

Local Review Body
3 March 2010

IRVINE, 3 March 2010 - At a meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

Present

Elizabeth McLardy, Margie Currie, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, Ronnie McNicol and John Moffat.

In Attendance

R. Forrest, Planning Services Manager, A. Craig, Senior Solicitor and J. Law, Solicitor (Legal and Protective); and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair.

Apologies for Absence

Pat McPhee, David Munn and Robert Rae.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Isle of Arran: 09/00641/PPP: Arran: Whiting Bay: Shore Road: East of Trafalgar

Submitted report by the Chief Executive on a request for review of decision taken by officers under delegated authority to refuse planning permission in principle for the erection of a one-and-a-half-storey dwellinghouse. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-4 of the report. The report noted that interested parties had been invited to submit representations in respect of the Notice of Review, but that no representations had been received.

The Planning Services Manager, as Planning Adviser to the LRB, introduced the matter under review, confirming that the Notice of Review was in order and had been submitted timeously by the applicant. Photographs and plans of the site were displayed.

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

Members expressed the view that information contained within the supporting statement to the Notice of Review, which linked the proposed house to the hotel business and a site plan submitted as part of the Notice of Review, both constituted new information not available to the planning officer at the time of the applicant's original application for planning permission in principle. No reason was given as to why this information was not made available to the Planning Officer at the time of the application. The Local Review Body determined that the new material submitted with the Notice of Review should be disregarded in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 as information not available to the Planning Officer at the time of determining the planning application.

However, Members took the view that, notwithstanding that photographs had not been available to the Planning Officer at the time of the original application, those photographs submitted by the applicant were illustrative and could be considered on the basis that the Planning Officer had inspected the site and its environs.

The Local Review Body, having considered the provisions of the Development Plan and other material considerations, agreed (a) to uphold the decision to refuse planning permission in principle on the following ground:-

1. That the proposed development would be contrary to Criteria (a) and (b) of the Development Control statement of the Isle of Arran Local Plan, in that it would constitute unsatisfactory backland development, would not have an acceptable level of outlook, and would not offer an acceptable level of residential amenity for the dwellinghouse and would, if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the residential area.

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 and interested parties.

3. Isle of Arran: 09/00527/PP: Arran: Shiskine: 8 Ladeside Place

Submit report by the Chief Executive on a request for review of decision taken by officers under delegated authority to refuse retrospective planning permission for the installation of solar panels. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-4 of the report. The report noted that interested parties had been invited to submit representations in respect of the Notice of Review, but that no representations had been received.

The Planning Services Manager, as Planning Adviser to the LRB, introduced the matter under review, confirming that the Notice of Review was in order and had been submitted timeously by the applicant. Photographs and plans of the site were displayed.

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

Thereafter, Members expressed the view that the energy efficiency benefits of the proposal did not outweigh the issue of visual amenity on this occasion.

The Local Review Body, having considered the provisions of the Development Plan and other material considerations, agreed (a) to uphold decision to refuse retrospective planning permission on the following grounds:-

1. That the development is contrary to Criteria (a) and (b) of the Development Control statement of the Isle of Arran Local Plan, in that the design and prominent siting of the solar panels detract from the appearance of the dwellinghouse, which has a significant adverse impact on visual amenity and, if approved, would set an undesirable precedent for other developments of a similar nature.

2. That the development is contrary to Criterion (a) of Policy INF8 of the Isle of Arran Local Plan, in that the design and prominent siting of the solar panels detract from the appearance of the dwellinghouse, which is detrimental to visual amenity and, if approved, would set an undesirable precedent for other developments of a similar nature.

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 and interested parties.

4. Ardrossan, Saltcoats and Stevenston: 09/00523/PPP: Ardrossan: Meikle Ittington Farm

Submitted report by the Chief Executive on a request for review of decision taken by officers under delegated authority to refuse planning permission in principle for the erection of a dwellinghouse. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-4 of the report. The report noted that interested parties had been invited to submit representations in respect of the Notice of Review, but that no representations had been received.

The Planning Services Manager, as Planning Adviser to the LRB, introduced the matter under review, confirming that the Notice of Review was in order and had been submitted timeously by the applicant. Photographs and plans of the site were displayed.

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

Thereafter, Members discussed and formed the view that the applicant had demonstrated a genuine operational need for an additional house, but that the proposed siting of the house was not acceptable.

The Local Review Body, having considered the provisions of the Development Plan and other material considerations, agreed (a) to uphold decision to refuse planning permission in principle only on the issue of siting on the following ground:-

1. That the proposed development would not comply with Criterion (a) in the Development Control Statement, in the Adopted North Ayrshire Local Plan (excluding Isle of Arran) and the Council's Rural Design Guide, in that it would comprise development in the countryside that would be remote from other buildings, which would have a detrimental impact on the rural landscape and set an undesirable precedent for other similar developments in 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 and interested parties.

5. Irvine/Kilwinning: 09/00478/PPP: Irvine: Land at Williamfield Park

Submitted report by the Chief Executive on a request for review of a decision taken by officers under delegated authority to refuse planning permission for the erection of a dwellinghouse. The Notice of Review documentation, representation received from interested parties, the applicant's response to representation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-6 of the report. Photographs and plans of the site were displayed.

At its meeting on 2 February 2010, the Local Review Body, agreed (a) that, subject to a site familiarisation visit being undertaken, it had sufficient information before it to determine the matter without further procedure; and (b) to 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. A site visit familiarisation visit was duly held prior to the start of the meeting on 3 March 2010, attended by Councillors McLardy, Currie, R. Barr, Brown, Clarkson, Ferguson, McNicol, McPhee and Moffat.

Members expressed the view that, in the circumstances of the case and with regard to the Tree Preservation Order, it was not appropriate for the application to be considered in principle, without all matters pertaining to siting, design, external appearance, means of access and landscaping, being available.

The Local Review Body, having considered the provisions of the Development Plan and other material considerations, agreed (a) to refuse planning permission in principle on the following ground:-

1. That, in the circumstances of the case, there is insufficient information to properly determine an application in principle

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 and interested parties.

The Meeting ended at 3.35 p.m.