

Local Review Body
Wednesday, 14 March 2018

Present

Timothy Billings, Robert Barr, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

Neil McIlvanney, Strategic Planning Manager; Ross Middleton, Senior Development Management Officer (Economy and Communities); J. Law, Solicitor (Contracts & Licensing) (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Billings in the Chair.

Apologies for Absence

Robert Foster, Shaun Macaulay and Tom Marshall.

1 Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow earlier consideration of Agenda Item 4 Notice of Review: N/17/00926/PP - Site to the west of Gateside Inn, Main Road, Gateside – erection of a dwellinghouse (in principle).

2 Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

3 Minutes

The Minutes of the meeting of the Committee held on 14 February 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4 Notice of Review: N/17/00926/PP - Site to the west of Gateside Inn, Main Road, Gateside – erection of a dwellinghouse (in principle)

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a dwellinghouse, in principle.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

The Legal Adviser to the Local Review Body advised of the appropriate procedure for consideration of the review request. 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.

The Planning Adviser thereafter summarised the Notice of Review for the Applicant, the Report of Handling of the Appointed Officer, the representations lodged and the applicant's response to further representations. Photographs and plans of the site were displayed.

The Clerk to the Local Review Body then read out correspondence from an interested party, which had been received following the publication of the agenda, questioning the accuracy of points made in the applicant's response to further representations, namely the person who laid the current drainage system and the possible removal or re-routing of existing assets. Members were advised this did not constitute a material planning consideration and should therefore have no bearing on the decision making process.

Members asked questions and were provided with further information on:-

- the current drainage system in place on the site and the fact that planning services only consider the scope to drain sites whereas the technical specifications of drainage solutions require approval from SEPA;
- access and location of the electricity substation and overhead utility cables on site;and
- reports of flooding on the site and whether or not the North Ayrshire Council flooding officer had been consulted on the application.

Councillor Reid, seconded by Councillor McNicol, moved that the Local Review Body uphold the decision to refuse planning permission on the following grounds:-

1. The proposed development would be contrary to criterion (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting to the rear of 33 Main Road, any new dwellinghouse, irrespective of siting and design:

(i) would conflict with the established pattern of development in the village of Gateside due to the lack of a developable street frontage;

(ii) would not offer an acceptable level of residential amenity for the proposed dwellinghouse, including outlook, due to constraints on the site;

(iii) would be detrimental to the amenity of the housing in the surrounding area, all of which would not be in the interests of the proper planning of the area.

As an amendment, Councillor Barr, seconded by Councillor McMaster, moved that the LRB grant planning permission subject to conditions relating to (a) siting, design and external appearance of, landscaping and means of access; and (b) the drainage of the site.

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

Accordingly, having considered all of the information, the Local Review Body agreed to (a) grant planning permission 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 Flood Risk Assessment and Drainage Strategy, in consultation with SEPA, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter the development shall only proceed in accordance with the approved strategy in conjunction with condition 1. For the avoidance of doubt the strategy shall take into account surface and waste water arising from the development of the site, proposed mitigation, timeframes for installation as well as maintenance of any mitigation or drainage measures.

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.

Councillors Clarkson, Larsen and McMaster left the meeting at this point.

5 Notice of Review: 17/01100/PP - 2 Horse Isle View, Ardrossan

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a sun room and roof alteration at the rear of the dwelling house and garage conversion.

At its meeting on 14 February 2018, 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. A site familiarisation visit was duly held on 12 March 2018, attended by Councillors Billings, Barr, McNicol and Reid.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

Accordingly, having considered all of the information, Councillor McNicol, seconded by Councillor Reid, moved that the Local Review Body uphold the decision to refuse planning permission. There being no amendment the motion was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed (a) to refuse planning permission on the grounds that:-

1. the proposed development would be contrary to criterion (b) of the General Policy in the adopted North Ayrshire Council local Development Plan in that the side facing windows on the extension would introduce an unacceptable degree of overlooking to a neighbouring dwellinghouse to the detriment of its amenity and privacy.

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.

The Meeting ended at 3:10 p.m.