

Planning Committee  
2 April 2007

**Irvine, 2 April 2007** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 pm.

**Present**

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

**In Attendance**

A. Fraser, Manager Legal Services and J. Miller, Chief Development Control Officer (Legal and Protective); and M. Anderson, Corporate Support Officer (Chief Executive's).

**Chair**

Councillor D. Munn in the Chair.

**1. Minutes**

The Minutes of the Meetings of the Committee held on 26 February 2007 and 19 March 2007, copies of which had previously been circulated, were confirmed.

**2. Declarations of Interest**

Councillor Donald Reid declared an interest in item 6.2: 07/00151/OPP: Kilwinning: Site to the east of Eglinton House, and left the meeting for that item of business.

**A. ITEM REQUIRING APPROVAL BY COUNCIL**

**3. Dalry: Putyan Avenue and Westend Footpath Diversion Order**

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed making of a Stopping Up Order relating to the path linking Putyan Avenue and Westend in Dalry.

Complaints have been received for several years from residents of Westend about antisocial behaviour by users of the footpath between Westend and Putyan Avenue. Whilst antisocial behaviour does not constitute grounds for closure of the footpath, the development of the new primary school includes a dedicated footpath link from Putyan Avenue through the new school to Sharon Street and there is, therefore, no need to retain the footpath from Putyan Avenue to Westend.

The Committee, at its meeting on 15 January 2007, continued consideration of the proposed Stopping Up of the footpath between Putyan Avenue and Westend in order to allow resolution of issues relating to the physical stopping up works required. These matters have now been addressed and it is proposed that the path be stopped up by means of metal pallisade fencing of the same design as that being erected around the new primary school.

The Committee agreed to recommend that the Council makes a Stopping Up Order in terms of Section 68 of the Roads (Scotland) Act 1984, stopping up the path between Putyan Avenue and Westend, Dalry, on the basis that the path will become unnecessary.

## **B. ITEMS DETERMINED UNDER DELEGATED POWERS**

### **4. Ardrossan/Saltcoats/Stevenston Area**

#### **4.1 07/00070/PP: Saltcoats: 15 Border Avenue**

Mr & Mrs Tyrone Dwyer, 15 Border Avenue, Saltcoats, have applied for planning permission for the erection of a single-storey extension to the rear of a detached dwellinghouse at that address. Objections have been received from Gillian Abercrombie, No. 8, Mrs L. C. Dunlop, No. 13 and Mr R. Dunlop, No. 13, all Border Avenue, Saltcoats.

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

1. That the external finishes to the extension shall match those of the existing dwellinghouse, to the satisfaction of North Ayrshire Council as Planning Authority.

### **5. Garnock Valley Area**

#### **5.1 07/00104/ADC: Beith: Glengarnock: Site to the southeast of 7-9 Beith Road**

Hallam Land Management, Henry Boot House, Glasgow Road, Glasgow have applied for retrospective advertisement consent for the erection of a free-standing sign at a site to the southeast of 7-9 Beith Road, Glengarnock.

The Committee agreed (a) to refuse the application on the following grounds:-

1. That the freestanding sign is contrary to Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) and the Council's approved Advertisement Policy, in that it comprises an advance advertisement sign in a countryside location which does not relate to an isolated business substantially dependant on passing trade outwith the immediate vicinity.

2. That the advertisement sign is visually obtrusive and detracts from the setting and appearance of the countryside location and, if approved, would set an undesirable precedent for further signs in the countryside, to the detriment of the setting and appearance of the countryside; and

(b) to pursue enforcement action against the unauthorised sign under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

## **5.2 07/00216/PP: Beith: 16 Roebank Road**

Elizabeth Laughlin, 16 Roebank Road, Beith has applied for retrospective planning permission for the erection of a fence and gate to the front of a detached dwellinghouse at that address.

The Committee agreed to grant the application.

## **5.3 98/00057/DCMS: Beith: The Old Mill Quarry**

James Reid & Co (1947), Lugton Limeworks, Lugton have applied for the determination of conditions for the mineral site/mining site at the Old Mill Quarry, Beith. A representation has been received from Robert Main, Blaelochhead Farm, Beith.

The Committee, having considered the terms of the representation, agreed that the mineral extraction should be subject to the following conditions:-

1. That the development hereby permitted shall be discontinued and the land restored for nature conservation and recreation (fishing) in accordance with a scheme to be approved under Condition 3 at or before 30 April 2022, all to the satisfaction of North Ayrshire Council as Planning Authority.

2. That the quarry shall be worked in five phases of three years each, in accordance with the schedule submitted with the application and with approved plan 6.2, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

3. That, within 3 months of the date of the approval of these conditions, full details of restoration, after-use and after-care of the site, including programming, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

4. That no infill material shall be brought into the site for the purposes of restoration, unless planning permission is granted subsequently for any infilling.

5. That blasting shall take place only on weekdays between 10am and 4pm, that there shall be a maximum of three blasts on any day and that each blast shall be designed so that no more than 10% of blasts exceeds ground vibration of 8.5mm per second and no blast exceeds 12.7mm per second, all to the satisfaction of North Ayrshire Council as Planning Authority.
6. That the use hereby permitted shall operate only between the hours of 7am - 7pm, Monday to Friday, 7am - 1pm Saturday and shall not operate on Sundays or public holidays.
7. That noise levels measured at least 3.5 metres in front of the facade of any dwellinghouse facing the quarry shall not exceed 55 dB L Aeq, 1h during the working hours specified above and 42 dB L Aeq, 1h at all other times, to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, within 3 months of the date of the approval of these conditions, details of measures to be taken to minimise the emission of dust from the site, including screening of equipment from wind and wetting of stockpiles, shall be agreed in writing with North Ayrshire Council as Planning Authority and implemented thereafter throughout the working life of the quarry.
9. That adequate wheel washing facilities shall be provided, and open vehicles carrying materials shall be sheeted before leaving the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
10. That measures shall be put in place to ensure that no liquid or solid material shall enter the Bungle Burn from the site, to the satisfaction of North Ayrshire Council as Planning Authority.
11. That any fuel tanks shall be contained within a watertight bund, to the satisfaction of North Ayrshire Council as Planning Authority.
12. That, prior to the pumping out of any flooded areas, and to any diversion of the Bungle Burn, the details of these operations shall be agreed in writing with North Ayrshire Council as Planning Authority following consultation with the Scottish Environment Protection Agency.
13. That any plant used for crushing shall be appropriately licensed in terms of Part B of the Environmental Protection Act 1990.
14. That visibility splays of 2.5 metres by 70 metres 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 metre measured above the adjacent carriageway level, to the satisfaction of North Ayrshire Council as Planning Authority.

15. That give way markings and road sign shall be provided at the junction of the access road with the public road, to the satisfaction of North Ayrshire Council as Planning Authority.

16. That traffic signs in accordance with Diagram 511 (Heavy Plant Crossing) and Diagram 506.1 of the Traffic Signs Regulations and General Directions 2002 shall be erected on the public road at locations to be agreed in writing with North Ayrshire Council as Planning Authority.

17. 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.

18. 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.

19. That the applicant shall at all times develop the quarry in accordance with the plans, scheme and conditions as approved, and shall omit no part of the operations hereinafter provided for, except with the prior written consent of North Ayrshire Council as Planning Authority.

20. That the applicant shall at all times provide for the proper drainage of the site to the satisfaction of North Ayrshire Council as Planning Authority.

21. That stock piling shall be carried out within the confines of the site and shall, where possible, be in screened positions in the quarry workings.

22. That overburden and waste materials shall be deposited in areas agreed with North Ayrshire Council as Planning Authority, and worked out areas shall be reinstated to the satisfaction of North Ayrshire Council as Planning Authority as the work proceeds.

23. That, upon the temporary or permanent cessation of the working, the whole site shall be left in a safe, clean and tidy state, and all plant removed, all to the satisfaction of North Ayrshire Council as Planning Authority.

#### **5.4 07/00074/ADC & 07/00092/LBC: Beith: 22-24 Main Street**

Mr M Adris, c/o A.D.M. Limited, The Stable, Craighead, Dunlop have applied for advertisement consent and listed building consent for the erection of an externally illuminated fascia sign to the front of the takeaway at 22-24 Main Street, Beith.

The Committee agreed (a) to refuse advertisement consent application 07/00074/ADC on the following grounds:-

1. That the proposed sign would be contrary to Policy TC 8 in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that it would comprise an advertisement which, due to its bulk, size, position and design, would detract from the character of the area and style of the building and would be contrary to the Council's approved Advertisement Policy for signs in Conservation areas and on Listed Buildings.

2. That the proposed sign would be contrary to Policies BE1 and BE5 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that the sign would detract from the character and appearance of the Irvine Town Centre Conservation Area and the listed building;

(b) to refuse listed building consent application 07/00092/LBC on the following grounds:-

1. That the proposed sign would be contrary to Policy TC 8 in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that it would comprise an advertisement which, due to its bulk, size, position and design, would detract from the character of the area and style of the building and would be contrary to the Council's approved Advertisement Policy for signs in Conservation areas and on Listed Buildings.

2. That the proposed sign would be contrary to Policies BE1 and BE5 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that the sign would detract from the character and appearance of the Irvine Town Centre Conservation Area and the listed building;

and (c) to serve a Breach of Condition Notice in terms of Section 145 (2) of the Town and Country Planning (Scotland) Act 1997, requiring compliance with the terms of Condition No. 1 of the Planning Permission (04/00387/PP) granted on 5th October 2007.

## **6. Irvine/Kilwinning Area**

### **6.1 07/00113/ADC: Irvine: 16 Riverway Retail Park**

J C Decaux UK Ltd, 459-463 Hillington Road, Glasgow have applied for advertisement consent for the erection of an externally illuminated hoarding at 16 Riverway Retail Park, Irvine.

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

1. That the proposed hoarding, by way of its size and location, would be detrimental to both visual amenity and traffic safety in the area.
2. That the proposed hoarding would be contrary to Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that it would not meet the Council's adopted policy for the siting of hoardings, in that there is no requirement to screen a derelict or vacant site, the hoarding does not form part of a townscape project and it does not relate to the gable of a building.

### **6.2 07/00151/OPP: Kilwinning: Site to the East of Eglinton House**

Joe and Helen Broussard, Eglinton House, Eglinton Park, Kilwinning have applied for outline planning permission for the erection of a detached dwellinghouse on a site to the east of Eglinton House, Kilwinning.

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

1. That the proposed development would be contrary to Policy ENV 1 in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that there is no genuine operational need for a worker to live on the site in pursuance of an established rural business. In addition, the proposed development would have a detrimental effect on the surrounding landscape and would set an undesirable precedent for other similar developments in the countryside.
2. That the proposed development would be contrary to Policies BE5 and BE11, in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), as the proposal would have a detrimental impact on the setting of Eglinton House, which is a Category B Listed Building and would adversely affect the setting of the Historic Gardens and Designed Landscape at Eglinton Park, which is included in the Inventory of Historic Gardens and Designed Landscapes.

## **7. North Coast and Cumbraes**

### **7.1 06/01086/PP: Isle of Cumbrae: Millport: 18 Ritchie Street**

Coastal Capers Ltd, 3 Montgomerie Terrace, Skelmorlie have applied for planning permission for the erection of 2 semi-detached dwellinghouses. Objections have been received from PRG Partnership, Solicitors, on behalf of Mrs MacLure, 10 Ritchie Street and Mary Halley, 25 Kelburn Street, both of Millport. Representations have also been received from Brenda O'Hagen, no. 3, Jane McMath, no. 7B, and Neil Sands, no. 20, all Ritchie Street, Millport.

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

1. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of (i) all external finishes, (ii) the treatment of all site boundaries and (iii) proposals for the erection of a screen to the upper floor terrace on the south-eastmost dwellinghouse, which approved boundary treatment and terrace screen shall be erected prior to the occupation of the dwellinghouses hereby approved and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the first 2 metres of the driveway, 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 driveway onto the carriageway.
3. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of 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 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 Archaeological Service.
4. That, notwithstanding the permission granted by Article 3 of and Class 1 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.



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 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.

## **7.2 06/01276/PP and 06/01277/LBC: Largs: 67-73 Nelson Street**

Lochview Developments Limited, Hunterston Terminal, Fairlie have applied for planning permission and listed building consent for the demolition of existing buildings and the erection of 19 flats with associated access road and car parking at 67-73 Nelson Street, Largs. Objections have been received from Christine A Stewart, no. 106 and Jane McCance, no. 93, both Nelson Street, Largs.

The Committee, having considered the terms of the objections agreed (a) to grant planning application 06/01086/PP, subject to the following conditions:-

1. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of (i) all external finishes, including colours, (ii) all hard surfaces including car parking bays and manoeuvring areas, (iii) the proposed means of boundary enclosure at the rear and sides of the site and (iv) the proposed bin storage areas.
2. That, notwithstanding the plans hereby approved, the windows on the Nelson Street elevation of the building shall be painted timber sliding sash and casement windows, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.
3. That no development shall take place in the development site as outlined in red on the approved plan 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 applicant, 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 Archaeological Service.

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 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.

5. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a drainage assessment which shall be prepared in accordance with the SUDS Working Party Guidelines "Drainage Assessment, A Guide for Scotland" and shall address the following: the effects of a one in 200 year storm and run off plus climate change, the effects of differing storm intensities over and above the 10 year return, the extents of differing flood conditions, shown on a plan to ensure that no water enters the building or restricts movement of emergency vehicles, including an assessment of flow routing of surface water through the site, a strategy for dealing with any field drainage effected by the works, and the maintenance regime for surface water drainage measures. All calculations shall be approved and certified by a suitably qualified person and any works required as a result of the drainage assessment shall be undertaken prior to the occupation of the flats hereby approved.

6. 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 details of proposals for the provision of junction nibs at both the entrance and exit to the development, which junction nibs shall be provided to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of any of the flats hereby approved.

7. That, prior to the occupation of any of the flats hereby approved, the applicants shall resurface the footway along the entire Nelson Street frontage of the development, to the satisfaction of North Ayrshire Council as Planning Authority.

8. That the vehicular accesses shall be designed in such a way that no surface water shall issue from them onto the public road.

9. 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 details of proposals for the provision of a designated bin collection area within 15m of the public carriageway, which designated bin collection area shall be provided prior to the occupation of any of the flats hereby approved and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

10. 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.

11. 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.

12. That, prior to the occupation of any of the dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority details of the proposed factor or management agency and a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape 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;

and (b) to grant listed building consent application 06/01277/LBC, subject to Section 12 of the Planning (Listed Buildings And Conservation Areas) (Scotland) Act 1997 and subject to the following conditions:-

1. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details or samples of (i) all external finishes, including colours and (ii) all hard surfaces including car parking bays and manoeuvring areas.

2. That, notwithstanding the plans hereby approved, the windows on the Nelson Street elevation of the building shall be painted timber, sliding sash and casement windows, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

### **7.3 07/00084/PP: West Kilbride: 21 Bellard Walk**

The Committee noted that the application submitted by Mr & Mrs B Duffy, 21 Bellard Walk, West Kilbride for planning permission for the erection of a sunroom to the front of a semi-detached dwellinghouse at that address, had been withdrawn.

The Meeting ended at 2.45 p.m.