

Development Control Sub Committee
20 October 1998

Irvine, 20 October 1998 - At a Meeting of the Development Control Sub-Committee of North Ayrshire Council.

Present

Samuel Gooding, David Munn, Jack Carson, Ian Clarkson, Stewart Dewar, David Gallagher, Margaret Highet, James Jennings, Thomas Morris and Irene Oldfather.

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 (Chief Executive).

Chair

Mr Gooding in the Chair.

Apologies for Absence

Robert Reilly, John Sillars, George Steven and Richard Wilkinson.

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

a) Irvine: 90 East Road: BW/98/0701 & RX/98/0043

Regulation 9 as read with Technical Standard D3.10 requires places of special fire risk must be separated from the remainder of the building by compartment walls and where appropriate compartment floors providing 60 minutes fire protection.

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

(1) That the burner areas shall be enclosed within a place of special fire risk providing 60 minutes fire resistance and the booth shall achieve at least 30 minutes fire resistance from both sides.

(2) That a suitable high temperature heat detector shall be installed in the spray booth wired through the fire alarm system in accordance with BS 5445 Part 8 1984.

b) Irvine: Unit 6, Riverway Retail Park: New Street:

(i) BW/98/0714 & RX/98/0048

Regulation 9 as read with Technical Standard E3.04 requires that an escape route must not include a roller shutter.

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

1) That the roller shutters over the fire exits leading into the garden centre shall be locked in the open position when the store is occupied by either staff or public.

2) That information in Condition 1 shall be included in the building's Health and Safety Policy to ensure that the building is fit for use.

(ii) BW/98/0714 & RX/98/0049

Regulation 9 as read with Technical Standard D7.02 requires that a single storey compartment of a building exceeding a cubic capacity of 14,200 metres cubed must not contain a gallery.

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

- 1) That the floor of the gallery shall be constructed of openwork flooring
- 2) That a fire detection system shall be installed to the underside of the gallery in accordance with Bs 5839.
- 3) That the gallery shall be used for storage requiring limited access by staff.

c) Kilbirnie: 56 Fudstone Drive

(i) BW/98/0835 & RX/98/0039

Regulation 9 as read with Technical Standard S2.06 requires that the minimum width of stair to be not less than 800mm.

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

That the stairlift provides increased mobility for the disabled person, allowing movement to the upper floor of the house with adequate width being maintained on the stair to allow any able bodied person access to the same areas.

(ii) BW/98/0835 & RX/98/0044

Regulation 9 as read with Technical Standard S2.18 requires that the minimum width and length of the landing be not less than the width of the stair.

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

That a minimum width of 354mm shall be maintained on the landing when the stairlift is in the parked/stowed position.

d) Dalry: 33 Mair Avenue

(i) BW/98/0836 & RX/98/0037

Regulation 9 as read with Technical Standard S2.06 requires the minimum width of a stair to be not less than 800mm.

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

That an adequate width of 251mm shall be maintained on the stair.

(ii) BW/98/0836 & RX/98/0038

Regulation 9 as read with Technical Standard S2.12 requires the minimum width and length of the landing to be not less than the width of the stair.

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

That the minimum width of 251mm shall be maintained on the landing when the stairlift is in the parked/stowed position.

e) Dalry: 60 Townend Street: BW/98/0837 & RX/98/0034

Regulation 9 as read with Technical Standard S2.06 requires the minimum width of a stair to be not less than 800mm.

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

That an adequate width of 261mm shall be maintained on the stair.

f) Springside: 16 Finnie Terrace

(i) BW/98/0840 & RX/98/0032

Regulation 9 as read with Technical Standard S2.18 requires the minimum length and width of a landing must not be less than the width of the stair.

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

That an adequate width of 485mm shall be maintained on the landing when the stairlift is in a parked/stowed position.

(ii) BW/98/0840 & RX/98/0032

Regulation 9 as read with Technical Standard S2.06 requires the minimum width of a stair to be not less than 800mm.

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

That an adequate width of 264mm shall be maintained on the stair.

g) Dalry: 26 St Margaret Avenue

(i) BW/98/0867 & RX/98/0040

Regulation 9 as read with Technical Standard S2.06 requires the minimum width of a stair to be not less than 800mm.

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

That an adequate width of 320mm shall be maintained on the stair.

(ii) BW/98/0867 & RX/98/0046

Regulation 9 as read with Technical Standard S2.18 requires the minimum width and length of a landing to be not less than the width of the stair.

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

That the minimum width of 480mm shall be maintained on the landing when the stairlift is in the parked/stowed position.

h) Kilwinning: 11 Greenfoot

(i) BW/98/0841 & RX/98/0035

Regulation 9 as read with Technical Standard S2.06 requires the minimum width of a stair to be not less than 800mm.

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

That an adequate width of 653mm shall be maintained on the stair.

(ii) BW/98/0841 & RX/98/0036

Regulation 9 as read with Technical Standard S2.18 requires the minimum width and length of a landing to be not less than the width of the stair.

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

That a minimum width of 514mm shall be maintained on the landing when the stairlift is in the parked/stowed position.

2. Ardrossan/Saltcoats/Stevenston Local Plan Area

a) N/01/98/0272 & N/01/98/0273: Saltcoats: Hamilton Street: Former La Scala Site

At the meeting of the Sub-Committee held on 30th June 1998, members considered an application from J D Wetherspoon PLC, Wetherspoon House, Central Park, Reids Crescent, Watford for a change of use of the former La Scala Cinema, Hamilton Street, Saltcoats to a public house.

An objection had been received from Spook Erection Ltd per Armstrong Payne Associates, Planning and Development Consultants, 35 Kay Street, Penrith, Cumbria and in view of this, and reservations expressed by local members, it was agreed to continue consideration of the application, and to remit to the Chair, Vice-Chair and local members to meet the applicant, the objector, representatives of Strathclyde Police, and the Roads Division in order to discuss these issues prior to the application being determined.

The meeting took place on 11th August 1998 and after considering the issues raised, it was agreed that the application should be further continued pending additional information from the applicant on such issues as opening hours, servicing arrangements; use of CCTV within and outwith the premises; proportions of activities within the building and occupancy level; and confirmation of the terms of any agreement with the objector regarding the provision of a toilet facility for Saturday market traders.

In relation to these points the applicant had subsequently confirmed that: (a) the public house will open between 11.00 a.m. and 11.00 p.m. (although they may apply to remain open to 12.00 a.m. on Fridays and Saturdays); (b) the premises will be serviced twice each week from Hamilton Street (before 10.00 a.m.); (c) CCTV will be installed within and immediately out with the premises and the applicant will be willing to contribute financially to a wider CCTV system; (d) the maximum occupancy will be 280 persons; (e) no agreement had been reached with the objector regarding the provision of a toilet facility.

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

(1) That prior to the commencement of the use hereby permitted the applicant shall submit for the written approval of North Ayrshire Council as planning authority, proposals for the erection of warning signs to discourage the overnight parking of customer vehicles in the adjacent car park at the rear of the premises, which signs shall be erected both on the external walls and within the premises prior to commencement of use;

and that further conditions be added to restrict the permission in terms of the proposed development and minimise conflict with traffic in Hamilton Street.

(2) That this permission relates only to the change of use of the building and that the proposed beer garden and external alterations shown on the indicative floor plans submitted with the application are not hereby approved.

(3) That servicing of the premises shall be limited to two occasions per week, excluding

weekends and shall be carried out prior to 10.00 a.m.

It was further agreed that the Director of Planning, Roads and Environment should contact the objector to discuss the possibility of relocating the market to another site within the town.

b) N/01/98/0390: Stevenston: 35 New Street

Mr K S Barhaya, 112 Springkell Avenue, Pollockshields, Glasgow has applied for a change of use of former bank premises to a cafeteria with hot food take-away, alterations to the shopfront and installation of a flue at 35 New Street, Stevenston. An objection has been received from Mr M Fisek, 39 Boglemart Street per Rennie & Co, Solicitors, Irvine.

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

(1) That the use hereby permitted shall not operate between the hours of 24.00 in any day and 17.00 the following day.

(2) That prior to the commencement of the use hereby approved the applicant shall submit for the written approval of North Ayrshire Council as planning authority proposals for (i) the provision of litter bins, which bins shall be provided during the opening hours of the premises, and (ii) details of arrangements for storage of commercial waste prior to uplift for disposal; and that an further condition be added in the interests of free flow of traffic and road safety.

(3) That there should be no on street parking associated with this development in breach of the parking conditions.

c) N/01/98/0463: Stevenston: 2 Townhead Street

Mr M Aziz, 2 Townhead Street, Stevenston has applied for a change of use from a shop unit to a hot food takeaway at that address. An objection has been received from Mr M Fisek, 39 Boglemart Street, per Rennie & Co, Solicitors, Irvine.

Having considered the terms of the objection, the Sub-Committee agreed to continue consideration of the application, to allow further consultations to take place with the Estates Section and the Housing Directorate regarding the erection of an extractor flue on the rear wall of the Council owned flat above the premises.

3. Arran Local Plan Area

a) N/01/98/0024: Brodick: Market Road: Auction Market (site to east of)

Mr A Gold, Per R N Brass & Associates, Invercloy House, Brodick, Isle of Arran has applied for the continued use of the storage depot for liquefied propane gas cylinders at the Auction Market (site to the east of), Market Road, Brodick, Isle of Arran.

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

(1) That the use hereby permitted shall be discontinued and the land restored to its former condition on or before 31st October 2001.

(2) That the access shall be maintained at its existing width, that the first 6m of the access from Market Road shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and that it shall be designed in such a way that no surface water shall issue from the access onto the carriageway, all to the satisfaction of North Ayrshire Council as planning authority.

(3) That there shall be no retail sales from the premises.

b) N/01/98/0421 & N/02/98/0022: Whiting Bay: Shore Road: Cameronia Hotel

The Cameronia Hotel, Shore Road, Whiting Bay, Isle of Arran have applied for (a) planning permission to erect a new two storey extension with an access stair and toilets; and (b) listed building consent for the demolition of an existing single storey extension and erection of a new two storey extension containing a staircase and toilets at that address. Objections have been received from Ms E Parker and another (signature illegible), Ruby Cottage, and Mrs E M Welsh, The Hawes, both of Whiting Bay, Isle of Arran.

Having considered the terms of the objections, the Sub-Committee agreed to grant both (a) and (b) subject to the following condition:-

That a sample of the sandstone and facing brick finishes shall be submitted for the approval in writing of North Ayrshire Council as planning authority prior to the commencement of any works.

4. Garnock Valley Local Plan Area

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

On 29th September 1998, the Sub Committee agreed to continue consideration of the application by J Kerr and J Lamont, West Overton, Beith for outline planning permission for the erection of a dwelling house at Townhead of Threepwood (site to the west of), Beith, to allow re-evaluation of the information provided as a justification of an occupational need to live on the site. The application had been advertised as potentially contrary to Local Plan Policy and objections had been received from Mr and Mrs Morton, and Mr Cunninghame all of Townhead of Threepwood, Beith.

In terms of Policy EC3 of the Adopted Garnock Valley Local Plan, and Policy CAT1 of the Strathclyde Structure Plan, new housing in the countryside is not permitted unless there is a justified occupational need for the applicant to live on site. A report from the Scottish Agricultural College, commissioned by the applicant, estimates the labour requirement on the 56.4ha farm at 1323 hours per year which is more than half a single labour unit. The College concludes that it is desirable for stock-person accommodation to be provided closer to the land.

Whilst, in terms of the Adopted Local Plan, there is no justification for a house to support one applicant who works part-time on the farm, and the other who works full-time away from the farm, it was acknowledged that there would be a justifiable need in terms of Policy HOU10 of the emerging Replacement Local Plan, which identifies agricultural need as the applicant or their dependants working at least half a normal working week on the agricultural holding, and the holding must be at least 12 hectares. However as the emerging plan is only a draft, the application had to be considered in terms of the Adopted Plan. Consequently Director of Planning, Roads and Environment recommended that the application be refused.

Having noted that the local member supported the application, and after consideration of the terms of the objections, and taking account of the revised Policy in the Replacement Local Plan, the Sub Committee agreed (a) to recommend to the Infrastructure and Environment Services Committee that the application be granted; and (b) to instruct the Director of Planning, Roads and Environment to report to the Infrastructure and Environment Services Committee on appropriate conditions which should be attached to the planning permission if granted.

5. North Coast and Cumbraes Local Plan Area

a) N/01/98/0467: Skelmorlie: Shore Road: Westhaven

Mr and Mrs Kelly, 2 Main Road, Fairlie have applied for planning permission to modify a house type already approved under Planning Permission 01/93/0066 at Westhaven, Shore Road,

Skelmorlie.

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

(1) That visibility splays shall be provided and maintained on each side of the new access to the satisfaction of North Ayrshire council as planning authority. The splay to the south is the triangle of ground bounded on one side by the first 4.5 metres of the centreline of the access (the set back dimension) and the nearside trunk road carriageway measured 115 metres (the y dimension) from the intersection of the access with the trunk road. A visibility splay to the north of the access shall be created from the 4.5 metre setback distance within the area of land controlled by the applicant. Within these splays nothing shall obscure visibility from a height greater than 0.3 metres above the carriageway level. In addition, the first 30 metres of the trunk road verge beyond the extended north edge of the farm track shall be lowered to carriageway level by the applicant.

(2) That measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

(3) That no trees or hedges on the site other than those indicated on the submitted plans for removal shall be felled or lopped without the prior written approval of North Ayrshire Council as planning authority.

(4) That no development shall take place until there has been submitted to and approved by North Ayrshire Council as planning authority a scheme of replacement tree planting, which shall include details of species, soil treatment, aftercare and measures for the protection of the trees to be retained in the course of the development.

(5) That a replacement tree planting scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees 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.

(6) That the proposed sewage treatment and disposal arrangements shall comply with the current Code of Practice BS 6297: 1983 and that the discharge of septic tank effluent shall be taken to the Firth of Clyde below low water mark all to the satisfaction of SEPA and North Ayrshire Council as planning authority.

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

b) N/01/98/0495: Seamill: Ardrossan Road: Seamill Hydro Hotel

Mr Sweeney, c/o Seamill Hydro Hotel, Seamill has applied for planning permission for external landscape works, the formation of a tennis court and a multi-purpose all weather pitch including perimeter fencing with 4 floodlighting columns, crazy golf and a children's' play area (retrospective) at that address. Objections have been received from Mrs Munro, J H Willetts and Mr J B Howatt all of Seamill, West Kilbride.

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

That the tennis court and multi-purpose all weather pitch hereby permitted shall not be used between the hours of 9.00 p.m. in any day and 9.00 a.m. the following day.

c) N/01/98/0501: Largs: 23 Nelson Street

Mr and Mrs Bisset, 3a St. John's Court, Union Street, Largs have applied for a change of use from a private residence to a counselling centre run as a charitable trust at 23 Nelson Street, Largs.

The Sub-Committee agreed to grant the application.

d) N/01/98/0503: Skelmorlie: 6 Winton Drive

Mr Stevenson, 6 Winton Drive, Skelmorlie has applied for planning permission to erect a garage at that address. Objections have been received from 5 residents of Montgomerie Drive and 2 residents of Winton Drive, Skelmorlie.

Mr Clements declared a non-pecuniary interest in the application and took no part in the discussion.

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

(1) That the proposed garage shall be used only for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose.

(2) That the garage door shall be a roller shutter type as indicated on the approved plans unless North Ayrshire Council as planning authority gives prior written consent to any variation.

e) N/01/98/0535: Largs: Irvine Road: Largs Yacht Haven

Tilbury Phoenix Ltd (on behalf of Largs Sailing Club), Pegasus Avenue, Phoenix Business Park, Paisley have applied for planning permission to erect a two storey clubhouse, a concrete slipway and associated external works at Largs Yacht Haven, Irvine Road, Largs.

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

(1) That all drainage arrangements shall be to the satisfaction of SEPA and North Ayrshire Council as planning authority and shall comply with the current code of practice BS 6297: 1983

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

(3) That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as planning authority samples of the proposed ashlar blockwork to the basecourse and the finishes to the hard standing areas around the clubhouse building.

(4) 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.

(5) 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.

(6) That prior to the commencement of the use of the clubhouse and slipway, the access road, parking areas and fencing hereby approved shall be constructed to the satisfaction of North Ayrshire Council as planning authority.

The meeting ended at 11.55 p.m.

