

Local Review Body
24 October 2012

IRVINE, 24 October 2012 - At a meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

Present

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

In Attendance

K. Smith, Planning Advisor to the Local Review Body, J. Law, Legal Adviser to the Local Review Body; and D. McCaw Committee Services Officer (Chief Executive's Service).

Also In Attendance

F. Crawford (Applicant); T. Hardie (Hardie Planning - Agent); N. Rodgers (Thomson Architects); D. Hammond, Team Manager (Development Plans), J. Miller, Senior Planning Services Manager, and J. Michel, Senior Planning Officer (Corporate Services).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell.

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 previous meeting of the Committee held on 5 September 2012 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Hearing Session

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, a hearing was conducted in respect of the undernoted Notice of Review.

3.1 Notice of Review: 12/00106/PP: Erection of Detached Dwellinghouse and Formation of a New Access Road: Site to North of Hillhome: Portencross: West Kilbride

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 detached dwellinghouse and formation of a new access road at a Site to North of Hillhome, Portencross, West Kilbride. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan, a copy of the Decision Notice, the applicant's hearing statement and the Council's Planning Service hearing statement were provided as Appendices 1-5b to the report.

At its meeting on 5 September 2012, the Local Review Body agreed (a) following the site familiarisation visit, 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 relevant Council policies; and (b) that the applicant/applicant's representative, any interested parties who made representations, and officers of the Council's Planning Service be invited to attend and address the hearing in relation to the relevant policies.

In accordance with the hearing procedure and rules, the applicant and an officer of the Council's Planning Service were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session.

The applicant, in addition to addressing the hearing himself, was represented Tom Hardie, Hardie Planning. The applicant's architect, Neil Rodgers, Thomson Architects, although in attendance did not address the Hearing. The Council's Planning Service was represented by David Hammond, Team Manager (Development Plans), Jim Miller, Senior Planning Services Manager and John Michel, Senior Planning Officer.

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 and his representative then addressed the Local Review Body (LRB) followed by the representative from the Council's Planning Service. Both parties confined their comments to the relevant policies under consideration.

Thereafter the applicant and his representative and the representative of the Council's Planning Service answered questions from Members of the LRB on their submissions.

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

Councillors Bruce, Cullinane and Montgomerie, who were unable to attend the site familiarisation visit, took no part in the determination of the review request.

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

1. That the proposed development does not accord with Policy H2 of the North Ayrshire Local Plan (excluding Isle of Arran) and North Ayrshire Council's approved Guidance on Single Houses Rural Areas, in that by reason of its siting, design and appearance, the proposed dwellinghouse is not of distinct design nor would it make a positive design contribution to the locality of the area or enhance the established character of the area.

2. That there is no locational need for the dwellinghouse which would be: (i) contrary to Policy ENV1 of the adopted North Ayrshire Local Plan (excluding Isle of Arran); (ii) detrimental to the amenity and appearance of the countryside; and (iii) establish an undesirable precedent for further similar developments.

3. That the proposed development would be contrary to criteria (a), (b) and (c) of the Development Control Statement of the above Local Plan in that by reason of its siting, design and external appearance, would detract from the setting of Hillhome and would have an unacceptable cumulative impact on the landscape which would be detrimental to the amenity and character of the 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.

4. Notice of Review: 12/00098/PP: Erection of Detached Dwellinghouse and Refurbishment of Existing Outbuilding with the Addition of a Greenhouse and Landscaping: Land Adjacent to Myrtle Cottage: Whiting Bay: 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 at land adjacent to Myrtle Cottage, Whiting Bay, Isle of Arran. The Notice of Review documentation, a representation received from an interested party, the applicant's response to the additional representation, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-6 to the report.

The Planning Advisor 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.

The Local Review Body agreed (a) to proceed to a site familiarisation visit; (b) to so advise the applicant and interested parties; and (c) 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.

The meeting ended at 3.30 p.m.