

Planning Committee
24 November 2009

IRVINE, 24 November 2009 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Elizabeth McLardy, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, Ronnie McNicol, Pat McPhee, John Moffat, David Munn and Ryan Oldfather.

In Attendance

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

Chair

Councillor McLardy in the Chair.

Apologies for Absence

Margie Currie and Robert Rae.

1. Declarations of Interest

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

2. Call In Application

Garnock Valley

09/00721/PP: Kilbirnie: 74 Mossend Avenue

P. Singh, 74-78 Mossend Avenue, Kilbirnie, has applied for planning permission for a proposed change of use from vacant shop to hot food takeaway, including alterations to the shop front, at that address. 19 objections have been received, as detailed in the Annex to the report.

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

1. That the proposed development would be contrary to Criteria (a) and (b) of the Development Control Statement contained within the North Ayrshire Local Plan (Excluding Isle of Arran) in that it has not been demonstrated that the development would not have a significant adverse impact on the amenity of the existing residential properties in the area by reason of unacceptable levels of noise, disturbance and possible cooking odours,

2. That the proposed development would be contrary to Criteria 1(a) and 2 of Policy TC6 of the North Ayrshire Local Plan (Excluding Isle of Arran), in that the applicant has failed to provide information to demonstrate that there is a recognised local need and that the property is no longer viable as a shop.

3. Ardrossan, Saltcoats and Stevenston

3.1 09/00625/PP: Ardrossan: 22 Central Avenue

J. Fitzsimmons, per James W. Mair, 25 Woodside Avenue, Kilmarnock, has applied for planning permission for the erection of an extension to the side of the shop at 22 Central Avenue, Ardrossan.

The Committee agreed to grant the application.

3.2 09/00626/PP: Stevenston: Saltcoats Road: Auchenharvie Leisure Centre

North Ayrshire Council, Educational Services, Cunninghame House, Irvine, have applied for planning permission for an extension of the ice rink facility to accommodate a new ice pad, changing facilities and plant spaces, internal and external refurbishment of the existing building to include the re-cladding of the building at Auchenharvie Leisure Centre, Saltcoats Road, Stevenston.

The Committee 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 full details of (i) the proposed external finishes and (ii) the proposed cycle store.
2. That, prior to the commencement of the use, the applicant shall fully implement the additional parking provision and car parking alterations, as indicated on drawing no STE/315/017/03 Revision A hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.

4. Garnock Valley

09/00733/PP: Beith: Site to North of 15-18 Bellman's Close

Mrs. Amanda McAdam, 18 Bellman's Close, Beith, has applied for planning permission for a retrospective change of use of land to the rear to extend gardens, erection of boundary enclosures and garden sheds on a site to the north of that address.

The Chief Development Management Officer advised of the receipt of a letter of support for the application from Councillor Highgate.

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

1. That no trees within the extended gardens shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.
2. That a scheme of landscaping, for the grassed area at the rear boundary of the application site, which shall include details of species, planting densities, soil treatment and aftercare shall be submitted within one month of the date of this approval for the approval in writing of North Ayrshire Council as Planning Authority.
3. That all planting in the approved details of landscaping shall be carried out within two months of their approval and any 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.

5. North Coast and Cumbraes

5.1 09/00710/PP: Largs: Site to East of 44 Queens Avenue

C. Evans, 44 Queens Avenue, Largs, has applied for planning permission for the erection of a detached dwellinghouse on a site to the east of that address.

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

1. That the first 2 metres of the access, measured from the heel of the footway shall be hard-surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway. The driveway shall have a minimum length of six metres.
2. That, prior to the commencement of the development, details of boundary treatment to be erected around the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved.
3. That, prior to the commencement of the development, the applicant shall exhibit to North Ayrshire Council as Planning Authority evidence that the burden on the title deeds for the site has been discharged or removed, as appropriate.

5.2 09/00702/PP: West Kilbride: 55 Main Street

Mrs. Chung, 49 South Gargieston Drive, Kilmarnock, has applied for planning permission for the modification of condition 1 of planning permission N/08/00941/PP to extend the opening hours to 2100 hours of the existing cafe at 55 Main Street, West Kilbride.

Members expressed the view that the proposal would have an adverse impact on the amenity of the area and would constitute over-provision within the area.

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

1. That the proposed development would be contrary to the Development Control Statement of the North Ayrshire Local Plan (excluding Isle of Arran) due to the adverse impact on the amenity of the area, through the extension of the permitted opening hours into the later evening. The later opening, taken with the number of existing late night opening premises in the area, would detract from the amenity and character of the area through increased levels of noise and disturbance in the later evening. The original consent was granted solely on the basis of daytime opening hours in cognisance of the need to protect the established amenity and character of the area.

6. Enforcement Notice: West Kilbride: Land at 52 Ritchie Street

Submitted report by the Assistant Chief Executive (Legal and Protective) on the serving of an Enforcement Notice to require the removal of the unauthorised UPVC windows to the front and side of the property at 52 Ritchie Street, West Kilbride.

On 24 July 2009, a complaint was received that UPVC windows had been installed at 52 Ritchie Street, West Kilbride. The occupant was advised that the property was within West Kilbride Conservation Area and that the installation of UPVC windows would require a retrospective application for planning permission which may not be granted. On 4 September 2009, an application for planning permission was submitted. The element relating to the installation of windows to the front and side of the property was refused by Notice dated 28 October 2009 on the grounds "that, by reason of the materials used in their construction, and in terms of their design, frame proportions and opening methods, the front windows and stairhead window would be harmful to the character and appearance of a visually distinctive and cohesive group of dwellinghouses at 52-58 Ritchie Street within the West Kilbride Conservation Area. The group of dwellinghouses at 52-58 Ritchie Street largely retain their original character, including timber sliding sash and case windows. The Statement of Reasons for designating the Conservation Area in 2006 highlighted that any replacement windows should be of sliding sash and case design, which this proposal fails to achieve."

The Committee agreed to approve the serving of an Enforcement Notice in terms of section 127(1) of the Town and Country Planning (Scotland) Act 1997 to require the removal of the unauthorised UPVC windows to the front and side of the property at 52 Ritchie Street, West Kilbride.

7. Notice for the Proper Maintenance of Land: Isle of Cumbrae: Millport: Land 2 Craig-en-Ros Road

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed service of a Notice for the Proper Maintenance of Land in terms of Section 179 of the Town and Country Planning (Scotland) Act 1997, on the owner/occupier of the land at 2 Craig-en-Ros Road, Millport, Isle of Cumbrae.

On 26 September 2006, conditional planning permission was granted for a change of use, subdivision and extension of a residential home to form an attached dwellinghouse and two flatted dwellinghouses. Planning permission was subsequently granted on 5 September 2008 for alterations and extensions to the rear elevation and reinstatement of an attic room.

On 20 September 2009, complaints were received regarding rubbish from ongoing works which had been deposited on the steep embankment to the western side of the property. These reports were confirmed during a site visit by a Planning Officer on 8 October 2009 and the owner(s)/occupier(s) were advised in writing to have the rubble removed by 30 October 2009. No response was received and further complaints were made on 3 November 2009. On 5 November 2009, the owner(s)/occupier(s) were advised in writing that the circumstances would be reported to the Planning Committee and authority sought to serve an Enforcement Notice. To date, there has been no response and the rubble in question remains in situ.

The Committee agreed to approve the serving of an Enforcement Notice in terms of section 127(1) of the Town and Country Planning (Scotland) Act 1997 to require the proper maintenance of land at 2 Craig-en-Ros Road, Millport.

8. Tree Preservation Order: West Kilbride: Caldwell Road/Pantonville Road

Submitted report by Assistant Chief Executive (Legal and Protective) on objections to the provisional Tree Preservation Order in respect of trees located between Caldwell Road and Pantonville Road, West Kilbride.

On 19 May 2009, the Planning Committee agreed to serve a provisional Tree Preservation Order in respect of a group of trees located within the rear boundary of houses located on Caldwell Road and Pantonville Road, West Kilbride. The Committee considered that, as a group, the trees served an amenity purpose and should, therefore, be protected against any potential felling.

A provisional Tree Preservation Order was served on the owners of the affected property with an effective date of 17 June 2009. A Public Notice was made concurrently through newspaper advertisement and the statutory period for objections has now elapsed. 13 letters of objection were received in respect of the provisional Order, together with an objection from West Kilbride Civic Society. In addition, 1 late letter in support of the proposal was received, albeit that this representation also asked for the area affected by the Order to be revised. Section 2.2 of the report summarised the main objections to the proposed Order. The most common objections were that the trees are of no specific arboricultural value, the trees are no different from other trees in the locality and that the owners carry out regular maintenance of the trees.

The Committee was invited to consider, in the light of the number of objections received, whether the Tree Preservation Order should be confirmed as a permanent Tree Preservation Order, or allowed to expire at the end of the initial six-month period on 16 December 2009.

The Committee agreed not to confirm the provisional Tree Preservation Order.

The Meeting ended at 2.25 p.m.