

Local Review Body
23 August 2017

Irvine, 23 August 2017 - At a Meeting of the Local Review Body of North Ayrshire Council at 3.05 p.m.

Present

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

In Attendance

A. Hume, Planning Adviser to the Local Review Body (Item 3) and R. Middleton, Planning Adviser to the Local Review Body (Item 4) (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

Order of Business

In terms of Standing Order 9.4, the Chair agreed to vary the order of business to allow consideration of Agenda Item 4 (N/16/01176/PP - Site to the North of Fairlie Bowling Club, Main Road, Fairlie - Erection of 19 affordable housing units) as the first item of business.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McMaster, as a customer of the applicant, declared an interest in Item 3 (N/16/01126/PP - Jameston Moss, Dalry) and left the meeting for that item of business.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 14 June 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: N/16/01176/PP - Site to the North of Fairlie Bowling Club, Main Road, Fairlie - Erection of 19 affordable housing units

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 19 affordable housing units at the site to the north of Fairlie Bowling Club, Main Road, Fairlie.

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

Members asked questions and were provided with further information in relation to:-

- previous planning permissions for the site (both of which have expired) that were not relevant to the current application;
- ownership of the site that was not a relevant planning matter;
- the new Local Development Plan which is at a relatively early stage in its preparation, public consultation on the Main Issues Report that took place during the early part of 2017 and an update on progress that was provided to Members in June 2017; and
- that Section 25 of the Town and Country Planning (Scotland) Act 1997 that requires decisions by planning authorities to be taken in accordance with the development plan, unless material considerations indicate otherwise.

Councillor Barr, seconded by Councillor Billings, moved to refuse the application. There being no amendment, the motion was declared carried

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

1. That the proposed development does not accord with Policies RES1 and RES2 of the North Ayrshire Local Development Plan, which identify appropriate sites for development, as there is an adequate supply of allocated housing land within North Ayrshire.
2. That the proposed development is contrary to Policies ENV2, ENV7 and ENV8 of the North Ayrshire Local Development Plan in that the proposal would (1) represent unjustified development in the countryside, (2) not constitute small scale growth of existing rural housing groups, (3) result in ribbon development with the potential for visual and physical coalescence along the undeveloped coast, and (4) set an undesirable precedent for other unjustified development within the countryside.
3. That the proposed development by reason of its scale, location and design would be contrary to criteria a) and b) of the General Policy of the Local Development Plan and Neighbourhood Design Guidance, as it would (1) result in unacceptable development within the countryside to the detriment of the visual amenity of the area, and create a significant adverse impact on the landscape setting of Fairlie; and (2) due to the location would not offer an acceptable level of residential amenity for future occupants, given the proximity of the site to the A78(T).

Councillor McMaster left the meeting at this point in view of having declared an interest in respect of the next item of business. Councillor Foster also left the meeting as he had not been in attendance at the site visit in respect of the next item of business and was therefore precluded from taking part in the determination of the Review.

4. Notice of Review: N/16/01126/PP - Jameston Moss, Dalry

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 wind turbine (36m to hub and 47m to blade tip) and formation of an access track and associated infrastructure at Jameston Moss, Dalry.

The Notice of Review documentation and further representations received from interested parties, were provided as Appendices 1 and 2 to the report.

At its meeting on 14 June 2017, 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 15 August 2017, attended by Councillors Marshall, Billings, Barr, Clarkson, Larsen, Macaulay, McNicol and Reid.

The Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and that only those Members who had attended the site familiarisation visit were eligible to participate in the determination of the review request. Photographs and plans of the proposed development were displayed and the Planning Advisor provided the LRB with a verbal summary of the review documents.

Members asked questions and were provided with further information in relation to the Ayrshire Supplementary Planning Guidance on Wind Farm Development that recommends the minimum separation distance of 700m from the turbine to existing houses and that the nearest property is 300m from the proposed turbine.

Councillor McNicol, seconded by Councillor Barr, moved to grant the application on the grounds that they do not agree that there would be a detrimental impact on the landscape or visual amenity of the area. There being no amendment, the motion was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed (a) to grant the application, subject to the following conditions:-

1. That, prior to the commencement of the development hereby approved, full details of the route to be used by construction traffic shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include: a comprehensive route plan, swept path analysis of junctions following on-site surveys, details of any works required to alter junctions or lengths of road along the route to form over-run areas and full details of restoration/reinstatement works, including replacement planting. Thereafter, the development shall be implemented only in accordance with such details as may be approved, including the restoration/reinstatement and replanting of any land so affected by construction traffic, whether or not included in the submitted details, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. The proposed wind turbine noise immission level, when assessed at nearby noise sensitive premises, shall not exceed 25dB(A)LA90,10min at all wind speeds up to and including 10 ms⁻¹ when measured at 10m above ground level. In the case where the wind speed is measured at a height other than 10m, the wind speed data shall be standardised to 10m.

3. At the reasonable request of the Planning Authority/Environmental Health Service or following a valid complaint to the Planning Authority/Environmental Health Service relating to noise immission arising from the operation of the wind turbine, the operator shall measure the level of noise immission from the wind turbine at the property to which the complaint relates in line with a methodology agreed by the Planning Authority/Environmental Health Service.
4. That, in the event of the wind turbine hereby approved failing to produce electricity for any continuous period in excess of 6 months, it shall be deemed to be no longer required and unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, shall be dismantled and removed from the site within the following 6 months to the satisfaction of North Ayrshire Council as Planning Authority.

The meeting ended at 3.55 p.m.