

Local Review Body
13 August 2010

IRVINE, 13 August 2010 - At a Special Meeting of the Local Review Body of North Ayrshire Council at 10.00 a.m.

Present

Elizabeth McLardy, Robert Barr, Matthew Brown, John Ferguson, Ronnie McNicol, Pat McPhee and John Moffat

In Attendance

R. Forrest, Planning Adviser, A. Craig, Legal Adviser and J. Law, Solicitor (Corporate Services); R. Hopewell, Supervisory Engineer (Infrastructure)(Finance and Infrastructure); and P. Shiach, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair.

Apologies for Absence

Margie Currie, Anthea Dickson and David Munn.

1. Declarations of Interest

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

2. Hearing Sessions

In accordance with the Hearing Session Rules contained in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 and with the approved North Ayrshire Council Hearing Session Rules and Procedures, hearings were conducted in respect of the undernoted Notices of Review.

2.1 Garnock Valley: 09/00864/PP: Beith: Glengarnock: 21 Grahamston Avenue

Submitted report by the Chief Executive on a request for a review of the decision taken by officers under delegated authority to refuse planning permission for the erection of 8 dwellinghouses with associated access road and car parking, including the demolition of the existing building.

At its meeting on 8 June 2010, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure (Scotland) Regulations 2008, to examine further the issue of flooding risk and the terms of the consultation response from SEPA; and (b) that the applicant/applicant's representative, a representative of the Council's Supervisory Engineer (Infrastructure)(Finance and Infrastructure) and a SEPA representative be invited to attend and address the hearing in relation to those issues.

In accordance with the hearing procedure and rules, the applicant, representatives from SEPA, and the Council's Supervisory Engineer, (Infrastructure), (Finance and Infrastructure) were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session.

The applicant was represented at the hearing by Seamus Lalor, Planning Consultant and Dr. John Riddell, Chartered Civil Engineer. SEPA was represented by Julie Gerc, Planning Officer and Nick Gair, Hydrologist. The Council's Supervisory Engineer, (Infrastructure) (Finance and Infrastructure), Robert Hopewell, was also in attendance.

The Legal Adviser set out the background to the Hearing and advised those present of the procedures for conducting the Hearing.

The Planning Adviser advised the Local Review Body of the background to the application.

The applicant's representatives then addressed the LRB, confining their oral submissions to the Specified Matters as agreed by the LRB.

Representatives from SEPA then addressed the LRB, indicating that their original grounds for objection had been lack of information, rather than the development in principle. Information had been submitted and SEPA had withdrawn their objection, subject to the imposition of the following planning condition, should the LRB be minded to grant the application: -

"Flood management measures must be implemented as per the details specified in the applicant's planning drawing A.0405 (Water Storage Sections as Proposed.July 10)."

The Council's Supervisory Engineer (Infrastructure) (Finance and Infrastructure) then addressed the LRB on his concerns relative to the potential flood risk should the application be granted.

Thereafter the applicant's representatives, the representatives of SEPA, and the Council's Flood Prevention Officer answered questions from Members of the LRB on their submissions.

Councillor Moffat, seconded by Councillor Ferguson moved that the decision of the appointed planning officer of 15 February 2010 to refuse the application under delegated powers be upheld.

As an amendment, Councillor McNicol, seconded by Provost McPhee, moved that the application be granted, subject to appropriate conditions.

On a division, there voted for the amendment 5 and for the motion 2 and the amendment was declared carried.

Accordingly, the Local Review Body agreed that the application be granted subject to the following conditions: -

1. That the houses shall be constructed with a minimum finished floor level of 35.6mOD in accordance with the flood risk assessment submitted in support of the application.
2. That flood management measures must be implemented as per the details specified in Eskwynd planning drawing A.04.5 (Water Storage Sections as Proposed. July 10).
3. That, prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter, any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a Drainage Assessment prepared in accordance with the SUDS Working Party Guidelines "Drainage Assessment, A Guide for Scotland" which can be found on the SEPA website. The discharge of storm water from the development shall comply with the stipulated design criteria, current SUDS Design Guidance (CIRIA Report C521) and any requirements of Scottish Water. In addition the Drainage Assessment shall address the following: the effects of a 1 in 200 year storm and run-off, plus climate change, the effects of differing storm conditions shown on a site plan to ensure that no water enters buildings or restricts movement of emergency vehicles, including an assessment of flow routing of surface water through the site, a strategy for dealing with any field drainage affected by the works, and a maintenance regime for surface water drainage measures. All calculations shall be approved and certified by an appropriately qualified person.
5. That water resistant materials and appropriate methods of construction shall be used for any part of all buildings, which are at risk of being affected by floodwater to the satisfaction of North Ayrshire Council's Building Standards section.
6. That the brick and masonry wall along the west and north boundaries shall be retained.
7. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme for landscaping including arrangements for future maintenance.
8. That the road and junction improvements, including the footway being a minimum 2 metres wide, as shown on drawing reference A.03.1, shall be completed prior to the occupancy of any dwelling house.

2.2. Garnock Valley: 10/00089/PPP: Beith: Glengarnock: 3 Balgray Road

Submitted report by the Chief Executive on a request for a review of the decision taken by officers under delegated authority to refuse planning permission in principle for a residential development.

At its meeting on 8 June 2010, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure (Scotland) Regulations 2008, to examine further the issue of flooding risk and the terms of the consultation response from SEPA; and (b) that the applicant/applicant's representative, a representative of the Council's Infrastructure and Design Services (Flooding) and a SEPA representative be invited to attend and address the hearing in relation to those issues.

In accordance with the hearing procedure and rules, the applicant, representatives from SEPA, and the Council's Supervisory Engineer (Infrastructure)(Finance and Infrastructure), were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session. The applicant's representative, while in attendance, intimated his intention not to address the LRB.

SEPA was represented by Julie Gerc, Planning Officer and Nick Gair, Hydrologist. The Council's Supervisory Engineer, (Infrastructure) (Finance and Infrastructure) Robert Hopewell was also in attendance.

The Legal Adviser set out the background to the Hearing and advised those present of the procedures for conducting the Hearing.

The Planning Adviser advised the Local Review Body of the background with regard to the application.

The representative from SEPA then addressed the LRB, indicating their objection to the application on the grounds of flood risk, and that the applicant has failed to provide sufficient information.

The Council's Supervisory Engineer (Infrastructure) (Finance and Infrastructure) then addressed the LRB on his concerns relative to the potential flood risk should the application be granted.

Thereafter representatives from SEPA and the Council's Flood Prevention Officer answered questions from members of the LRB on the submission.

The Local Review Body agreed that, in the absence of sufficient information, the decision of the appointed planning officer of 18 February 2010 to refuse the application under delegated powers, be upheld.

The Meeting ended at 11.15 a.m.