

Development Control Sub Committee
5 May 1998

Irvine, 5 May 1998 - At Meeting of the Development Control Sub-Committee of North Ayrshire Council at 10.30 a.m.

Present

S. Gooding, D. Munn, J. Carson, I. Clarkson, J. Clements, M. Highet, J. Jennings, E. McLardy, T. Morris, R. Reilly and J. Sillars.

In Attendance

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

Chair

Mr Gooding in the Chair.

Apologies for Absence

Peter McNamara and Gena Seales

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

a) Rivergate House (2nd Floor), Irvine: BW/98/0281 & RX/98/98/0018

Regulation 9 as read with Technical Standard D2.02 requires non-combustibility of separating walls.

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

- (1) That the separating walls will achieve 60 minutes fire resistance from both sides; and
- (2) That a suitable fire detection and alarm system will be installed in accordance with BS 5839 Part 1 1988 Type L1.

b) Land adjacent to Caledonian MacBrayne Slip, Millport: BW/98/0262 & RX/98/0019

Regulation 9 as read with Technical Standard M2.5 requires that drainage be connected to a public sewer or septic tank.

The Sub-Committee agreed to grant the application subject to the sealed cesspool being fitted with a High Level Alarm to ensure it is emptied when required.

2. Ardrossan/Saltcoats/Stevenston Local Plan Area

a) N/01/98/0039:Ardrossan: 8 & 10 McMillan Drive

MacTaggart & Mickel Ltd, 126 West Regent Street, Glasgow have applied for planning permission to erect 3 dwelling houses and garages at 8 and 10 McMillan Drive and 1 Miller Place, Ardrossan. Objections have been received from Mr & Mrs Gillen and Mr Glendinning of McMillan Drive, Ardrossan and Mr J Robertson, Mr & Mrs J Muir, Mr & Mrs R Craig, Ms S Savage, Mr & Mrs W Johnstone, Mr G Appleton, M & F Hamilton, Mr J Bennet, Mr W Laird, and Mr R Wilson all of

Miller Place, Ardrossan. Representations have also been received from Mr P Shiells, 8 Quarrelton Grove, Johnstone and Mr T McMaster, 14 Longfield Place, Saltcoats.

Having considered the terms of the objections and representations, the Sub-Committee agreed to refuse the application on the grounds that the proposed development would be detrimental to the visual amenity of the area by reason of the inappropriate height of the proposed dwellinghouses in relation to the existing character of the adjoining area.

b) N/01/98/0046: Saltcoats: Donaldson Avenue: Former Garage

Mr T Bennett, c/o Lawrence McPherson Associates, Chartered Town Planners, Beresford Court, Ayr have applied for outline planning permission for a residential development at Donaldson Avenue, Saltcoats. Objections have been received from Mr B Campbell, 102 Argyle Road, Saltcoats and a petition of 9 signatures of residents of Argyle Road per Mr J Paterson, 92 Argyle Road, Saltcoats.

Having considered the terms of the objections the Sub-Committee 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 a Risk Assessment in relation to potential ground contamination within the site ground, together with proposals for any required remediation, shall accompany any subsequent application for approval of Reserved Matters.

3) That the development hereby approved shall not exceed 2 storeys in height and shall incorporate off street parking to North Ayrshire Council Roads Guidelines.

The reason for additional condition (3):-

(3) In the interests of the amenity of the area and to meet the requirements of North Ayrshire Council as Roads Authority.

3. Arran Local Plan Area

a) N/01/98/0088: Whiting Bay: Silverhill Plot 8

Mr and Mrs I S Edwards, 1 Alexander Place, Irvine has applied for planning permission to erect a dwelling house and garage at Silverhill Plot 8, Whiting Bay, Isle of Arran.

The Sub-Committee agreed to refuse the application on the grounds that the proposed development would be premature in advance of construction of the access road which is inadequate for further development without improvement.

b) N/01/98/0109: Shiskine: Balmichael Visitors Centre (site to east of)

Ms M Currie, Birchburn, Shiskine, Isle of Arran has applied for planning permission to erect a detached bungalow for an agricultural worker at Balmichael Visitors Centre (site to the east 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 277 of the Town and Country Planning (Scotland) Act 1997 or in forestry, of a dependent of such a person residing with him or her, or a widow or widower or such a person.

2) That prior to the occupation of the proposed dwellinghouse a 9 metre by 2.5 metre lay-by surfaced in bituminous material shall be formed adjacent to the driveway access, to the

satisfaction of North Ayrshire Council as Planning Authority.

3) That visibility splays of 2.5 metres by 90 metres as 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 1.05 metres measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.

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 and in such a way that no surface water shall issue onto the public road.

5) That the proposed dwellinghouse shall be provided with an adequate and wholesome water supply, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

6) That the proposed dwellinghouse shall be connected to the public mains water supply when it becomes available.

7) 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 and with surface water excluded from the septic tank and the soakaway.

8) 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.

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.

The reason for additional condition (9):-

(9) To secure a landscaping scheme in the interest of amenity.

c) N/01/98/0117: Whiting Bay: Auchencairn: Cairndhu Cottage (site to south of)

Mr J A Kerr, Ashbank, Auchencairn, Whiting Bay, Isle of Arran has applied for outline planning permission for the erection of a dwellinghouse at Cairndhu Cottage (site to the south of) Auchencairn, Whiting Bay, Isle of Arran.

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 constitutes residential development in the countryside for which neither an identified occupational need nor a unique justified need has been demonstrated.

d) N/01/98/0142: Brodick: Brodick Castle (Lower Walled Garden)

The National Trust for Scotland, Greenbank House, Flenders Road, Clarkson, Glasgow have applied for planning permission to site two residential caravans to provide temporary accommodation for seasonal staff within the lower walled garden of Brodick Castle, Brodick, Isle of Arran. An objection has been received from C J G Fforde, Arran Estate Office, Brodick, Isle of Arran.

Having considered the terms of the objection the Sub-Committee agreed to grant the application subject to the condition that the caravans hereby permitted shall be removed and the land restored to its former condition on or before 31 December 1998.

4. Garnock Valley Local Plan Area

a) N/01/97/0656: Kilbirnie: 85 Main Street

Mr and Mrs Anwar, 1/1 18 Prince Edward Street, Glasgow have applied for a change of use from a butcher's shop to a hot food take away at 85 Main Street, Kilbirnie. Objections have been received from Mr W McMillan, 18 Main Street, Kilbirnie, Ms A McGuinness, 12 Lindsay Avenue, Kilbirnie, the West of Scotland Cat and Dog Welfare Charity, 33 Main Street, Kilbirnie and Carlton Investment, 14 Bridge Street, Kilbirnie, per Houston and Dunlop, Architects, Kilbirnie.

Having considered the terms of the objections the Sub-Committee agreed to refuse the application on the grounds that the proposed development would be detrimental to road safety and the free flow of traffic using the Main Street in that it would exacerbate existing problems associated with on-street parking at this location.

b) N/01/98/0089: Burnhouse: Brookholm

Mr N Misset, Brookholm, Burnhouse has applied for planning permission to extend the existing yard and erect a shed for the storage of domestic appliances at that address.

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

1) That the premises shall be used for the storage of domestic appliances associated with the repair business operating at Brookholm and for no other purposes.

2) That there shall be no external storage of materials, waste, plant or equipment.

3) That a sample of the finishing materials shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of any works.

4) That prior to the commencement of the use of the building the applicant shall remove the storage containers from the site to the satisfaction of North Ayrshire Council as Planning Authority.

5) 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 north, east and south boundaries of the site, which shall include details of species, planting densities, soil treatment and aftercare.

6) That all planting, seeding and 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.

5. Irvine/Kilwinning Local Plan Area

a) N/01/98/0061: Dreghorn: 79 Main Street

G Horianopoulos and F Safeti, 9 Donaldson Drive, Irvine have applied for a change of use of a shop unit to form a fast food take-away at 79 Main Street, Dreghorn.

The Sub-Committee agreed to grant the application subject to the condition that prior to the commencement of the use the applicant shall submit full details of the proposed extraction system for the approval in writing of North Ayrshire Council as Planning Authority, which system shall be installed to the satisfaction of North Ayrshire Council as Planning Authority.

b) N/01/98/0119: Kilwinning: 6 Pathfoot (site to the south west of)

Mr M Bradley, 66 Shore Road, Stevenston has applied for planning permission to erect a

dwellinghouse at 6 Pathfoot (site to the south west of), Kilwinning. An objection has been received from M. Fulton, 17 Pathfoot, Kilwinning.

Having considered the terms of the objection 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 samples of the proposed external finishes.

2) That the developer shall secure the implementation of an archaeological watching brief, the terms of reference for which will be supplied by the West of Scotland Archaeology Service, and shall be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to recover and record items of interest and finds. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council Planning Authority and West of Scotland Archaeology Service in writing not less than 14 days before development commences.

c) N/01/98/0135: Irvine: 2 Stanecastle Road

J. Singh, 15 Speyburn Place, Irvine has applied for alterations and a change of use of hotel to form a dwelling on the first floor and public house/ restaurant with carry out facility on the ground floor of 2 Stanecastle Road, Irvine.

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

1) That the floorspace of the dining area of the licensed restaurant shall comprise not less than 50% of the total floor area of the bar/restaurant facility excluding toilets unless agreed in writing with North Ayrshire Council as Planning Authority.

2) That prior to the alteration and change of use taking place the applicant shall identify a location for the storage of wheeled bins for the approval in writing of North Ayrshire Council as Planning Authority.

3) That details of a means of enclosure along the gap in the west boundary which shall be not less than 1.8m high, shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority and erected prior to the commencement of the use as a public house/restaurant.

4) That the open area to the rear of the hotel shall be retained as curtilage attached to the flat for the sole use of the occupier.

d) N/01/98/0136: Irvine: 20 Gottries Road

Mr T Long, 20 Gottries Road, Irvine has applied for the continuation of use as a hot food carry out shop without compliance with Condition 1 of the existing planning consent (CH/01/93/0192) at that address.

The Sub-Committee were of the opinion that the use is now compatible with adjoining residential uses and agreed to grant the application.

e) N/01/98/0146: Kilwinning: Montgreenan

Montgreenan Mansion House Hotel, Montgreenan Estate, Kilwinning have applied to erect a dwellinghouse and garage at that address. An objection has been received from F. McCulloch, Mains Bungalow, Montgreenan, Kilwinning.

After discussion, and having considered the terms of the objection, 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 samples of the proposed external finishes.
- 2) That the septic tank shall be sited within a distance of 30m of a suitable hard surface to allow it to be emptied by a road suction tanker.
- 3) That the septic tank shall comply with BSI 6297:1983.
- 4) That surface water drainage shall be excluded from the septic tank.
- 5) That the occupation of the dwelling shall be limited to a person solely or mainly employed by Montgreenan Mansion House Hotel and their dependants.

f) N/01/98/0150: Irvine: 89 Sillars Meadow

W. Gamble, 89 Sillars Meadow, Irvine has applied for planning permission to extend the existing house to form an additional dining room, bathroom, bedroom, conservatory and extend existing bedrooms at that address.

The Sub-Committee agreed to grant the application.

6. North Coast and Cumbraes Local Plan

(a) N/01/98/0037: Portencross: Meadow Cottage (site to south of)

On 24 March 1998 the Sub-Committee agreed to continue consideration of the application for outline planning permission by Magnox Electric Plc, Berkeley Centre, Berkeley, Gloucestershire for the erection of one dwellinghouse at the site to the south of Meadow Cottage, Portencross to allow the Chair, Vice-Chair and local member to visit the site. Objections were received previously from A & J McLachlan, Auldhill Cottage, T. Kater, Meadow Cottage, W & A Kolon, South Banks House, all of Portencross, Miss M Sammons, 88 Hunter Avenue, Ardrossan and a letter representing the views of 13 members of Portencross Association from A. Glen, Acting Chairman, c/o Cumbrae Cottage, Portencross and West Kilbride Amenity Society per P. Anslow, 6 Ardrossan Road, Seamill. Additional letters have been received from A. Glen, Acting Chairman, c/o Cumbrae Cottage and A & J McLachlan, Auldhill Cottage, both of Portencross. A representation was also received from West Kilbride Community Council.

The site visit was held on 6 April 1998 and members were of the opinion that the principle of a house on the site accords with the planning requirements identified in the Local Plan.

Immediately prior to the meeting of 14 April 1998 further objections to the application were received from A. H. Naismith, South Banks House, Portencross and Portencross Association, c/o A. McLachlan, Auldhill Cottage, Portencross and it was agreed to continue the application to the next meeting to allow due consideration to be given to the further objections.

The further objections detailed specific issues relating to Portencross Castle and did not raise any new issues in relation to the application.

After discussion and having considered the terms of all objections, the Sub-Committee 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 the proposed dwellinghouse shall be of 1 or 1 ½ storeys in height, it shall have a dual pitched roof finished in slate, or an acceptable alternative and shall be sensitively designed to

respect the character of Portencross.

3) That prior to the occupation of the house a turning area shall be provided within the site to the satisfaction of North Ayrshire Council as Planning Authority.

4) That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed septic tank and soakaway drainage arrangements which shall be designed and constructed in accordance with the current code of practice BS 6297: 1983 and to the satisfaction of North Ayrshire Council as Planning Authority.

5) That no developed shall take place until a soil porosity test has been carried out to the satisfaction of North Ayrshire Council as Planning Authority.

6) That surface water drainage shall be excluded from the septic tank.

7) That the septic tank shall be located in such a position as will enable it to be emptied by road tanker.

8) That no spoil dumping, building operations, alteration to the drainage system or tree felling or pruning operations shall take place on the land adjoining to the south, which is in the applicant's ownership and outlined in blue on the plan hereby approved, without the prior written approval of North Ayrshire Council as Planning Authority.

9) That notwithstanding the permission granted by Article 3 or and Classes 1 to 6 inclusive of Part 1 or 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 dwellinghouse.

10) That notwithstanding the permission granted by Article 3 of and Class 7 of Part 2 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 gates, fences, walls, or other means of enclosure within the curtilage of the dwellinghouse

b) N/01/98/0077: Skelmorlie: Skelmorlie Mains (Site to south of)

Mr H Stirrat, Skelmorlie Mains Farm, Skelmorlie has applied for planning permission to replace a fire damaged cottage with a one and a half storey dwellinghouse plus a new access roadway at the site to the south of Skelmorlie Mains Farm.

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

1) That visibility splays of 2.5m x 60m at the junction of the proposed driveway within the public 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.

2) 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 onto the carriageway.

3) That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority revised proposals for the colour of the facing brick finish to the basecourse of the building.

4) That prior to the occupation of the dwellinghouse it shall be provided with a water supply from the public mains.

5) That the proposed drainage arrangements shall be to the satisfaction of SEPA and North Ayrshire Council as Planning Authority and may involve the provision of a larger septic tank to comply with the current code of practice BSI 6297: 1983.

6) That the septic tank shall be sited within a distance of 30 metres of a suitable hard standing surface to enable it to be emptied by road suction tanker.

c) N/01/98/0101: West Kilbride: 25 Ritchie Street

Mr I Logue, 11 Bellard Road, West Kilbride has applied for a change of use from a retail outlet to a flatted dwelling at 25 Ritchie Street, West Kilbride. An objection has been received from West Kilbride Community Council, per J Lamb, 97 Ardrossan Road, Seamill and The 100 Burghs Trust, 110 Gilmore Place, Edinburgh.

After discussion and having considered the terms of the objection the Sub-Committee agreed to grant the application subject to the condition that prior to the commencement of the development the applicant shall submit details of alternative external finishes for the frontage of the property for the written approval of North Ayrshire Council as Planning Authority.

7. Urgent Item

The Chair agreed to hear the following urgent item.

8. Hot Food Establishments

The prevalence of hot food applications was noted and the Sub-Committee agreed that the Director of Planning, Roads and Environment prepare a briefing for the Chair and Vice Chair on the issues associated with hot food establishments generally.

The meeting ended at 11.45 a.m.