

**Local Review Body
5 September 2019**

Irvine, 4 September 2019 - At a Meeting of the Local Review Body of North Ayrshire Council at 3.25 p.m.

Present

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

In Attendance

A. Hume, Planning Adviser to the LRB, I. Davies, Planning Adviser to the LRB (Place); J. Law, Legal Adviser to the LRB (Legal Services); and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Christina Larsen, Shaun Macaulay and Ellen McMaster.

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 19 June 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: 19/00159/PP – 32 Eglinton Street, Beith, KA15 1AQ

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the change of use of a vacant bank to form a hot food takeaway with a small seating area and the erection of a flue to the rear of the building at 32 Eglinton Street, Beith.

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 Planning Adviser referred to the applicant's request for a hearing and site visit.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request without a hearing or a site visit.

The Local Review Body unanimously agreed to uphold the decision taken by the Planning Officer to refuse the application for planning permission on the following grounds:

1. The proposal would be contrary to the provisions of the North Ayrshire Council Local Development Plan Policy TC 1 and General Policy criterion (b) Amenity, by reason of the resulting concentration of hot food uses in close proximity to one another resulting in adverse impacts on amenity, including additional noise, disturbance, potential odour nuisance and adverse impacts on the character of Beith town centre.
4. **Notice of Review: 18/01123/PP – Site to North of Standingstone Hill, Kilbirnie**

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure at the site to the north of Standingstone Hill, Kilbirnie.

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 applicant's request for a hearing and site visit was noted.

The Chair asked if the Local Review Body felt enough information had been provided to determine the appeal without a hearing or site visit.

Councillor McNicol, seconded by Councillor Barr, moved that a site visit and a hearing should be undertaken before the review request is determined.

As an amendment, Councillor Foster, seconded by Councillor Reid, moved that only a hearing should be undertaken before the review request is determined.

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

Accordingly, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting 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, to consider the application for review and hear from the parties on specified matters; (b) that the following parties are invited to attend and address the hearing, after submission of a hearing statement, on the following specified matters (i) material considerations - the applicant/applicant's representative, any interested parties who made representations, and officers of the Council's Planning Service (ii) location of application site in regional park and wild land assessment - the applicant/applicant's representative, any

interested parties who made representations, and officers of the Council's Planning Service (iii) air traffic control matters – the applicant/applicant's representative, Glasgow Airport, and officers of the Council's Planning Service (c) to undertake a site visit before the review hearing is considered; and (d) undertake all necessary notifications and any further procedure in terms of the said Rules.

5. Notice of Review: 19/00135/PP – Westbourne Caravan Park, West Bay Road, Millport, Isle of Cumbrae KA28 0HA

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the extension to an existing caravan park to provide a further 18 stances together with alterations to the existing internal driveway, provision of a bin store and visitor car parking at Westbourne Caravan Park, West Bay Road, Millport, Isle of Cumbrae.

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 Planning Adviser referred to the applicant's request for a site visit.

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

Members asked questions and were provided with further information on:

- ownership of land of the proposed extension to the caravan park; and
- impact on the local economy.

Councillor Foster, seconded by Councillor Marshall, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission for the reasons set out in the planning decision notice.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved that the Local Review Body overturn the decision taken by the Planning Officer and grant planning permission.

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

Accordingly, having considered all the information, the Local Review Body agreed to uphold the appeal and grant planning permission with no conditions.

The Meeting ended at 4.10 p.m.