

Planning Sub Committee of Corporate Services Committee
22 April 2003

IRVINE, 22 April 2003 - At a Meeting of the Planning Sub Committee of the Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

Present

David Munn, Robert Reilly, Jack Carson, Gordon Clarkson, Ian Clarkson, Elizabeth McLardy, Elisabeth Marshall, John Moffat, David O'Neill, and Robert Rae.

In Attendance

I. T. Mackay, Assistant Chief Executive, M. Lee, Senior Development Control Officer (Legal and Protective); and M. McKeown, Corporate and Democratic Support Officer (Chief Executive's).

Chair

Councillor Munn in the Chair.

Apologies for Absence

Jane Gorman, Samuel Gooding, John Reid and Richard Wilkinson.

1. Arran Local Plan Area

1.1 N/03/00125/LUE: Kings Cross: Pointhouse

R F Haddow, Point House, Kings Cross, Isle of Arran, has applied for a certificate of lawfulness for an existing use of the dwellinghouse and adjoining outbuilding at that address as furnished holiday letting units.

The applicant has provided satisfactory evidence that the holiday letting has been taking place continuously for a period of more than ten years.

The Sub Committee agreed to issue a certificate of lawfulness.

1.2 N/02/00839/PP: King Cross: Pointhouse

R F Haddow, Point House, Kings Cross, Isle of Arran, has applied for planning permission for alterations and an extension to the outbuilding at that address to form holiday let accommodation (in retrospect).

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

1. That the holiday letting unit hereby approved shall not be occupied as a permanent residence, nor shall it be occupied for more than three consecutive months nor for more than six months in total in any calendar year by the same persons.

2. That within three months of the date of this permission, a report shall be submitted on the existing effluent disposal arrangements at the site, assessing their adequacy in comparison with current code of practice British Standard BS6297:1983, and, if necessary, detailing a programme of work in order to meet the current code of practice to the standards of the Scottish Environment Protection Agency.

3. That within six months of the date of this permission, any work detailed in the programme required by Condition 2 above shall be implemented in accordance with the standards of the Scottish Environment Protection Agency.

2. Garnock Valley Local Plan Area

2.1 N/02/00882/PP: Beith: Wilson Street: Criffel

Burnfield Builders & Demolishers Ltd, 10 Sannox Gardens, Glasgow, have applied for planning permission for the erection of 8 dwellinghouses, and for the demolition of an existing dwelling, at Criffel, Wilson Street, Beith.

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

1. That visibility splays of 2.5m x 60m 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.

2. That the access width shall be 5.5m.

3. That the first 10m of the access measured from the heel of the footway shall be hard surfaced in order to prevent deleterious materials being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

4. That the vehicular access to the site shall be in the form of a minor commercial access footway crossing to sections 5.2 and 10.8 (and Fig 10.18) of the Roads Development Guidelines.

5. That prior to the occupation of any of the houses hereby permitted the parking provision shall be constructed and maintained in accordance with the approved plans.

6. 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.

7. 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.

8. 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.

9. That the surface water arising from the site shall be treated in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000" to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the roofing material shall be natural slate or tiles of slate appearance, a sample of which shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority prior to the commencement of the development.

11. That no trees or hedges on the site shall be felled, lopped or topped without the prior written approval of North Ayrshire Council as Planning Authority.

12. 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: i) the surface finish to the access road, turning area and parking facility; ii) all boundary enclosures including details of the design and appearance of the fencing along the south boundary and means of enclosure between the proposed housing plots; and iii) details of proposals for the provision of street lighting within the courtyard, which lighting shall be installed prior to the occupation of any dwellinghouses.

13. 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 curtilage of the dwellinghouses.

2.2 N/99/02016/PP: Beith: Glengarnock: Grahamston Avenue: The Glebe

Kelvinside Developments (Aberdeen) Ltd, Milliken House, 13 Lynedoch Crescent, Glasgow, has applied for planning permission to build a residential development comprising of 51 private dwellinghouses and associated garages at The Glebe, Grahamston Avenue, Glengarnock.

On 6th November 2000 the former Planning and Regulatory Sub Committee of the Council agreed to refuse the application on the grounds that "the proposed development was premature in advance of a full hydrological study of the River Garnock and its tributaries". This decision was taken contrary to the recommendation of the Principal Development Control Officer that the application should be given conditional approval. At the time objections had been received from Mr & Mrs J Whyte, 1 Glebe Road, Mrs N Maund, 1A Glebe Road, Mr and Mrs R Maund, 2 Glebe Road, Mr B Thomson, 52 Kirkland Road, Mr & Mrs J S Young, East Mains Farm, all of Kilbirnie and Mr R Mackie, 4 Balgray Road, Glengarnock.

The Executive and Ratification Committee on 7 November 2000 agreed to remit the application back to the Sub Committee to allow further information to be obtained on flooding risks at the application site and beyond in light of national policy and government advice. Babbie Group, the consultants originally commissioned by the Council to comment on the applicants' Flood Risk Assessment, were subsequently commissioned to carry out a full study of the River Garnock and its tributaries. The detailed assessment provided by Babbie Group identified a considerable increased risk of flooding from that which had been previously estimated.

In March 2002 the applicants submitted a formal amendment to the proposed development which reduced the number of proposed houses from 90 to 51, provided for increased flood water storage within the site, and amended house design. These proposals were the subject of new neighbourhood notification and objections were received from Mr and Mrs J Whyte, 1 Glebe Road, Mrs N Maund, 1a Glebe Road, Mr and Mrs R Maund, 2 Glebe Road, all Kilbirnie, and Mr R Mackie, 4 Balgray Road, Glengarnock.

The increased risk of flooding identified in the Babbie Group report makes it more difficult for the applicant to fully satisfy the concerns of SEPA, Roads and the objectors to the application. It was therefore now recommended that the application be refused in order to avoid increasing flooding risk.

The Sub Committee, having considered the terms of the objections, and with Councillor Rae dissenting, agreed to refuse the application on the following grounds:-

1. That the proposed development is inconsistent with National Planning Policy Guidelines (NPPG7) Planning and Flooding and contrary to Policy G2 of the Ayrshire Joint Structure Plan and Policy INF6 (A) of the finalised plan of the North Ayrshire (excluding Isle of Arran) Local Plan and therefore adopting The Precautionary Principle, approval would result in unacceptable development within a flood plain.

3. Irvine/Kilwinning Local Plan Area

3.1 N/02/00763/OPP: Irvine: Harbour Street: Site to the East of 142

Hamish Walker, c/o 51a Townfoot, Dreghorn, has applied for outline planning permission for a residential development comprising of 8 flats and associated car parking at a site to east of 142 Harbour Street, Irvine. A representation has been received from J Ross, Manager, The Keys, Harbour Street, Irvine.

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

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 development shall be obtained before the development is commenced.
2. That with regard to condition 1 the developer is advised that any development shall: i) be designed so as to have no windows of habitable rooms on the west elevation and all bedroom windows in the front (north) elevation; ii) not exceed 8m in height of ridge line of the roof; iii) not exceed six flats in number; iv) be sited a minimum of 3m from the Keys; v) be finished in natural slate to roof, painted roughcast to walls with smooth cement bands to window surrounds and stone quoins to front elevation; vi) have the vehicular access located on the west side; and vii) provide parking to the standards set down for bedroom numbers in the Roads Development Guidelines.
3. That the building shall be acoustically designed and constructed so that the night time noise level in bedrooms is no greater than 30dBLAeq (8 hour) and the daytime noise level in living rooms is no greater than 35dBLAeq (16 hour) and it can meet the parameters of a noise rating 25 curve for bedrooms, confirmation of which should be submitted for information of North Ayrshire Council as Planning Authority.
4. That all double glazing shall be in the ratio of 10mm float glass - 12mm cavity - 6.4mm laminate glass with acoustic trickle vents fitted to all windows.

5. That the wall to the west and south boundaries shall be retained and upgraded and a new wall formed along the east boundary prior to the occupation of any dwellinghouse/flat.

6. That the applicant shall form a footway crossing to North Ayrshire Council Roads Guidelines to the satisfaction of North Ayrshire Council as Planning Authority.

7. That prior to the commencement of any works a suitable site investigation and desk study shall be undertaken to ascertain the presence of any contaminants and if present details of measures to tackle any contamination and the results submitted for the consideration and approval of North Ayrshire Council as Planning Authority.

8. That the surface water arising from the site shall be treated in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000" to the satisfaction of North Ayrshire Council as Planning Authority.

3.2 N/02/00913/PP: Irvine: Kidsneuk Gardens: Site to the South of 7A

Mrs S Kelly, 16 (7A) Kidsneuk Gardens, Irvine, has applied for planning permission for the erection of a dwellinghouse at a site to the south of that address.

At the meeting held on 7 April the Sub Committee considered a report which recommended that the application be refused on four grounds, one of which related to the lack of satisfactory drainage arrangements. At the time the Sub Committee was advised of the terms of a letter from the applicant's agent intimating that it may be possible to provide an acceptable solution for the drainage of foul and surface water. The Sub Committee expressed the view that the application may be made acceptable subject to this issue being resolved and agreed to continue the matter to allow further discussions with the applicant.

The Senior Development Control Officer advised that whilst it had not been possible to finalise details of the drainage arrangements in the intervening period, he was satisfied that an acceptable technical solution could be agreed with the applicant. It was recommended that the application be granted subject to conditions requiring the agreement of the details prior to the commencement of any works.

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

1. That prior to the commencement of any works full details of the proposals for the drainage of the foul and surface water shall be submitted and agreed in writing with North Ayrshire Council as Planning Authority.

2. 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.

3. That the two mature trees sited next to Kidsneuk shall be retained and shall not be lopped or felled without the prior written approval of North Ayrshire Council as Planning Authority.

4. That prior to the occupation of the house the car parking spaces and a separate turning area shall be provided within the site to the satisfaction of North Ayrshire Council as Planning Authority.

5. 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.

6. That prior to the commencement of any works the site shall be investigated for existence of gas arising from previous landfill operations in the vicinity of the site and if appropriate, a risk assessment/details of remedial action incorporated, all of which shall be submitted for the information and approval of North Ayrshire Council as Planning Authority.

3.3 N/03/00136/PP: Kilwinning: Site to the North of Whitehirst Farm

Mr H Fitzsimmons, 12 Beechwood, Kilwinning, has applied for planning permission for the conversion of an existing farm building into a single dwellinghouse with integral garage and stable at a site to the north of Whitehirst Farm, Kilwinning. Objections have been received from John R Nimmo, 1 Whitehirst Farm Courtyard, Elizabeth and Malcolm MacLean, Whitehirst Farmhouse, and Mr & Mrs James Hood per Jas Campbell & Co., Solicitors (owners of 3 Whitehirst Farm Courtyard), all Kilwinning.

The Senior Development Control Officer advised that the applicant had requested that the application be continued to a future meeting to allow him to come forward with amended proposals.

The Sub Committee agreed to continue the application to a future meeting.

4. North Coast and Cumbraes Local Plan Area

4.1 N/02/00151/PP: Largs: 52-56 Main Street

Alan Neilson, 52-56 Main Street, Largs, has applied for planning permission for the demolition of the rear shop and stores, an extension to the retail premises to form a retail space and stores, and for the erection of 8 flats, all at that address. Objections have been received from M Brown (Manager), Cancer Research UK, 44 Main Street, Margaret and G S Struthers, 60 Main Street, and Sheila McDonald, 60 Main Street, all Largs.

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

1. That prior to the occupation of the flats the first five metres of the mutual access measured from the heel of the proposed footway shall be hard surfaced in order to prevent deleterious materials being carried on to the public carriageway and designed in such a way that no surface water shall issue from the access on to the public carriageway.
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 or samples of all proposed external finishes, including the surface finish to the access from the public road, car park and manoeuvring areas.
3. That prior to the occupation of the flats, the parking provision manoeuvring area and access from the public road shall be constructed in accordance with the approved plans.
4. That no development shall take place within the development site outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

4.2 N/02/00633/PP: Largs: Rockland Park: Site to the North of 7A

Mr F Faeley, 7A Rockland Park, Largs, has applied for planning permission for the erection of a two storey house and detached double garage at that address. Objections have been received from David Clark, Broomcroft, Irvine Road, Mr and Mrs J Thomson, 6 Rockland Park, Mr and Mrs Ferns, 17A Rockland Park, F R MacDougall, 5A Rockland Park, Mr H Murphy, 7 Rockland Park, Mrs S D Brown, 10 Rockland Park, Mr J McMenemy, 5B Rockland Park, Gordon, Morag and Ian Lyall, 17 Rockland Park, and Mrs Jennifer A Clarke, 12 Rockland Park, all Largs.

The Sub 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 Policy HOU7 in the Adopted North Coast and Cumbraes Local Plan and to the Finalised Replacement North Ayrshire Local Plan (excluding Isle of Arran) in that: i) it would constitute backland development in that the house would not have an independent outlook; ii) that adequate sightlines at the access to Rockland Park cannot be provided on land within the applicant's ownership or control which would be detrimental to road safety; and iii) that the proposed development would result in the loss of trees within the site

where the Largs No 3 Tree Preservation Order is applicable which would be detrimental to the amenity of the area.

2. That the applicant has failed to submit information to prove that the site can be developed without detriment to the stability and safety of neighbouring residential properties.

4.3 N/02/00807/PP: Largs: 130 Greenock Road

Ossian Construction Ltd, 1 Glasgow Road, Paisley, have applied for planning permission for the demolition of the existing dwellinghouses and associated outbuildings at 130 Greenock Road, Largs, and for the erection of a residential flatted development comprising 25 flats and 7 maisonettes with associated parking/access. Objections were received from: Low Beaton Richmond Solicitors, 4A Frazer Street, Largs, on behalf of (i) Mr and Mrs S Zarkov, Danefield House, 148 Greenock Road, Largs, (ii) M MacBride, 1 Underbank, Greenock Road, and (iii) G Stark, 7 Underbank, Greenock Road; W Belford, 31 Underbank, Largs; S Laurie, 9 Underbank, Greenock Road; I W Lemen, 3 Underbank, Greenock Road; J Robertson and A Belford, 35 Underbank, Greenock Road; B T Chittick, 23 Underbank; J B Horn, 13 Underbank, Greenock Road; E and F MacMillan, Old Stables, Danefield, Greenock Road; F MacKenzie and G Smith, Danefield Lodge, 148 Greenock Road; and D B and H Henderson, 16 Underbank, Greenock Road, all Largs. Additional letters with multiple signatures were received from Mr and Mrs R Stoddart, Mr and Mrs B A Arneil and Mr and Mrs J W Connell, all residents of Underbank, Greenock Road, and J C Robertson, A Belford, J B Horn and I Bullock all residents of Underbank, Greenock Road, Largs. Neighbour notification was carried out following the submission of amended drawings which reduced the size of the building. Additional letters of objection were received Low Beaton Richmond Solicitors, 4A Frazer Street, Largs on behalf of (i) G Stark, (ii) M MacBride, and (iii) Mr and Mrs S Zarkov (with an attached petition containing 10 signatories); F MacKenzie and G Smith, Danefield Lodge, 148 Greenock Road, Largs; and S and D Williamson, Clanranald, 150 Greenock Road, Largs.

The Assistant Chief Executive (Legal and Protective) advised the Sub Committee that he had received a request for a deputation to be heard in respect of this application and that the Chair had agreed to this request. As the request had not been received until after the notice for the meeting had been issued there had been insufficient time to invite the applicant to attend the meeting. Consequently it was recommended that the application be continued to a future meeting to allow both parties to attend.

The Sub Committee agreed to continue the application to a future meeting.

4.4 N/02/00828/LUE: Largs: 17 Brisbane Road

Robert F Duff and Co, 30 Main Street, Largs, have applied for a certificate of lawfulness for the installation of roller shutters at 17 Brisbane Road, Largs.

The applicant provided satisfactory evidence that the roller shutters were installed more than 4 years prior to the date of the application.

The Sub Committee agreed to grant the certificate of lawfulness.

5. Naming of New Housing Development by Hanover Housing Association at James Street, Dalry

Submitted report by the Assistant Chief Executive (Development and Promotion) on the naming of a new housing development at James Street, Dalry.

The Sub Committee agreed that the development be named "Morris Court".

The meeting ended at 2.40 p.m.