

Planning and Regulatory Sub Committee  
20 December 1999

**Irvine, 20 December 1999** - At a Meeting of the Planning and Regulatory Sub-Committee of North Ayrshire Council at 10.00 a.m.

**Present**

David Munn, Robert Reilly, Ian Clarkson, David Gallagher, Elisabeth Marshall, John Moffat, David O'Neill, and Robert Rae.

**In Attendance**

I T Mackay, Assistant Chief Executive; D Cartmell, Principal Development Control Officer; F Murray, Solicitor (Licensing); M McCann, Administrative Assistant (Licensing) (Legal and Regulatory); and M McKeown, Administration Officer (Chief Executive's).

**Chair**

Mr Munn in the Chair.

**1. Arran Local Plan Area**

**(a) N/01/99/0389: Whiting Bay: Nirvana (site to east of)**

Mr J Ritchie, Nirvana, Silverhill, Whiting Bay, Isle of Arran has applied for planning permission for the erection of a dwellinghouse at Nirvana (site to east of), Whiting Bay. One representation has been received from J Campbell and Co., Solicitors, acting on behalf of Mr Hamilton of The Riggs, Silverhill, Whiting Bay.

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

(i) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed specification of the proposed external finishes;

(ii) that prior to the occupation of the house, two car parking spaces and a separate turning area shall be provided within the site to the satisfaction of North Ayrshire Council as Planning Authority;

(iii) that prior to the dwellinghouse hereby approved being occupied, the first 2m 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;

(iv) that no trees or hedges on the site shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority;

(v) that prior to work commencing on site, details of protection measures to be taken to prevent damage to the mature trees on the northern boundary of the site during construction shall be submitted to, and approved in writing by, North Ayrshire Council as Planning Authority; and

(vi) that notwithstanding the provisions of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no

rooflights or other window opening shall be installed in either roof plane of the dwellinghouse hereby approved without the prior written consent of North Ayrshire Council as Planning Authority.

**(b) N/01/99/0404: Lamlash: 20 K-N and adjacent land, Park Terrace**

Mr D P Nimbley, 19 Murray Crescent, Lamlash, Isle of Arran has applied for planning permission for the erection of two flatted dwellings at 20 K-N and adjacent land, Park Terrace, Lamlash. An objection has been received from the Isle of Arran Community Council.

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

(i)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a full specification of the proposed external finishes;

(ii)that prior to the occupation of either of the flats hereby approved, the access improvements shown on the approved site plan dated 8 October 1999 shall be completed in their entirety, including the widening and upgrading of the existing access and provision of footways and street lighting for the first 75 metres of its length, all to the satisfaction of North Ayrshire Council as Planning Authority;

(iii)that prior to either of the flats hereby approved being occupied, the three parking spaces outlined in blue on the approved plans shall be constructed and available for use, and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority;

(iv) 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 for the area outlined in green on the approved plan, 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;

(v)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 plant 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;

(vi)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed specification for the surface of the proposed parking areas and access;

(vii)that the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the 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 the West of Scotland Archaeology Service on behalf of North Ayrshire Council as Planning Authority. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences;

(viii)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a written specification for the boundary treatment of the application site;

(ix)that prior to the commencement of the development the applicant shall submit for the written

approval of North Ayrshire Council as Planning Authority detailed drawings of and materials specification for the bin store hereby approved; and

(x) that foul drainage from the site shall drain to a suitably sized septic tank prior to entering the public sewer, to the satisfaction of North Ayrshire Council as Planning Authority.

**(c) N/01/99/0452: Shiskine: Tighnacachla: Plot 3**

Mr and Mrs Haggarty, Bruach, Shiskine, Isle of Arran, have applied for outline planning permission for the erection of a dwellinghouse at Tighnacachla, Shiskine. The application was advertised as potentially contrary to the development plan. No representations have been received.

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

(i) that the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development, shall be obtained before the development is commenced;

(ii) that any dwellinghouse to be erected on the site should be a single storey in height and any detailed application submitted as required by Condition (i) above shall include details of levels on the site and/or sections which demonstrate that any dwellinghouse to be constructed shall have a minimal amount of underbuilding;

(iii) that any dwellinghouse proposed by a detailed application submitted under Condition (i) above shall conform to the design guidance contained in Part II of the adopted Isle of Arran Local Plan;

(iv) that any detailed application submitted under the requirements of Condition (i) above shall include drainage arrangements which conform with the requirements of the Scottish Environment Protection Agency;

(v) that any detailed application submitted under the requirements of Condition (i) above shall include details of the treatment of the boundaries indicated in green on the approved plans, and this treatment shall include native hedge species and/or trees; and

(vi) that the proposed dwellinghouse 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.

**2. Garnock Valley Local Plan Area**

**(a) N/01/99/0408: Kilbirnie: 31B Cochrane Street**

M and S Scaffolding Services, 31B Cochrane Street, Kilbirnie have applied for retrospective planning permission for a change of use of vacant land and building to storage use at 31B Cochrane Street, Kilbirnie.

The Sub-Committee agreed (i) to refuse the application on the grounds that the proposed use would be contrary to Policy H12 of the adopted Garnock Valley Local Plan in that it would introduce a non-conforming use into a residential area which would be detrimental to both the proper planning of the area and to the amenity of both existing and future residential development by reason of noise and disturbance; (ii) to take enforcement proceedings in order to secure the cessation of the use within the site; and (iii) that the Council's Estates Section assist the applicant in finding alternative premises for the business.

**3. Irvine/Kilwinning Local Plan Area**

**(a) N/01/99/0648: Kilwinning: Woodside E: Plots 64-77**

Tay Homes have applied for planning permission for the erection of 14 detached dwellinghouses

together with all associated roads and footpaths at Woodside E, Plots 64-77, Kilwinning.

The Sub-Committee agreed to grant the application, subject to (i) the applicants entering an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require them to make the finalised contribution offered in their letter of 28 October 1998 to North Ayrshire Council to provide alternative play facilities outwith Woodside; and (ii) the following conditions:-

(A)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the external finishes for each house;

(B)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;

(C)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;

(D)that details of treatment of the boundary enclosures or plot divisions shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works and

(E)that all boundary and screen fences shown on the approved site layout relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot.

**(b) N/01/99/0078: Kilwinning: 7A Stevenston Road**

Mr and Mrs J McLuckie, 7A Stevenston Road, Kilwinning have applied for planning permission for the erection of a garage at 7A Stevenston Road.

The Sub-Committee agreed to refuse the application on grounds that:-

the proposed garage would conflict with the drainage infrastructure passing through the site which may result in damage to the drain, or restrict access to the drain preventing repairs being carried out, and thereby cause pollution.

**(c) N/01/99/0489: Irvine: Ayr Road: Plot 1**

Mr and Mrs J Grant, 27 Meikle Place, Irvine, have applied for planning permission to erect a two-storey dwellinghouse and garage, and fell trees at Plot 1, Ayr Road, Irvine. Representations have been received from Mr D and Mrs A Kerr, Ashfield, Ayr Road, Irvine.

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

(i) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the proposed external finishes;

(ii)that only trees shown on drawing A/99/521/6 shall be felled and the retained trees/hedge shown on this drawing shall not be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority;

(iii)that the replacement trees shown on drawing A/99/521/3/A shall be heavy standard and shall

be planted within three months of the occupation of the house; and any trees 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;

(iv) that visibility splays of 2.5m x 120m in both directions shall be provided and maintained on land within the applicant's control, such that there is no obstruction to visibility above a height of 1.05m measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority;

(v) that the first 2 metres of the access measured from the heel of the footway shall be 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;

(vi) that the applicant shall form a footway crossing to North Ayrshire Council Roads Guidelines to the satisfaction of North Ayrshire Council as Planning Authority;

(vii) that prior to the occupation of the house the car parking spaces and the separate turning area shall be provided within the site to the satisfaction of North Ayrshire Council as Planning Authority;

(viii) that all site boundary fences shall be erected prior to the occupation of the dwellinghouses;

(ix) that the existing fence along the frontage shall be retained;

(x) that all construction materials and machinery shall be wholly contained within the area of the plot being developed; and

(xi) that foul drainage shall be connected to the sewage treatment plant serving the plots prior to the occupation of the dwellinghouse.

**(d) N/01/99/0499: Irvine: Cheviot Way: Bourtreehill Health Centre**

Bourtreehill Medical Practice, Cheviot Way, Irvine have applied for planning permission for alterations and extension to the existing Bourtreehill Health Centre. Representations have been received from Mrs A Henry, 3 Cheviot Way and Brenda Brown, 8 Crofthead, Irvine.

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

(i) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the proposed external finishes; and

(ii) that prior to the commencement of works the condition of existing trees shall be assessed and a report submitted on further proposals to thin and/or lop the remaining trees, for the agreement in writing of North Ayrshire Council as Planning Authority prior to any lopping/felling of trees.

**4. North Coast and Cumbraes Local Plan Area**

**(a) N/01/99/0097: Skelmorlie: Skelmorlie Castle Road: Beithglass Quarry (land to south east of)**

Mr McGinn, Beithglass (Landfill) Ltd., 77A Castle Road, Skelmorlie has applied for planning permission for landraising using inert, non-putrescible waste material to improve drainage/landform at Beithglass Quarry (land to south-east), Skelmorlie Castle Road, Skelmorlie. Objections have been received from Alan Naylor, Secretary of Fairways Residents' Association, 1 Caskie Drive; Steve Moss, 6 Caskie Drive; K W Batey, 2 Caskie Drive; Allan C MacDougall, 3 Caskie Drive; Tom Ovens, 121 Skelmorlie Castle Road; and Mr P Monaghan, 11 Annetyard Road, all

Skelmorlie.

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

(i)that the use hereby permitted shall be discontinued and the land re-instated to agricultural use within two years from the date of commencement of operations, or on earlier completion, prior notification of which date shall be made in writing to North Ayrshire Council as Planning Authority;

(ii)that only inert, non-putrescible waste material shall be deposited within the site;

(iii)that no further tipping shall take place on the former quarry adjoining to the west, and prior to the commencement of infilling on the application site (A) the deposited materials within the former quarry shall be graded into the levels of the adjoining land; (B) the applicant shall submit for the written approval of North Ayrshire Council as planning authority full details of proposals for the restoration of the former quarry site to agricultural use; and (C) restoration of the former quarry site to agricultural use shall be substantially completed all to the satisfaction of North Ayrshire Council as Planning Authority;

(iv)that prior to the commencement of the infilling operation the first 12 metres of the access road from the junction with Skelmorlie Castle Road shall be surfaced to the satisfaction of North Ayrshire Council as Planning Authority;

(v)that the surfacing of the first 12 metres of the access road shall be designed in such a way that no surface water shall issue from the access on to the carriageway in Skelmorlie Castle Road;

(vi)that the lorry routes shown on the plan submitted in support of the application and hereby approved shall be adhered to at all times unless North Ayrshire Council as Planning Authority gives prior written approval to any variation;

(vii)that prior to the commencement of any infilling operations the application shall submit for the written approval of North Ayrshire Council (A) proposals for the upgrading of the surface of the remainder of the access road as far as the entrance to the existing landfill site; (B) details of the maintenance of the access road surface while the infilling operations take place; (C) details of the route and construction (including phasing) of (I) diversion arrangements for existing watercourses; and (II) the proposed watercourse through the existing and proposed landfill sites including the outfall route as it leaves the existing landfill site; and (D) proposals for the sealing of the culvert through the existing landfill site;

(viii)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a hydrologist's report confirming that the design and construction of the proposed watercourse over the existing and proposed landfill sites are such that nearby property will not be affected by flooding as a result of the development;

(ix)that the infill site shall only open between the hours of 8.30 a.m. to 4.00 p.m. Monday to Friday and 8.30 a.m. to 1.00 p.m. on Saturdays and at no time on Sundays;

(x)that the maximum area of infilling shall be the area shown on the plan hereby approved and the maximum level of infill above existing ground levels shall not exceed the levels shown on the plans hereby approved;

(xi)that on completion of the landfill operations the site shall be capped with sub-soil and top soil and finally grass sown, exact details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of any infilling operations;

(xii)that should any subsidence occur within five years of restoration, the applicant shall infill the area with sub-soil and top soil and shall thereafter re-seed the area to the satisfaction of North Ayrshire Council as Planning Authority;

(xiii)that the site shall be kept enclosed at all times by a stock-proof fence;

(xiv)that all fly tipped waste shall be removed from the vicinity of the site on a daily basis; and

(xv)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a financial bond secured with SEPA to ensure the restoration of the site to agricultural use in the event that the applicant is unable to implement the restoration works approved under Condition (ix) above.

**(b) N/01/99/0417: West Kilbride: Castle Drive: Tarbert Avenue (site to north of)**

Braid Homes, Norwood House, 92 New Battle Terrace, Edinburgh have applied for planning permission for the erection of six dwellinghouses and garages and formation of road to serve the site at Tarbert Avenue/Castle Drive West Kilbride. A petition of objections containing 107 signatures, all residents of West Kilbride has been received, of whom 48 are residents of Tarbert Avenue, 27 are residents of Crauford Avenue, 14 live in Farmfield Terrace and 12 in Lawfield Avenue. The remaining six are from Castle Drive, Coldstream and Hunterston Road. In addition, eight letters of objection have been received from William Mauchlen, 8 Castle Drive; Judy McNaught, Farmfield House, Law Brae; Agnes Munro, 4 Farmfield Terrace; A McMillan, 3 Tarbert Avenue; G A and A M Rowley, 5 Tarbert Avenue; J and A Geary, 1 Farmfield Terrace; Dr A Phillips, Law Castle; and James and Carol Petrie, 9 Tarbert Avenue, all West Kilbride.

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

(i)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed external finishes;

(ii)that with regard to the houses on plots 1 to 18 inclusive, the roofing material shall be natural or artificial slate and the walls shall be finished with a traditional harl or wet cast render, full details of which shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority prior to the commencement of any works;

(iii)that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority proposals for the provision of play equipment within the children's play area;

(iv)that the treatment of the boundary enclosures or plot divisions shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works;

(v)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;

(vi)that all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding season 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;

(vii) that prior to any of the dwellinghouses being occupied and where Council adoption of open space and the play area is not to be pursued, there shall be submitted for approval by North Ayrshire Council as Planning Authority, details of the proposed factor or management agency for such areas and the landscape management plan, including long-term objectives, management responsibilities, apportionment of costs and maintenance schedules for all open space,

landscaping and the play area;

(viii) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority proposals for the disposal of surface water drainage along the south-west edge of the site;

(ix) that notwithstanding the permission granted by Article 3 of and Classes 1,3 and 5 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 dwellinghouse on plot 9;

(x) that notwithstanding the permission granted by Article 3 of and Class 7 of Part 2 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 gates, fences, walls or other means of enclosure within the curtilages of the dwellinghouses on plots 9 to 14 inclusive;

(xi) that no trees or hedges on the site shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority;

(xii) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of proposals for the strengthening/reinforcement of the existing hawthorn hedge along the boundary of the site with Law Brae and the access road to Farmfield Farmhouse;

(xiii) 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 proposals for (A) the erection of a pedestrian guard rail where the footpath leading from the children's play area meets the access road; (B) the erection of bollards at the emergency access to Law Brae to prevent day-to-day use; (C) the widening of the driveway accesses for plots 20, 28 and 59; and (D) the provision of visibility splays of 2.5m x 35m at the junction of plot 18 and the site access road;

(xiv) that the first 2 metres of each 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; and

(xv) that prior to the commencement of the development, the traffic calming works and junction improvements within the existing public road hereby approved and construction of the driveways within the residential properties adjoining the access roads to the site, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

**(c) N/01/99/02051: West Kilbride: Seamill: Hyndman Road: Plot 1**

Laurel Homes, 36A Templand Road, Dalry have applied for planning permission for the erection of a dwellinghouse at Plot 1, Hyndman Road, Seamill, West Kilbride. An objection has been received from Mr M Hall, 6 Hyndman Road, Seamill.

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

(i) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details or samples of the proposed wall finishes;

(ii) that a 2 metre wide footway shall be constructed along the frontage of the site prior to the occupation of the dwellinghouse; and

(ii) that the applicant shall form a footway crossing to North Ayrshire Council Roads Guidelines to

the satisfaction of North Ayrshire Council as Planning Authority.

**(d) N/01/99/0494: Largs: 25 Holehouse Road**

The Bank of Scotland, 12 Bankhead Crossway South, Sighthill, Edinburgh have applied for planning permission for, an extension to the Spar Store, 25 Holehouse Road, Largs, to form an ATM enclosure, and installation of an automatic teller machine. An objection has been received from William H Dunbar, 27 Holehouse Road, Largs.

Having considered the terms of the objection, the Sub-Committee agreed to grant the application.

**(e) N/01/99/0567: Largs: 7 Trigoni Court**

R D K Construction Ltd, 52A Hamilton Street, Saltcoats have applied for an amendment (retrospective) to planning permission 01/97/0208, substituting (i) 2 single windows for 1 double window and enlargement of 2 single windows on west elevation; and (ii) French doors for double window on south elevation; in respect of the property at 7 Trigoni Court, Largs. An objection has been received from Mr and Mrs McCulloch, 101 Irvine Road, Largs.

Having considered the terms of the objection, the Sub-Committee agreed to grant the application.

**5. Irvine: 28 Wardlaw Gardens: Enforcement Notice**

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on action taken to comply with the Enforcement Notice served with regard to the erection of a 2m fence without planning permission at 28 Wardlaw Gardens, Irvine and proposals for appropriate further action.

At the meeting held on 16 August 1999 the Sub Committee agreed the service of the Enforcement Notice to secure compliance with Planning Regulations at 28 Wardlaw Gardens, Irvine. This followed complaints about the re-positioning and extension of the existing fence.

An Enforcement Notice was served on 16 September 1999 giving Mr and Mrs Rowlands until 15 October 1999 to appeal. As this was not done the Notice took effect, giving them 28 days in which to comply. The site was visited on 22 November 1999 when it was discovered that the terms of the Enforcement Notice had not been complied with. It is now open to the Council to refer the matter to the Procurator Fiscal. Mr Rowlands has engaged a solicitor who is seeking to assist in resolving the matter and who has asked for time to investigate the position.

The Sub-Committee agreed (a) not to refer the matter to the Procurator Fiscal until the outcome of discussions between the original developer (Barratts), Mr Rowlands' legal representative and North Ayrshire Council is known; and (b) that the Assistant Chief Executive (Legal and Regulatory) report to the next meeting on the outcome of these discussions.

**6. Urgent Items**

The Chair agreed the following items be considered as a matter of urgency.

**7. N/01/99/508: Irvine: 64 Ayr Road**

The Sub-Committee, at its meeting held on 13 December 1999, refused an application from N G Cheung, 15 Ormiston Place, Irvine, for a part change of use of a shop to a hot food carry out and the formation of a new retail shop at 64 Ayr Road, Irvine.

The Minute of the Meeting of the Sub-Committee was subsequently submitted to the full Council on 16 December 1999 for ratification who, having been advised that further information on the application had been received, agreed to remit the matter back to the Sub-Committee for further consideration.

Having considered the further information, and after a full discussion, the Sub-Committee agreed

to reaffirm its decision of 13 December, 1999.

#### **8. N/01/99/0303: Kilwinning: Eglinton Country Park: Change of Use from an Industrial Warehouse Complex to a Leisure Complex**

Councillor Carson queried as to why the application for planning permission submitted by Eglinton Leisure Ltd for a change of use from an Industrial Warehouse Complex to a Leisure Complex, at Eglinton Park, Kilwinning had not yet been submitted to the Sub-Committee.

The Principal Development Control Officer advised that although the application was received in May 1999 it was not formally registered until June 1999. Since that date consultations had been ongoing to ensure that the application was in order prior to it being brought before the Sub-Committee.

After a full discussion the Sub Committee, with Councillor Carson dissenting, agreed that the Assistant Chief Executive (Legal and Regulatory) submit a report to the next meeting on the background to this application.

#### **9. Exclusion of Public**

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

#### **10. Civic Government (Scotland) Act 1982: Application for Licences**

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

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

The meeting ended at 11.15 a.m.

**Planning and Regulatory Sub Committee  
20/12/99**

Appendix No

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

	<u>Type of Licence/ Reference No</u>	<u>Applicant</u>	<u>Decision</u>
1	TDL/101 (N)	Michael C Lawless	Grant
2	TDL/495 (N)	Sandra Donachy	Grant
3	TDL/607 (N)	Robert Lennox	Grant
4	TDL/626 (N)	Annie B Lawless	Grant

**PART B: Reports in respect of licenceholders where the issues raised may require a Hearing**

	<u>Type of Licence/ Reference No</u>	<u>Decision</u>
1	TDL/058	To take no proceedings but to advise the licenceholder that any further instances will result in a full review being undertaken.

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

	<u>Type of Licence/ Reference No</u>	<u>Decision</u>
1	LHCL/001(N)	The applicant having been duly cited, attended the Hearing and was represented. The Solicitor (Licensing) advised the Sub-Committee that the objection in respect of the application had been withdrawn. In view of this the applicant's agent requested that the Sub Committee grant the application.  Grant.

2	SHDL/084(N)	<p>The applicant having been duly cited, attended the Hearing. The Solicitor (Licensing) advised the Sub-Committee as to the background to the Hearing. The applicant then addressed the Sub-Committee before withdrawing from the meeting together with the Solicitor (Licensing).</p> <p>Agreed to refuse the application on the grounds that the location and character of the premises are not suitable for the use by reason of their proximity to residential properties.</p>
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