since the Committee decision the applicant has been seeking to secure operators for the proposed business but advises that this is proving difficult due to the terms of Condition 2 and the related clause of the Section 75 Agreement. In addition, the part of the National Cycle Path, through the site has now been completed and this requirement can be deleted from the Section 75 agreement.

The Committee agreed to restrict the types of good sold to garden and garden related products only (Condition 2). Following discussion with the applicant they have now specifically requested that Condition 2 be amended in order to allow up to 25% of the retail floorspace of the building to be used for non-garden related consumer goods at any time. 25% of the retail floorspace of the building equates to 100 square metres of the retail floorspace of the approved garden centre building.

The Committee agreed to amend the previous decision of the Planning Committee as follows:-

1. Revise the terms of the S75 Agreement -

To ensure (i) that no further development takes place to the north of the garden centre building; (ii) the provision of a pedestrian crossing on the A78 trunk road; and (iii); to restrict the use of the premises to those uses specified in the application.

2. Amend Condition 2 to read -

That with the exception of a general sales area, as specified in the application, comprising 100 square metres within the garden centre building, no goods other than potted plants, pottery and ornaments, garden equipment, tools, fencing materials, slabs etc., sand and cement, fertilisers, seeds, outdoor clothing for gardening, garden furniture, ponds and equipment, fish for ponds, garden lighting, garden books, shrubs, trees and garden plants shall be sold from the garden centre without the prior approval of North Ayrshire Council.

## **7. Urgent Items**

The Chair agreed that the following item be considered as a matter of urgency to allow the matter to be actioned without delay.

### **7.1 12/00065/PP: West Kilbride: Old Barony Church, Main Street**

West Kilbride Community Initiative Ltd, 121-123 Main Street, West Kilbride, have applied for the installation of three air source heat pumps to the rear of the building at Old Barony Church, Main Street, West Kilbride (retrospective). Three letters of objection have been received and were detailed in the report.

The Committee agreed to refuse the application on the grounds that the proposed development would be contrary to Criteria (a) and (b) of the Development Control Statement of the adopted North Ayrshire Local Plan (Excluding Isle of Arran), due to both the adverse noise and disturbance from the operation of the air source heat pumps on the residential amenity, and the adverse visual intrusion of the proposed 3 metre high acoustic fence on the amenity of the properties to the south of the site.

## **8. Chair's Remarks**

The Chair noted that this was the last meeting of the Planning Committee in the current administration and took the opportunity to record her thanks to Elected Members and to former and current Officers for their contribution to the work of the Committee.

The meeting ended at 2.30 p.m.