

Local Review Body
23 January 2013

IRVINE, 23 January 2013 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.45 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, Joe Cullinane, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

In Attendance

D. Hammond and K. Smith, Planning Advisers 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

John Bell and John Bruce.

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 Minutes of the (i) meeting held on 5 December 2012; and (ii) Special Meeting held on 19 December 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 12/00496/PP: Erection of 55kW wind turbine measuring 24.8m to hub and 34.5m to blade tip: Auchenhew Farm, Kildonan, 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 55kW wind turbine measuring 24.8m to hub and 34.5m to blade tip at Auchenhew Farm, Kildonan, Isle of Arran. 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.

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

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) Policy INF 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 scale, design, appearance and isolated siting, 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; and (ii) establish an undesirable precedent for further unsuitable wind farm development, 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: 12/00432/PP: Erection of detached dwellinghouse: Site to West of 35 Margnaheglish Road, Lamlash, 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 erection of detached dwellinghouse at a site to west of 35 Margnaheglish Road, Lamlash, 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.

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

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

1. That, the proposed development would be contrary to Policy ENV 1 of the adopted Isle of Arran Local Plan, in that the dwellinghouse is not required for persons employed in agriculture, forestry or an established rural business and consequently there is no justification for the dwellinghouse which, if approved, would establish an undesirable precedent for unnecessary development within the countryside, to the detriment of its appearance and amenity.

2. That, the proposed development would be contrary to Policy RES 1 of the adopted Isle of Arran Local Plan, in that it would comprise residential development outwith the settlement boundary and within the countryside, for which there is no specific locational need which would be detrimental to the amenity and appearance of the countryside and set an undesirable precedent for further similar developments.

3. That, the proposed development would be contrary to: (i) Policy H 1 of Alteration No. 1 and Criteria (a) and (b) of the Development Control Statement of the Isle of Arran Local Plan, in that the proposed dwellinghouse would not constitute an acceptable addition to an existing well-defined nucleated group and that its design would not be sympathetic to the character and form of the surrounding area ; and (ii) Policy H 2 of Alteration No. 1 given its proximity to the settlement of Lamlash.

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 3.20 p.m.