

Local Review Body
13 March 2013

IRVINE, 13 March 2013 - At a Meeting of the Local Review Body of North Ayrshire Council at 3.30 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Joe Cullinane, Tom Marshall and Robert Steel.

In Attendance

K. Smith, Planning Adviser to the Local Review Body (Development and Environment); J. Law, Legal Adviser to the Local Review Body and D. McCaw Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Ronnie McNicol and Jim Montgomerie.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting held on 20 February 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 12/00476/PP: Craigdhu Farm: Shannochie: Brodick: Isle of Arran

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers for the erection of a 15kW wind turbine measuring 12.6m to hub and 18.2m to blade tip at Craigdhu Farm, Shannochie, Brodick, Isle of Arran. The Notice of Review documentation, representations received from interested parties, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-5 to the report.

The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. Photographs and plans of the proposed development were displayed and the Planning Adviser provided the LRB with a verbal summary of the review documents.

Councillor Barr, seconded by Councillor Bruce, moved that the Local Review Body proceed to a Hearing in respect of the Notice of Review.

As an amendment, Councillor Marshall, seconded by Councillor Ferguson, moved that the Local Review Body agree not to proceed to a hearing.

On a division, there voted for the amendment 6 and for the motion 2 and the amendment was declared carried.

Councillor Bruce, seconded by Councillor Barr, moved that the Local Review Body proceed to a site visit in respect of the Notice of Review.

As an amendment, Councillor Ferguson, seconded by Councillor Bell, moved that the Local Review Body agree not to proceed to a site visit.

On a division, there voted for the amendment 6 and for the motion 2 and the amendment was declared carried.

Members then agreed that the Local Review Body had sufficient information before it to determine the matter without further procedure.

Councillor Barr, seconded by Councillor Bruce, moved that the review be upheld and planning permission granted with conditions.

As an amendment, Councillor Marshall, seconded by Councillor Ferguson, moved that the officer's decision to refuse planning permission on the grounds detailed in the decision notice be upheld and the review dismissed.

On a division, there voted for the amendment 6 and for the motion 2 and the amendment was declared carried.

Accordingly, having considered all the information, the Local Review Body agreed (a) to uphold the decision to refuse planning permission on the following ground:-

1. That, the proposed development would not accord with: (a) Policies INF 8, BE 7, BE 8 and the Development Control Statement of the Isle of Arran Local Plan; (b) the Ayrshire Supplementary Planning Guidance on Wind Farm Development; and (c) the Council's adopted Landscape Capacity Study for Wind Farm Development in North Ayrshire (Phase 2 Report) 2009, in that by reason of its location, height, design, appearance and isolated siting in open countryside on the seaward side of the C147 road, it would : (i) intrude upon an area of relatively open countryside, detracting from its natural appearance and scenic quality, which would be detrimental to visual amenity; (ii) detract from key views from the C147 to coastal and historically important features and interrupt key views from the coast road; (iii) would have a significant adverse impact on the historic environment constituting an adverse impact on the setting of Craig Fort; and (iv) establish an undesirable precedent for further wind farm development in isolated locations, thereby detracting from the amenity and appearance of the countryside.

and (b) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

4. Notice of Review: 12/00498/PP: 26 North Crescent Road: Ardrossan

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of the refusal of a planning application by officers under delegated powers for alterations to hipped roof to form a gable roof and formation of balcony to front at 26 North Crescent Road, Ardrossan. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-4 to the report.

The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. Photographs and plans of the proposed development were displayed and the Planning Adviser provided the LRB with a verbal summary of the review documents.

Councillor Steel, seconded by Councillor Barr, moved that the Local Review Body proceed to a site visit in respect of the Notice of Review.

As an amendment, Councillor Marshall, seconded by Councillor Ferguson, moved that the Local Review Body agree not to proceed to a site visit.

On a division, there voted for the amendment 3 and for the motion 4 and the motion was declared carried.

Accordingly, the Local Review Body agreed to (a) proceed to a site familiarisation visit; (b) advise the applicant and interested parties accordingly; and (c) note that only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request.

The meeting ended at 4.20 p.m.