

**Local Review Body**  
**26 January 2022**

At a Meeting of the Local Review Body of North Ayrshire Council at 3.15 p.m. involving participation by remote electronic means.

**Present**

Tom Marshall (Items 1 – 3), Timothy Billings, Robert Barr, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid.

**In Attendance**

A. Craig, Head of Service (Democratic Services); J. Miller, Chief Planning Officer, A. Hume, Senior Development Management Officers, L. Dempster and K. Gee, Technicians (Planning) (Economic Development and Regeneration); J. Law, Solicitor (Legal Services) and A. Little and C Stewart, Committee Services Officers (Chief Executive's Service).

**Apologies**

Ian Clarkson and Ellen McMaster.

**Chair**

Councillor Marshall in the Chair (Items 1 – 3)

Councillor Billings in the Chair (Item 4)

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Marshall declared an interest in Agenda Item 4, 21/00812/PP – Site to the West of Hillside Cottage, Bellesdale Avenue, Largs, due to his previous involvement with the applicant, and left the meeting for that item of business.

**2. Minutes**

Local Review Body meeting held on 15 December 2021, Item 2, Notice of Review: 21/00293 – 8 Gray Crescent, Irvine, bullet point 6.

The Local Review Body was advised of further information that had been provided directly to members of the Local Review Body, identifying Councillor Marshall as the Council official who had approached a neighbour enquiring about objecting to the application.

Councillor Foster advised of his intention to submit a motion of no confidence in Councillor Marshall, as Chair of the Local Review Body, at the next meeting of Council. Councillor Larsen advised of her intention to second the motion. Councillor Marshall stated that he believed he had behaved appropriately and would defend any motion of no confidence.

The Local Review Body sought legal advice and were advised that the matter would be investigated further by the Monitoring Officer in terms of the Code of Conduct for Councillors. Any concern by a member of the public relating to the conduct of an Elected Member could be raised directly with the Ethical Standards Commission and any motion of no confidence would be dealt with by full Council.

The Minutes of the meeting of the Local Review Body held on 3 November and 15 December 2021 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: 21/00633/PP - Mount Pleasant Farm, Mount Pleasant, Lamlash, Arran**

Submitted report by the Head of Service (Democratic) on a Notice of Review by the applicant requesting that Condition 4 of the planning permission granted be removed. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning decision notice were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant and the Report of Handling submitted by the appointed officer. Photographs and plans of the site were displayed.

Councillor Billings, seconded by Councillor Marshall, moved that the Local Review Body uphold the appeal, in part, and amend Condition 4, to remove Part (i) and the last sentence of Part (ii) as follows:-

That prior to the occupation of the first dwellinghouse:

- (i) ~~The access road shall be upgraded to adoptable rural standard from the end of the existing adoptable section to the proposed turning area; and~~
- (ii) That the first 2m of the proposed driveways shall be surfaced so as to prevent any loose materials or surface water entering the public road, all to the satisfaction of North Ayrshire Council as planning authority. ~~Roads Construction Consent shall be obtained by the developer for the above.~~

Councillor Reid, seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision and Condition 4 of the planning permission as outlined in the Decision Notice.

On a division and a roll call vote, there voted for the amendment, Councillors Barr, McNicol and Reid (3) and for the motion, Councillors Marshall, Billings, Foster, Larsen and Macauley (5), and the motion was declared carried.

Accordingly, the Committee agreed to uphold the appeal in part and amend Condition 4, to remove Part (i) and the last sentence of Part (ii), with Condition 4 requiring:-

That prior to the occupation of the first dwellinghouse the first 2m of the proposed driveways shall be surfaced so as to prevent any loose materials or surface water entering the public road, all to the satisfaction of North Ayrshire Council as planning authority.

Councillor Marshall left the meeting and Councillor Billings assumed the Chair at this point.

#### **4. 21/00812/PP – Site to the West of Hillside Cottage, Bellesdale Avenue, Largs**

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, and Planning Decision Notice were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant and the Report of Handling submitted by the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit and a hearing.

Councillor Foster left the meeting at this point.

Councillor Larsen, seconded by Councillor Macauley, moved that the applicant's request for a site visit be granted.

As an amendment, Councillor Reid, seconded by Councillor McNicol, moved that enough information had been provided to determine the review request without a site visit.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Barr, McNicol and Reid (4) and for the motion, Councillors Larsen and Macauley (2), and the amendment was declared carried.

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

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

Councillor Barr, seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

There being no amendment the motion was declared carried.

The Meeting ended at 4.15 p.m.