

Development Control Sub Committee
29 September 1998

Irvine, 29 September 1998 - At a Meeting of the Development Control
Sub-Committee of North Ayrshire Council

Present

Samuel Gooding, David Munn, Ian Clarkson, James Clements, Margaret Highet, James Jennings, Thomas Morris, Irene Oldfather, Robert Reilly, John Sillars and Richard Wilkinson

In Attendance

R. Forrest, Principal Planning Officer, J. Delury, Principal Building Control Officer, D. Cartmell, Team Leader Development Control (Planning, Roads and Environment) and A. Little, Assistant Administration Officer (Chief Executive).

Chair

Mr Gooding in the Chair.

Apologies for Absence

Mr Carson and Mr Gallagher

1. Building (Scotland) Act 1959/70: Request for Relaxation

Submit report on the following application:-

a) St. Andrews Church, Main Street, West Kilbride: BW/98/0296 & RX/98/0031

Regulation 9 as read with Technical Standard D2.02 requires that the proposed first floor construction of a stair enclosure should be non-combustible.

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

That the proposed first floor to the store and to the new lift shall be constructed so as to provide 60 minutes fire protection from the underside of the floor.

b) Cooriedoon Nursing Home, Shore Road, Whiting Bay, Isle of Arran: BW/97/0902 & RX/98/0023

Regulation 9 as read with Technical Standard E2.28 requires a door that has to be secured against entry when the building is occupied to be readily openable from the inside.

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

- (1) That the building shall be installed with a fire detection and alarm system complying with BS 5839 Part 1: 1988 Type L1.
- (2) That the electromagnetic locks shall be fail-safe on activation of the fire alarm system including automatic fire detection equipment and shall comply with BS 5839 Part 3: 1988.
- (3) That the electromagnetic locks shall be fail-safe on local and general power failure.
- (4) That the electromagnetic locks shall be fitted with a mechanism to reduce residual magnetism in locking system.
- (5) That manual call points to BS 5839 Part 2: 1983 shall be provided adjacent to protected doors.
- (6) That the building staff levels shall be in accordance with staffing notice as issued by Ayrshire and Arran Health Board.
- (7) That the door shall have a suitable notice on the inside explaining the operation of the device.

2. Ardrossan/Saltcoats/Stevenston Local Plan Area

a) N/01/98/0130: Stevenston: 83c Glencairn Street

Mrs J McKenzie, 83c Glencairn Street, Stevenston has applied for a Change of use of land from public open space to garden ground and to erect a fence and wall at that address. An objection has been received from Mr and Mrs P Murray, 17 Grange Road, Stevenston.

Having considered the terms of the objection, the Sub-Committee agreed to grant the application and that in the interest of the amenity of the area it be subject to the undernoted condition:-

That the boundary enclosures shall comprise of the following: (i) a 3ft high wall, incorporating a pedestrian access gate, constructed to the same specification and appearance of the existing wall and gate fronting the dwellinghouse; and (ii) a vertical slatted close boarded fence, stained dark brown in colour, erected in the locations and to the heights specified in the plans hereby approved.

b) N/01/98/0405: Ardrossan: 73 Montfode Drive

Mr I Findlay, 73 Montfode Drive, Ardrossan has applied for planning permission for a side extension to the dwellinghouse to provide two bedrooms at that address. An objection has been received from I. Collins, 2 Island View, Ardrossan.

Having considered the terms of the objection the Sub-Committee agreed to refuse the application for the following reason:-

That the proposed development would be detrimental to the visual amenity of the

area by reason of inappropriate siting and design.

c) N/01/98/0485: Ardrossan: 49 Longcraigs Avenue

Mr and Mrs Armstrong, 49 Longcraigs Avenue, Ardrossan have applied for planning permission to alter and extend the dwellinghouse to form a balcony at that address. An objection has been received from Mr and Mrs Smith, 36 Longcraigs Avenue, Ardrossan.

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

That opaque glazing panels shall be installed in the side balustrade of the proposed balcony to the satisfaction of North Ayrshire Council as planning authority.

3. Arran Local Plan Area

a) N/01/98/0307: Corrie: High Corrie (to the north side of Corrie Burn)

West of Scotland Water, 206 St. Vincent Street, Glasgow have applied for planning permission to erect a water treatment works below ground level at High Corrie (to the north side of Corrie Burn), Corrie, Isle of Arran. Objections have been received from five residents of Corrie, Mr Pringle, 27 Peel Street, London, Mr Finlay, 76 Newbattle Terrace, Edinburgh and the Arran Civic Trust, per Ann Banks, High Glencloy, Brodick, Isle of Arran.

Councillor D Munn declared a pecuniary interest in this application and took no part in the discussion.

After discussion and 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 details of the types of colours of materials used for the exposed wall of the building, the door, the gabion walls and the road surface.

(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. Locally derived species shall be used for landscaping and the scheme shall include proposals for planting on the gabions.

(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.

b) N/01/98/0409: Brodick: Charters Towers/Cora Lynn

CU Developments, 6 Woodside Place, Glasgow have applied for planning permission to erect 13 houses (amendment to a previous consent) at Charter Towers/Cora Lynn, Brodick, Isle of Arran. Objections had been received from ten residents of Brodick, seven residents of Edinburgh, the Committee of Opposing Neighbours & Concerned Residents, per A. Dinwoodie, Kilreen, Brodick and the Arran Civic Trust, per Hazel MacLeod, Cnoc Ranald, Brodick, Isle of Arran and an additional objection was submitted by Mr I Leader, Brodick, Isle of Arran in relation to insufficient capacity of the sewage system during high tide.

The Principal Planning Officer outlined the previous permission granted in March 1998 and the amendments proposed viz a reduction in the number of houses from 14 to 13, amended house types, a slight relocation of the houses, slight alterations to the dimensions of the houses and the formation of individual accesses to three houses. At the request of North Ayrshire Council the applicant had modified the house designs to be similar to those for which permission was granted previously.

After discussion and 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 occupation of any of the dwellinghouses, West Mayish Road shall be increased in width to provide a 5.5 metre carriageway and a 2 metre wide footway on its west side over the full length of the frontage, to the satisfaction of North Ayrshire Council as planning authority.
- (2) That visibility splays of 2.5 metres by 60 metres at the junction of the new access with West Mayish 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 metres measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as planning authority.
- (3) That the corner radii at the shared surface transition at the junction with West Mayish Road shall be 4.5 metres.
- (4) That all planting, boundary walls and gates within the frontage garden areas of Plots 12, 13 and 14 shall have a maximum height or mature growth height of 1.05 metres above the adjacent carriageway level in order to maintain the West Mayish Road/Shore Road junction sightline of 4.5 metres by 90 metres to the west.
- (5) That the foul drainage from the proposed dwellinghouse shall connect to the public sewer via a septic tank.
- (6) 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 types and colours of the proposed external finishes.

(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) That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as planning authority amended drawings of the house on plot 12 showing the toilet window relocated to the front elevation and omitting the canopy on the side door.

4. Garnock Valley Local Plan Area

a) N/01/98/0172: Beith: Townhead of Threepwood (site to the west of)

J Kerr & J Lamont, West Overton, Beith have applied for outline planning permission for the erection of a dwelling house at Townhead of Threepwood (site to the west of), Beith. Objections have been received from Mr and Mrs Morton, East Cottage, Townhead of Threepwood and Mr Cunninghame, Townhead of Threepwood, Beith.

The Sub-Committee agreed to continue consideration of the application to a future meeting to allow re-evaluation of the information provided as a justification of an occupational need to live on the site.

5. Irvine/Kilwinning Local Plan Area

a) N/01/97/0289: Kilwinning: Woodside Areas F & G

On 26th May 1998 the Sub-Committee agreed to continue consideration of the application by Tay Homes, 11 Royal Crescent, Glasgow for planning permission to erect 240 detached, semi-detached and terraced villas & detached bungalows along with all associated garages & roadworks. Res. Area F - 99 units, Res. Area G - 141 units at Woodside, Kilwinning to allow (a) the Director of Planning, Roads and Environment to obtain further written information in relation to foul and surface drainage from West of Scotland Water; and (b) to ensure liaison between the applicant and Community Services in relation to the play areas and equipment. An objection was received previously from Mr and Mrs P Hamilton, Northwoodside

Cottage, Kilwinning.

The Team Leader Development Control advised that a written response has not been forthcoming from West of Scotland Water.

The Sub-Committee agreed to continue consideration of the application to a future meeting to allow the written confirmation in relation to foul and surface drainage arrangements to be obtained from the applicant and West of Scotland Water.

b) N/01/98/0338: Kilwinning: 84 (Site to the west of) West Doura Way

National Mission, 121 George Street, Edinburgh have applied for planning permission to erect a new church and church hall with associated car parking facilities at West Doura Way (84 site to the west of), Kilwinning. An objection has been received from Mr A Roy and Miss T Chaplin, 84 Stevenston Road, Kilwinning together with a list signed by 18 others confirming agreement with one or more of the points raised.

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

- (1) That prior to the commencement of the development a visibility splay shall be provided and maintained on the south and west side of the existing West Doura Way/Stevenston Road junction to the satisfaction of the local planning authority. The splay is the triangle of ground bounded on one side by the first 4.5m of the centreline of West Doura Way (the set back dimension) and the nearside trunk road carriageway measured 90m (the y dimension) from the intersection of the junction with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height between 1.05m and 2.00m positioned at the set back dimension to an object height of between 0.26m and 1.05m anywhere along the y dimension.
- (2) That there shall be no drainage connections to the trunk road drainage system.
- (3) That there shall be no means of direct access to the trunk road either pedestrian or vehicular.
- (4) That prior to the commencement of the use of the building 26 parking spaces shall be provided to the satisfaction of North Ayrshire Council as planning authority.
- (5) That access to the site shall be taken via a vehicular footway crossing (minimum 5.5m wide) as shown in figure 5.6 of the Roads Guidelines.
- (6) That prior to the commencement of the use of the building a 2m wide footway shall be provided along the frontage of the site tying into the existing footway leading from Stevenston road.
- (7) That no surface water shall issue from the site onto the public road.
- (8) That the first 5.0m of the new access shall be surfaced to prevent deleterious

material being deposited onto the public road.

(9) 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.

(10) 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 or a similar size and species, unless North Ayrshire Council as planning authority gives written consent to any variation.

(11) 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.

(12) That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as planning authority samples of the proposed external finishes and details of the car park surface.

(13) 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 all site boundary fences or walls which shall be erected prior to the commencement of the use of the building.

(14) That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as planning authority (a) sections through the site showing finished levels; and (b) details of surface water drainage proposals.

c) N/01/98/0360: Irvine: 12 Stronsay Way

Mrs Thomas, 12 Stronsay Way, Irvine has applied for a change of use of open space to garden ground and an extension at the front to form a garage at that address. An objection has been received from Mrs Barry, 11 Stronsay Way, Irvine.

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 any works full details shall be submitted for the approval in writing of North Ayrshire Council as planning authority of the finish of the driveway and treatment of the adjoining land.

(2) That the applicant shall form a footway crossing to North Ayrshire Council Roads Guidelines to the satisfaction of North Ayrshire Council as planning authority.

(3) That the driveway shall be surfaced in bituminous material in order to prevent deleterious material being carried onto the carriageway and surface water shall issue from the driveway onto the carriageway.

d) N/01/98/0365: Irvine: 6-8 High Street

Townhead Surgery, 6-8 High Street, Irvine have applied for planning permission for a first floor extension over an existing pend to provide additional office and surgery accommodation and the formation of a new rear access to the car park from East Road and pedestrian access only from High Street at that address. Objections have been received from three residents of Glasgow Vennel, Irvine.

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 any works details of the gate and the footpath crossing shall be submitted for the approval in writing of North Ayrshire Council as planning authority.

(2) That the use of the car park shall be restricted to staff employed within the Townhead practice.

g) N/01/98/0415: Kilwinning: 3 Oxenward Road

On 8th September 1998 the Sub-Committee considered a report by the Legal Services Manager on a proposal to serve an Enforcement Notice and Stop Notice on the owner and occupier of the Doctors Surgery within the curtilage of 3 Oxenward Road, Kilwinning. A site inspection had revealed a potential conflict between pedestrian and vehicular movement in the limited parking area between the rear of the supermarket and the Doctors Surgery which could present a danger to members of the public. Contrary to the terms of the report, the Sub-Committee took the view that the use of these premises as a Doctors Surgery would not generate any further pedestrian or vehicular traffic materially different from that generated by the previous use of the premises and would not therefore present a danger to members of the public, and declined to authorise service of an Enforcement Notice and Stop Notice. The owner, Mr C Blair, Claremont Hotel, Kilwinning has now applied for a change of use from a public bar and restaurant to a Doctors Surgery at 3 Oxenward Road, Kilwinning.

Discussion centred on (i) road safety concerns raised by the Roads Division in relation to pedestrian/vehicle conflict and (ii) the conditions recommended to achieve an acceptable operation.

In response to the first point, statistical information was provided to the Sub-Committee by the local member on the number of vehicles entering the car park, which showed 81% of all vehicles were unrelated to the surgery. The Sub-Committee were further advised that one of the four parking spaces for use by the surgery would be designated for use by the disabled.

Secondly, members were of the opinion that condition (1) should be amended to remove the requirement for three disabled parking bays, the carriageway markings

and erection of a sign and that there was no requirement for either condition (2) requiring the provision of a footway link, or condition (3) restricting the number of medical practitioners operating from the surgery.

In these circumstances, the Sub-Committee agreed to grant the application subject to the following condition:-

That within 7 days of the commencement of the use hereby approved the portakabins and fencing to the north of the proposed surgery shall be removed from the site and the four controlled parking spaces shall be formed and appropriately demarcated to the satisfaction of North Ayrshire Council as planning authority.

6. North Coast and Cumbraes Local Plan Area

a) N/01/98/0414: Largs: 40-42 Charles Street

On 8th September 1998 the Sub-Committee agreed to continue consideration of the application by North Ayrshire Developments, The Lodge, Irvine Road, Largs for modification of existing approvals: a) to create a new external door and 2 ground floor windows; and b) alterations to the west dormer (retrospective) at 40-42 Charles Street, Largs, to allow the Chair, Vice-Chair and local member to visit the site.

The site visit was held on 15th September 1998 when members viewed the front, rear and sides of the premises and noted the close proximity of the west side of the property to 38 Charles Street. Members considered the impact of the additional ground floor windows and door on the west side, and the construction of the dormer with full height windows to be detrimental to the privacy, enjoyment and amenity of 38 Charles Street, Largs and recommended the application be refused on the grounds specified in the site visit report and that enforcement action be initiated to remedy the breach of planning permission.

Having considered the site visit report and the original report by the Director of Planning, Roads and Environment, the Sub-Committee agreed:-

(a) that the planning permission for a new external door and 2 ground floor windows and alterations to the west dormer be refused on the following grounds:-

That the proposed alterations would result in the adjoining property at No. 38 Charles Street being overlooked which would be detrimental to the privacy, enjoyment and amenity of the property; and

(b) to refer the amended draft Enforcement Notice (Annex 1) to the Infrastructure and Environment Services Committee on 14th October 1998 for consideration.

b) N/03/98/0033: Largs: Noddleburn Road: Site to west of Sub-station

Mactaggart & Mickel Ltd, 126 West Regent Street, Glasgow have applied for planning permission to erect a signboard at Noddleburn Road (the grass verge between Noddsdale Water and Noddleburn Road at the junction with Barr Crescent),

Largs.

The Sub-Committee agreed to refuse the application on the grounds that the proposed sign would (i) be contrary to Policy COM12 of the North Coast and Cumbraes local plan in that the applicants have not demonstrated a specific need for an advance sign in this location; (ii) be detrimental to visual amenity by reason of its siting, design and appearance; and (iii) set an undesirable precedent for other advance signs which would be detrimental to the interests of amenity.

The meeting ended at 11.35 a.m.