

Development Control Sub Committee  
13 May 1997

**Irvine, 13 May 1997** - At a Meeting of the Development Control Sub-Committee of North Ayrshire Council at 2.00 p.m.

**Present**

David Munn, Ian Clarkson, James Clements, Margaret Highet, Elizabeth McLardy, Peter McNamara, Thomas Morris, Robert Rae and Robert Reilly.

**In Attendance**

R. Forrest, Principal Officer Planning, D. Cartmell, Team Leader Development Control, D. McDowall, Team Leader Building Control (Planning, Roads and Environment) and J. Bannatyne, Administration Officer (Chief Executive).

**Chair**

Mr. Munn in the Chair.

**Apologies for Absence**

Samuel Gooding, James Jennings, Alan Munro and John Sillars.

**1. Maintenance of Open Space in Housing Developments**

Submit report on the problems with the maintenance of open space in private housing developments and proposals for securing the implementation and maintenance of such open space.

In 1987 the former Cunninghame District Council adopted a procedure whereby developers were advised that the Council would agree to maintain open space in perpetuity once it had been brought up to Council standards and a capitalised sum of 5 times annual maintenance paid. Some developers, however, have never pursued this option preferring instead to make their own arrangements. Problems have arisen where maintenance of common areas is dependent on the agreement of all owners and where no Residents' Association or Factor is in place prior to occupation. This has led to many estates being largely unmaintained.

The Community and Recreational Services Committee on 4 June 1996 agreed (a) to adopt the revised policy for the adoption of open spaces in private housing developments increasing the capitalised sum from 5 times to 10 times the annual cost of maintenance; and (b) that the Director of Community and Recreational Services make approaches to tenants and residents' associations in respect of the adoption of open spaces for private housing developments as appropriate. A Joint Member/Officer Working Group has also been set up to review the situation.

It is proposed that a comprehensive planning policy on open space provision and maintenance be drawn up which would be incorporated into all Local Plans.

After discussion, the Sub-Committee agreed (a) that the Director of Planning, Roads and Environment should submit a comprehensive planning policy on open space to a future meeting of the Infrastructure and Environment Services Committee; and (b) to recommend to the Infrastructure and Environment Services Committee that the following interim measures be adopted:- (i) developers should be made aware of the Council's requirements for the adoption of open space, as approved by the Community and Recreational Services Committee; (ii) that it be made conditional on developers to secure arrangements for the management of landscaped areas prior to the development being occupied, where Council adoption is not being pursued; and (iii) that it be made conditional that

developers, where appropriate, make occupiers and owners aware of their obligations towards maintenance, prior to moving in, through the marketing package; and (c) that the Legal Services Manager be requested to clarify the legal position in relation to the interim measures at (b) (ii) and (iii) above.

## **2. Ardrossan/Saltcoats/Stevenston Local Plan Area**

### **a) N/01/96/0334: Stevenston: Site to the north of Pennyburn roundabout**

BJK Aitken Holdings Ltd/Granada Hospitality Ltd, 385 Hillington Road, Glasgow have applied for outline planning permission for the erection of a petrol filling station, roadside diner, 40 bed travel lodge and family restaurant, associated parking, landscaping and formation of access at the site to the north of Pennyburn roundabout, Stevenston. Objections have been received from Safeway Plc, per Montagu Evans, Surveyors, Edinburgh and Mrs C Watson, 2 Duddingston Avenue, Kilwinning.

After a full discussion the Sub-Committee agreed (a) to continue consideration of the application; and (b) that a Member/Officer Working Group comprising all members of the Sub-Committee of 13 May 1997 be appointed to discuss the application further and report to the Infrastructure and Environment Services Committee on 11 June 1997.

### **b) N/01/97/0037: Saltcoats: 13 Winton Street**

Mr E McLaughlin, 13 Winton Street, Saltcoats has applied for planning permission to alter and extend a public house to form additional restaurant accommodation at The Hip Flask, 13 Winton Street, Saltcoats. Objections have been received from Mr and Mrs P O'Hanlon, 2 Winton Street, Saltcoats, Mr and Mrs G Campbell, 2c Winton Street, Saltcoats, Mr L Tortolano, 4 Winton Street, Saltcoats, Miss E Boyle, 7 Winton Street, Saltcoats, Mr and Mrs A Anderson, The Shambles, Winton Street, Saltcoats, Mrs G Roberts, 11 Melbourne Terrace, Saltcoats, Miss B Manfredini, 12 Melbourne Terrace, per James Campbell & Co., Solicitors, Mr J Keith and J Oliphant, Nelson Cottage, 2 Montgomerie Road, Saltcoats, Mr S Malcolm, 7 Melbourne Terrace, Saltcoats and 42 local residents who have signed a petition.

After discussion and having considered the terms of the objections, the Sub-Committee agreed to refuse the application on the grounds that the proposed development would constitute an extension to a non-conforming use within a residential area which would be detrimental to the amenity of adjacent residential properties by reason of noise and disturbance.

### **c) (i) N/01/97/0054: Saltcoats: 57 Raise Street**

Gian Piero Narducci, 5 South Crescent, Ardrossan has applied for a Change of Use of shop to form a new hot food shop and store at 57 Raise Street, Saltcoats. A petition of 124 signatures has been received in objection. On 22 April 1997, the Sub-Committee agreed to continue consideration of the application to allow the Chair and Vice-Chair/Local Member to visit the site.

Having considered the terms of the report of the Member/Officer Working Group held on 7 May 1997, and the terms of the objection and following further discussion the Sub-Committee agreed to refuse the application on the grounds that the proposed development would detract from the amenity of the residential area by reason of noise and disturbance.

### **3. Arran Local Plan Area**

#### **a) N/01/96/0642: Lamlash: Mona Mohr**

Mr R A Rae, 5 Main Street, Dunlop has applied for planning permission for the rehabilitation and conversion of derelict buildings, involving partial demolition (approximately 30%) of existing structure and rebuild to form a five apartment dwelling house at Mona Mohr, Lamlash, Isle of Arran.

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

- 1) That the driveway access shall be widened at the junction with route A841 to enable vehicles to enter and exit the driveway at 90 to the public road to the satisfaction of North Ayrshire Council as Planning Authority.
- 2) That visibility splays of 2.5m by 125m to the south and 2.5m by 90m to the north at the junction with route A841 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.
- 3) That a 9m by 2.5m layby, surfaced in a bituminous material, shall be formed at the entrance adjacent to route A841.
- 4) That the first 2.5m of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried on to the carriageway.
- 5) That all surface water run-off from the access shall be directed into the roadside ditch which shall be culverted under the widened access and new layby to the satisfaction of North Ayrshire Council as Planning Authority.

#### **b) N/01/96/0713: Shiskine: Woodside (site to north of)**

Mr and Mrs J MacAlister, Shedog Cottage, Shiskine, Isle of Arran have applied for planning permission to construct a new house at Woodside (site to north of), Shiskine, Isle of Arran.

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

- 1) That the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Acts 1972 or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
- 2) That visibility splays of 2.5 metres by 125 metres at the junction with the String 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 first 2 metres of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried on to the carriageway and in such a way that no surface water shall issue on to the public road.
- 4) That prior to the occupation of the proposed dwellinghouse it shall be connected to the public mains water supply.
- 5) That effluent disposal arrangements shall comply with the current code of practice BS 6297:

1983 with septic tank effluent being disposed of to a sub-soil soakaway system designed to have no detrimental effect on any private water supplies in the area and with surface water excluded from the septic tank.

- 6) That no development shall take place until a soil porosity test has been carried out to the satisfaction of North Ayrshire Council as Planning Authority.
- 7) 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 and colours of external finishes.

**c) N/01/97/0073: Blackwaterfoot: Cairnhouse Riding Centre**

David and Dawn Murchie, Cairnhouse Riding Centre, Blackwaterfoot, Isle of Arran have applied to erect a dwelling house at Cairnhouse Riding Centre, Blackwaterfoot, Isle of Arran.

The Sub-Committee agreed to grant the application subject to the condition that the occupation of the dwellinghouse hereby approved shall be limited to the owner and/or manager of Cairnhouse Riding Centre or a dependant of such a person residing with him or her, or a widow or widower of such a person.

**d) N/01/97/0088: Kings Cross: Fish Farm Shore Base**

Marine Harvest McConnell, Farms Office, Blar Mhor Industrial Estate, Fort William have applied for planning permission for the continued use of existing building at the fish farm shorebase and the erection of a new workshop building and floating pontoon at fish Farm Shore Base, Kings Cross, Isle of Arran.

The Sub-Committee agreed to grant the application, subject to the condition that internal drainage from the new workshop connecting to the septic tank shall be from the shower only.

**e) N/01/97/0152: Kings Cross: Plot 2 (Opposite Scripture Union Camp Site)**

Agnes W Morgan, Merrick, Kings Cross, Isle of Arran has applied for outline planning permission for the erection of a single dwelling house at Plot 2, Kings Cross, Isle of Arran. Objections have been received from A Marsh, Seaview House, Kings Cross, Isle of Arran and Mr D Bannatyne on behalf of Phyllis Warwick, The Cottage, Kings Cross, Isle of Arran.

Having considered the terms of the objection, the Sub-Committee agreed to refuse the application on the grounds that the proposed development would be contrary to Policy HOU5 in the adopted Isle of Arran Local Plan in that it would constitute residential development in the countryside for which no unique justified need has been demonstrated.

**4. Garnock Valley Local Plan Area**

**a) N/01/97/0119: Dalry: Carsehead Foundry**

Mr A McCluckie, Carsehead Foundry, Dalry has applied for planning permission to extend a factory to form a moulding shop at Carsehead Foundry, Dalry. Objections have been received from Mr A Hume, 11 St. Palladius Terrace, Dalry and H Gilbert, Coalheughglen Farm, Dalry.

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

- 1) 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 west and north boundaries of the site, which shall include details of species, planting densities, soil treatment and aftercare.

- 2) 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.
- 3) That the width of the existing access shall be increased to 6m.
- 4) That the access road shall have a kerbed radii of 10.5m.
- 5) That the first 10m of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried on to the carriageway.
- 6) That a visibility splay of 4.5m x 90m x (to the west) and 4.5m x 130m (to the east) 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.
- 7) 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 both staff and visitor parking.
- 8) That prior to the commencement of the development the applicant shall construct the required parking and no vehicles shall be parked outwith the site on the trunk road.

**b) N/01/97/0121: Dalry: Barkip Farm (land to south of)**

Wm Tracy Ltd, 15 Carlibar Road, Barrhead have applied for a variation of planning permission reference 01/95/0346 to increase the rate of infilling at Barkip Farm, Dalry. Objections have been received from Mr C Brown, 273 Hanworth Road, Hampton, Defence Estates Organisation, Hilton Road, Rosyth and R. Logan, Bellscauseway, Barrmill Road, Beith.

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

- 1) That the applicant shall be the sole operator and user of the site.
- 2) That access to and from the site shall be via routes B706 and C19 (between RNAD and Barkip Farm) with no site traffic using route C19 (to the west of Barkip Farm) via Highfield or The Den.
- 3) That the use permitted shall only operate between the hours of 0700 and 1900 on Mondays to Fridays inclusive, and 0700 and 1300 on Saturdays unless prior written approval from North Ayrshire Council as Planning Authority is obtained for any variation.
- 4) Restricted use of the site may operate on Saturdays from 1300 to 1900 (for up to 5 loads) and on Sundays from 0700 to 1900 (for up to 10 loads).
- 5) That wheel washing facilities shall be provided within the site to ensure that no loose material/mud is carried onto the public road; and

(b) to ask SEPA what requirements they will impose on the Waste Disposal Licence to ensure there is no seepage into the Bombo burn.

## **5. Irvine/Kilwinning Local Plan Area**

### **a) (i) N/01/96/0707: Irvine: Lawthorn 6B North**

Barratt West Scotland, Mayfield House, 7 Maggie Woods Loan, Falkirk have applied for planning permission to erect 18 dwellinghouses at Cairnmount, Lawthorn 6B North, Irvine. On 22 April 1997, the Sub-Committee agreed (a) to continue consideration of the application; and (b) that the Director of Planning, Roads and Environment report to the next meeting on the options for securing the implementation and ongoing maintenance of open space within housing areas. An objection has been received from Mr J D Allan, 11 Wardlaw Gardens (Plot 18), Irvine.

The report requested on Maintenance of Open Space in Housing Developments has been dealt with at item 1. In relation to this particular application, the landscaping consists of the planting of staked standard trees in the front garden of the houses, thereafter to be maintained by the owners thus presenting no future problems.

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

- 1) That the developer shall erect chestnut paling fencing to protect existing trees and planted areas surrounding the site prior to the commencement of any works.
- 2) 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.
- 3) That the driveways shall be a minimum of 6 metres long where there is an integral garage.
- 4) That the first 2 metres of the access measured from the edge of the carriageway shall be surfaced in bituminous material in order to prevent deleterious material being carried on to the carriageway.
- 5) The site shall be drained so that no surface water shall issue from the driveways on to the adjoining roadway.

(b) In response to a request by the local member, the Sub-Committee further agreed that a plan showing former Irvine Development Corporation sites with 6(l) consent yet to be developed be provided to all local members.

## **6. North Coast and Cumbraes Local Plan Area**

### **a) N/01/96/0728: Millport: 39 Glasgow Street**

Teen Challenge (Strathclyde), The Haven, Horsecraigs, Kilmacolm have applied for planning permission for (i) a Change of Use from a home for mentally handicapped persons to accommodation and self help religious training centre for formerly disadvantaged people; and (ii) retrospective permission for a fire escape stair enclosure at 39 Glasgow Street, Millport. Objections have been received from Mr J Wotherspoon, 42 Glasgow Street, Millport, M K Robinson, 38 Glasgow Street, Millport and Miss H MacIntyre, 38 Glasgow Street, Millport, and Cumbrae Community Council.

Having considered the terms of the objections, the Sub-Committee agreed to grant the

application subject to the condition that the premises shall be used for the purpose of accommodation and self help religious training centre for formerly disadvantaged people as described in the applicants supporting letters of 28 April 1996 and 26 November 1996 and for no other purpose (including any other purpose in Class 13 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1989 or in any provision equivalent to that Class in a statutory instrument revoking or re-enacting that Order.

**b) N/01/97/0001: West Kilbride: Hunterston B Power Station**

Scottish Nuclear Ltd, 3 Redwood Crescent, Peel Park, East Kilbride have applied for planning permission to construct a Marine Organism Return Facility (MORF) and associated sodium hypochlorite dosing facility including access at Hunterston 'B' Power Station, West Kilbride.

After discussion the Sub-Committee agreed to refuse the application on the grounds that the proposed development, by reason of its siting, design and appearance, would be: (i) detrimental to the amenity of the area; and (ii) contrary to Policy ENV1 of the Strathclyde Structure Plan in that it would have an adverse environmental impact on the area.

**c) N/01/97/0180: Largs: 17-19 Main Street**

Mr R H Lambert, 17-19 Main Street, Largs has applied for a Change of Use of hotel to public house on ground floor and maisonette on upper floors at the George Hotel, 17-19 Main Street, Largs.

The Sub-Committee agreed to grant the application.

The meeting ended at 3.05 p.m.