

Planning Committee  
3 March 2010

**IRVINE, 3 March 2010** - 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, Ronnie McNicol, John Moffat and Robert Rae.

**In Attendance**

R. Forrest, Planning Services Manager, J. Miller, Chief Development Management Officer, A. Craig, Senior Solicitor and J. Law, Solicitor (Legal and Protective); and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor McLardy in the Chair.

**Apologies for Absence**

Pat McPhee and David Munn.

**1. Declarations of Interest**

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

**2. Irvine/Kilwinning**

**09/00754: Kilwinning: 11-13 Byres Road**

Ms M Woods, Maracols, 11-13 Byres Road, Kilwinning, has applied for retrospective planning permission for part change of use of the public house and restaurant to form a hot food takeaway at that address. 1 objection has been received, as detailed in the report.

The Chief Development Management Officer advised of the receipt of a consultation response from Transport Scotland, which expressed the view that the proposal would be detrimental to traffic safety.

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

1. That the proposed development would be contrary to criterion 3 of Policy TC1 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) in that the use of part of the premises as a hot food takeaway would give rise to a concentration of such uses in Byres Road, which would adversely affect the vitality and visual amenity of the locality, particularly the residential flats opposite.

2. That the proposed development would be contrary to criterion (d) of the Development Control Statement of the North Ayrshire Local Plan (Excluding Isle of Arran) in that the lack of parking facilities would result in parking on the adjacent trunk road in the vicinity of a traffic light controlled junction which would be detrimental to the free flow of traffic and trunk road safety.

### **3. North Coast and Cumbraes**

#### **09/00658/PP: West Kilbride: 26 Ritchie Street**

W S Jamieson, 7 Snowdon Terrace, Seamill, West Kilbride, has applied for planning permission for a proposed change of use from an office to form a dwellinghouse and shop unit, including alterations to the frontage, at 26 Ritchie Street, West Kilbride. 2 objections have been received, as detailed in the report.

The Committee agreed to continue consideration of the application to its next meeting to allow a site familiarisation visit to take place.

### **4. Enforcement Notices**

#### **4.1 Isle of Arran: Lamlash: Land at Lamlash Bay Hotel**

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed serving of an Enforcement Notice to require the removal of an unauthorised static caravan on land at Lamlash Bay Hotel, Lamlash, Isle of Arran.

The Chief Development Management Officer advised of the receipt of a letter from the proprietor of the hotel, undertaking to remove the static caravan in question from the site no later than 16 March 2010. The Officer proposed that consideration of the matter be continued to the next meeting to allow the proprietor take the action proposed.

The Committee agreed to continue consideration of the matter to its next meeting.

## **4.2 Irvine: Land at 160 Livingstone Terrace**

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed serving of an Enforcement Notice to require the removal of an unauthorised conservatory at 160 Livingstone Terrace, Irvine.

On 23 March 2009, a complaint was received that a conservatory had been erected to the front of the property at 160 Livingstone Terrace, Irvine. This was confirmed during a subsequent site visit by the Planning Inspector and the occupiers of the property were advised by letter of the requirement for a retrospective planning application to be made. No response was received. Following a reminder letter, a meeting took place with the occupiers of the property and advice provided on the completion of the planning application form.

A retrospective planning application was submitted on 2 July 2009. Further information was requested in order to enable the registration of the application. The requested information has not been received and the application has not, therefore, been registered. On 4 November 2009, the occupiers of the property were informed that the matter would be reported to the Planning Committee. The requested information was not submitted and, accordingly, the application has been returned.

The Committee agreed to approve the serving of an Enforcement Notice in terms of section 127(1)(b) of the Town and Country Planning (Scotland) Act 1997 to secure the removal of an unauthorised conservatory on land at 160 Livingstone Terrace, Irvine.

## **4.3 Irvine: Land at 1 Herbertson Crescent**

Submitted report by the Assistant Chief Executive (Legal and Protective) on the serving of an Enforcement Notice to require the removal of an unauthorised storage building at 1 Herbertson Crescent, Irvine.

On 28 September 2009, a complaint was received regarding a storage building which had been erected at 1 Herbertson Crescent, Irvine. A site visit was made by the Planning Inspector and the occupier advised of the need for planning permission for the erection of the storage building. On 5 November 2009, a reminder letter was sent to the occupier as he had failed to apply for planning permission within 28 days.

An application for planning permission was registered on 10 December 2009. On 5 February 2010, the application was refused on the grounds that "the proposed development is contrary to criteria (a) and (b) of the Development Control Statement contained within the North Ayrshire Local Plan (excluding the Isle of Arran) in that, by reason of its scale and siting at an obtrusive position in front of the building lines set by No. 1 Herbertson Crescent and Nos. 17 and 19 Tollerton Drive, the storage building has a significant adverse impact on visual amenity."

The Committee agreed to approve the serving of an Enforcement Notice in terms of section 127(1)(b) of the Town and Country Planning (Scotland) Act 1997 to secure the removal of an unauthorised storage building on land at 1 Herbertson Crescent, Irvine.

The Meeting ended at 2.20 p.m.