

Planning and Regulatory Sub Committee
13 December 1999

Irvine, 13 December 1999 - At a Meeting of the Planning and Regulatory Sub-Committee of North Ayrshire Council at 10.00 a.m.

Present

David Munn, Samuel Gooding, Robert Reilly, Jack Carson, Ian Clarkson, David Gallagher, Elizabeth McLardy, John Moffat, David O'Neill and John Reid.

In Attendance

A. Fraser, Principal Legal Officer; D Cartmell, Principal Development Control Officer; F Murray, Solicitor (Licensing) (Legal and Regulatory); and J Bannatyne, Administration Officer (Chief Executive's).

Chair

Mr Munn in the Chair.

Apologies for Absence

Robert Rae

1. Ardrossan, Saltcoats and Stevenston Local Plan Area
<i>N/01/99/0556: Saltcoats: 28-30 Green Street</i>
<p>Harvest Christian Fellowship, 71 Dockhead Street, Saltcoats have applied for a Change of use of painters yard to form a car wash and valet centre (retrospective) at 28-30 Green Street, Saltcoats.</p> <p>The Sub-Committee agreed (a) to refuse the application on the following grounds:-</p> <p>That it is an inappropriate use for this town centre location in that it would adversely affect the safe and efficient circulation of vehicles and reduce the already limited number of off street car parking spaces available to town centre visitors, to the detriment of the vitality and viability of Saltcoats town centre; and</p> <p>(b) to take enforcement proceedings in order to secure the cessation of the use within the site.</p>
2. Irvine/Kilwinning Local Plan Area
(a) N/01/99/0156: Irvine: 31 (site to south of) Paterson Avenue
<p>D & A Contractors, 19 Dalmore Way, Irvine have applied for planning permission to erect 2 dwelling houses at 31 (site to the south of) Paterson Avenue, Irvine. Objections have been received from Mrs S Hume and S. Hume, 3 Jermond Drive, Mrs M Boles and F. Boles, 1 Jermond Drive and A & H Martin, 24 Paterson Avenue, Irvine. A petition with 18 signatures objecting to the sale of the land and raising planning issues was submitted to the Corporate Services Committee.</p>

Having considered the terms of the objections, the Sub-Committee agreed to grant the application, subject to the following conditions:-

(i) 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.

(ii) That prior to the commencement of development a revised plan showing: (A) the forwardmost part of the block positioned 5m from the heel of the footway; (B) the northmost corner of the block positioned 3m from the boundary with 31 Paterson Avenue; and (C) the provision of a turning area within Plot 1 shall be submitted for the approval in writing of North Ayrshire Council as planning authority.

(iii) That prior to the commencement of development details of the timber fence shall be submitted for the agreement in writing with North Ayrshire Council as planning authority.

(iv) That all site boundary fences or walls shall be erected prior to the occupation of the dwellinghouses.

(v) That prior to the occupation of the house on Plot 1 the turning area shall be formed.

(vi) That the applicant shall form footway crossings to North Ayrshire Council Roads Guidelines to the satisfaction of North Ayrshire Council as planning authority.

(vii) That the first 2 metres of the accesses as measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

(viii) That a minimum parking provision of 2 spaces per plot shall be provided prior to the occupation of each house; and

(ix) That the front windows of each house shall be fitted with acoustic glazing of a type to be agreed with North Ayrshire Council as planning authority prior to installation.

(b) N/01/99/0232: Dreghorn: 18 Dalmailing Avenue

R & E Hume have applied for planning permission to enlarge an existing garage to form a bedroom with ensuite facilities and the creation of a double garage at 18 Dalmailing Avenue, Dreghorn. An objection has been received from Mrs E Burgess, 19 Dalmailing Avenue, Dreghorn.

Having considered the terms of the objection, the Sub-Committee agreed to grant the application, subject to the following conditions:-

(i) That the monobloc surface indicated on drawing No. 9901/D/2 shall be formed prior to the occupation of the garage; and

(ii) That the garage door shall have electric up and over doors.

(c) N/01/99/0435: Irvine: Castlepark Circle: site to the east of the hospital

Ayrshire and Arran Health Board, Boswell House, 10 Arthur Street, Ayr have applied for outline planning permission for a residential development at Castlepark Circle (site to the east of hospital), Irvine. Objections have been received from J. Burt, 12 Rannoch Place and J. Miller, 16 Rannoch Place, Irvine.

Having considered the terms of the objections, the Sub-Committee agreed to grant the application, subject to the following conditions:-

(i) That the approval of North Ayrshire Council as planning authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be

obtained before the development is commenced.

(ii) That prior to the submission of any of the above reserved matters for any part of the development the developer shall provide for the written approval of North Ayrshire Council as planning authority an overall plan (1:500 scale) indicating the framework for the development for the whole site showing: (A) the boundaries of housing areas with an indication of the phasing of construction and completions: ; (B) the indicative numbers and types of houses; (C) the access roads and main footpath links; and (D) the landscaping, tree belts and open space/play areas and the following written information; (I) a traffic impact survey assessing the impact of the development on the level of traffic at the junction of Castlepark Drive and Kilwinning Road (A737); and (II) an assessment of the impact of the discharge of surface water from the development into the Red Burn.

(iii) That with regard to conditions (i) and (ii) the design and external finishes of the houses/garages and mix/density of development shall be in accordance with the Planning Brief for the Ayrshire Central Hospital approved in August 1991 and the Council's approved policy for the provision of landscaping, open spaces and play areas (Approved December 1997).

(iv) That no development shall take place within 10 metres of the existing trees located along the north boundary.

(v) That a 10 metre wide strip shall be reserved along the boundaries with the hospital grounds (north and west) which strip shall be planted as a tree/shelter belt between the proposed housing/existing hospital grounds in the first planting season following the commencement of any works.

(vi) That no trees or hedges on the site shall be felled or lopped without the prior written approval of North Ayrshire Council as planning authority.

(vii) That no development shall take place until there has been submitted to and approved by North Ayrshire Council as planning authority a scheme of landscaping, which shall include indication of all existing trees and measures for their protection in the course of the development.

(viii) 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 each phase of development, whichever is the sooner; and any trees or plants 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.

(ix) That a 2m wide footway shall be constructed along the frontages of the site with Castlepark Road and Castlepark Circle.

(x) That the parking provision shall be in accordance with the Roads Development Guidelines.

(xi) That an access to the site from Castlepark Circle shall be at a point midway between Sheil Place and Rannoch Place; and

(xii) That there shall be no direct vehicular access to the adjoining hospital grounds.

(d) N/01/99/0508: Irvine: 64 Ayr Road

N. G. Cheung, 15 Ormiston Place, Irvine has applied for a part change of use of shop to a hot food carry out and the formation of a new retail shop at 64 Ayr Road, Irvine. Objections have been received from D. Johnstone, 64 Ayr Road, a resident of 66 Ayr Road, Miss A Fox, 17 Ayr Road, Mr and Mrs Greenshields, 21 Ayr Road, Ms G. Henry, 62 Ayr Road and Mr and Mrs McBlain, 1A Ayr Road, Irvine.

The Sub-Committee took the view that, whilst prepared to recognise that criminal or anti-social activity is a matter dealt with by the Police and that increased late night activity in this particular location, with attendant noise arising from additional vehicular movements, closing of car doors and boisterous

behaviour might not necessarily justify the involvement of the Police, the proposed change of use would still have a detrimental effect on the amenities of residential properties which are in close proximity.

Having considered the terms of the objections, and after a full discussion, the Sub-Committee agreed to refuse the application on the following grounds:-

That the proposed sub-division and change of use is contrary to Housing Policy 4 of the Adopted Local Plan and Housing Policy 5 of the Finalised Replacement Local Plan for Irvine and Kilwinning in that it would introduce a non-conforming use within a residential area which would be detrimental to the amenity of adjacent residential properties by reason of noise and disturbance in the evening and at a late hour.

3. *Exclusion of Public*

The Sub-Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following items of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

4. *Civic Government (Scotland) Act 1982: Applications for Licences*

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on (a) applications for the grant or renewal of licences under the Civic Government (Scotland) Act 1982; and (c) individual licences where a formal Hearing has been convened and which require to be determined by the Sub-Committee.

The Sub-Committee agreed to dispose of these matters as indicated in the attached Appendix P&R1.

The meeting ended at 10.50 a.m.

Planning and Regulatory Sub Committee
13/12/99

Appendix No **P&R1**

PART A: Applications for Licences under the Civic Government (Scotland) Act 1982

	<u>Type of Licence/ Reference No</u>	<u>Applicant</u>	<u>Decision</u>
1	LHCL/001 (N)	K. M.	Proceed to a Hearing
2	LHCL/057 (N)	Safeway Stores Plc	Grant (Between 11 p.m. - Midnight 19/12/99 - 8/1/2000 both dates inclusive)
3	LHCL/010 (N)	Safeway Stores Plc	Withdrawn.

PART C: Reports in respect of Licences where a formal Hearing has been convened and which require to be determined by the Sub-Committee

	<u>Type of Licence/ Reference No</u>	<u>Decision</u>
1	TDL/369	The applicant having been duly cited, attended the Hearing. The Solicitor (Licensing) advised the

		<p>Sub-Committee as to the background to the Hearing. The applicant then addressed the Sub-Committee before withdrawing from the Meeting together with the Solicitor (Licensing).</p> <p>Agreed to grant.</p>
2	SHDL/084 (N)	<p>Agreed, at the request of the applicant, to reschedule the Hearing to the meeting on Monday 20th December 1999.</p>