

Planning and Regulatory Sub Committee  
29 November 1999

**Irvine, 29 November 1999** - At a meeting of the Planning and Regulatory Sub-Committee at 10.00 am.

**Present**

David Munn, Samuel Gooding, Robert Reilly, Jack Carson, Ian Clarkson, David Gallagher, Elizabeth McLardy, John Moffat and John Reid.

**In Attendance**

I Mackay, Assistant Chief Executive; D Cartmell, Principal Development Control Officer; J. Kerr, Principal Licensing and District Court Officer and M McCann, Administration Assistant (Civic Government Licensing) (Legal and Regulatory); A Clarke, Public Relations Assistant; and S. Bale, Administration Officer (Chief Executive's).

**Also In Attendance**

Superintendent Alastair McKie and Sergeant Susan Munro (Strathclyde Police).

**Chair**

Mr Munn in the Chair.

**Apologies for Absence**

David O'Neill, Robert Rae and John Sillars.

**1. Ardrossan, Saltcoats and Stevenston Local Plan Area**

**(a) N/01/99/0284: Stevenston: 12-24 New Street**

Tower Bridge Homes Care, Cranham Court Nursing Home, 435 St. Marys Lane, Upminster have applied for planning permission to erect a Nursing/Residential Home with associated parking and gardens and the formation of a replacement shopping centre car parking area at 12-24 New Street, Stevenston. Objections have been received from J. Hastings Butcher, Mackenzies Bakers, and Mr I McMaster, Silver Television all of New Street, Stevenston, Mr R Wilson, Champion Shell Inn, Schoolwell Street, Stevenston and a petition from 19 Town Centre Businesses as per Mr R Wilson, Stevenston Town Centre Initiative, 5 Schoolwell Street, Stevenston and Stevenston Community Council. A request has also been received from Stevenston Town Centre Initiative that a public meeting be held.

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

That the proposed development would be contrary to the Local Plan Allocation for Stevenston Town Centre in that the proposed development would introduce a dominant non-commercial use into an area allocated for commercial uses, to the detriment of the vitality and viability of the Town Centre.

**(b) N/01/99/0300: Stevenston: Shopping Centre (New Street)**

Europe and Jersey Estates Limited, 1 Woodside Terrace, Glasgow have applied for planning permission for general refurbishment of the shopping centre and a change of use of vacant upper floor office units to 6 residential flats at New Street, Stevenston. An objection has been received from Mr I McMaster, Silver Television, Unit 2, New Street, Stevenston.

Having considered the terms of the objection, the Sub-Committee agreed to grant the application subject to the applicants entering an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the provision of car parking for the proposed development.

**(c) N/01/99/0407: Stevenston: Site to east of 86-88 Townhead Street**

On 22 November 1999 the Sub-Committee agreed to continue consideration of a planning application from Mr A Lambie, 29 Tiree Court, Dreghorn to erect a detached bungalow at the site to the east of 86-88 Townhead Street, Stevenston, to allow further consultation with Roads. The Head of Roads provided a report on the roads issues in relation to the application.

Having considered the additional information in relation to roads issues, the Sub-Committee agreed to refuse the application on the following grounds:-

That the proposed development would be detrimental to road safety in that the proposed vehicle access to the site from Townhead Street would adversely affect the free flow of traffic at this location.

**2. Arran Local Plan Area**

**N/01/99/0123: Shiskine: Balmichael Visitors Centre (site to west of)**

Isle of Arran Natural Water Company, Birchburn, Shiskine have applied for planning permission to erect a building for a water bottling plant at Balmichael Visitors Centre (site to the west of), Shiskine. Objections were received from Balmichael Visitors Centre, Shiskine and Arran Civic Trust, Cnoc Ranald, Brodick.

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

- (1) That there shall be no visitor facility at the bottling plant without the prior written consent of North Ayrshire Council as planning authority.
- (2) That prior to works commencing on site, a specification of the materials to be used externally on the walls and roof of the bottling plant hereby approved shall be submitted to, and approved in writing by, North Ayrshire Council as planning authority.
- (3) That prior to the building hereby approved being brought into use, the parking and turning area shown on the approved plan shall be constructed and available for use, all to the satisfaction of North Ayrshire Council as planning authority.
- (4) 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 boundaries of the site, which shall include details of species, planting densities, soil treatment and aftercare and shall feature mature hedge and tree species, and 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.
- (5) 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.
- (6) That notwithstanding the permission granted by Article 3 of and Classes 23 and 25 of Part 8 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 industrial premises hereby approved or for any extension to those premises.

(7) That prior to any works commencing on site, the results of a soil porosity test and design of a septic tank and soakaway system, all in accordance with British Standards BS6297: 1983 shall be submitted to and approved in writing, by North Ayrshire Council as planning authority.

(8) That prior to any work commencing on site, a scheme and specification for the provision of vehicular passing places along the access road shall be submitted to, and approved in writing by North Ayrshire Council as planning authority.

(9) That prior to the bottling plant hereby approved coming into use, the passing spaces required by Condition 8 above shall be constructed and available for use and thereafter maintained for use, all to the satisfaction of North Ayrshire Council as planning authority.

(10) That prior to any work commencing on site, a scheme for the location of external pallet storage and it's screening shall be submitted to, and approved in writing by North Ayrshire Council as planning authority, and there shall be no other storage of pallets within the curtilage of the site other than in accordance with the approved scheme.

(11) That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeological 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.

### **3. North Coast and Cumbrae Local Plan Area**

#### **(a) N/01/99/0155: Seamill: 2-4 Ardrossan Road**

Riverside Care Scotland Ltd, c/o Robert J Hart & Co., Chartered Accountants, 9 Kilwinning Road, Irvine have applied for planning permission to erect a Nursing Home at 2-4 Ardrossan Road, Seamill. Objections have been received from J. Wilson and Pat Anslow, 6 Ardrossan Road, R & M Banks, Braefoot, Yerton Brae, all of Seamill; Ms R Fisher, Fordel, Pantonville Road, West Kilbride and West Kilbride Amenity Society, per Sadie Douglas, 12 Ardneil Avenue, West Kilbride.

Having considered the terms of the objections, the Sub-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 or samples of the proposed external finishes.

(2) That the roofing material shall be natural or artificial slate, a sample of which shall be submitted for the approval in writing of North Ayrshire Council as planning authority prior to the commencement of any works.

(3) 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.

(4) 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 given written consent to any variation.

(5) That prior to the commencement of the construction of the Nursing Home visibility splays of 4.5 metres x 90 metres at the access to Ardrossan Road shall be provided and maintained on land within the applicants' control with minimum visibility splays of 2.4 metres x 90 metres being formed. The splays are the triangle of ground bounded on 2 sides by the first 4.5 metres or 2.4 metres of the centreline of the access (set back dimension) and the nearside trunk road carriageway measured 90m (y dimension) in both directions from the intersection of the access with the trunk road, in vertical plane. Nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2 metres positioned at the set back dimension to an object of between 0.25 metres and 1.05 metres anywhere along the y dimension.

(6) That prior to the commencement of the construction of the Nursing Home the bellmouth shall be surfaced in bituminous macadam for a distance of 10 metres from the edge of the trunk road and measures shall be adopted to ensure that drainage from the site does not discharge onto the trunk road.

(7) That prior to the commencement of the construction of the Nursing Home the access road shall be constructed such that its gradient shall not exceed 1 in 25 for a distance of 5 metres from the nearside edge of the trunk road carriageway and the throat width of the access shall be 5.5 metres and continued for a distance of 7 metres from the edge of the trunk road.

(8) That prior to the commencement of the use of the Nursing Home there shall be provided in the curtilage of the site 11 parking spaces and an adequate and unobstructed turning area to the satisfaction of North Ayrshire Council as planning authority.

(9) That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as planning authority a revised site plan showing the access improvements required by Conditions 6 - 8 inclusive above.

(10) 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 (i) increasing the floor/ceiling height of the building; and (ii) moving the building to the south to give clearance to the pavement around the service lay-by.

(11) That the stone boundary wall adjacent to Ardrossan Road/Yerton Brae shall not be demolished or altered in any way without the prior written approval of North Ayrshire Council as planning authority.

**(b) N/01/99/0370: Cumbrae: Downcraig: Scottish National Watersports Centre**

The Scottish Sports Council, Caledonia House, South Gyle, Edinburgh have applied for planning permission to construct a floating breakwater, boardwalk and associated works at the Scottish National Watersports Centre, Downcraig, Cumbrae.

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

(1) That the treatment of all timbers shall be non-toxic to marine life.

(2) That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as planning authority full details of the colour of the stain finish to all timbers used in the development.

**(c) N/01/99/0469: Largs: 23 Millburn Gardens**

On 22 November 1999 the Sub-Committee agreed to continue consideration of the planning application by Peter Larkin, 23 Millburn Gardens, Largs to erect a fence and brick wall at that address, to allow the two Vice-Chairs and local member to visit the site. Objections had been received previously from Mr C Simmons and Miss D Gillies, 25 Millburn Garden, Largs, Mr I Gillies, 21 Millburn Gardens, Largs and Mary Gardner, as per a letter from Mr I Gillies. The Principal Development Control Officer reported on the site visit.

Having considered the terms of the objections and the report from the site visit, the Sub-Committee agreed to grant the application, subject to the following condition:-

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 colour finish to the fence.

**4. Late Hours Catering Licences**

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on a proposal to grant exemption from the requirement to have a Late Hours Catering Licence on 31 December 1999 to 1 January 2000.

The Sub-Committee agreed to grant exemption from the requirement to have a Late Hours Catering Licence from 11.00 p.m. on 31 December 1999 to 5.00 a.m. on 1 January 2000 and to delegate authority to grant such exemptions.

**5. Exclusion of Public**

The Sub-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 items of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

**6. 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; 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.

**7. Urgent Item**

The Chair agreed to hear the following urgent item.

**8. Public Entertainment Licence: PEL/013**

Having received a verbal report from the Principal Licensing and District Court Officer the Sub-Committee agreed to grant Public Entertainment Licence application PEL/013.

The meeting ended at 12 noon.

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Appendix No P&R1

**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	SHDL/084	As per application	Having received a verbal report from the Principal Licensing and District Court Officer, the Sub-Committee agreed to proceed to a Hearing on the basis of the information submitted.

**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	TDL/516	The applicant having been duly cited, attended the Hearing. The Principal Licensing and District Court Officer advised the Sub-Committee as to the background to the Hearing. Superintendent McKie, Strathclyde

		<p>Police then presented the Chief Constable's representations to the application. The applicant then addressed the Sub-Committee before withdrawing from the meeting together with the representatives from Strathclyde Police and the Principal Licensing and District Court Officer.</p> <p>Refuse.</p>
2	TDL/486	<p>The applicant having been duly cited, attended the Hearing. The Principal Licensing and District Court Officer advised the Sub-Committee as to the background to the Hearing. Superintendent McKie, Strathclyde Police then presented the Chief Constable's representations to the application. The applicant then addressed the Sub-Committee before withdrawing from the meeting together with the representatives from Strathclyde Police and the Principal Licensing and District Court Officer.</p> <p>Grant.</p>
	<b><u>Type of Licence/ Reference No</u></b>	<b><u>Decision</u></b>
3	TDL/094	<p>The applicant having been duly cited, attended the Hearing. The Principal Licensing and District Court Officer advised the Sub-Committee as to the background to the Hearing. The applicant then addressed the</p>

		<p>Sub-Committee before withdrawing from the meeting together with the Principal Licensing and District Court Officer.</p> <p>Agreed to take no proceedings but to advise the licence holder that any further instances will result in a full review being undertaken.</p>
4	TDL/696, PHCL/003, PHCL/097, PHCL/106 and TL/024	<p>The applicant having been duly cited, attended the Hearing. The Principal Licensing and District Court Officer 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 Principal Licensing and District Court Officer.</p> <p>Agreed to take no proceedings but to advise the licence holder that any further instances will result in a full review being undertaken.</p>