

Local Review Body 2 October 2019

Irvine, 2 October 2019 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.55 p.m.

Present

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

In Attendance

I. Davies and A. Hume, Planning Advisers to the LRB (Economy and Communities); J. Law, Legal Adviser to the LRB (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Shaun Macaulay.

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. Minutes

The Minutes of the meeting of the Local Review Body held on 4 September 2019 were 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: 19/00147/PPP – Site to West of 35 Irvine Road, Largs

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a condition applied to a planning permission in principle granted by officers under delegated powers for the erection of dwellinghouse at a site to the west of 35 Irvine Road, Largs.

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 Legal Adviser to the Local Review Body advised of the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit.

The Local Review Body unanimously agreed that there was enough information provided to determine the review request without a site visit.

Members asked questions and were provided with further information on:

- similar access roads to other properties from A78 in Largs and the impact these have on traffic flow;
- the suggested wording for Condition 1 which was proposed in the Notice of Review and whether planning conditions could set out recommendations; and
- other options which would allow the applicant to increase the width of the access road and the land ownership issues which prevent this.

Councillor Marshall, seconded by Councillor Foster, moved that the Local Review Body uphold the review request and amend Condition 1 to remove the reference to the required width of the access road.

There being no amendment the motion was declared carried.

Accordingly, having considered all the information, the Local Review Body agreed to uphold the appeal and grant planning permission subject to the following condition:

1. That the approval of North Ayrshire Council as Planning Authority with regard to:
 - i) The siting, design and external appearance of the proposed dwellinghouse;
 - ii) Details of all boundary enclosures;
 - iii) Details of all hard and soft landscaping;
 - iv) Details of the means of access, proposed driveway and parking provision;

shall be obtained before the development is commenced. For the avoidance of doubt, the indicative drawings submitted in support of this application, are not approved.

4. Notice of Review: 19/00306/PP – Sorbie Farm, Ardrossan

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a Section 42 application refused by officers under delegated powers to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m at Sorbie Farm, Ardrossan, Ayrshire.

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 for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed.

The Local Review Body unanimously agreed that there was enough information provided to determine the review request.

Members asked questions and were provided with further information on:

- the impact on visual amenity which the increased turbine height would have for local residents;
- the additional energy which would be generated by the taller turbines and whether, following the Council's decision to declare a climate emergency, this outweighed the negative visual impact;
- the danger of setting a precedent by allowing this type of turbine to be sited within 2km of a residential area; and
- the increased noise generated by the taller turbines, whether this could be limited through the use of a planning condition and who would be responsible for monitoring noise levels should a condition be imposed.

Councillor McNicol, seconded by Councillor McMaster, moved that the Local Review Body uphold the review request and grant planning permission subject to a condition relating to the monitoring of noise generated by the turbine.

As an amendment, Councillor Clarkson, seconded by Councillor Larsen, moved that the Local Review Body uphold the officer's decision and refuse planning permission for the reasons set out in the decision notice.

On a division there voted for the amendment five and for the motion four, and the amendment was declared carried.

Accordingly, the Local Review Body agreed to uphold the decision taken by the Planning Officer to refuse the Section 42 application on the following grounds:

1. The proposal would be contrary to the provisions of Local Development Plan Policy PI 9 criterion (a) and (d) and the General Policy on the adopted North Ayrshire Council Local Development Plan in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality.

The Meeting ended at 3.45 p.m.