

**Local Review Body
8 January 2021**

At a Meeting of the Local Review Body of North Ayrshire Council at 12.30 p.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid.

In Attendance

N. McIlvanney, Planning Adviser to the LRB (Growth & Investment); J. Law, Legal Adviser to the LRB (Legal Services); and E. Gray, A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Apologies

Ellen McMaster.

Chair

Councillor Marshall in the Chair.

1. 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.

2. Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning permission refused by officers under delegated powers in respect of Planning Application 19/00752/PP – the erection of a Lidl foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment at the Site To North West Of 10 Crompton Way North Newmoor Irvine.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning decision notice, further representations by interested parties, the applicants response to further representations from interested parties, further written submissions from the applicant and North Ayrshire Council's Planning Service and the applicants response to the further written submissions were provided as appendices to the report.

At an earlier Hearing Meeting on 8 January 2021, the Local Review Body heard from the applicant and representatives, the Council's Planning Service and interested parties on specified matters and agreed to continue the Notice of Review to a determination meeting.

The Planning Adviser to the Local Review Body summarised the Notice of Review and further written submissions submitted by the applicant and North Ayrshire Council Planning Service, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Councillor Marshall, seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision and refuse planning permission on the following grounds:

- (a) The proposed development would be contrary to the Strategic Policy 1 Spatial Strategy (Towns and Villages Objective) and Policy 3 Town Centres and Retailing of the adopted North Ayrshire Council Local Development Plan, as the applicant has demonstrated a town centre first approach as required. The proposed site is not suitable for a large retail development as it would compete with the town centre and there are preferable sites available in, or close to the town centre;
- (b) The proposed development would be contrary to the Strategic Policy 2 Placemaking of the adopted North Ayrshire Local Development Plan as it would be neither distinctive in respect of scale, street, building form and material and does not create a place with a sense of place of identity nor in keeping with the predominantly residential character of the surrounding area; and
- (c) The proposed development would be contrary to Policy 27 Sustainable Transport and Active Travel of the adopted North Ayrshire Council Development Plan as the application would be for an out-of-centre retail development, encouraging car use, which would not take into account the need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.

As an amendment, Councillor Foster, seconded by Councillor Larsen, moved that the Local Review Body uphold the review and grant planning permissions subject to conditions on the following grounds:

- (a) Retail sequential assessment - There are no sequentially preferable, suitable or available sites within the catchment area that can accommodate the application proposal;
- (b) Retail Impact - It will not have a significant adverse impact on the Irvine Town Centre;
- (c) Design and context of the proposal - The single-storey and high-quality contemporary design of this proposal is entirely consistent with its surroundings which are a mix of residential and commercial properties; and
- (d) Accessibility of the site by a range of transport choices – the site benefits from close access to bus stops which provide frequent bus services in and around Irvine and wider North Ayrshire.

On a division and a roll call vote, there voted for the amendment, Councillors Foster, Larsen and Macaulay (3) and for the motion, Councillors Barr, Billings, Clarkson, Marshall, McNicol and Reid (6), and the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision and refuse planning permission.

The Meeting ended at 1.40 p.m.