

Local Review Body  
17 August 2010

**IRVINE, 17 August 2010** - At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor McLardy in the Chair.

**Apologies for Absence**

Ian Clarkson, David Munn and Robert Rae.

**1. Declarations of Interest**

Councillor Currie declared an interest in Agenda item 2 (09/00494/PP: Ardrossan: 1a Park Road).

**2. Ardrossan, Saltcoats and Stevenston: 09/00494/PP: Ardrossan: 1a Park Road**

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 a change of use from vacant buildings and yard to a vehicle repair and hire centre at 1a Park Road, Ardrossan. The Notice of Review documentation, the Planning Officer's Report of Handling, a location plan and a copy of the Decision Notice, were provided as Appendices 1-4 to the report.

The Planning Services Manager, 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 noted that the letter dated 9 June 2010 by the current owner of the site submitted as part of the Notice of Review as evidence of the continuous use of the premises as a vehicle repair centre, constituted new evidence not available to the planning officer in determining the application, but further noted that the information in question was not relevant given that the application related to permission for a change of use, rather than a Certificate of Lawful Use.

Members expressed the view that the Local Review Body required further information on the proposed use of the premises.

The Local Review Body agreed to continue consideration of the Notice of Review to a future meeting to allow Officers to collate and submit further information and clarification on (i) the nature of the proposed business use, (ii) the anticipated turnover of vehicles on the site, (iii) the type of tools and equipment to be used, (iv) the number of employees, (v) any noise attenuation measures within the building and (vi) the applicant's assertion in relation to the recent similar use of the premises.

### **3. North Coast and Cumbraes: 10/00351/PP: Cumbrae: Millport: 14 Kames Bay**

Submitted report by the Chief Executive on a request for a review of the decision taken by officers under delegated authority to refuse (in part) planning permission for (a) a change of use from boarding house to form dwellinghouse including re-roofing and the installation of 2 rooflights and (b) replacement windows in UPVC (part retrospective) at 14 Kames Bay, Millport, Isle of Cumbrae. 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 Planning Services Manager, 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.

Thereafter, Members discussed the impact of UPVC replacement windows on the character of the Outstanding Conservation Area, the properties and appearance of the replacement windows proposed, the consistency of planning decisions within conservation areas, and examples of other UPVC windows within the area.

Councillor McLardy, seconded by Councillor McNicol, 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).

As an amendment, Councillor R. Barr, seconded by Councillor Moffat, moved that the Local Review Body agree to (a) uphold the review request; and (b) grant the application.

On a division, there voted for the amendment 3 and for the motion 6 and the motion was declared carried.

Accordingly, the Local Review Body agreed (a) to uphold the decision to refuse planning permission on the following ground:-

1. That the use of UPVC windows would be contrary to Policy BE1 and Criteria (a) and (b) of the Development Control Statement of the North Ayrshire Local Plan (Excluding the Isle of Arran), as they would significantly detract from the character and appearance of the Outstanding Conservation Area in Millport.

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 3.10 p.m.