

Planning Committee
26 February 2007

IRVINE, 26 February 2007 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

David Munn, Tom Barr, John Moffat, Ian Clarkson, Margie Currie, Elizabeth McLardy, Margaret Munn, Alan Munro, David O'Neill, Donald Reid, John Reid and Ian Richardson.

In Attendance

I. Snodgrass, Chief Executive; I.T. Mackay, Assistant Chief Executive, R. Forrest, Planning Services Manager and J. Miller, Chief Development Control Officer (Legal and Protective); and A. Wattie, Communications Officer and M. Anderson, Corporate Support Officer (Chief Executive's).

Chair

Councillor D. Munn in the Chair.

Apologies for Absence

Elisabethe Marshall and Robert Rae.

1. Minutes

The Minutes of the Meetings of the Committee held on (i) 15 January 2007; and (ii) 5 February 2007, copies of which had previously been circulated, were confirmed.

A. ITEMS REQUIRING APPROVAL BY COUNCIL

2. Isle of Arran Local Plan Supplementary Guidance: Design Frameworks for Brodick and Lamlash Seafronts

Submitted report by the Assistant Chief Executive (Development and Promotion) and received a presentation from Gordon Fleming of Consultants A.R.P. Lorimer and Associates on the Design Frameworks for Brodick and Lamlash Seafronts.

A.R.P. Lorimer and Associates were commissioned to carry out townscape audits to facilitate the development of design frameworks for Brodick and Lamlash seafronts. The audits recommend strategies to preserve and enhance the key features of the seafronts and highlight where development could be accommodated.

The design frameworks emphasise the following:-

- the different layers of use and buildings which characterise Brodick seafront;
- the relationship between the large, free-standing buildings of typically two-and-a-half storeys in height, set back from Shore Road, Brodick, and the substantial gaps which separate each site;
- spacing between buildings as a crucial feature of Brodick seafront;
- the stepping of the building line and predominant green space to site frontages at Brodick;
- the potential of the Invercloy site, Brodick and the need for a comprehensive development approach;
- the McAlpine Hotel as a landmark building on arrival at Brodick;
- Kilbride Parish Church and St. George's Church as key buildings on Lamlash seafront;
- the relationship between the former Whitehouse Hotel site and the central area of Lamlash;
- the retention of the existing building line on the inland side of the A841 at Lamlash, with buildings kept to two or two-and-a-half storeys in height;
- the potential of the vacant properties at the "Lookout" building and St. George's Church, Lamlash;
- the community focus of the Lamlash pier head area and its surrounding land uses; and
- the value of the open space landscape frontage of Lamlash.

It is proposed to present the design frameworks to the public, with Isle of Arran Community Council specifically invited to attend and, thereafter, to report back to Committee on the outcome prior to approval of the documents as Supplementary Guidance to the Local Plan.

The Committee agreed (a) to approve the Design Frameworks for public presentation; and (b) that the Assistant Chief Executive (Legal and Protective) report back on the public presentation and adoption of the Design Frameworks for Brodick and Lamlash Seafronts.

3. Isle of Arran: Brodick: Market Road

Submitted report by the Assistant Chief Executive (Legal and Protective) on progress with environmental proposals at Market Road, Brodick.

The Masterplan for Market Road, Brodick, sets out a forward planning framework to define and maximise opportunities for this key industrial location on Arran.

Comprehensive road improvement works at Market Road have already been implemented on a partnership basis with funding from the Council, Argyll and Islands Enterprise (AIE) and Scottish Water.

The next stage is Phase 2 environmental improvement works, comprising site frontage boundary fencing throughout Market Road and tree planting to the seaward edge of the site. An integrated development project has been established, involving the Council, AIE, area businesses and land owners. The Council has already committed £100,000 to a Trust Fund for the project, with a further £10, 000 anticipated from AIE and a target contribution of £15,000 from area businesses.

It is proposed that a landscaping contract be let to allow tree planting to take place before the end of March 2007. A planning application will be lodged for the boundary fencing and access gates before the end of February 2007, with the works provisionally programmed to commence in April/May 2007.

Noted.

4. Isle of Arran: Blackwaterfoot: Development Brief for Cairnhouse Farm

Submitted report by the Assistant Chief Executive (Legal and Protective) on the outcome of public consultation on the Development Brief for Cairnhouse Farm, Blackwaterfoot, Isle of Arran.

At its meeting on 4 December 2006, the Committee approved a Development Brief for Cairnhouse Farm, Blackwaterfoot, for public consultation. Copies of the Development Brief and response forms were advertised in the local press and available to view at Cunninghame House, Perceton House, Arran Library, Lamlash Local Office and on the Council's website. Five responses, as set out in Appendix 1 to the report, were received.

Two of the responses received raised concerns that the carriageway between Kinloch Hotel car park and Kinloch Court is at risk from flooding and coastal erosion. Accordingly, the Development Brief has been amended to include a requirement that the developer carry out a Coastal Flood Risk Assessment if the site is to be accessed from Kinloch Court, such assessment to include proposals for any coast protection measures considered necessary, as well as access requirements for emergency vehicles. The amended Brief also specifies that the offsite section of carriageway between Kinloch Hotel car park and Kinloch Court be upgraded to provide a 5.5 m wide carriageway with a single 1.5m wide footway on the east side and nominal verge on the west.

The Committee agreed to approve the Development Brief for Cairnhouse Farm set out in Appendix 2 to the report, as supplementary guidance to the Adopted Isle of Arran Local Plan.

5. Street Naming

Submitted report by the Assistant Chief Executive (Legal and Protective) on the naming of a new housing development by Miller Property Developments Limited on a site off Alexandra Terrace, Kilwinning.

The Committee agreed to name the development "Alexandra Gardens".

ITEMS DETERMINED UNDER DELEGATED POWERS

6. North Coast and Cumbraes/Garnock Valley Area

04/00786/PP: Fairlie: Kelburn Estate: Site at Green Hill

Renewable Energy Systems Limited, James Blyth House, 2000 Academy Park, Gower Street, Glasgow, have applied for planning permission for a windfarm development consisting of 19 wind turbines (maximum height 100m) each having a capacity of 2.0m, site infrastructure including control building, substation, roads, wind monitoring mast, burrow pits, 2m high palisade facing around substation and temporary construction compound on a site at Green Hill, Kelburn Estate, Fairlie. Objections have been received from Largs Community Council, per Mr Tom Marshall, PO Box 15, Largs and from the 53 parties detailed in Annex 1 to the report.

The Chief Development Control Officer referred in his presentation to Scottish Planning Policy 6 (SPP6) ("Renewable Energy: Consultation Draft"), advising that, in terms of site selection, the draft SPP6 states that Planning Authorities should use the Development Plan process to set the framework for considering proposals for all renewable energy developments in their areas. This approach has been adopted by the three Ayrshire Authorities through the Ayrshire Joint Structure Plan. SPP6 also states that SNH has issued guidance which sets out general principles on how to assess the effects of windfarms and that this guidance should be taken into account by Planning Authorities when reaching a view on the capacity of particular locations. Planning Authorities may preclude further development in particular areas if it is likely that this would lead to an unacceptable cumulative impact which cannot be adequately mitigated. The Chief Development Control Officer reported that SNH, in its consultation response, objected to the application on the grounds of significant adverse landscape and visual impact; and significant adverse cumulative landscape and visual impact. He also noted that SPP6 advises that Development Plans should identify broad areas of search for onshore windfarms and that, in all instances, proposals will be judged on their merits and, in addition, developers will require to demonstrate that there are no suitable opportunities to develop within broad areas of search. This is the approach adopted by the three Ayrshire Authorities within the Approved Ayrshire Joint Structure Plan.

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

1. That the proposed development is contrary to (i) Policy ECON7A of the Finalised Draft of the Ayrshire Joint Structure Plan, in that the site of the proposed development is located outwith the preferred areas of search as identified in the key diagram of the Structure Plan, and (ii) Policies E2, E10(B) and E11(B) of the Approved Ayrshire Joint Structure Plan and Policies INF7(b) and (f), ENV5 and ENV5A of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), as the proposal would result in a significant adverse visual impact on Clyde Muirshiel Regional Park.

7. Arran Area

7.1 06/00997/PP: Shannochie: Site to West of Hillhead Farm

A. Denny, 19 Stirling Road, Larbert, has applied for planning permission for an amendment to planning permission N/04/00946/PP to amend the house type and ground levels on a site to the west of Hillhead Farm, Shannochie, Isle of Arran. Objections have been received from Harry and Linda Ross, 6 Ashdale Way, Whiting Bay and J. McKinnon, Hillhead Farm, Bennan, both Isle of Arran.

The Committee agreed to continue consideration of this application to a future meeting.

7.2 06/01268/OPP: Lamlash: Site to South East of 64 Murray Crescent

John Turner, c/o Ian Cook, Linn Cottage, Whiting Bay, Isle of Arran, has applied for outline planning permission for the erection of a detached dwellinghouse on a site to the south east of 64 Murray Crescent, Lamlash, Isle of Arran.

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

1. That the proposed development would represent an unacceptable form of backland development, which is specifically discouraged by the Development Control Statement of the Adopted Isle of Arran Local Plan. In particular, the dwellinghouse would have a restricted area of private usable garden ground and would compromise the amenity and privacy of the donor house at 64 Murray Crescent. The proposed development would also result in the loss of the majority of the private usable garden area at 64 Murray Crescent. Such development would not be in the interests of the proper planning of the area.

7.3 06/00920/PP: Brodick: Shore Road: Site to East of Craiglea Court

Mr. and Mrs. T. Tracey, The Shore House, Shore Road, Brodick, Isle of Arran, have applied for planning permission for the erection of 9 flats together with associated parking and an alteration to the existing access, on a site to the east of Craiglea Court, Shore Road, Brodick, Isle of Arran. 100 objections have been received as detailed in Annex 1 to the report.

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

1. That the proposed development would be contrary to the Development Control Statement of the Adopted Isle of Arran Local Plan in that, by reason of its scale, siting, design and external appearance, it would be contrary to the existing pattern and form of development, which would be detrimental to the character of the area and visual amenity.

7.4 06/01058/OPP: Lochranza: Lochranza Golf

Iain M. Robertson, c/o John Stewart RIBA, 1 Newton Road, Lochranza, Isle of Arran, has applied for outline planning permission for a golf chalet development at Lochranza Golf, Lochranza, Isle of Arran.

The Chief Development Control Officer advised that a written response had been received from SEPA confirming it had no objection to the proposed development.

The Committee agreed to grant the application subject to (a) the applicants entering into a Section 75 Agreement to limit occupancy of the chalets for the purposes of holiday letting only and to restrict their sale or letting on the housing market; and (b) the following conditions:-

1. 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.

2. That visibility splays of 2.5 m x 60 m shall be provided and maintained on land within the applicant's control at the junction of the site access with the A841, such that there is no obstruction to visibility above a height of 1.05 metre measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.

3. That the proposed development shall be provided with an adequate and wholesome water supply, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

4. That effluent disposal arrangements shall comply with the current Code of Practice BS6297:1983 to the satisfaction of North Ayrshire Council as Planning Authority.

5. 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 Design Manual for Scotland and Northern Ireland 2000" 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. In addition, prior to the commencement of the development hereby approved, details of the proposed factor or management agency and a management plan, including a risk assessment for public safety, management responsibilities and maintenance schedules for the approved scheme, shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. The management plan shall be carried out in accordance with the approved details, unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

8. Ardrossan/Saltcoats/Stevenston Area

07/00028/OPP: Stevenston: Ardchoille Lane: Site of the former Ardchoille Hotel

Keyhole Design Ltd., 184 Main Street, Prestwick, have applied for outline planning permission for a residential development on the site of the former Ardchoille Hotel, Ardchoille Lane, Stevenston.

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

1. 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.
2. That visibility splays of 2.5m x 60 m shall be provided and maintained on land within the applicant's control, such that there is no obstruction to visibility above a height of 1.05 metres measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, vehicular access to the site shall be made directly from Hayocks Road.

3. That, as part of the reserved matters for the development, 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 Design Manual for Scotland and Northern Ireland 2000" shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter, any scheme which 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. In addition, prior to the commencement of the development hereby approved, details of the proposed factor or management agency and a management plan, including a risk assessment for public safety, management responsibilities and maintenance schedules for the approved scheme, shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. The management plan shall be carried out in accordance with the approved details, unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

9. Garnock Valley Area

9.1 06/01274/PP: Kilwinning: Site to the west of Redwells Farm

Mr. and Mrs. Alex Bicket, Redwell Farm, Kilwinning, have applied for planning permission for erection of a detached dwellinghouse with associated access road and the installation of a septic tank on a site to the west of that address.

The Committee agreed to grant the application subject to (a) the applicant entering into a Section 75 Agreement to limit the occupation of the house to a person employed in agriculture at Redwells Farm, Kilwinning or a dependent of such person; and (b) the following conditions:-

1. That the vehicular access to the site shall be provided with a verge crossing to be formed as detailed in sections 5.2 and 10.8 (and Fig. 10.16) of the Roads Development Guidelines.
2. That the first 6 metres of the driveway 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.
3. That, prior to the occupation of the house, a turning area shall be provided within the curtilage of site to enable vehicles to enter and exit in forward gear, to the satisfaction of North Ayrshire Council as Planning Authority.

4. That visibility splays of 2.5 metres x 60 metres in both directions shall be provided and maintained, such that there is no obstruction to visibility above a height of 1.05 metre measured above the adjacent carriageway level, to the satisfaction of North Ayrshire Council as Planning Authority.

5. That all drainage arrangements shall be to the satisfaction of SEPA and the septic tank and soakaway shall be designed and constructed in accordance with the current Code of Practice BS6297:1983.

6. That, prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority samples or exact details of the proposed roof and external wall finishes.

9.2 06/00774/PP: Dalry: 2 Kilwinning Road

Lidl UK GmbH, Tailend Farm, Deans Industrial Estate, Deans Road, Livingston, have applied for planning permission for the erection of a Class 1 retail unit with associated car parking, landscaping and access road at 2 Kilwinning Road, Dalry. 50 letters of representation have been received as detailed in Annex 1 to the report.

The Committee, having considered the terms of the representations, agreed to adopt the opinion that planning permission should be refused on the following grounds:-

1. That the proposed development would be contrary to Policy TC 5 in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that it would be retail development outwith the town centre where it has not been demonstrated to the satisfaction of North Ayrshire Council as Planning Authority that no suitable sites are available, or can reasonably be made available in or on the edge of existing town centres, or that the development would not adversely affect the vitality and viability of the town centre.

2. That the proposed development would be contrary to Policy L8 of the Approved Ayrshire Joint Structure Plan, in that it has not been demonstrated that suitable sites for retail development are not available in the town centre or on the edge of centre, nor that the proposed development would not effect the viability and vitality of the town centre.

9.3 06/01128/OPP: Beith: Barrmill: Greenhills: T.R. Bonnyman Son and Co Ltd

T.R. Bonnyman Son & Co. Ltd., Willow Bow Road, Willowyard Industrial Estate, Beith, have applied for outline planning permission for a residential development at Greenhills, Barrmill, Beith.

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

1. 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.
2. That the residential development hereby approved shall be limited to the existing industrial site annotated as Site A on the approved drawing "2 of 4" "Existing Block/Site Plan".
3. That, prior to the commencement of the residential development hereby approved, the new road and junction with the B706 shall be constructed and the old road stopped up, to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the occupation of any of the dwellinghouses, a footway shall be provided along the east side of the new road, from the proposed development to the B706, linking to the existing footway network, to the satisfaction of North Ayrshire Council as Planning Authority.
5. That, prior to the occupation of any of the dwellinghouses, a new lighting installation, the design of which shall be agreed in writing with North Ayrshire Council as Planning Authority, shall be provided on the adoptable areas of the new access and at the junction with the B706, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That, prior to the submission of the matters reserved by Condition 1, the applicants shall undertake a desk study of the application site (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and suitable quantitative risk assessment. All investigations shall be carried out in accordance with PAN 33 and BS10175:2001 and documentation verified by a suitably qualified Environmental Consultant. Results shall be submitted to Environmental Health and remediation proposals shall be presented in relation to any significant findings.
7. That the presence of any significant unsuspected contamination which 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.
8. That effluent disposal arrangements shall comply with the requirements of Scottish Water and the Scottish Environment Protection Agency.

10. Irvine/Kilwinning Area

10.1 06/00746/PP: Kilwinning: 54 Claremont Crescent

George Clelland, 54 Claremont Crescent, Kilwinning, has applied for retrospective planning permission for the erection of a fence and gate to the rear of the dwelling flat at that address. An objection has been received from Martin Munn and Yvonne Munn, 56 Claremont Crescent, Kilwinning.

The Committee, having considered the terms of the objection, agreed to grant the application.

10.2 06/01282/PP: Irvine: Perceton: 2 The Gardens

Mr. Kennedy, 2 The Gardens, Perceton, Irvine, has applied for planning permission for the erection of an extension to the rear of the detached dwellinghouse at that address. An objection has been received from A. McAdam, 4 The Gardens, Perceton, Irvine.

The Committee, having considered the terms of the objection, agreed to grant the application.

10.3 07/00027/ADC: Irvine: 46 Rivergate

Primark Stores Limited, PO Box 644, 47 Mary Street, Dublin, have applied for advertising consent for the erection of internally illuminated mounted letters to the front of the retail unit at 46 Rivergate, Irvine.

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

1. That the proposed advertisement would be contrary to Policy TC 8 of the Adopted North Ayrshire Local Plan (excluding isle of Arran) and the Council's approved Advertisement Policy, in that it would detract from the amenity of the area by reason of its size and position at the top of the building.

10.4 07/00036/ADC: Irvine: 46 Rivergate

Primark Stores Limited, PO Box 644, 47 Mary Street, Dublin, have applied for advertising consent for the erection of an internally illuminated double-sided projecting banner sign to the side of the retail unit at 46 Rivergate, Irvine.

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

1. That the proposed advertisement would be contrary to Policy TC 8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) and the Council's approved Advertisement Policy, in that it would detract from the amenity of the area by reason of its size and position at the top of a blank, non-commercial frontage of the building.

10.5 06/01272/PP: Irvine: 18-20 Gottries Road

Mr. and Mrs. J.S. Dewar, Middleton Farm, Irvine, have applied for planning permission for the conversion of a chip shop, including alterations, upper extension and partial demolition to form 2 dwellinghouses, at 18-20 Gottries Road, Irvine.

The Planning Services Manager advised of the receipt of a supplementary statement from the applicants in support of the application.

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

1. That the proposed development would not comply with criteria (a) and (b) of the Development Control Statement and Policy BE2 contained within the North Ayrshire Local Plan (excluding Isle of Arran), in that the design of the proposed dwelling houses would be out of character with, and visually intrusive in, the surrounding area and the adjacent Irvine Harbourside Conservation Area and would represent over-development of the site.

10.6 07/00062/PP: Irvine: 51-53 Bank Street

Alexander Morton Homes, 1 Gibbs Yard, SAC Auchincruive, have applied for retrospective planning permission for an amendment to planning permission N/03/00338/PP to reposition block 3 and extend the block by 1.2m towards the east boundary at 51-53 Bank Street, Irvine. An objection has been received from David Cameron, 59 Bank Street, Irvine.

The Committee, having considered the terms of the objection, agreed to grant the application.

10.7 07/00090/PP: Irvine: Perceton: 5 Langmuir Avenue

Mr. and Mrs. Carroll, 5 Langmuir Avenue, Perceton, Irvine, have applied for planning permission for the erection of an extension to the rear of the detached garage at that address. An objection has been received from D. Gillespie, 4 Langmuir Avenue, Perceton, Irvine.

The Committee, having considered the terms of the objection, agreed to grant the application subject to the following condition:-

1. That the development hereby approved shall be used for private use incidental to the enjoyment of the dwellinghouse and shall not be used as a separate dwellinghouse, to the satisfaction of North Ayrshire Council as Planning Authority.

10.8 06/01188/PP: : Irvine: Bank Street: Irvine Campus

Lovell Partnerships Ltd., Lovell House, 271 Springhill Parkway, Glasgow Business Park, Glasgow, have applied for planning permission for a residential development comprising 14 townhouses and 34 dwelling flats with associated access road at Irvine Campus, Bank Street, Irvine. Representations have been received from NHS Ayrshire and Arran, Brunston House, Ailsa Hospital, Ayr, from David and Marjorie Adams, no. 61A, Helen Craig, no. 61 and Linda and Andrew Lennon, no. 63, all Bank Street and from Pauline and Scott Cunninghame, 26 Ballot Road, all Irvine.

The Committee, having considered the terms of the representations, agreed to grant the application subject to (a) the applicants entering into a Section 75 Agreement or other suitable arrangement to provide a financial contribution to the Council for the provision of play facilities in the local area, and (b) the following conditions:-

1. That, prior to the commencement of the development hereby approved, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a Noise Survey Report, including recommendations regarding the measures to be incorporated into the design to achieve any necessary noise attenuation to the dwellings. All noise measurements shall be carried out by a qualified acoustic consultant or other competent person. Thereafter, the recommendations of the report shall be implemented to ensure that appropriate internal noise standards are met.

2. That, prior to the commencement of the development hereby approved, the applicants shall undertake a desk study of the application site (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and suitable quantitative risk assessment. All investigations shall be carried out in accordance with PAN 33 and BS10175:2001 and documentation verified by a suitably qualified Environmental Consultant. Results shall be submitted to Environmental Health and remediation proposals shall be presented in relation to any significant findings.

3. That the roadway shall be capable of supporting a vehicle with an axle load of at least 11 tonnes, and that facilities shall be provided for the storage and uplift of domestic waste, including material for recycling, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

4. 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 Design Manual for Scotland and Northern Ireland 2000" shall be submitted to, and approved by, North Ayrshire Council as Planning Authority. Thereafter, any scheme which 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. In addition, prior to the commencement of the development hereby approved, details of the proposed factor or management agency and a management plan, including a risk assessment for public safety, management responsibilities and maintenance schedules for the approved scheme, shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. The management plan shall be carried out in accordance with the approved details, unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

5. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of external materials.

6. That details of the boundary enclosures shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Any such details which may be agreed shall be implemented prior to the occupation of each house and, thereafter, maintained all to the satisfaction of North Ayrshire Council as Planning Authority.

7. 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 details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

8. 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 the 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.

11. North Coast and Cumbraes Area

11.1 06/00854/PP: Millport: Golf Road: Site to South East of Penmachrie

J. McIntyre & Co., Breakough Farm, College Street, Millport, Isle of Cumbrae, have applied for planning permission for the formation of 15 residential plots with associated access road, footpaths and car parking on a site to the south east of Penmachrie, Golf Road, Millport, Isle of Cumbrae. An objection has been received from A. Gordon, 5a Bute Terrace, Millport, Isle of Cumbrae.

A site familiarisation visit was undertaken in respect of this application.

The Committee, having considered the terms of the objection, agreed to grant the application subject to (a) the applicants entering into a Section 75 Agreement or other suitable arrangement deemed appropriate by the Council to provide a commuted sum for the provision or upgrading of play facilities in the locality; and (b) the following conditions:-

1. That, prior to any development commencing on site, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, a development/design brief for Phase 2, incorporating details of building zones, house heights, roof pitches, materials, colours, parking requirements, landscaping and means of enclosure.
2. That the dwellinghouses on plots 7, 8 and 9 shall be either of single- or one-and-a-half storey construction with no windows on the south-east roof slope and that, prior to the construction of the three dwellinghouses, details of the finished floor levels shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.
3. That no development shall take place on any of the plots within Phase 2 until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicants, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

4. That a 5 metre wide strip of ground shall be retained within plots 10 to 16 inclusive, adjacent to the northern/north-eastern edge of the site to complete the structural planting for the overall development. Details of the structural planting in the strips shall be submitted to, and agreed in writing with, North Ayrshire Council as Planning Authority, prior to any work commencing within the plots. Thereafter, the approved planting shall be implemented within six months of the occupation of the houses on the plots. The approved planting shall be maintained thereafter and retained in perpetuity in accordance with the approved details.

5. That no construction work shall take place on site before 0800 hours or after 1800 hours Mondays to Fridays, before 0900 hours and after 1600 hours on Saturdays nor at any time on Sundays or Bank holidays.

6. That a mature planting screen shall be provided adjacent to the south-east boundary of plots 7, 8 and 9 within six months of the occupation of the houses on the plots. Details of the planting shall be submitted to, and agreed in writing with, North Ayrshire Council as Planning Authority, prior to any work commencing within the plots. The approved planting shall be maintained thereafter and shall not be removed or lowered unless with the written agreement of North Ayrshire Council as Planning Authority.

7. That, notwithstanding the permission granted by Article 3 of and Classes 1 and 3 of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the curtilage of the dwellinghouses on plots 7,8 and 9.

11.2 06/01223/PP: West Kilbride: 65 Main Street

R. Singh, 76 Main Street, West Kilbride, has applied for planning permission for a proposed change of use from former shop to form a hot food takeaway, shop front alterations and the erection of an extraction flue at 65 Main Street, West Kilbride. Objections have been received from Mrs. A. Martin, 63 Main Street, S.A. Jones and D. Craig, 2 Manse Road, West Kilbride Amenity Society, per M. McGilvray, 20 Well Street and West Kilbride Community Council, per Mr John Lamb, 97 Ardrossan Road, Seamill, all West Kilbride.

The Chief Development Control Officer advised of the receipt of a supplementary statement from the applicant in support of the application.

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

1. That the proposed development is contrary to Policy TC1 (2) and (3) of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that the applicant failed to demonstrate that all reasonable steps have been taken to sell or let the property for retail purposes; and the proposed use is of a type likely to generate noise and disturbance and is located below residential properties.

11.3 06/01173/PP: Millport: 51-52 Stuart Street

Alan Shankland, 28 Lochaline Drive, Glasgow, has applied for planning permission for a proposed change of use of an outbuilding to form toilets for a cafe and the modification of planning approval N/05/01135/PP to vary condition 2 to form an external seating area to the front of the cafe at 51-52 Stuart Street, Millport, Isle of Cumbrae. A representation has been received from Angela Giorgetti, Angela's Nails, Beauty and Day Spa, 54 Stuart Street, Millport, Isle of Cumbrae.

A site familiarisation visit was undertaken in respect of this application.

The Committee, having considered the terms of the representation, agreed to grant the application subject to the following conditions:-

1. That the tables, chairs and barrier to delineate the seating area shall be removed, and the external seating area hereby approved shall not be used between the hours of 9.00pm on any day and 10.00am the following day.
2. That the seating area shall accommodate a maximum of 2 tables each with 4 seats.
3. That, prior to the commencement of the use of the seating area hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the removable barrier to be used to delineate the external seating area.

11.4 06/01036/PP: West Kilbride: Seamill: 1 Chapelton Mains

Mr. and Mrs. J. Young, 1 Chapelton Mains, Seamill, West Kilbride, have applied for planning permission for the erection of a sun room extension to the rear of the dwellinghouse at that address. Objections have been received from Mr. and Mrs. K. Ferguson, no. 3, Beth Stevenson, no. 9 and Paul and Larissa McColgan, no. 9, all Chapelton Mains, Seamill, West Kilbride.

The Committee, having considered the terms of the objections, agreed to grant the application subject to the following condition:-

1. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing no fewer than 14 days before the development commences.

The Meeting ended at 4.00 p.m.