

Planning Committee
4 December 2006

IRVINE, 4 December 2006 - 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, Elisabeth Marshall, Margaret Munn, David O'Neill, Robert Rae and John Reid.

In Attendance

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

Chair

Councillor D. Munn in the Chair.

Apologies for Absence

Margie Currie, Stewart Dewar, Elizabeth McLardy and Alan Munro.

A. ITEMS REQUIRING APPROVAL BY COUNCIL

1. Development Brief for Cairnhouse Farm, Blackwaterfoot, Isle of Arran

Submitted report by the Assistant Chief Executive (Legal and Protective) on the Development Brief for Cairnhouse Farm, Blackwaterfoot.

The site at Cairnhouse Farm, Blackwaterfoot, is allocated for residential purposes in the Adopted Isle of Arran Local Plan and is split into 3 areas. The Development Brief, set out in the Appendix to the report, indicates that Area 1 shall comprise 5 detached houses served by a new access road, capable of extension to serve Areas 2 and 3 if phasing of development permits.

Areas 2 (Cairnhouse Farm Steading) and 3 (adjacent to Kinloch Court) have a combined capacity of 22 houses. The preferred option is for a comprehensive development of Areas 2 and 3 with access through Area 1. However, as Cairnhouse Farm is currently operational, it is recognised that this cannot be achieved in the short term. Therefore, should Area 3 be developed in advance, a separate access shall be required from Kinloch Court.

The Committee agreed (a) to approve, for public consultation, the Development Brief for Cairnhouse Farm, Blackwaterfoot set out in the Appendix to the report; and (b) that the Assistant Chief Executive (Legal & Protective Services) report back in due course on the outcome of consultation.

2. Infrastructure Development arising from the forthcoming switch to Digital Television Transmission

Submitted report by the Assistant Chief Executive (Legal and Protective) on the land use planning implications of the switch to digital television scheduled for 2010.

The switch from analogue to digital television transmission is due to start in Scotland in 2010. The physical works will range nationally from major alterations, such as the replacement of large masts, to more minor works. North Ayrshire has 3 sites which are used for television transmission, at Largs, Millport and West Kilbride, and these are likely to require only minor works. However, in the event that planning applications are submitted, proposals have been set as to how they should be dealt with as follows:-

- Planning Authorities should facilitate infrastructure works that provide Scotland with world-class telecommunications services, while minimising the environmental impact of new or replacement equipment;
- The requirements of the network constitute a material consideration in planning decisions;
- Planning Authorities should expect evidence of siting and design options and the reasons for the chosen solution;
- Applications should be accompanied by a certificate of compliance with radio frequency radiation emissions guidelines;
- Planning Authorities should be aware that other structures, such as wind turbines, can cause interference with broadcast services;
- Objections made on the basis that analogue transmission should be maintained, or on the basis that digital signals are available through other media, should not be given any weight in planning decisions; and
- Planning Authorities should deal with applications expeditiously and, where they accord with policy, determine them under delegated powers.

The Committee agreed that the Assistant Chief Executive (Legal and Protective) have regard to advice from the Scottish Executive in determining planning applications relating to the proposed switch.

3. North Ayrshire Local Plan (excluding Isle of Arran) and Isle of Arran Local Plan: Alteration No. 1: Proposed Rural Development Policies and Environmental Assessment: Environmental Report

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed modifications to, and adoption of, Alteration No. 1 to the North Ayrshire Local Plan (excluding Isle of Arran) and Isle of Arran Local Plan.

Following a public consultation exercise, a number of issues have been raised, necessitating some minor changes to both the Alteration policies and the content of the Environmental Report. A detailed schedule of representations and the changes proposed as a result were set out in the Appendix to the report.

A letter from Councillor Currie on the proposed Alteration was circulated at the meeting and the points arising from it were addressed.

There was discussion on a representation relating to the siting of waste facilities and the Planning Services Manager undertook to provide the representee with a written response to the issues raised.

The Committee agreed to (a) approve the proposed responses to both Alteration No. 1 and the Environmental Report; (b) proceed to advertise the proposed modifications; and (c) conclude the adoption of Alteration No 1.

4. Street Naming

Submitted report by the Assistant Chief Executive (Legal and Protective) on the naming of an existing street off Townhead, Kilbirnie.

The Committee agreed to name the existing street "Dunnings Lane".

5. Decking within Curtilage of Dwellinghouse

Submitted report by the Assistant Chief Executive (Legal and Protective) on current practice in respect of development comprising decking within the curtilage of dwellinghouses.

Class 4 of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) permits, without the need for planning permission, the provision of a hard surface within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse. To date, the practice in North Ayrshire has been to treat decking a ground level, or within 300 mm of ground level, as a hard surface under Class 4.

Above a height of 300 mm, decking is either regarded as an extension to the dwellinghouse under Class 1 of the GPDO if it is attached to, or within 5 metres of, any part of the dwellinghouse, or as a building or enclosure under Class 3 of the GPDO if it is more than 5 metres from any part of the house.

If decking is attached to or within 5 metres of the dwellinghouse, planning permission may not be required provided that the decking does not exceed 24 square metres or 20% of the floor space of the house, whichever is greater, up to a maximum of 30 square metres. For decking more than 5 metres from the dwellinghouse, planning permission would not normally be required provided that the total area of ground covered by the decking and other buildings or enclosures within the curtilage does not exceed 30% of the total area of the curtilage, excluding the ground area of the original dwellinghouse.

Planning permission is likely to be required if the decking is located between the house and a road or within the grounds of flats. Similarly, permitted development rights are restricted within conservation areas and listed building consent may be required if decking is attached to a listed building.

The Committee agreed to the terms of the report as an appropriate basis to assist the process of requests and applications for the erection of decking.

B. ITEMS DETERMINED UNDER DELEGATED POWERS

6. Arran Area

6.1 06/01055/OPP: Whiting Bay: Site to North of Brae-An-Doune

Frank A. Mitchell, Brae-An-Doune, Whiting Bay, Isle of Arran, has applied for outline planning permission for the erection of a detached dwellinghouse on a site to the north of that address.

The Planning Services Manager advised the Committee that the consultation response by Roads Services should read "Roads Services have confirmed that a traffic safety audit is underway in the Whiting Bay area. The proposed development is premature in advance of the traffic safety audit" and that the second ground for recommending refusal of the application should be amended to reflect this position.

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

1. That the proposed development would be contrary to Policy ENV 1 of the Adopted Isle of Arran Local Plan, in that the dwellinghouse would be located in the designated countryside area where the policy seeks to restrict residential development to situations where there is a genuine operational need for a worker to live on the site in pursuance of an established rural business or small scale business falling within Class 4. There is no established business within the site and, therefore, there is no need for a dwellinghouse at this location in terms of Policy ENV 1.

2. That, in view of known constraints affecting Golf Course Road and the associated link roads to the A841 in terms of road width, alignment and geometry, a precautionary approach should be adopted. Accordingly, the proposed development is premature in advance of a traffic safety audit in the Whiting Bay area.

6.2 05/00110/PP: Kildonan: Eas Mor Waterfall

Eas Mor Ecology, Eas Mor Waterfall, Kildonan, Isle of Arran, have applied for planning permission for the erection of an ecology centre, 2 glasshouses, the formation of a weir, a dam and associated generators, battery housings, footways and car parking at that address.

The Committee agreed to grant the application subject to (a) the applicants entering into a Section 75 Agreement to limit occupancy of the Ecology Centre for the purposes of conservation volunteer or visitor accommodation and full time Eas Mor staff accommodation only, and to restrict the sale or letting of the building on the open housing market; and (b) the following conditions:-

1. That, prior to the commencement of the development hereby approved, an environmental management plan shall be submitted for the written approval of North Ayrshire Council as Planning Authority, in consultation with SEPA. The environmental management plan shall take account of the pollution prevention guidelines of SEPA in relation to development affecting watercourses.
2. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details and/or samples of the proposed external finishes to be used on the buildings to be erected on the site.
3. That the ecology centre 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 the occupancy of the ecology centre shall be limited to full time staff employed at Eas Mor and volunteers/overnight visitors to the Eas Mor site only.

6.3 06/00983/PP: Whiting Bay: Ach An Alt

Mr. and Mrs. P.S. and R.T. Craig, Ach An Alt, Whiting Bay, Isle of Arran, have applied for planning permission for the modification of planning approval N/01/98/0406 to remove condition 1 to allow the sale of the chalet at that address to a party outwith the family. A representation has been received from Marjorie J. Brown, The Cottage, Smiddy Brae, Whiting Bay, Isle of Arran.

The Planning Services Manager advised the Committee of the receipt of a further letter of representation, from Councillor Currie, and addressed the points contained therein.

The Planning Services Manager also advised that the consultation response by Roads Services should read "Roads Services have confirmed that a traffic safety audit is underway in the Whiting Bay area. The proposed development is premature in advance of the traffic safety audit" and that the second ground for recommending refusal of the application should be amended to reflect this position.

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

1. That the proposed development would represent an unacceptable form of backland development which would not accord with the Development Control Statement of the Adopted Isle of Arran Local Plan. The proposed development would not offer an acceptable level of residential amenity as a separate dwellinghouse.

2. That, in view of known constraints affecting Smiddy Brae in terms of road width, alignment and geometry, a precautionary approach should be adopted. Accordingly, the proposed development is premature in advance of a traffic safety audit in the Whiting Bay area.

6.4 06/01106/OPP: Whiting Bay: Site to West of Craig Sheen

Mr. and Mrs. J. Mochrie, 14 Woodside Road, Carmunnock, Glasgow, have applied for outline planning permission for the erection of a detached dwellinghouse on a site to the West of Craig Sheen, Whiting Bay, 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 not enjoy an independent outlook and would compromise the amenity and privacy of the donor house, Craig Sheen. Such development would not be in the interests of the proper planning of the area.

6.5 06/01053/PP: Lamlash: Blairbeg Road: Site to North of Blairbeg House

John and Sally Campbell, Blairbeg House, Lamlash, Isle of Arran, have applied for planning permission for the erection of a detached dwellinghouse on a site to the north of that address. Objections have been received from Mr. and Mrs. A.G. Balls, Blairbeg Lodge and Mr. and Mrs. P. Bain, Blairbeg Cottage, both Lamlash, Isle of Arran.

The Committee, having considered the terms of the objections, agreed to grant the application 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 the proposed external finishes; in this regard the basecourse to the building shall be of a dark colour.

2. That vehicular access to the site shall be from Blairbeg Road only and, 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) the proposed parking and turning facility to enable vehicles to enter and leave the site in a forward gear; and (ii) the provision of a passing place on Blairbeg Road on land within the application site. The approved parking and turning facilities and lay-by shall be formed to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of the dwellinghouse hereby approved.
3. That visibility splays of 2.5m x 35m at the junction of the vehicle access to the site and Blairbeg Road 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.
4. That the proposed 1.2m high fence along the south-west boundary of the site shall not project forward of the building line of the house hereby approved relative to Blairbeg Road.
5. That, prior to the occupation of the dwellinghouse hereby approved, the dwellinghouse shall be provided with a public mains water supply.
6. That, prior to the occupation of the dwellinghouse hereby approved, foul drainage from the dwellinghouse shall be connected to the public sewerage system.
7. 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.
8. That the development shall not commence until a Flood Risk Assessment to consider whether the development proposals will be susceptible to flooding has been submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. Any works required by the Flood Risk Assessment shall be carried out to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of the construction of the dwellinghouse hereby approved.

7. Ardrossan/Saltcoats/Stevenston Area

7.1 06/01064/PP: Stevenston: 80A Boglemart Street

David Seggie, 13 Muir Drive, Stevenston, has applied for planning permission for the erection of a one-and-a-half-storey detached dwellinghouse at 80A Boglemart Street, Stevenston. A representation has been received from Patrick Walsh, 74 Boglemart Street, Stevenston.

The Planning Services Manager advised the Committee of an amendment to the proposed reason for refusal, to include the word "piecemeal".

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

1. That the proposed development would be contrary to the Development Control Statement of the North Ayrshire Local Plan (Excluding Isle of Arran), in that its siting, position and scale would constitute overdevelopment of the site, would represent unsatisfactory and piecemeal backland development, and would have an unacceptable outlook, all of which would not offer an acceptable level of residential amenity for the proposed dwellinghouse; and would, if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the area.

7.2 06/01015/PP: Ardrossan: 1 Haupland Road

Mr. and Mrs. McFarlane, 1 Haupland Road, Ardrossan, have applied for planning permission for the erection of a 2-storey extension to the side, incorporating dormers to the front and rear, and a single-storey extension to rear of the semi-detached dwellinghouse at that address.

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

1. That the proposed development would not accord with criteria (a) and (b) of the Development Control Statement of the North Ayrshire Local Plan (excluding Isle of Arran), as the scale and appearance of the proposed dormer on the front elevation would be detrimental to the visual appearance of the area.

7.3 06/01006/PP: Ardrossan: 2, 4, 6 and 8 Arran Lane

The Committee noted that the application submitted by R. Dunn, 5 Arran Place, Ardrossan, for planning permission for the demolition of an existing dwellinghouse and the erection of 14 flats with associated car parking at 2, 4, 6 and 8 Arran Lane, Ardrossan, had been withdrawn.

8. Garnock Valley Area

8.1 06/01093/PP: Beith: 16 Roebank Road

Elizabeth Laughlin, 16 Roebank Road, Beith, has applied for retrospective planning permission for the erection of a fence and gates to the front of the detached dwellinghouse at that address. Objections have been received from Mr. and Mrs. Carruthers, no. 14 and Mr. Steel, Ardgowan, no. 12, both Roebank Road, Beith.

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

1. That the fence is contrary to Criteria (a) and (b) of the Development Control Statement of the North Ayrshire Local Plan (excluding Isle of Arran), in that the solid appearance of the fence is detrimental to the amenity, character and visual appearance of the area, which is characterised by hedge rows along the boundaries.

and (b) to serve an Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to secure the removal of the unauthorised fence and gates along the eastern boundary of the garden.

8.2 06/01085/PP: Dalry: Mill Park: Plot 39

Burnthills Developments Limited, c/o Archibald Campbell and Harley WS, 37 Queen Street, Edinburgh, have applied for planning permission for the erection of a detached dwellinghouse together with the formation of a new access and associated car parking at Plot 39, Mill Park, Dalry. An objection has been received from Carol Barr, 44 Mill Park, Dalry.

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 detrimental to the amenity and appearance of the area in that it would constitute over-development of the site.

2. That the proposed development would not comply with criteria (a) and (b) of the Development Control Statement in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that the siting and design of the proposed dwellinghouse would be out of character with, and detrimental to, the surrounding dwellinghouses.

9. Irvine/Kilwinning Area

9.1 06/00960/PP: Irvine: 32 Thornhouse Avenue

David Quinn, 32 Thornhouse Avenue, Irvine, has applied for retrospective planning permission for a change of use of a garage to form a car sales and repair business and for the erection of decking to the rear of the semi-detached dwellinghouse at that address.

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

1. That the use is contrary to Policy RES9 and the Development Control Statement of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that the nature of the business would have a detrimental impact on the residential amenity of the area and that the application site cannot provide the required levels of parking.

and (b) to serve of an Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to cease the unauthorised use of the garage as a car sales and repair business.

9.2 06/00179/PP: Kilwinning: Dalry Road: Site to North and East of Melvin House

Barratt West Scotland, Mayfield House, 7 Maggie Woods Loan, Falkirk, have applied for planning permission for the erection of 40 flats and 63 dwellinghouses with associated access roads, parking and landscaping on a site to the north and east of Melvin House, Dalry Road, Kilwinning. Objections have been received from Thomas and Susan Rees, no. 8 and Mr. and Mrs. M. Rodger, no. 4, both Underwood, Kilwinning.

The Chief Development Control Officer advised that two letters of representation had been received, from Mr M. Rodger, no. 4 and Roger Rainbown, no.10, both Underwood, Kilwinning.

Arising from discussion, the Chief Development Control Officer undertook to liaise with the Play Facilities Development Officer on possible measures to address any safety issues relating to the proximity of the proposed play facilities to the railway line.

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 hereby approved, details of additional visitor parking spaces, to be agreed with Roads Services, and traffic calming measures at the three internal junctions and at the entrance to the site shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. Thereafter, any such details which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.
2. That visibility splays of 4.5 metres by 85 metres, in both directions, at the junction with the public road, and of 2.5 metres by 35 metres, in both directions, at internal junctions, 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.
3. That the new access to the site, generally in accordance with Faber Maunsell drawing no. 48642TGLD/200/003, as approved by North Ayrshire Council as Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate (TR-TRNMD), shall be formed and the existing access closed off and the road properly reinstated, before any works commence on the development hereby permitted.
4. That, prior to occupation of the development, a 3 metre wide footpath shall be provided, generally in accordance with Faber Maunsell drawing no. 48642TGLD/200/300, to link the development to the existing footpath network.
5. That the buildings shall be constructed to an acoustic standard equal to or greater than that specified in the submitted noise and vibration report prepared by New Acoustics and dated 3 April 2006, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That the proposals and remedial measures set out in the Ground Investigation Report prepared by Johnson Poole and Bloomer, dated February 2006, and as revised in a letter dated 23 August 2006 from Johnson Poole and Bloomer and set out in the letter of 1 September 2006 from North Ayrshire Council Environmental Health to Johnson Poole and Bloomer, shall be implemented as part of the development/construction process, to the satisfaction of North Ayrshire Council as Planning Authority.

7. 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.

8. That, prior to the commencement of the development hereby approved, details of waste storage facilities at individual properties and for the development as a whole shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. Thereafter, any such details which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

9. That, prior to the commencement of the development hereby approved, details and timing of implementation of the play area, including equipment and fencing, shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. Thereafter, any such details which may be approved, shall be implemented and maintained on site to the satisfaction of North Ayrshire Council as Planning Authority.

10. 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. Thereafter, 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.

11. 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 the proposed external finishes.

12. 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.

13. 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.

14. 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 as approved and the agreed agency shall only be changed with the consent of the majority of householders and the agreement of North Ayrshire Council as Planning Authority.

15. 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 curtilages of the dwellinghouses on plots 93 to 103 inclusive.

9.3 06/00978/PP: Irvine: Heatherhouse Industrial Estate: Second Avenue: Unit 47

Ian Murray, 106 Bank Street, Irvine, has applied for planning permission for the erection of 5 workshop units at Unit 47, Second Avenue, Heatherhouse Industrial Estate, Irvine. Objections have been received from J.H. Leask, 8 Heatherhouse Road, Robert Black, no. 12 and Mr. and Mrs. Hollas, no. 1A, both Second Avenue, all Irvine. The objection from the latter also included a petition containing eighteen signatures.

Arising from discussion on the proximity of the proposed units to nearby housing, the Chief Development Control Officer undertook to request that landscaping at this location be of a suitable standard.

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

1. That the units shall be used for purposes as defined in Use Classes 4,5 and 6 of the Town and Country Planning (Use Classes) Order 1997 and for no other purpose without the express approval of North Ayrshire Council As Planning Authority.
2. That the operational hours of any businesses occupying the units hereby approved shall be restricted to between 8 am and 8 pm Monday to Friday and 9am and 1pm on Saturdays, and not at all on Sundays, and that any variation to these hours shall require the written approval of North Ayrshire Council as Planning Authority.
3. That there shall be no operational activity or storage, associated with the uses hereby approved, undertaken outwith the buildings, to the satisfaction of North Ayrshire Council as Planning Authority.
4. That vehicular access to the site shall be provided in the form of a minor commercial access with footway crossing as detailed in sections 5.2 and 10.8 (and figure 10.18) of Roads Development Guidelines and designed in such a manner to ensure that no water issues from the access road onto the public road to the satisfaction of North Ayrshire Council as Planning Authority.
5. That, prior to the occupation of any units hereby permitted, the parking provision shall be constructed in accordance with the approved plans.
6. That, prior to the commencement of any construction works, the applicant shall submit the results of soil samples taken from those areas of ground to be disturbed during construction (e.g. wall foundations and service trench zones) to North Ayrshire Council as Planning Authority for the consideration of appropriate protective/remediation measures which may require to be implemented.
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.

9.4 06/01070/OPP: Irvine: Long Drive: Montgomerie Park and Montgomerie Park East

U.R.S. Corporation Limited, Kinneil House, 243 West George Street, Glasgow, have applied for outline planning permission for a residential development and full planning permission for structural landscaping at Montgomerie Park and Montgomerie Park East, Long Drive, Irvine. 4 individual letters, 45 standard letters from residents of 2 of the new housing areas and a petition containing 18 signatures from residents of Alford Place, Irvine have been received, as detailed in Annex 1 to the report.

Arising from discussion, the Chief Development Control Officer undertook to liaise with the applicant on possible measures to address concerns about the misuse of paths by quad bikes and other such motorised vehicles.

The Committee, having considered the terms of the objections, agreed to (a) refer the application to the Scottish Ministers; and (b) grant the application, subject to the following conditions, unless the Scottish Ministers issue a direction in response to the referral:-

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 housing sites shall be obtained before the development of each site is commenced.

2. That, prior to the commencement of the landscaping hereby approved, details of the landscaped area at the entrance to Site 14, including proposals to protect the structure and visibility of the feature boundary wall, shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority. Thereafter, any such details which may be approved shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out generally in accordance with approved phasing drawing and specifically in the first planting season and seeding seasons following the occupation of the buildings in the associated housing sites; 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.

4. 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.

9.5 06/00840/PP: Irvine: 115 High Street

Kevin Scott, Kings Arms Hotel, 115 High Street, Irvine, has applied for retrospective planning permission for external alterations, comprising the external painting and the replacement of 2 windows to the ground floor of the front building and the erection of an extractor flue to the side of the building at that address.

The Manager Legal Services advised of an amendment to the grounds for the proposed enforcement action.

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

1. That the windows and the flue do not comply with Policies BE1 and BE5 in the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that they adversely affect the visual amenity and architectural character of the Category C (S) Listed Building and its setting at a prominent position in Irvine Town Centre Conservation Area.

and (b) to serve an Enforcement Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 or under Section 34 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as appropriate, to secure the replacement of the 2 windows on the ground floor of the front elevation and removal of the flue and 3 ventilation grilles.

10. North Coast and Cumbraes Area

10.1 06/01075/NID: Largs: Flatt Road: Largs Academy

North Ayrshire Council, Cunninghame House, Friars Croft, Irvine, have applied for a Notice of Intention to Develop for the erection of a classroom building to the rear of the existing school at Largs Academy, Flatt Road, Largs. Objections have been received from P. Kilpatrick, no. 21 and Mrs. R. Sweeney, no. 23, both Auchenmaid Drive, Largs.

The Committee, having considered the terms of the objections, agreed (a) to support the proposed development; and (b) to refer the application to the Scottish Ministers for determination.

10.2 06/00678/PP and 06/00875/CAC: Millport: 4a Churchill Street

Mr. and Mrs. Ken Dalton, 39 Stuart Street, Millport, Isle of Cumbrae, have applied for planning permission and conservation area consent for the demolition of a single-storey store and the erection of a two-and-a-half-storey dwellinghouse at 4a Churchill Street, Millport, Isle of Cumbrae. A representation has been received from Janice Lamb, 4 Churchill Street, Millport, Isle of Cumbrae

The Committee, having considered the terms of the representation, agreed (a) to grant planning permission 06/00678/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 or samples of the proposed external finishes to the dwellinghouse.
2. That vehicular access to the site shall be provided with a drop kerb footway crossing which shall be formed as detailed in Sections 5.2 & 10.8 (and fig 10.16) of the Roads Development Guidelines.

and (b) to grant conservation area consent (06/00875/CAC), subject to Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

10.3 06/00921/PP: Largs: 9 Brisbane Street

Queens Hotel, 9 Brisbane Street, Largs, have applied for planning permission for the erection of an extension and a car parking extension to the front of the hotel at that address. Objections have been received from Richard H. Cain, 6A Millennium Court and Hutton Park Home, 60 Greenock Road, both Largs. A representation has been received from Largs Community Council, per Tom Marshall, 106 Greenock Road, Largs.

The Committee, having considered the terms of the objections and representation, agreed to grant the application 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 (i) exact details or samples of the external finishes to the extension; (ii) proposals for the blocking off of the existing vehicle access at the junction of Greenock Road and Brisbane Street; and (iii) proposals for the reinstatement to grass/landscaping of the driveway leading from the vehicular access at the junction of Greenock Road/Brisbane Street; which blocking up and reinstatement/landscaping works shall be carried out to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of the use of the extension hereby approved.
2. 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.
3. 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.
4. That the landscaped open space between the parking facility and the Greenock Road boundary of the site shall be maintained as landscaped open space and shall not be altered or reduced in the extent without the prior written approval of North Ayrshire Council as Planning Authority.
5. That the extended car parking facility hereby approved shall be formed to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of use of the extension hereby approved.
6. That the existing vehicular access to the site at the junction of the A78 and Brisbane Street shall be permanently closed and the existing drop kerbs at this access shall be replaced with full height kerbs modified for pedestrian crossing purposes to reflect the footway crossing on the south side. The work shall be undertaken prior to the erection of the extension and car park extension to the satisfaction of North Ayrshire Council as Planning Authority.

7. That vehicular access to the site shall be provided in the form of a minor commercial access footway crossing as detailed in Sections 5.2 and 10.8 (and fig 10.18) of the Roads Development Guidelines.

8. That visibility splays of 2.5m x 60m in both directions at the access from the parking area to Brisbane Road shall be provided and maintained on land within the applicants' 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.

9. That the first 6m of the vehicle access from Brisbane Street measured from the heel of the footway, shall be 5.5m wide and hard surfaced in order to prevent deleterious material being carried onto the carriageway and shall be designed in such a way that no surface water shall issue from the access onto the carriageway.

10. 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.

11. That, prior to the commencement of the use of the extension hereby approved, the existing mock Tudor timber plates affixed to the hotel walls shall be removed, the render made good and all walls re-decorated to the satisfaction of North Ayrshire Council as Planning Authority.

The Meeting ended at 3.40 p.m.