

**Local Review Body
26 October 2020**

At a Pre-Examination Meeting of the Local Review Body of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Ellen McMaster and Donald Reid.

In Attendance

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

Apologies

Shaun Macaulay and Ronnie McNicol.

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 conditions applied to a planning permission granted by officers under delegated powers

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

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. Photographs and plans of the site were displayed. The applicant's request for a hearing, further written submissions and site visit were noted.

Councillor Larsen, seconded by Councillor Clarkson, moved that a site visit should be undertaken before the review request was determined.

As an amendment, Councillor Foster, seconded by Councillor McMaster, moved that a site visit was not required prior to the review request being determined.

On a division there voted for the amendment four and for the motion four, and on the casting vote of the chair the motion was declared carried.

Accordingly, the Local Review Body agreed that a site visit should be undertaken before the review request was determined.

The Local Review Body then requested further written submissions from the Council's Planning Service and the applicant on a number of matters: -

- the reasons for alternative locations, including site size and map;
- SEPA's comments on flooding in respect of the Ayrshire Metals site;
- the impact on other supermarkets in the Town Centre;
- the impact on the 'health' of the Town Centre;
- a summary document setting out concisely the various reasons for/against the proposal as contained in the representations by interested parties;
- feedback from the Council's Legal Service on the QC's report;
- further information on points 4.9 to 4.12 of the applicant's supporting statement;
- more detail in respect of point 5.8 of the applicant's statement in relation to paragraph 9.20;
- the application of the Town Centre 1st Policy;
- the Green Policy and why only two charging spaces is deemed to be acceptable; and
- clarification on "edge of Town Centre".

Councillor Foster, seconded by Councillor Larsen, moved to continue the application to a Hearing to be determined.

There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed:

- (a) to continue consideration of the Notice of Review to a future meeting to allow (i) a site visit to be undertaken, (ii) further written submissions to be provided, as set out above and (iii) 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 2013;
- (b) that, the hearing hear on the following specified matters from the applicant, officers of the Council's Planning Service, any interested party who made representations in relation thereto and in relation to: (i) the reasons for refusal of the Planning and (ii) an up to date view on the Retail Impact Assessment due to the current Covid-19 situation; and
- (c) that officers undertake all necessary notifications and any further procedure in terms of the said Rules.

The Meeting ended at 3.15 p.m.