

Local Review Body
29 June 2010

IRVINE, 29 June 2010 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.45 p.m.

Present

Elizabeth McLardy, Margie Currie, Robert Barr, Matthew Brown, John Ferguson, Ronnie McNicol, Pat McPhee, John Moffat and Ryan Oldfather.

In Attendance

K. Smith, Senior Planning Officer, J. Law, Solicitor (Corporate Services); K. Dyson, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair.

Apologies for Absence

David Munn and Robert Rae.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Isle of Arran: 10/00118/PP: Brodick: Shore Road: Fellview

Submitted report by the Chief Executive on a request for a review of the decision taken by officers under delegated authority to refuse planning permission for the erection of a conservatory to front and side of detached dwellinghouse and the installation of two air-source heat pumps at Fellview, Shore Road, Brodick, Isle of Arran. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-4 to the report.

The Senior Planning Officer, as Planning Adviser to the LRB, introduced the matter under review, confirming that the Notice of Review was in order and had been submitted timeously by the applicant. Photographs and plans of the site were displayed.

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

Members noted that the applicant's reference to the proximity of other nearby extensions to the public footpath had been submitted without supporting evidence and determined that, as this constituted new material, it should be disregarded in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997.

Councillor Currie, seconded by Councillor Oldfather, moved that the Local Review Body agree to (a) uphold the review request; and (b) grant the application, without conditions.

As an amendment, Councillor Brown, seconded by Councillor McPhee, moved that the Local Review Body agree to uphold the decision to refuse planning permission for the reason set out in the Decision Notice (Appendix 4 to the report).

On a division, there voted for the amendment 6 and for the motion 2 and the amendment was declared carried.

Accordingly, the Local Review Body, having considered the provisions of the Development Plan and other material considerations, agreed (a) to uphold the decision to refuse planning permission on the following ground:-

1. That the proposed development would not accord with Criteria (a) and (b) of the Development Control Statement of the Isle of Arran Local Plan, in that, by reason of its scale, siting, design and external appearance, the conservatory would detract from the appearance of the existing dwellinghouse and visual amenity, which would be detrimental to the amenity 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 and interested parties.

3. North Coast and Cumbraes: 10/00172/PP: West Kilbride: 55 Main Street

Submitted report by the Chief Executive on a request for a review of the decision taken by officers under delegated authority to refuse planning permission to modify condition 1 of planning consent N/08/00941/PP to extend opening hours to 2100 hours at 55 Main Street, West Kilbride. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and copy of the Decision Notice, were provided as Appendices 1-4 to the report.

The Senior Planning Officer, as Planning Adviser to the LRB, introduced the matter under review, confirming that the Notice of Review was in order and had been submitted timeously by the applicant. Photographs and plans of the site were displayed.

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

Members noted that the applicant's reference within the Notice of Review to the potential generation of employment associated with the proposed extension of opening hours had been submitted without supporting evidence, and determined that, as this constituted new material, it should be disregarded in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997.

The Local Review Body, having considered the provisions of the Development Plan and other material considerations, agreed (a) to uphold the decision to refuse planning permission on the following ground:-

1. That the proposed development would be contrary to the Development Control Statement of the North Ayrshire Local Plan (excluding Isle of Arran) due to the adverse impact of the amenity of the area, through the extension of the permitted opening hours into the later evening. The later opening, taken with the number of existing late night opening premises in the area, would detract from the amenity and character of the area through increased levels of noise and disturbance in the later evening. The original consent was granted solely on the basis of daytime opening hours in cognisance of the need to protect the established 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 and interested parties.

The Meeting ended at 3.05 p.m.