
NORTH AYRSHIRE COUNCIL

29th August 2018

Planning Committee

Locality	Arran
Reference	18/00570/PP
Application Registered	21st June 2018
Decision Due	21st August 2018
Ward	Ardrossan And Arran

Recommendation	Approved with no Conditions
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Location	Bay News Whiting Bay Brodick Isle Of Arran KA27 8PX
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Applicant	Mr Tim Hodkinson
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Proposal	Change of use from Class 1 (Retail) to Class 2 (Financial & Professional Services), removal of condition 1 of planning permission 13/00612/PP to remove occupancy restriction of the associated dwelling flat and discharge of the Section 75 Agreement.
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1. Description

The application seeks a change of use from Class 1 (Retail) to Class 2 (Financial & Professional Services), and the removal of condition 1 of a planning permission (ref. 13/00612/PP) to remove an occupancy restriction of an associated dwelling flat and discharge of the Section 75 Agreement.

The application relates to a retail building situated on the seaward side of the A841 in the centre of Whiting Bay, set amidst a row of commercial buildings. There is a flatted dwellinghouse on the first floor, situated above the retail unit. Residential properties lie to the west across the A841 and the shore adjoins to the east. Parking is available along the frontage of the shop and a public car park is located to the north west across the A841.

On 4 August 2009, the Planning Committee agreed to grant planning permission for alterations to the roof of the shop to form a dwelling flat and the erection of a balcony to the

rear (ref. 09/00199/PP), subject to the applicants entering into a Section 75 Agreement to limit the occupation of the dwelling flat to the owner or an employee of the retail premises on the ground floor. Condition 1 restricts occupation of the dwelling flat to the owner or an employee of the retail premises on the ground floor. Condition 1 further states that the retail unit and the dwelling flat shall be treated as a single planning unit and shall not become separated in ownership without the prior written approval of North Ayrshire Council as Planning Authority. A Section 75 Agreement was concluded and planning permission issued on 28 September, 2010.

On 16 May 2014, the Planning Committee agreed to amend the terms of the Section 75 Agreement and condition 1 of planning permission 09/00199/PP to include use of the 1st floor accommodation for holiday letting (ref. 13/00612/PP).

Condition 1 of planning permission (ref. 13/00612/PP) states: 'That the dwelling flat shall be occupied only by the owner or an employee of the retail premises on the ground floor or used as holiday letting accommodation and shall not be occupied for holiday letting for a period of more than one month or for more than 6 months in total in any calendar year by the same person, to the satisfaction of North Ayrshire Council as Planning Authority.'

In support, the applicant states that he and his wife have owned the Bay News shop since March 2007 and have seen a year on year decline in the number of visitors coming to the village, which has resulted in a serious decline in turnover for their business despite the range of gifts and locally made products being expanded and opening hours extended. Over recent years the applicant states that he has consistently made a loss which is not sustainable. His wife, who is recovering from illness, operates the shop working 3 to 7 days a week. The applicant states that the business has to be subsidised from his salary as a full time IT consultant in the hope that there is an uplift in the busier summer months. The applicant has marketed the site for two years with only three viewings and no offers.

The Island, he considers, has experienced a significant decrease in population and there has been a reduction in the number of young families in the village. He lists a number of commercial businesses in Whiting Bay that have been lost in recent years with the recent expansion of the Co-op in Lamblash resulting in a 24% drop in their takings.

The applicant proposes to sell/lease the shop for a commercial purpose. The shop is big enough to be offered as one unit or split to allow two, with the shop lending itself to become a hairdressers or a beauty therapy. Extending the potential uses would improve its marketability whilst also selling the flat above would help fund paying off the current businesses debt.

In the adopted Local Development Plan the site is located within the settlement of Whiting Bay where Policies RES 1 and TC 6 are most relevant. All proposals require to be assessed against the relevant criteria of the General Policy, in this case criteria a) Siting, Design and External Appearance, b) Amenity and d) Access, Road Layout, Parking Provision

2. Consultations and Representations

The standard neighbour notification was undertaken and the application was advertised in the local press on 27 June 2018. There were not any representations received.

NAC Active Travel and Transport - No objections.

Response: Noted.

Arran Community Council - No objections.

Response: Noted.

3. Analysis

The application proposes the change of use of the ground floor commercial unit from Class 1 (Retail) to Class 2 (Financial & Professional Services), the removal of condition 1 of planning permission (ref.13/00612/PP) and the deletion of the S75 Agreement in order to remove the occupancy restriction of the associated dwelling flat.

With regard to the change of use of the ground floor unit, the proposal is considered against Policy TC6: Retail Development on Arran. This policy supports development within Classes 1, 2 and 3 within settlement boundaries subject to the proposal being of a scale and character that is not detrimental to the amenity of the area. The commercial unit is located within a row of commercial properties and within the settlement of Whiting Bay, therefore it is not considered that a Class 2 use would have a detrimental impact on the amenity of the area. It would not impact on the amenity of nearby residents and would help sustain the vitality of the locality. The proposal would comply with Policy TC6.

In terms of the removal of occupancy condition, the following points are material considerations:

- (a) the site is located within the settlement of Whiting Bay the principle of a residential use on the first floor of the building would be acceptable and would comply with Policy RES 1;
- (b) in terms of substantial change in circumstance, the applicant has confirmed that the business has seen a downward spiral in revenue, the business is consistently making a loss which is not sustainable and the business as it stands is not viable; and
- (c) the applicant's supporting statement indicates that the property has been marketed for two years with only three viewings and no offers,

In respect of the General Policy of the adopted Local Development Plan, the flat on the first floor has a bedroom, shower room and living room with a balcony accessed off the latter within the roof space, in addition to a small dining/kitchen area and toilet on the ground floor at the rear of the shop. It has an independent access with sliding patio doors at the rear leading to the kitchen/dining area and has adequate accommodation to serve as a residential unit with the benefit of fine views towards the shore and Firth of Clyde. It is considered that given the siting of the building within Whiting Bay, the acceptable level of private amenity space for the flat and provision for car parking, the proposal would comply with the General Policy, providing an acceptable level amenity to future occupants.

It is recommended that planning permission be granted for the change of use of the ground floor commercial unit to Class 2 and that the occupancy restrictions, and the associated planning conditions, be removed.

4. Full Recommendation

Approved with no Conditions, and agree to discharge the Section 75 Agreement.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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