

Infrastructure and Environment Services Committee
20 January 1999

Irvine, 20 January 1999 - At a Meeting of the Infrastructure and Environment Services Committee of North Ayrshire Council at 2.00 p.m.

Present

D. Munn, J. Carson, J. Clements, J. Donn, M. Highet, E. McLardy, T. Morris, R. Reilly, J. Sillars and G. Steven.

In Attendance

B. MacDonald, Assistant Chief Executive, R. Forrest, Principal Planning Officer, D. Cartmell, Team Leader Development Control (Development and Promotion); N. Buchan, Head of Roads (Property Services); I. MacKay, Assistant Chief Executive, J. Delury, Principal Building Control Officer and K. Thomas, Principal Environmental Health Officer (Legal and Regulatory); R. Lee, Senior Accountant (Finance); and A. Osborne, Corporate Policy Officer and M. McKeown, Administration Officer (Chief Executive's).

Chair

Mr Munn in the Chair.

Apologies for Absence

Ian Clarkson and Samuel Gooding.

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 25th November 1998, copies of which had previously been circulated, were confirmed.

2. Building (Scotland) Act 1959/70: Determination of Application for Building Warrant: Application RFS/5/BW/98/0352

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on an application for a Building Warrant in respect of the property at 55 Greenock Road, Largs.

The Committee agreed to refuse the application on the grounds that "the proposed development does not comply with the Building Standards (Scotland) Regulations 1990 as amended."

3. Air Quality Management: Review of Air Quality in North Ayrshire

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on the findings of the first stage review and assessment of Air Quality in North Ayrshire.

In terms of The Environment Act 1995 Local Authorities are required to assess the air quality in their respective areas and, where levels of air pollution exceed or are likely to exceed the specified standards, take appropriate measures, including introducing Local Air Quality Management Areas and Action Plans, to bring air quality within the specified standards.

First stage review and assessment undertaken by the Council's Environment Section has revealed that air quality in North Ayrshire is of relatively good quality, reflecting the Council's activities in this area. Air quality is measured against seven parameters and the air quality objectives for six out of the seven i.e. benzene, 1,3-butadiene, carbon monoxide, lead, PM10 and sulphur dioxide, are all likely to be achieved in North Ayrshire by 2005, and consequently there is no need to proceed to Stage II reviews for these parameters. With regard to the remaining parameter, nitrogen dioxide, there is insufficient information at this stage to conclude that the

specified standard will be achieved in the vicinity of local industrial sources and, therefore, a second stage review and assessment will be required.

The Committee agreed (a) to progress to a second stage review and assessment for nitrogen dioxide; (b) to support the continuation of air quality monitoring in North Ayrshire; and (c) to issue the report of the first stage review and assessment for consultation.

4. Ayrshire - Scotland's Global Connection

Submitted report by the Assistant Chief Executive (Development and Promotion) on Enterprise Ayrshire's proposals for a marketing and publicity strategy for Ayrshire.

Over the past few years market evaluations undertaken by Enterprise Ayrshire have revealed that Ayrshire suffers from not having a distinctive marketing brand within the UK. In an attempt to address this situation Enterprise Ayrshire propose to use the slogan "Ayrshire - Scotland's Global Connection" as its major logo and have requested that partner organisations in the Ayrshire Economic Forum, including North Ayrshire Council, also use this logo where appropriate e.g. on letterheads, on flags outside public buildings, and in a variety of other public arenas.

After discussion the Committee agreed (a) to support Enterprise Ayrshire's strategy in principle; and (b) to receive a further report from the Assistant Chief Executive (Development and Promotion) outlining how the Council might participate in the Strategy in a way that complements its own identity.

5. Traffic Regulation Order: Benslie Village

Submitted report by the Corporate Director (Property Services) on a proposal to introduce a 30mph speed limit on both roads running through Hamlet of Benslie Village.

At present there are no speed limitations on either of the roads running through Benslie Village other than the national speed limit. In the interests of road safety it is proposed that a Traffic Regulation Order should be promoted which introduces a 30mph speed limit on these roads.

The Committee agreed (a) to approve the investigation and preparation of a Traffic Regulation Order as outlined in the report; and (b) that the Order be advertised.

6. Traffic Regulation Order and Junction Amendments: A737 Trunk Road, Beith

Submitted report by the Corporate Director (Property Services) which provided details of The Scottish Office Development Department's traffic management proposals for the A737 Trunk Road at Beith By-Pass, Beith.

At present the A737 Trunk Road at Beith consists of a short stretch of 30mph speed limit at its northern end, with the remainder of the road to its southern limit at Manrahead Roundabout, having a national 60mph speed limit.

The junctions with the B706 to Burnhouse, and the B777 to Gateside and Roebank Road at the northern end of Beith, tend to be the location of the majority of road accidents along this length of road. In the interests of improving the road the Scottish Office proposes (a) to relocate the 30 mph speed limit on the A737 at the north end of Beith and construct a 'gateway' at the boundary of this area; (b) to reduce the speed limit on the area of the A737 Trunk Road known as "The Beith By-Pass" from 60 mph to 50 mph; and (c) to alter the junction at Roebank Road with the A737 so that the junction will allow for safer use.

Noted.

7. Bridge Assessment Programme: Proposed Restrictions

Submitted report by the Corporate Director (Property Services) on the weight restrictions necessary to protect bridges in North Ayrshire until appropriate upgrading works can be carried out.

In November 1998 the Committee considered a report by the Corporate Director (Property Services) which identified bridges in North Ayrshire where weight restrictions will have to be introduced to facilitate introduction of 40 tonne lorries from 1st January 1999.

In order to minimise disruption to road users, alternatives to weight restrictions have since been investigated with the result that of the 18 bridges initially identified, 9 will no longer require weight restrictions due to the introduction of temporary supports and/or changes to road layouts, and a further 2 will have less onerous weight restrictions imposed in conjunction with other measures. Temporary Traffic Regulation Orders to impose the weight restrictions where required are being prepared and will be implemented as soon as statutory procedures are complete. The other measures will be introduced early in 1999.

The Committee (a) approved the measures set out in the report; and (b) agreed to receive a report detailing further structures where weight restrictions may be introduced in due course.

8. Trunk Roads Management Agency Contract 1999 - 2001

Submitted report by the Corporate Director (Property Services) which advised of the success of the South West Partnership, of which North Ayrshire Council is a member, in securing the Trunk Roads Management Agency Contract 1999-2001 against competition from the private sector.

The Committee agreed to the further involvement of North Ayrshire Roads Services staff in trunk road works associated with the Trunk Roads Management Agency Contract 1999/2001.

9. Ayrshire Structure Plan Written Statement

Submitted report by the Assistant Chief Executive (Development and Promotion) seeking approval of the Ayrshire Joint Structure Plan Written Statement, which sets out the strategic policies that will guide major industrial, residential and commercial development, protect the environment, and provide a framework for the development of an efficient and integrated transport system within Ayrshire.

The Written Statement was presented to Members at a Seminar held 14th December 1998 and now requires to be formally approved by the Council before it can be submitted to The Secretary of State.

Arising from discussion on this item, Councillor Carson again raised the matter of the absence of the site at Highfield, Irvine from the list of sites allocated for housing development in Policy HOU 1 of the Replacement Irvine and Kilwinning Local Plan. The Local Plan Sub Committee originally considered representations regarding this matter, together with similar representations regarding other sites, at its meeting held on 5th November 1998, but agreed that the requests were not justified. The Infrastructure and Environment Services Committee subsequently agreed at its meeting held on 25th November (with Councillor Carson dissenting) that a finalised version of Replacement Local Plan should be prepared and published.

After a full discussion the Committee agreed (a) that the Chief Executive advise members of the Committee on the proper established procedures to deal with the issue raised by Councillor Carson in relation to the consultation phase of the Finalised Local Plan; and (b) that the Written Statement be remitted to the full Council for approval.

10. Draft Environmental Assessment (Scotland) Regulations 1999

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on the background to a Scottish Office consultation on the draft Environmental Assessment (Scotland) Regulations 1999.

The Committee approved a response to the original Scottish Office consultation on the Government's proposals for implementing Directive 97/11/EC on Environmental Assessment in September 1997. The Scottish Office are now seeking comments on draft Regulations which incorporate Directive 97/11/EC into the Town and Country Planning system in Scotland, and on other changes to the Environmental Assessment procedures and the Town and Country Planning system in Scotland put forward by the Secretary of State. These include proposals to extend and clarify the application of the Regulations and also in relation to retrospective applications for operations which require environmental statements where the Secretary of State is seeking views on proposals to introduce time limits for the (i) preparation of such statements; and (ii) provision of further information failing which the application would be deemed to be refused.

After discussion the Committee homologated the action of the Vice Chair in authorising the submission of a response to The Scottish Office in the terms outlined in the report.

11. Draft National Planning Policy Guideline (NPPG): Planning and the Historic Environment

Submitted report by the Assistant Chief Executive (Development and Promotion) on a draft NPPG on Planning and the Historic Environment issued for consultation by The Scottish Office.

The draft guideline reinforces current legislation; sets out the Government's policies for planning and development in historic environments with a view to their protection, conservation and enhancement; outlines national policy on the historic environment which local authorities should consider in formulating and assessing development proposals; explains how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development; and identifies a range of planning action designed to achieve conservation objectives, including implications for development plans and development control. The implications for North Ayrshire Council of the draft NPPG were outlined.

The Committee agreed (a) to advise The Scottish Office that in welcoming the principles set out in the draft NPPG 9, the Council (i) is nevertheless concerned at its implications for staff resources in respect of the preparation of in-depth studies of the historic environment to provide for the assessment of development proposals; (ii) deplores the lack of recognition of the financial implications on owners, developers and the Council; and (iii) considers that the draft NPPG fails to address the practical problems experienced in the small towns of North Ayrshire; and (b) to advise COSLA of the Council's views as indicated.

12. Pilot Scheme to Apply Listed Building Control to Buildings in Ecclesiastical Use

Submitted report by the Assistant Chief Executive (Development and Promotion) on a Pilot Scheme being undertaken by Historic Scotland to apply Listed Building Control to Buildings in ecclesiastical use.

Under current arrangements, ecclesiastical buildings in use are exempt from listed building control. Historic Scotland have now initiated a pilot scheme to apply listed building and conservation area controls to such buildings, for a three year period beginning 1st January 1999. During this period churches will be required to apply for listed building consent in respect of all works proposed for the exterior of buildings in ecclesiastical use. Changes to interiors will continue to be dealt with by self regulation, and denominations have been invited to set up appropriate Decision Making Bodies (DMB's). Where the Planning Authority is minded to refuse consent, the church can either accept this decision or seek consent from their denomination's

DMB.

The Committee agreed that the Assistant Chief Executive (Legal and Regulatory) monitor the situation regarding additional applications and consultations during the pilot scheme over the next three years.

13. National Waste Strategy Draft Interim Planning and Development Sub Strategy

Submitted report by the Assistant Chief Executive (Development and Promotion) on the terms of the Draft Interim Planning and Development Sub Strategy produced by the Scottish Environment Protection Agency (SEPA).

National Planning Policy Guideline 10 on Planning and Waste Management, issued in March 1996, directed that existing waste disposal plans previously prepared by local authorities will be succeeded by a single national waste strategy, to be prepared by SEPA. As part of this process SEPA have produced and issued for consultation a Draft Interim Planning and Development Sub Strategy. The proposals contained within the Sub Strategy will form part of the National Waste Strategy and aim to inform local authorities of SEPA's current thinking on waste issues and assist decisions regarding waste matters which may need to be taken by local authorities before publication of the full strategy.

The document potentially impacts on the Structure Plan and Local Plans as well as Development Control decisions and whilst the principles contained in it are consistent with the broad approach taken by the Council in the preparation of policies relating to waste there are a number of areas of concern which were highlighted.

After discussion the Committee agreed that comments contained in Appendix 1 of the report should be submitted to SEPA as the Council's formal response to the consultation on the draft Interim Planning and Development Sub Strategy.

14. Consultation by Neighbouring Planning Authority on a Retail Development in Ayr

Submitted report by the Assistant Chief Executive (Development and Promotion) on a consultation issued by South Ayrshire Council in respect of a planning application for a change of use of vacant industrial land and the erection of a 10,200 seat stadium and 12000 sq. ft. retail development and associated parking at land behind 100 Heathfield Road, Ayr.

The consultation was issued on 2 December 1998 with responses being sought within 14 days and, in view of this timescale, and taking cognisance of current Government advice on new retail and commercial development, the Assistant Chief Executive (Development and Promotion) had advised South Ayrshire Council that there were no objections to the proposed stadium, but that the proposed retail development was contrary to the approved Strathclyde Structure Plan, to Policies L8 & L9 of the draft finalised Ayrshire Joint Structure Plan and to NPPG8: Town Centres and Retailing, in that it is a major retailing proposal in an out of town centre location, and that it should be refused.

The Committee approved the action taken by the Assistant Chief Executive (Development and Promotion) in responding to South Ayrshire Council in the terms indicated.

15. Development Brief: Carrick Drive, Irvine

Submitted report by the Assistant Chief Executive (Development and Promotion) on a Development Brief to guide development on the site at Carrick Drive, Irvine.

The Committee approved the development brief.

16. Diversion of a Right of Way at Glengarnock Primary School

Submitted report by the Assistant Chief Executive (Legal and Regulatory) seeking to confirm the North Ayrshire Council (Glengarnock Primary School, Kilbirnie) Public Path Diversion Order 1998.

In November 1997 the Committee approved the making of an Order to divert the Right of Way through the school grounds of Glengarnock Primary School to an alternative route adjacent to the grounds. The alternative route had already been created and was in use. The draft Order was made, advertised and lodged in Kilbirnie Library and no objections have been received.

The Committee agreed to confirm the North Ayrshire Council (Glengarnock Primary School, Kilbirnie) Public Path Diversion Order 1998.

17. Outstanding Applications for Planning Permission for Determination

Submitted reports by the Assistant Chief Executive (Legal and Regulatory) on the following applications:-

(a) N/01/98/0538: Stevenston: High Road: Nelson Road (site to east of)

On 10th November 1998 the Development Control Sub Committee considered an application from Ayrshire and Arran Community Health Care NHS Trust, 3 Barns Park, Ayr to erect a Community Health Care Resource Centre, incorporating treatment interview rooms and associated office accommodation, alterations and improvements to High Road/Nelson Road junction, at a site to the east of Nelson Road, High Road, Stevenston. Objections had been received from 8 residents of High Road, Stevenston and in view of these, and reservations expressed by local members, it was agreed to continue consideration of the application to allow the Sub-Committee, together with appropriate local members, to meet with the applicant and the objectors in a public forum to discuss the application.

This meeting took place on 23rd November 1998 and a report on proceedings was subsequently considered by the Development Control Sub Committee on 1st December 1998 when, having regard to the level of public dissent expressed at the public meeting, it was agreed that the application should be remitted to the Infrastructure and Environment Services Committee for determination.

The Committee were however advised that following the publication of the Mental Health Framework by Ayrshire and Arran Health Board, combined with the Government's White Paper 'Designed to Care' and Green Paper 'Working Together for a Healthier Scotland', the Trust have now requested that the application be further continued to allow it to undertake a full review of service provision in all areas of Ayrshire and Arran.

The Committee agreed to continue consideration of the application to the March meeting.

(b) N/01/98/0653: Stevenston; 4A Moorpark Road East

W Ahmad, 158 Eastwoodmains Road, Clarkston, Glasgow, has applied for planning permission for a change of use of a vacant building to form a dwellinghouse at 4a Moorpark Road East, Stevenston.

The application was advertised in the local press as development contrary to the Development Plan and no objections have been received, although it was acknowledged that the public representation period in respect of the Press Notice has still to expire.

The Committee agreed to grant the application subject to no objections being received within the public representation period.

(c) N/01/98/0537: Brodick: Home Farm Cottages

Arran Aromatics Limited, Home Farm, Brodick, Isle of Arran, have applied for planning

permission for the demolition of cottages and for the erection of 3 retail units and the formation of a new road layout, car parking and coach set down point, at Home farm Cottages, Brodick, Isle of Arran.

The site lies in the countryside as defined by the adopted Arran Local Plan and the application was therefore advertised in the Arran Banner on 3rd October 1998 as being potentially contrary to the Development Plan. One objection was received from Arran Civic Trust per H M MacLeod, Cnoc Ranald, Brodick, Isle of Arran.

The Committee, having noted the terms of the objection, agreed to grant the application subject to the following conditions:-

1) that visibility splays of 2.5 metres by 120 metres at the exit (VEH8a) from the car park shall be provided and maintained on land within the applicant's control, including the land to the south of the site, such that there is no obstruction to visibility above a height of 1.05 metres above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.

2) that prior to the occupation of the retail units "entrance/no exit" signing shall be erected at both junctions with route A841 and signing and carriageway markings shall be provided within the site to inform of car parking location and the one-way traffic systems, details of which shall be agreed in writing with North Ayrshire Council as Planning Authority.

3) that positive drainage shall be installed at the new bus set down point and shall incorporate the existing gully at the entrance to the car park, to the satisfaction of North Ayrshire Council as Planning authority.

4) that the retail units shall not be occupied until the connection to the public sewer is complete.

5) 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 design for the clock tower.

6) that the retail units shall be occupied only by occupiers or tenants of existing premises at Home Farm, Brodick to the satisfaction of North Ayrshire Council as Planning Authority.

7) that no development shall take place until there has been submitted (LS1) to and approved by North Ayrshire Council as Planning authority a scheme of landscaping, which shall include details of species, planting densities, solid 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 building 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 other of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

(d) N/01/98/0608: Kings Cross: Plot 2

J & N D Cox, 40 Masefield Road, Droylsdan, Tameside, Manchester, have applied for planning permission to erect a three bedroomed bungalow with garage at Plot 2, Kings Cross, Isle of Arran. No objections have been received.

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

1) that the roof of the proposed house shall be clad with dark coloured roof tiles, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

2) that prior to its occupation, the dwellinghouse shall be provided with a mains water supply to the satisfaction of North Ayrshire Council as Planning Authority.

3) that prior to the occupation of the house: i) a 9m x 2.5m lay-by shall be formed along the north-east frontage of the site which shall be surfaced in a bituminous material: and ii) the existing roadside ditch shall be piped under the proposed driveway and lay-by, the remainder of the ditch being retained without alteration, all to the satisfaction of North Ayrshire Council as

Planning Authority.

4) that the first 2 metres of the access 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.

5) that all drainage arrangements shall be to the satisfaction of SEPA and North Ayrshire Council as Planning Authority.

(e) N/01/98/0580: Irvine: 30 -40 Bridgegate

S F G Properties, Ingram House, 227 Ingram Street, Glasgow, have applied for a change of use from Class 1 (Retail) to Class 3 (licensed restaurant) and the alteration of units internally to form one large unit at 30-40 Bridgegate, Irvine.

The proposals were advertised as being potentially contrary to the adopted Local Plan and a bad neighbour type development but no objections were received.

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

1) that prior to the commencement of the use hereby approved, details of the ventilation system shall be submitted and agreed with North Ayrshire Council as Planning Authority and the agreed system installed to the satisfaction of North Ayrshire Council.

(f) N/01/98/0607: Irvine: Ayr Road: Site at the junction with Gales Road

Gales Sports and Leisure Limited, 74 South Beach, Troon, have applied for planning permission for the erection of a Sports Complex with hotel/bar/café/restaurant/golf shop; 4 indoor tennis courts; 5 outdoor soccer pitches; a golf driving range (20 bays); a 9 hole par 3 golf course and the formation of 6 serviced plots at the junction of Ayr Road with Gales Road, Irvine.

The site is allocated for housing purposes in the adopted Local Plan and the proposals were therefore advertised in the local press as being contrary to the Development Plan and as a bad neighbour type of development. Nine representations were received from residents of Ayr Road, Irvine.

The Committee, having noted the terms of the objections, agreed to grant the application subject to notification to The Secretary of State under Article 16 of the Schedule attached to the Town and Country Planning (Notification of Application) (Scotland) Direction 1997, and subject to the following conditions:-

1) that prior to the commencement of the use of any buildings with the hotel/sports complex, the foul drainage shall be connected to the public mains sited at Gales Pumping Station, the exact route to be agreed and confirmed in writing with North Ayrshire Council as Planning Authority.

2) that prior to the commencement of any works to form the golf course, details of the final layout, contours and engineering works to form the golf course, shall be submitted for the approval in writing by North Ayrshire Council as Planning Authority, which layout shall be prepared in conjunction with the advice of Scottish Natural Heritage and Scottish Wildlife Trust and the publication "Greener Golf: The Scottish Golf Course Wildlife Initiative".

3) that prior to the commencement of any works, a detailed landscaping plan and future landscape management proposals shall be submitted for the approval of North Ayrshire Council as Planning Authority, which plan and proposals shall give details of (a) the species, planting densities, soil treatment and aftercare of the trees and shrubs; (b) additional areas to be planted as indicated on the site plan 330-08 Rev D; (c) existing areas of trees to be removed or thinned; (d) additional screening along the perimeter where there are gaps in existing planting; (e) the erection of fences along the eastern boundary and at the golf driving range; and (f) the management of the golf course in accordance with the guidelines set down in the Scottish Golf Course Wildlife Group publication - "Golf's Natural Heritage - An Introduction to Environmental Stewardship on the Golf Course".

4) that no trees or hedges shall be felled unless in accordance with the approved landscaping proposals and landscape management plan.

5) that prior to any works to form the golf course, a survey of existing plants and wildlife shall be undertaken and the results submitted to North Ayrshire Council as Planning Authority.

6) that all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the planting scheme to be agreed 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.

7) that a minimum of 190 parking spaces shall be provided to serve the sports complex/golf driving range prior to the commencement of the use of these facilities, with the balance of 40 spaces being provided prior to the completion of the works to form the accommodation block.

8) that prior to the commencement of the use of the driving range/sports complex the two metre wide footway along Marine Drive linking to Ayr Road as indicated on drawing 330 - D8 Rev D shall be provided.

9) that prior to the commencement of the use of the driving range sports complex a bus lay-by shall be provided on Ayr Road at a location and of dimensions to be agreed in writing with North Ayrshire Council as Planning Authority.

10) that all safety protective fencing around the golf course and golf driving range shall be erected prior to the commencement of the use of these facilities.

11) that no floodlights shall be erected without the express approval of North Ayrshire Council as Planning Authority.

12) that the express approval of North Ayrshire Council as Planning Authority shall be obtained with regard to the siting, design and external appearance of the houses to be sited on the plots 1-6, shall be obtained before any development on each plot is commenced.

13) that each house shall be restricted to two types of finishes to the external walls.

14) that the roofing material to all dwellings and garages shall be a flat grey roof tile.

15) that all dwellings and garages shall have a minimum roof pitch of 30.

16) that vehicular access points for each plot shall be located at the position shown on drawing no. 330-10C and driveways shall be a minimum of 6m long where there is an integral garage or 10m long where there is a detached garage or otherwise.

17) that all vehicles leaving plots 1-6 shall be able to do so in a forward gear and a turning area shall be maintained on each plot at all times.

18) that all site boundary fences to the house plots shall be erected prior to the occupation of the adjoining dwellinghouse.

19) that the septic tank serving house plots 1-6 shall be sited no further than 30m from a suitable hardstanding surface capable of supporting a road suction tanker.

20) that a suitable access shall be reserved to enable a road suction tanker to empty existing septic tanks located to the rear of existing houses on the west side of Ayr Road.

21) that no development of any plot shall take place until a soil porosity test has been carried out to the satisfaction of North Ayrshire Council as Planning Authority.

22) that the surface water drainage shall be excluded from the septic tank.

(g) N/01/98/0654: Irvine: Riverside Way: Zone BP11 (Science Unit)

Enterprise Ayrshire have applied for planning permission for the erection of a science unit (class 4) and the formation of an access road at Zone BP11 (Science Unit), Riverside Business Park, Irvine.

The application was advertised as being contrary to Leisure Policies 5 and 6 and Countryside Policy 8 in the adopted Local Plan. No objections have been received.

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

1) that visibility splays of 4.5 x 160 metres shall be provided at the function of the new access road with Riverside Way 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.

2) that the 2.0 metres wide footway along the south side of Riverside Way linking the development to Long Drive shall be constructed prior to the occupation of any buildings served by the new access hereby approved.

3) that a 5 metre reservation strip for the provision of a footway/cycleway located shall be left between the south of the proposed science unit and river Irvine, details of which all be

agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works.

4) that no development shall take place until there has been (LS1) 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.

5) that all planting, seeding or turfing comprised in the approved (LS2) 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.

(h) N/01/98/0170: Fairlie: Fairlie Castle

William John Kirkwood, Kelburnfoot, Kelburn Estate, Fairlie, has applied for planning permission for (a) the construction of a new outbuilding (private garage/store) as a temporary dwellinghouse; (b) the erection of a 1.8m high timber fence; and (c) the erection of scaffolding around the castle to carry out detailed survey work at Fairlie Castle, Fairlie.

In the adopted North Coast and Cumbraes Local Plan the site is located in a Countryside area and is unaffected by any site specific policies therein. The proposals were advertised as development affecting the setting of a listed building and also as development potentially contrary to the development plan. One objection was received from Mr J Riddell, 8 Montgomerie Crescent, Fairlie.

The Committee, having noted the terms of the objection, agreed to grant the application subject to (a) the applicant entering into an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 whereby:-

1) the temporary use of the garage/store as a dwellinghouse shall cease once the castle has been deemed suitable for habitation.

2) when the temporary use of the garage/store as a dwellinghouse ceases, it shall be used solely as a garage/store for the private use of the occupants of the castle.

3) the duration of the temporary residential use of the garage/store shall be a maximum of five years from the date of this planning permission.

4) planning permission is granted to facilitate the restoration of Fairlie Castle and if for any reason the castle is not restored or works are abandoned within five years of the date of the grant of planning permission, the garage/store will be removed and the site restored to its previous condition.

5) a full application for planning permission for the restoration of the castle shall be lodged within 12 months of the date of the grant of planning permission for the garage/store, etc.

6) a financial bond is provided by the applicant for the demolition of the garage/store and restoration of the site should the restoration of the castle fail to proceed; and

(b) subject to the following conditions:-

1) that drainage from the development shall be connected to the public sewer system.

2) 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 and no building materials, rubbish etc., shall be deposited on the slopes of the glen.

3) that the applicant shall use a raft foundation, such as that detailed in the engineer's letter enclosed with the application, which does not disturb deposits below the bottom horizon of the present turf line.

4) that the applicant shall limit the depth of the excavation needed to provide vehicular access and hard standing for parking purposes to a depth which does not disturb deposits below the bottom horizon of the present turf line.

5) that the applicant shall import from beyond the vicinity of the site such material as is required to raise the ground level surrounding the proposed new building to provide frost cover for the shallow raft foundation.

6) 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 (a) turf stripping or any other ground excavation required by the development; (b) excavation of post-holes for the proposed fence; (c) excavation of service trenches associated with the new building. 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 Archaeological Service. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commenced.

7) that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of: i) the location and specification of the proposed 1.2m boundary fence; ii) planning proposals for the proposed hedge adjacent to the boundary fence; iii) the proposed realignment of the footpath which passes through the site; and (iv) the proposed external finishes to the building.

8) that the boundary fence hereby approved shall be removed within five years of the date of this permission or on the successful establishment of the proposed hedge adjacent to it, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.

9) that visibility splays of 2.5m x 20m at the access to the site 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.

18. CH/01/95/0041: 17 Pencil View, Largs: Enforcement Notice in respect of Breach of Planning Conditions

Submitted report by the Assistant Chief Executive (Legal and Regulatory) on the servicing of an Enforcement Notice in respect of a breach of planning conditions.

On 3rd March 1995 conditional planning permission was granted to McAlindon Building Contractors for the substitution of the house type on Plot 9 (17 Pencil View) within the grounds of the former Red Cross House at the south end of Largs on the west side of Irvine Road. Condition 1 stated that prior to the occupation of the dwellinghouse the applicant should: i) submit for the written approval of the Planning Authority full details of the proposed cast iron fencing to the boundary with the railway line; and ii) erect the fencing. No details of the fencing have been lodged nor has a fence been built.

The Committee agreed that a Breach of Condition Notice with regard to the failure to comply with Condition 1 of planning permission No CH/01/95/0041 (substitution of house type at 17 Pencil View, Largs) be served.

19. Conferences

Submitted report by the Chief Executive on invitations to attend conferences/seminars relevant to the remit of the Committee.

The Committee (a) agreed that the Chair and one Officer should attend the Scottish Housing and Planning Council Annual Conference and Exhibition to be held between 24th and 26th March 1999, in the Hydro Hotel, Peebles; and (b) authorised the attendance of an Officer from Roads Services at the "Scottish Parliament - what can it do for Rural Transport?" conference to be held on 12th February 1999 in Inverness.

Meeting ended at 3.45 p.m.