



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Monday, 24 October 2022 at 10:15** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

Hearing Session

In accordance with the Hearing Session Rules contained in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, and with the approved North Ayrshire Council Hearing Session Rules and Procedures, the Local Review Body will conduct a hearing in respect of the undernoted Notice of Review.

2 Notice of Review: 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn

Submit 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 (copy enclosed).

3 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

NORTH AYRSHIRE COUNCIL

24 October 2022

Local Review Body

Title:	Notice of Review: 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body hear on specified matters and thereafter continue the Notice of Review for determination.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application. 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn for the change of use of vacant plant hire premises to a retail outlet for the sale of food and drink from vending machines at that address.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 At its meeting on 28 September 2022, the Local Review Body agreed that a hearing be held before the review request was determined, to provide the applicant an opportunity to explain their views and provide information on why (i) the application would not be contrary to the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail) of the adopted North Ayrshire Local Development Plan; and (ii) the proposal would not undermine the Council's town centre first principle which gives priority to supporting the social and economic functions of town centres.
- 2.4 In accordance with the hearing procedure and rules, the applicant/applicant's representative and officers of the Council's Planning Service were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session.
- 2.5 The following related documents are set out in the appendices to the report: -

- Appendix 2 - Report of Handling;
- Appendix 3 - Location Plan;
- Appendix 4 - Planning Decision Notice; and
- Appendix 5 - Hearing Statements.

3. Proposals

- 3.1 The Local Review Body is invited to hear on specified matters and thereafter continue the Notice of Review for determination.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

- 4.2 None.

Legal

- 4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 None.

Key Priorities

- 4.6 None.

Community Benefits

- 4.7 None.

5. Consultation

- 5.1 The applicant and the Council's Planning Service were subsequently invited to submit a hearing statement in advance of the hearing and these are attached at Appendix 5 to the report.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	GRAHAM	Forename	
Surname	CHEN	Surname	
Company Name	GO VENDING LTD	Company Name	
Building No./Name	UNIT 15	Building No./Name	
Address Line 1	MACINTOSH PL	Address Line 1	
Address Line 2	SOUTH NEWMOOR IND	Address Line 2	
Town/City	IRVINE	Town/City	
Postcode	KA11 4JT	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	NORTH Ayrshire Council
Planning authority's application reference number	22/00063/PP

Site address	THE PLANT, COLYTHILL MOUNT ROAD DREEMORN
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Description of proposed development

CHANGING OF USE TO A VENDING RETAIL SPACE PROVIDING FARM FRESH MILK VENDING AND MORE

Date of application

26/1/2022

Date of decision (if any)

15/5/2022

Note: This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☒
☒
☒
☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary

I WOULD LIKE THE OPPORTUNITY TO EXPLAIN WHY THE DORME PLANT IS THE IDEAL LOCATION

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☒

Is it possible for the site to be accessed safely, and without barriers to entry?

☐

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

B. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

WE WERE REFUSED PLANNING PERMISSION DUE TO THE TOWN CENTRE FIRST PRINCIPLE OUR CONCEPT WOULD NOT WORK IN THE TOWN CENTRE DUE TO PARKING RESTRICTIONS. WE WANT OUR HEALTHY VENDING CONCEPT TO BE AN ATTRACTION FOR PEOPLE TO VISIT NORTH AYLESFORD WITH THE JARVIS PLANT BEING ON A MAIN ROAD IN AND OUT OF THE TOWN. WE HAVE PLANS TO EXPAND AND DIVERSIFY INTO A LOCAL ATTRACTION WITH REQUIRED ADEQUATE SPACE TO DEVELOP

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☒ No ☐

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

I DID NOT ANTICIPATE THAT THE PLANNING REFUSAL WOULD BE BASED ON LOCATION AS I DID NOT KNOW ABOUT THE TOWN FIRST POLICY. WE DID NOT WANT TO SUBMIT A DETAILED PLAN FOR FEAR OF COMPETITORS DOING SOMETHING SIMILAR

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

CREAMHILL (N)

Date:

10/5/22

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	22/00063/PP
Proposal:	Change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines
Location:	Jarvie Plant, Corsehill Mount Road, Dreghorn, Irvine Ayrshire
LDP Allocation:	General Urban Area
LDP Policies:	SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 3 -Town Centres & Retail /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 18.02.2022 Neighbour Notification expired on 11.03.2022
Advert:	Not Advertised
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - Towns and Villages Objective
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 3 -Town Centres & Retail

Policy 3:

Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).

- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

Description

Planning permission is sought for the change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines at Jarvie Plant on Corsehill Mount Road in Dreghorn. The site relates to an area of approx. 0.15 hectares. There is existing vehicular access from Corsehill Mount Road and parking provision within the site. A total of 17 no. car parking spaces are proposed by the applicant within the site, including 1 no. accessible space and a bike rack/storage to the front of the building. The building covers approx. 210 square metres.

The applicant submitted a supporting statement. It states that the proposed business intends to collaborate with local farmers to deliver fresh milk through the vending machines and build a brand around this concept by offering milkshakes and home baking in addition to a selection of typical vending machine snacks/refreshments and coffee.

The determination of the application was delayed between 16th March 2022 and 25th April 2022 as a revised site plan and further information regarding parking and servicing arrangements was sought by the case officer.

The application site consists of a commercial unit with neighbouring units to the west of a similar use type. Dreghorn Fire Station is located to the east and a large car dealership is located on the opposite side of Corsehill Mount Road. Greenwood Academy is located further along the road to the northeast. Corsehill Mount Road is a B class road (B7081) and one of the primary connections between Irvine and Dreghorn. A public footpath runs along the front of the site, adjacent to the Corsehill Mount Road. The National Cycle Network Route 73 is located to the north of the site beyond the car dealership and Greenwood Academy, with several foot/cycle paths connecting the route to Corsehill Mount Road.

The application site is located within the General Urban Area within the settlement boundary of Irvine as identified in the Adopted Local Development Plan (LDP). Therefore, the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. The application requires to be considered in accordance with Strategic Policy 2 (Placemaking) and Policy 3 (Town Centres and Retail).

Consultations and Representations

Neighbour notification was carried out for this application in accordance with statutory procedures. No representations were received in response to the application.

Consultations:

Scottish Water - no objection. The applicant should be aware that this does not confirm that Scottish Water can currently service the proposed development. Further advice is given by Scottish Water regarding water and wastewater capacity, surface water, and general advice and next steps for all proposed developments.

Response: Noted.

NAC Environmental Health - no objections.

Response: Noted.

NAC Active Travel and Transport (Roads) - the applicant has provided insufficient information for an adequate assessment to be carried out. The applicant requires to provide a transport statement.

Response: It is not considered that a transport statement is a proportionate requirement for the purposes of a change of use application in the 'local' developments category. The commercial unit was previously occupied by a plant hire business which involved frequent traffic movements into and out of the site via the existing access with the B7081. However, at the request of the case officer, the applicant submitted a revised site plan and further information detailing the proposed parking and servicing arrangements within the site. This is considered sufficient information upon which to make an assessment for an application of this type.

Analysis

In terms of the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy), new non-residential proposals will be assessed against policies of the LDP that relate to the proposal. Proposals within North Ayrshire's towns and villages will be supported by the Council, in principle, where they support the social and economic functions of town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.

In this case, the application is not a major new development nor does the proposal represent a significant retail investment in planning policy terms. However, the application should be considered in terms of Policy 3 (Town Centres and Retail) and Strategic Policy (Placemaking). These policies will now be considered in turn.

Policy 3 (Town Centres and Retail)

For development that has the potential to generate significant footfall, proposals that have adopted a town centre first sequential approach will be supported by the Council. The site is not located within a town centre location. However, given its siting on the B7081 and close proximity to Greenwood Academy, several industrial/business uses, and the National Cycle Network Route 73, there is the potential for the proposed use to generate footfall by attracting employees, pupils, and cyclists/pedestrians in the immediate area, in addition to vehicular traffic from the B7081.

The site is relatively isolated from Irvine town centre (approx. 2km) and from residential and other built areas in Irvine. It is situated approx. 1.3km to the west of Dreghorn Main Street (ie. the centre of the village where there is a concentration of shops, food outlets, public houses and other public-facing businesses and services). As such, the site is considered to be out of centre. Nonetheless, due to its location on Corsehill Mount Road, the site is well-connected for a variety of transport modes, including for pedestrians, cyclists, public transport and private vehicles.

Given the unique and small-scale nature of the proposed retail use, it is not considered that the proposal would generate significant levels of footfall away from Irvine Town Centre. However, it is considered that the proposed use would be more appropriately located within Irvine town centre or within Dreghorn Main Street (1.3km to the east). Despite not being identified in the Network of Centres in the LDP, Dreghorn is a more built-up area, better connected for residents, and has its own commercial/retail centre along Townfoot and Main Street with several existing Class 1 units. It is considered that there is a limited number of surrounding businesses within walking distance to the application site to justify the need for a retail use in this location. There is an existing convenience store within the petrol filling station at the Newmoor Interchange Roundabout to the west, as well as several other retail shops between the site and the village centre (eg. the Co-op supermarket and West End Stores, both of which are closer to residential areas and the historic centre of Dreghorn). Furthermore, whilst connected for a variety of transport modes, it is considered that the B7081 acts as a barrier, and limits the connectedness of the site for pedestrians and cyclists, including from Greenwood Academy and the National Cycle Network Route on the other side of the road.

Therefore, whilst it is acknowledged that the proposal may not generate significant footfall away from Irvine Town Centre, or from Dreghorn village centre, it is considered that there is insufficient justification for a retail use at this location, notwithstanding the vending machine format and information contained in the applicant's statement in respect of supporting local food producers. Proposals of this

type are directed in the first instance to premises within a defined town centre location or within an established village centre such as Dreghorn Main Street. The applicant has not submitted any supporting information to demonstrate that the proposal has adopted a town centre first sequential approach. The proposal does not accord with Policy 3 (Town Centres and Retail).

Strategic Policy 2 (Placemaking)

The stated purpose of Strategic Policy 2 on Placemaking is to ensure "all development contributes to making quality places." The policy also seeks to "safeguard, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Strategic Policy 2 (Placemaking) identifies six qualities of a successful place which all applications for planning permission are expected to meet. In this case, it is considered that the 'Safe and Pleasant,' 'Resource Efficient,' 'Adaptable,' and 'Easy to Move Around and Beyond' qualities are most relevant.

'Safe and Pleasant'

It is not considered that the proposal would result in any adverse impacts in terms of noise, privacy, sunlight/daylight, odours, vibrations, or glare. NAC Environmental Health has no objections to the proposals.

'Resource Efficient' and 'Adaptable'

Notwithstanding the above concerns, it is considered that the application site is adaptable for an alternative use, subject to the use being acceptable for the location in planning policy terms.

'Easy to Move Around and Beyond'

It is considered that the proposal would be well connected for a variety of transport modes and users including pedestrians, cyclists, and public transport. The public footpath running along the front of the site connects into the wider footpath network within Irvine/Dreghorn and beyond and would ensure pedestrian connectivity for users in the immediate area. However, as noted above, it is acknowledged that the B7081 acts as a barrier which could limit the overall connectedness of the site for pedestrians and cyclists, including from Greenwood Academy and the National Cycle Network on the opposite side of the road.

In terms of traffic generation and parking, it is noted that NAC Active Travel and Transport requested the submission of a Transport Assessment including servicing arrangements, anticipated traffic movements, and parking plan. However, for the purposes of the change of use application, it is not considered that the submission of Transport Assessment is required. Nonetheless, for the avoidance of doubt and at the request of the case officer, the applicant was asked to submit a revised block plan and further information with regards to the proposed parking and servicing arrangements.

The revised block plans shows that the site can accommodate a total of 17 no. off street parking space, including 1 no. accessible space. The applicant confirmed that the spaces have been measured out on site. It is not planned to have the spaces marked on the ground. In terms of servicing, delivery vehicles would have access to the side of the building. There is an existing vehicular access from Corsehill Mount Road (B7081) and the applicant confirmed that the access is wide enough for traffic to pass with adequate sightlines at the junction. Due to the convenience nature of the proposed shop, it is not anticipated that vehicles would spend a long time at the site, thus enabling a frequent turnover of the parking spaces. Therefore, given the

above, it is considered that the proposal would not give rise to any adverse traffic or parking impacts to the surrounding area.

Finally, in terms of public transport, there are bus stops to the north-west of the site on Corsehill Mount Road. Frequent services on the route are operated by Stagecoach, primarily the Ardrossan - Kilmarnock service.

Therefore, given the above, it is considered that the proposal would largely meet the relevant qualities of a successful place as identified in Strategic Policy 2 (Placemaking). Nevertheless, the determining issue relates to the suitability of the location for the proposed use. As discussed, it is not considered that the proposal accords with Policy 3 (Town Centres and Retail), which would take precedence over the other material considerations.

Based on the above observations, the proposal does not accord with the relevant policies of the LDP. There are no other material considerations to indicate otherwise. Therefore, planning permission should be refused.

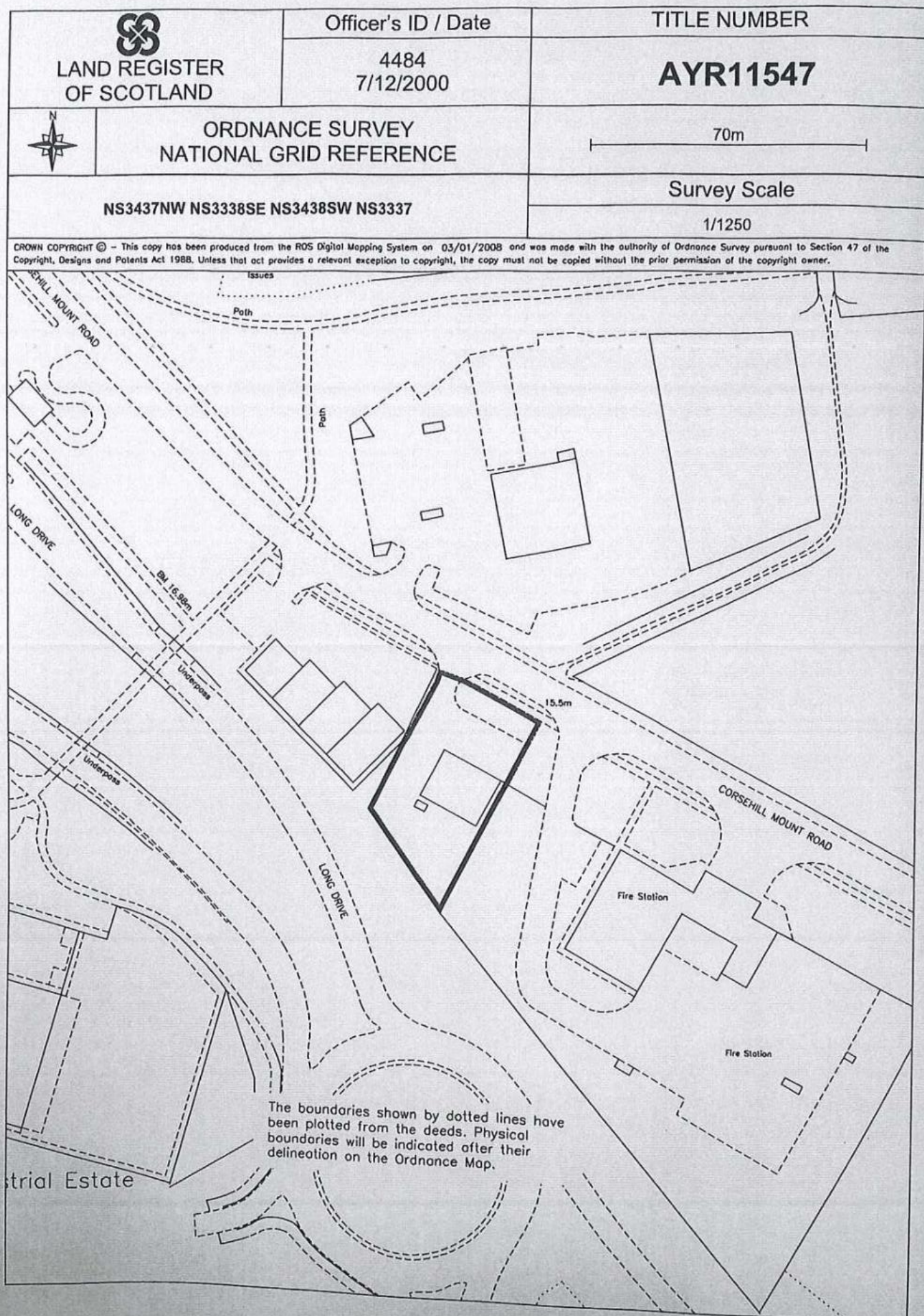
Decision

Refused

Case Officer - Mr Joe Thompson

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Block Plan / Site Plan		





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00063/PP

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr Graham Owens
Unit 15 Mackintosh Place
South Newmoor Industrial Estate
Irvine
Ayrshire
KA11 4JT

With reference to your application received on 18 February 2022 for planning permission under the above mentioned Acts and Orders for :-


Change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines

at Jarvie Plant
Corsehill Mount Road
Dreghorn
Irvine
Ayrshire
KA11 4JZ

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed retail use would be contrary to the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail) of the adopted North Ayrshire Local Development Plan as the site is located outwith a designated town centre. As such the proposal would undermine the Council's town centre first principle which gives priority to supporting the social and economic functions of town centres. No justification has been provided to demonstrate otherwise, nor would any other material considerations outweigh the provisions of the Local Development Plan.

Dated this : 18 May 2022


.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Local Review Body – Hearing Statement for Jarvie Plant, Corsehill Mount Road, Dreghorn

Planning permission was refused (ref. 22/00063/PP) on 18th May 2022 for Change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines at Jarvie Plant, Corsehill Mount Road, Dreghorn.

Planning permission was refused on the basis that the proposed change of use would be contrary to the aims of the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail) of the adopted North Ayrshire Local Development Plan (LDP). The reasoning being that the site is located outwith a designated town centre and the proposal would undermine the Council's town centre first principle which gives priority to supporting the social and economic functions of town centres.

As noted, the site is located outwith (approx. 2km from) Irvine Town Centre and away from residential and other built-up areas in the Irvine locality. It is situated approx. 1.3km to the west of Dreghorn Main Street (i.e., the centre of the village where there is a concentration of shops, food outlets, public houses and other public-facing businesses and services). It is considered that the proposed use would be more appropriately located within Irvine town centre or within Dreghorn Main Street.

It is considered that there is a limited number of surrounding businesses within walking distances to the site to justify the need for a retail use in this location. There is an existing convenience store within the petrol station at the Newmoor Interchange Roundabout to the west, as well as other retail shops between the site and the village centre of Dreghorn (e.g., the Co-op supermarket and West End Stores, both of which are closer to residential areas and the historic centre of Dreghorn). Whilst the site is connected for a variety of transport modes, it is considered that the B7081 acts as a barrier and limits the connectedness of the site for pedestrians and cyclists, including from Greenwood Academy and the National Cycle Network Route on the other side of the road. Therefore, it is not considered that there is sufficient justification for a retail use at this location.

In the grounds of appeal, the appellant claims that the proposal would not work in a town centre location, due to parking restrictions, and that it is their intention to create an attraction for visitors to North Ayrshire, which would require it being located on a main road outwith the town centre. Therefore, the applicant appears to indicate that the use is based on car-borne custom, rather than the range of travel modes available within the town centre. Notwithstanding the vending machine format and the information submitted in support of the application, in respect of supporting local food producers, the LDP policies direct new developments and uses of this type in the first instance to premises within a defined town centre location or within an established village centre such as Dreghorn Main Street. No further supporting information was submitted to demonstrate that the proposal has adopted a town centre first sequential approach. As such, the proposal does not accord with the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail).

Furthermore, the appellant claims that they did not expect that the proposal would be refused on the basis of its location, and they did not know about the town centre policies. However, it should be noted that pre-application advice was given to the appellant in October 2021, and it was advised that the site is located outwith Irvine Town Centre and that it was not considered that the proposal would accord with the Towns and Villages Objective or Policy 3 (Town Centres and Retail).



Supporting Information for Appeal

We were refused planning permission due to the Towns & Villages Objective.

There are no appropriate premises in either Irvine Town centre or Dreghorn which would be suitable for our concept. However, we would be open to other locations should North Ayrshire Council be able to source another premises.

What we are proposing, is a unique vending experience whereby customers can purchase farm fresh milk which we are supplied directly from the farmer through our vending machines. The bottles can then be recycled with a facility to clean used milk bottles and refill; we will also offer a deposit return scheme to make the project green. We intend to expand on this idea by also offering baked goods, artisan snacks from handpicked local producers as well as standard snacks and drinks to support our community and other local businesses.

We have further aspirations to develop into an attraction, adding novelty vending, distinctive adverting and popular concepts such as photo props and sharing them via social media platforms to entice customers to travel for the experience.

The former Jarvie Plant is 1.8 miles from the town centre and 0.6 miles from Dreghorn on a main road in and out of both districts. Rather than take away from both areas, it could increase footfall.

We meet the principles of your Towns and Villages Objective in that, we will generate new employment opportunities, we will regenerate a vacant and derelict building into a sustainable and productive reuse.

We also hold the six qualities of a successful project in that;

- Distinctive – through advertising and marketing which creates a sense of identity.
- Welcoming – improving the current view of the building with appropriate signage and illuminating the building which is currently an eyesore.
- The proposal creates a pleasant, positive space by promoting visual quality and encouraging social and economic activity.
- Adaptable – considering future development to expand on our concept making space for local markets or fun days to be held.
- Resource Efficient – as mentioned previously we will offer a deposit return scheme as well as recycling making this a green project.

All of which form part of the Community Wealth Building strategy of North Ayrshire Council.

Town Centres are the social and economic heart of communities but a concept like ours would not work sandwiched between other retail outlets with inadequate space for designated parking and



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queuing. There are similar concepts within Ayrshire which have been hugely successful, attracting customers from all over Ayrshire and beyond. We want to curate something comparable in a town that really needs it.

Our development has the potential to generate significant footfall given that it's on a primary road between Irvine and Dreghorn and its close proximity to Greenwood Academy, several industrial business estates, and a cycle route, there is huge potential to attract employees, pupils, cyclists and pedestrians and well as the vehicular traffic.

We also largely meet the relevant qualities of what is considered a successful place as identified in Strategic Policy 2 with regards to parking, deliveries and access via public transport.