



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 31 October 2018** at **14:00** to consider the undernoted business.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of meetings of the Committee held on 26 September 2018 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Kilwinning

Submit reports on the following applications:

3.1 18/00768/PP: Ayrshire College, Lauchlan Way, Kilwinning

Section 42 application for non-compliance with condition 15 of planning permission ref. N/01/98/0524 to enable the installation of a pedestrian gate on south west perimeter fence on the boundary of the west car park (retrospective) (copy enclosed).

4 North Coast and Cumbraes

Submit reports on the following applications:

4.1 18/00845/PP: 9 Brisbane Street, Largs

Demolition of existing building and erection of 14 flatted dwellings (copy enclosed).

5 Three Towns

Submit reports on the following applications:

5.1 18/00846/ALO: Meikle Ittington Farm, Ardrossan

Removal of Section 75 obligation attached to planning permission 10/00326/PP to remove occupancy restriction (copy enclosed).

6 Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

Irvine, 26 September 2018 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

A. Hume, Senior Development Management Officer (Economy and Communities); M. Barbour, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ian Clarkson, Robert Foster and 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 Planning Committee held on 29 August 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 18/00655/PP - Riverway Retail Park, New Street, Irvine

M&G Real Estate have applied for planning permission for non-compliance with conditions 4, 5 and 6 of outline planning permission CH/10/88/0546/L in order to enable a discount food retailer to move into Unit 3 of the site.

Conditions 4, 5 and 6 of outline planning permission CH/10/88/0546/L state:

"C4 - that the proposed development shall be used for non-food retail businesses and for no other purpose.

C5 - that the gross floorspace of the development shall not exceed 90,000 square feet.

C6 - that all retail sales shall be located on the ground floor of any unit."

The Committee unanimously agreed to grant the application with no conditions.

4. 18/00823/ALO - Whin Farm, Brodick, Isle Of Arran

Mr and Mrs I. Armstrong have applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission (ref. 06/00278/PP) at Whin Farm, Ballymenoch, Kildonan, Brodick, Isle of Arran.

Planning permission was issued on 16 May 2007 for the erection of dwelling house following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The Committee unanimously agreed to grant the application with no conditions.

5. Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997: Site To East Of Castlepark Gardens, Fairlie

Submitted report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 18/00659/PP) should be served.

Condition 4 of planning permission (ref: 18/00659/PP) states:

"That for the avoidance of doubt the proposed shared use path to Castlepark Gardens should be completed prior to the completion of plots 35, 36 and 37, as outlined within approved plan AL(0)114, or no later than 12 months from the date of the original planning consent, that date being 20th September 2018."

The Committee was informed that on 20 September 2018 no work had been undertaken to comply with the above condition.

The Senior Development Management Officer updated the Committee on work which had been undertaken at the site since 20 September 2018, namely the installation of a temporary path from Phase 1 of the development to Castlepark Gardens which, following the erection of security fencing, will be accessible to the public. The Committee was advised that no further action was required.

The Committee unanimously agreed that (a) planning officers will (i) liaise with the applicant to ensure the path is open for public access and (ii) report to a future meeting if this is not the case; and (b) no formal enforcement action was required at this time.

The meeting ended at 2.15 p.m.

NORTH AYRSHIRE COUNCIL

31st October 2018

Planning Committee

Locality	Kilwinning
Reference	18/00768/PP
Application Registered	31st August 2018
Decision Due	31st October 2018
Ward	Kilwinning

Recommendation	Approved subject to Conditions
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Location	Ayrshire College Lauchlan Way Kilwinning Ayrshire KA13 6DE
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Applicant	The Bridge Church
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Proposal	Section 42 application for non-compliance with condition 15 of planning permission ref. N/01/98/0524 to enable the installation of a pedestrian gate on south west perimeter fence on the boundary of the west car park (retrospective)
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1. Description

Planning permission was granted 4th December 1998 (Ref: 98/00487/PP, Alt Ref: N/01/98/0524) for the erection of a college building with a new vehicular and pedestrian access onto Lauchlan Way and car parking. The permission has been implemented. The permission is subject to several conditions including Condition 15 which is as follows;

'That there shall be no direct vehicular or pedestrian access between the development and Dalry Road' (the A78).

The reason for this condition is that it was to meet the requirements of the Trunk Roads Authority.

In January 2018, the Council received a complaint that a gate had been formed in the western boundary fence of the college. This provided pedestrian access between the college and Dalry Road, in breach of Condition 15. Following discussions with the college, the gate was permanently shut.

This application seeks to vary Condition 15 to allow use of the gate. The application is made by a church located at the corner of Dalry Road and Howgate, to the south-west of the college. The church installed the gate, with the agreement of the college, to provide access for their parishioners between the church building and the college car park.

The application site lies within the Town Centre of Kilwinning as identified by the adopted Local Development Plan. It is considered that the relevant policy of the LDP is the General Policy.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures. There have been two objections which can be summarised as follows:

1. There has been no material change in circumstance since the condition was imposed in 1998.

Response: The policy context, including the Council's planning policies and the Trunk Road Authority's advice, has changed since 1998. An assessment of the proposal in this context is given below.

2. There are no difficulties getting into or out of the junction with Dalry Road. Residents and home owners use the access road at all times of the day and night. The area at the southern end is often utilised by hearses and associated traffic. At the times the church is used, Sunday and some weekday evenings, it is outwith peak traffic times. If traffic movements and dangerous driving on Dalry Road is to be considered as a justification for the proposal then a traffic survey should be carried out. Proactive ushering of gate users was only witnessed once and a large congregation for a service had blocked the road.

Response: It is noted that the church is used outwith peak times and the comments regarding the junction are also noted. The objector appears to be content with the existing access arrangements. This application seeks to allow use of the gate so that users of the church can park in the college grounds, accessed from Lauchlan Way. This would minimise vehicles associated with the church using the access road and junction with Dalry Road. It should be noted that there is no restriction on vehicles associated with the church using the access road. Management of pedestrians between the gate and the church would be a matter for the church.

3. The gate will not be restricted to the church and will become a thoroughfare for the general public and a shortcut from the town. The access road could become a car park for users of the college when the college car park is busy. Limited use of the gate would appear to be entirely at the discretion of the church. The last time it was in operation it was not closed properly.

Response: It should again be noted that there is no restriction on vehicles for the church using the access road and a large congregation may cause difficulty for other road users whether or not the use of the gate is permitted. The use of the gate could however direct some vehicular traffic to use the college grounds away from Dalry Road. The use of the gate could also be restricted by condition to a time when the college is not open, which would be based on the Transport Scotland comments below.

4. The gate has in the past been left open, swinging freely onto the road and allowing the general public to pass through. When opened the distance between the gate and the access road is only some 0.6m. The access road is unlit at night and rough surfaced, which is a danger to users of the access road particularly the manoeuvring of coaches and hearses. The access road is also used by bin lorries. There are no pavements in the access road and other pavements in the area are treated against adverse weather.

Response: The installation of the gate was unauthorised as it was undertaken without planning permission. The gate has been shut at request of the Council since April this year. In terms of road safety, the access road is not adopted by the Council and Transport Scotland, as the relevant Roads Authority, has offered no objection (see below). A condition requiring the gate to be re- hung could be attached to any permission if granted.

Consultations

Transport Scotland (Trunk Roads Authority) - do not object subject to a condition restricting the use of the gate so that is only open during college holidays and at weekends during term times.

Response: Noted. A condition could be attached to restrict the use within specified hours.

NAC Regeneration (Access Officer) - no objection. They are supportive of this is access terms.

Response: Noted.

3. Analysis

The relevant criteria of the General Policy against which the proposal is to be assessed is (a) Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout and Parking Provision.

With respect to criterion (a), the gate has been inset in the existing boundary and has a metal frame with mesh panels to match the fence. The appearance of the gate is considered to be in keeping with the area and as such is in accordance with criterion (a) of the General Policy.

With respect to criterion (b), the gate gives access between a car park and an unclassified road leading onto Dalry Road (the A78). The unclassified road gives access from Dalry Road to the rear of residential properties at its northern end, a coach hire premises, funeral parlour and the church. The gate would allow pedestrian traffic from the car park onto the access road. However, it would be some 30m from the nearest residential property to the north and users of the gate are likely to proceed south to the church and access to Dalry Road. A condition could be imposed restricting the days and hours which the gate could be used to further protect residential amenity. As such it is considered that the proposal accords with criterion (b) of the General Policy.

With respect to criterion (d) the Transport Scotland, the trunk roads authority, at whose request the original permission was imposed, do not object subject to the gate only being open during college holidays or at the weekend during term time. Transport Scotland state

that the original condition was to prevent users of the college parking/dropping-off on Dalry Road, and still has concerns regarding this issue but understand that outwith college opening times, there would be benefits to the area to allow the use of college car park with pedestrian access to Dalry Road. Such a condition would help ensure free movement on the A78. The Council's Access Officer also has no objection and supports pedestrian access in general. A condition could also be attached to any permission, requiring the gate to open into the car park and therefore reduce any impact onto the access road when the gate is open. As the relevant Roads Authority has no objection to the proposal, subject to a condition, it is considered that the proposal accords with criterion (d) of the General Policy.

The original planning permission had 14 other conditions. However, given the age of the permission and that the conditions mainly required specific pieces of work to be carried out, it is not considered that they have any ongoing relevance and would not be implicated by grant of this permission.

In view of the foregoing and subject to a condition restricting the times of access, the proposals accord with the relevant LDP policies and planning permission can therefore be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. The use of the gate hereby approved shall be opened only on Saturday and Sundays or any day of the week outwith college term time. At all other times the gate will remain locked shut, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.

Reason

To meet the requirements of Transport Scotland as Trunk Roads Authority.

Condition

2. That within 3 months of the date of this decision, the gate shall be altered to open inwards towards the Ayrshire College car park and thereafter maintained to the satisfaction of North Ayrshire Council, as Planning Authority.

Reason

To ensure the gate does not cross the access road when opened.

Condition

3. Notwithstanding the provisions of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no gate may be constructed, erected or altered between the grounds of Ayrshire College and the access road to the rear of the properties on the east side of Dalry Road, without the express permission of North Ayrshire Council, as Planning Authority.

Reason

To maintain control over further access between the site and the A78 in recognition of the concerns of Transport Scotland as Trunk Roads Authority.

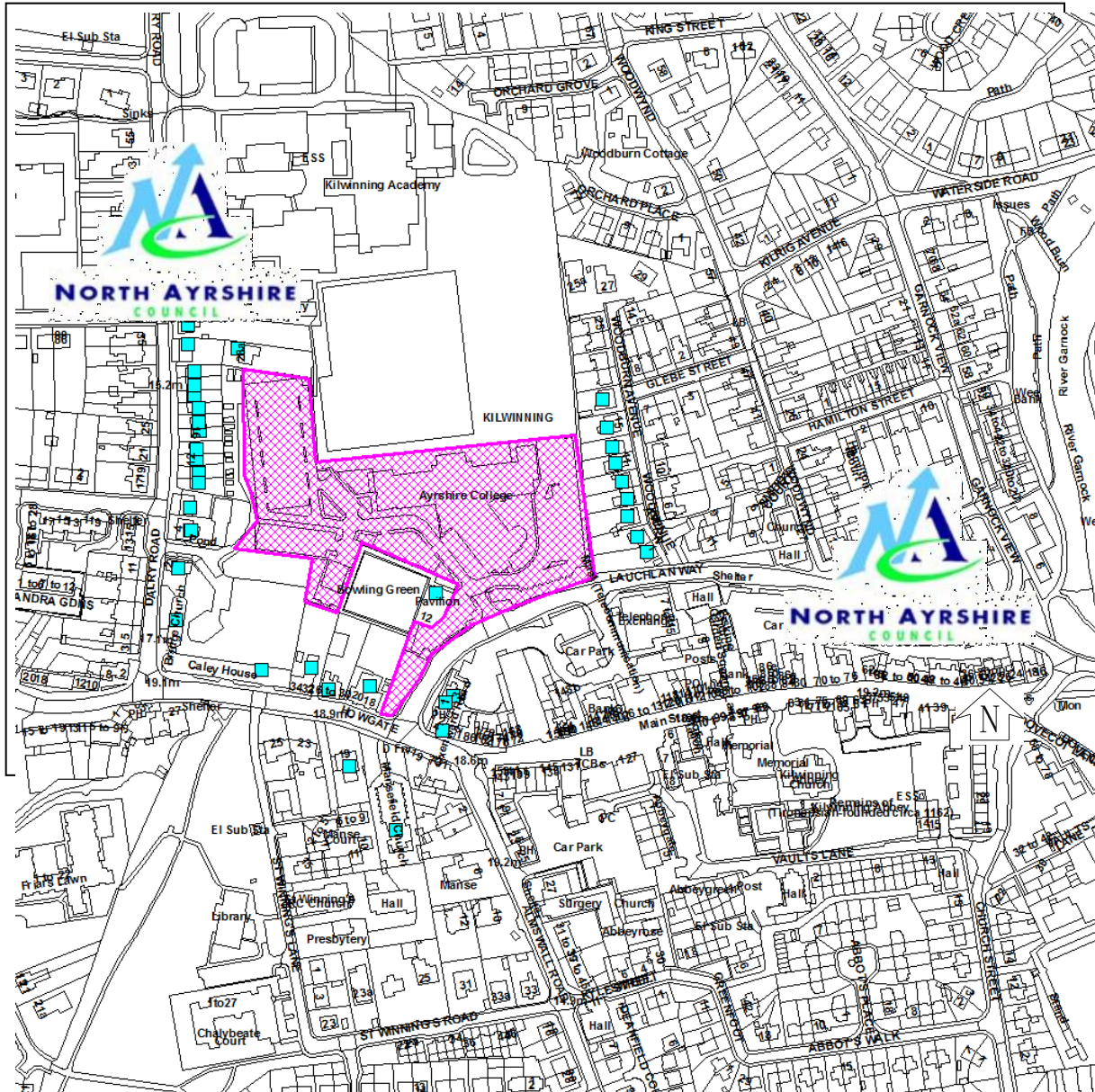
A handwritten signature in black ink, appearing to read 'Karen Yeomans'.

Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast
Reference	18/00845/PP
Application Registered	18th September 2018
Decision Due	18th November 2018
Ward	North Coast And Cumbraes

Recommendation	Approved subject to Conditions
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Location	9 Brisbane Street Largs Ayrshire KA30 8QW
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Applicant	MPB Structures Ltd
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Proposal	Demolition of existing building and erection of 14 flatted dwellings
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1. Description

Planning permission is sought for the demolition of an existing 2 ½ storey hotel and erection of 14 flats. The proposed flats would be accommodated on 4 levels, within a three and half storey building at the front, stepping down to 3 storeys at the rear. Four 2 bedroom flats would be sited on each of the first 3 floors and two 2 bedroom flats within the attic.

The proposed design incorporates a single block with two bay window features and adjoining balconies on the front elevation. The rear would be primarily flat with 1 storey additions on the ground floor.

The applicant has indicated two potential design options with varying materials. Option 1 would include a primarily render finish with the bays, rear 1 storey extensions and side extrusions finished in stone. The stone quoins and banding would be located on the front elevation. Option 2 proposes a rendered finish on the walls with stone quoins and banding on the front elevation.

In both options the balconies would be glazed with concrete tile roof.

The plans indicate that an existing vehicle and pedestrian access at the corner of Brisbane Street and Greenock Road would be blocked up leaving an existing access off Brisbane

Street as the sole means of access to the parking area for the flats. Twenty nine parking spaces are proposed on land between the proposed flats and Greenock Road. The parking and manoeuvring areas are indicated as being finished in block paving; the ground between the car parking and the Greenock Road edge would be landscaped. Further landscaping is indicated around the building while bin storage is proposed at the rear.

The existing 2 and a half storey hotel is located on the east side of Greenock Road north of its junction with Brisbane Street. It is of traditional design though mock Tudor detailing has been applied to the west, north and south elevations. The site is adjoined to the north by a large 3 storey block comprising Hutton Park Care Home and to the south by the more modern 4 storey flatted development at Millennium Court. To the rear it is adjoined by residential properties of relatively traditional style of single and 2 storey semi-detached and detached design. The esplanade lies to the west across Greenock Road.

In the adopted Local Development Plan (LDP) the application site is located within the settlement of Largs where Policy RES1 states that residential development located within an area identified for such purposes in the local plan shall accord with the plan.

The General Policy of the LDP is relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision. Furthermore the Greenock Road/Brisbane Street Development Brief was adopted in December 2005 and provides a series of guidelines for any new development on the frontage.

The Council's Coastal Design Guidance is also relevant, which aims to guide the design of new development to ensure that it will enhance and build upon existing good quality local character and contribute to the area's regeneration rather than detract from it.

On 2nd November 2004, planning permission was granted for demolition of the hotel and the erection of a 4 storey flatted residential block comprising 12 units (ref 03/00159/PP). The consent expired on 2nd November, 2009.

On 4th December, 2006 planning permission was granted to extend to the front of the hotel to provide enlarged dining, function and bar facilities on the ground floor. The proposed extension would project by some 10m from the front of the main facade of the building and 5.5m forward of the existing entrance porch (ref 06/00921/PP). This expired 4th December 2011.

An application (ref. 10/00332/PP) for erection of 12 flatted dwellings on the site was withdrawn on 1st October 2010 following intimation to the developers of concern regarding the scale, design and positioning of the building.

On 19th April 2011 planning permission was refused by the Planning Committee for the demolition of the hotel and erection of a 4 storey flatted residential block comprising 12 units (ref 10/00796/PP) on the basis that:

'The proposed development would be contrary to Policy RES 2A of the adopted North Ayrshire Local Plan (excluding Isle of Arran) and the Council's approved Largs Seafront Design Framework & Development Brief for Greenock Road/Brisbane Street and Coastal Design Guidance. Due to its height, position, massing and design, the proposed

development would be harmful to the setting, character and appearance of this prominent coastal location on the Largs seafront, as advised by the Council's retained Consulting Architect.'

This decision was overturned on appeal to Scottish Ministers and planning permission was granted subject to conditions on 16 August 2011. This consent expired on 16 August 2014.

2. Consultations and Representations

The standard neighbour notification was undertaken and the application was advertised in the local press on 26 September 2018. Three letters of objection were received which raised the following concerns:

1. The building is sited forward of the existing hotel which aligns with the remainder of buildings to the north. The character of the building is not in keeping with its surroundings.

Response: These matters are considered in the Analysis below.

2. The proposed increase in height and siting of the development and windows would impact on the privacy and daylight of neighbouring flats in Millennium Court.

Response: These matters are considered in the Analysis below.

3. The proposal would result in the loss of a hotel. A replacement hotel should be proposed.

Response: This concern is not a material planning consideration. The erection of residential buildings is supported within the LDP.

Consultations

Transport Scotland - No objections subject to a condition that ensures that there shall be no means of direct access to the trunk road either pedestrian or vehicular.

Response: Noted. The applicants propose to block off the existing access at the junction with the trunk road with no access proposed but a condition could be attached in this regard.

NAC Active Travel and Transport - No objections subject to conditions regarding the width of the main parking aisle, hard surfacing of the first two metres of the access and the access is to be designed to ensure no water is issued onto the road.

Response: Noted. Conditions could be applied in this regard.

Largs Community Council - consider that the new building should not be higher than the existing hotel. A sufficient level of bin storage is required to take account of the need for the 4 separate bins required for each dwelling, communal bins should instead be used and the storage unit located closer to the road to allow easy access.

Response: The building has been designed to maximise its development potential whilst still being respectful to the townscape. It is considered that the height of the development is

appropriate in light of the scale of adjacent buildings. Bin storage and type could be controlled by condition to allow the applicant to discuss arrangements with Cleansing.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise.

Planning permission is sought for the demolition of an existing vacant 2 ½ storey hotel and erection of 14 flats. In the adopted Local Development Plan (LDP) the application site is located within the settlement of Largs where Policy RES1 states that residential development located within an area identified for such purposes in the local plan shall accord with the plan.

The General Policy of the LDP is relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

With respect to criteria a) the adopted the Largs Seafront Development Brief provides general guidance on how each element of the Largs seafront could be developed in a manner which respects the existing character or, in some locations, allows some change to occur. In respect of Greenock Road bounded by Douglas Street and Brisbane Street, which includes the application site, the framework states that these sites should be designed in a manner which enhances the nature of the site and its location. The appendix contains the design guidelines which comprise the development brief.

Relevant to this site the design guidelines include: any frontage should be no more than 3m in front of the nursing home; a cultivated front garden should be maintained; existing stone boundary walls should be retained; hardstanding areas can be provided between the building line and frontage garden area; and, any proposed development should be set 4 - 5m from adjoining side boundaries to maintain views to the hills. Building heights should have some variety and be kept at or below the actual datum of Millennium Court to the south either with matching eaves or matching ridge heights.

The proposed building would be set some 7 metres forward of the main elevation of the adjacent nursing home but some 4.5 metres back from the neighbouring Millennium Court. Whilst not in compliance with the development brief, the building is set further back from previous planning permissions on the site which included a front extension to the hotel and separate proposals for 4 storey residential blocks. Therefore the building line, prescribed within the brief, carries little weight.

The main consideration is whether the siting of the building is appropriate in its context.

By siting the building forward of the adjacent nursing home but back from Millennium Court, the proposal provides a transition between the two building lines whilst ensuring that the buildings rear elevation is of suitable distance from those residential properties to the rear. The building would not appear out of character with the remaining frontage onto Greenock Road and due to its scale and design would not dominate its setting.

With regard to the remainder of the brief, the area of landscaped garden currently in front of the hotel would ensure a suitable transition from the main road, a condition would require the submission of a detailed landscaping plan. There is no proposal to remove the existing stone boundary wall to Greenock Road, and as noted above the corner access would be infilled with walling to match the existing. Hardstanding, for mainly car parking, is proposed between the front of the building and the landscaped area which accords with the brief. While a distance of 4-5m from adjoining side boundaries would not be achieved, the distances to the side boundaries are similar to those of the existing building and the block of flats approved in 2004 and 2011. The gap between the buildings to the north and south would ensure views are maintained to the hills beyond. With regard to building height, in accordance with the brief, there is variety in the roofscape and the proposed ridge and eaves heights would be below that of Millennium Court. Therefore it is considered that the proposal accords with the key aspirations of the Development Brief and would provide an attractive solution to a development on the site.

The Council's Coastal Design Guidance is also relevant, which aims to guide the design of new development to ensure that it will enhance and build upon existing good quality local character and contribute to the area's regeneration rather than detract from it.

It is considered that the design responds to its surroundings in terms of scale, massing and detail. As noted above, the site is adjoined to the north by a large 3 storey block comprising Hutton Park Care Home, to the south by the more modern 4 storey flatted development at Millennium Court and to the rear by residential properties of single and 2 storey semi-detached and detached design.

The building has been designed to take cognisance of the scale and massing of the neighbouring properties with the height and frontage width of the building similar to those of the existing hotel.

The options proposed by the applicant indicate two potential types of finish on the exterior. Given the main character of the surrounding area is that of stone and render, the option which proposes stone bays and features would be considered most suitable and provide a more visually appealing solution. A condition requiring details of the exterior materials would ensure the proposed stone matches that of its immediate surroundings. A condition could also be attached to ensure the finished roof material is natural slate rather than concrete tiles, again to compliment the adjacent properties.

As such it is considered that the proposed development represents a context driven response to its location and that the development would not conflict with the Council's approved Coastal Design Guidance.

The proposed siting, design and appearance of the building would be considered acceptable. Subject to condition the proposals would comply with criteria a).

With regard to criteria b) the proposal includes windows on the front, rear and sides of the building. Those windows on the front would overlook the front garden and Greenock Road with those to the rear overlooking the rear gardens and the side elevation of a neighbouring dwelling, some 11 metres away.

Concern has been raised with respect to windows on the side elevation, particularly those fronting Brisbane Street. The majority of the windows would be some 15 metres from the

adjacent building, but offset to protect the privacy of neighbours. The proposed bay on the side, south, elevation would be located some 12 metres from adjacent windows. These particular windows would serve a bedroom on the ground floor and kitchens on the first and second floors. The third floor flats would have no windows to the side. As there is the potential for an impact on privacy from the particular central windows on the south elevation, it would be considered appropriate to require the central bay windows to be partly obscured to ensure no direct overlooking occurs from the lower panes but the upper panes allow sufficient daylight into the kitchens, which would minimise any significant detrimental impact on the privacy of neighbours occurs.

Those windows to the north would overlook the gable of the adjacent care home and have no detrimental impact on amenity.

Whilst concerns have been raised regarding daylight and overshadowing, due to the scale, siting and positioning of the building, any overshadowing would fall upon the street. There would be no notable impact on the daylight achieved within the neighbouring flatted block. Similarly any overshadowing to the rear would be contained within the application site.

Finally, given the scale of the proposed units, outlook and location of the building the occupants of the proposed flats would enjoy a suitable standard of accommodation. Visually amenity of the area would also not be adversely affected.

In view of the foregoing therefore the proposed development is unlikely to have an adverse impact on amenity and subject to condition would comply with criteria b).

With regard to d), neither NAC Active Travel nor Transport nor Transport Scotland have raised objections to the proposals. A suitable level of car parking and access to the site would be achieved. The proposals therefore comply with criteria d).

The proposed development is a marked improvement on the previously consented schemes and would improve the setting of the site in respect to the currently vacant hotel building. Subject to conditions the proposal would comply with the LDP and it is recommended that planning permission be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of development details and/or samples of the proposed external materials must be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt the approved elevation plan is indicated within drawing (ref. AP0804 Rev P01), hereby approved, with the exception of the roof materials, which shall be completed in natural slate. The development shall be completed in accordance with these details, to the satisfaction of North Ayrshire Council as Planning Authority.
2. **Reason**
To protect the visual amenity of the area.

Condition

2. That prior to the commencement of development full details of the proposed access and parking layout shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include confirmation that:

- i) The central aisle is a minimum 6 metres to allow vehicles to manoeuvre safely;
- ii) At a minimum the first 2 metres of the access is hard surfaced in order to prevent loose material from being deposited onto the public road, and;
- iii) The access is designed to ensure no surface water to issue from access/driveway onto public road.

The proposed access and parking arrangement, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt there shall not be any means of direct access to the trunk road either pedestrian or vehicular.

Reason

To meet the requirements of NAC Active Travel and Transport and Transport Scotland.

Condition

3. That prior to the commencement of development details of the proposed soft landscaping and bin storage facilities shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To protect the visual amenity of the area.

Condition

4. Notwithstanding the details within drawing (ref. AP0804 Rev P01), hereby approved, the proposed windows identified on the stone bay feature, located on the south elevation, shall have partially obscure glazing. Prior to the commencement of the development, the details of the obscure glazing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. That prior to the occupation of the flatted dwellinghouses, the partially obscure glazing shall be installed and retained in perpetuity, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To protect the privacy of neighbouring residents.

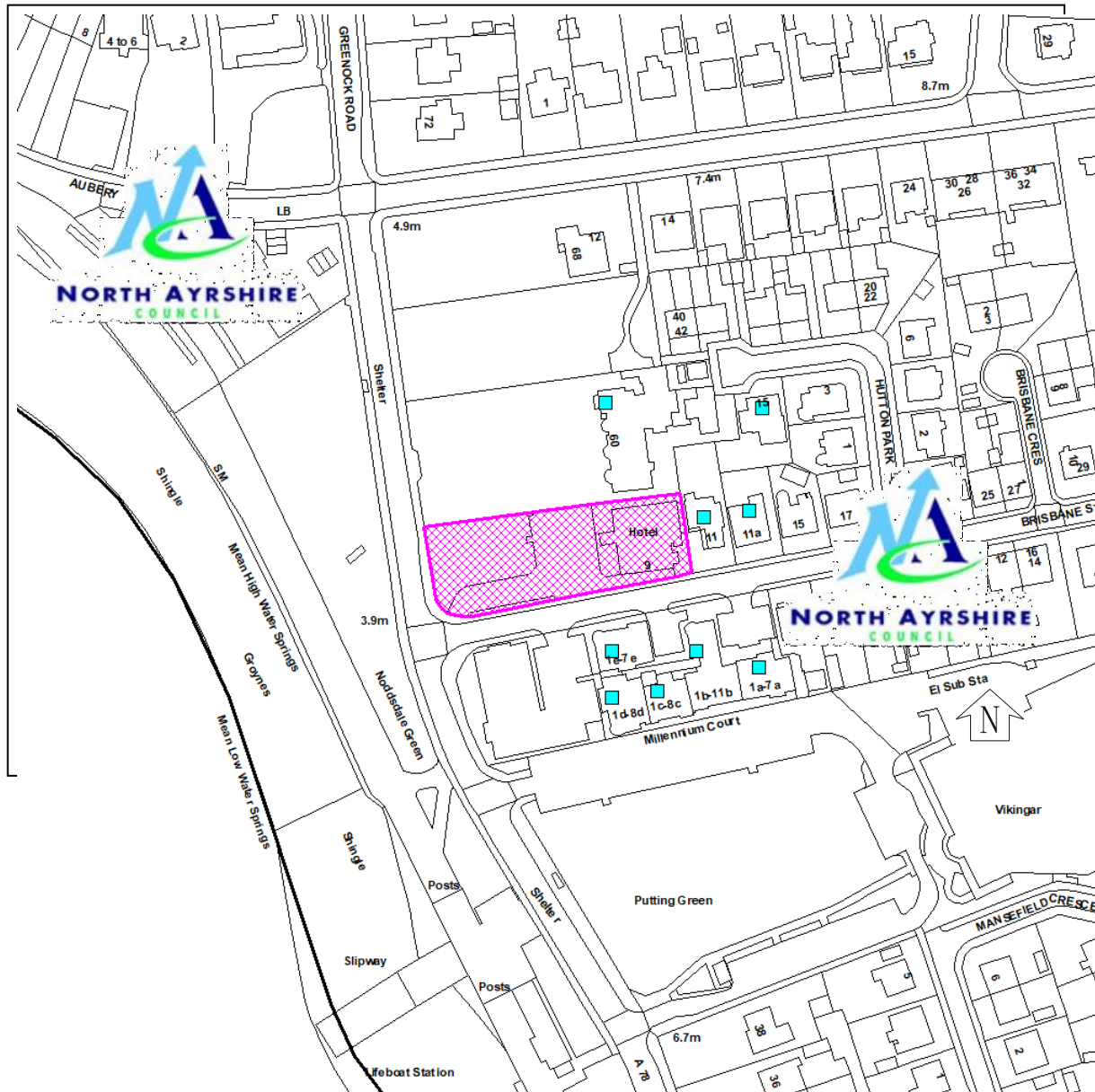


Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

31st October 2018

Planning Committee

Locality	Three Towns
Reference	18/00846/ALO
Application Registered	14th September 2018
Decision Due	14th November 2018
Ward	Dalry And West Kilbride

Recommendation	Approved with no Conditions
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Location	Meikle Ittington Farm Ardrossan Ayrshire KA22 7NX
Applicant	Mr Lewis Scott
Proposal	Removal of Section 75 obligation attached to planning permission 10/00326/PP to remove occupancy restriction

1. Description

This application has been made in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to remove a legal obligation that was entered in to under Section 75 of the Town and Country Planning (Scotland) Act 1997. The obligation was in relation to an occupancy restriction.

A planning application (ref. 09/00523/PP) was refused in 2009 for the erection of a dwellinghouse on Meikle Ittington Farm for an agricultural worker. The refusal was appealed to the Local Review Body (LRB). The LRB dismissed the appeal on the grounds of the siting of the proposed house. However, the LRB accepted that there was a genuine operational need for another worker to live on site in association with the farming business.

A subsequent application for a dwellinghouse for an agricultural worker in an alternative location at Meikle Ittington Farm (ref. 10/00326/PP) was duly submitted. This was approved under delegated powers on 16th May 2011, following the signing of a Section 75 legal obligation which stipulated that the house "must be occupied only by a person either currently or last employed locally in agriculture, or their dependants, or a widow or widower of such a person."

The detached single storey dwellinghouse is sited on an elevated position to the south of the main farm steading. The farm yard is to the immediate north with farmland to all other sides. The property is some 675m south-east of the B780 Ardrossan to Dalry Road.

The 2009 and 2010 planning applications were accompanied by supporting statements and labour reports indicating a requirement for 2 workers to live on site. The applicant's brother lived in the existing farm house and their retired father in the cottage to the south-east of the farm yard.

The current applicant was also the original applicant in 2010 and signatory to the Section 75 legal obligation. A supporting statement has been submitted with this application stating he remains involved in the running of the farm with his brother. There remains a requirement for 2 workers but they make this application to support their plans to diversify the farm business and make it sustainable for the future. They advise that the Section 75 obligation prevents the house being used as a security for raising an investment loan for the farm business.

The applicant also makes reference to the Scottish Government Chief Planner's letter to planning authorities of 4th November 2011 in which he states that "the Scottish Government believes that occupancy restrictions are rarely appropriate and should generally be avoided." This stance is reiterated in Scottish Government Planning Circular 3/2012. The advice continues that occupancy restrictions should only be used where there is a potential for adverse impacts on road safety, landscape quality, natural heritage etc. It is submitted by the applicant that there would be no such impacts at Meikle Ittington.

The application site is located within the countryside, as identified in the adopted North Ayrshire Local Development Plan ("the LDP") and is unaffected by any site specific policies or proposals therein. The relevant policy is ENV 2 (Housing Development in the Countryside). This states that housing for workers engaged in an appropriate rural business (such as farming) shall accord with the LDP, subject to meeting a range of criteria, including a genuine operational need for a dwellinghouse.

2. Consultations and Representations

Consultations were not required, the statutory neighbour notification procedures were followed and the application did not require to be advertised. No objections were received.

3. Analysis

The proposal requires to be assessed in terms of the adopted Local Development Plan Policy ENV 2 and any other material planning considerations. Policy ENV 2 relates to the circumstances under which new housing in the countryside can be justified. It does not specifically address a change of circumstances such as has been presented in this case. The application seeks to discharge the occupancy restriction attached to the Section 75 obligation and provides a supporting statement in relation to the justification for the removal of this restriction.

In terms of the removal of occupancy conditions, the following points can be considered to be material considerations:

- (i) The house has been occupied in association with the rural business against which it was originally justified and granted planning permission;
- (ii) The associated agricultural unit continues to be operated;
- (iii) The occupancy restriction has caused difficulty for the owners in raising finance for their planned investment in the agricultural unit;
- (iv) Scottish Government advice has indicated a shifting policy in regards to the use of occupancy conditions since the time of the original approval.

Requests to remove such occupancy restrictions should normally take into consideration: the time passed since the original restriction was imposed; the change in circumstances given as justification; consideration of any risks associated with removal of the restriction; difficulties caused by retention of the restriction, e.g. mortgage borrowing; and that the house is suitably sited and designed and provides a reasonable level of residential amenity.

The farm is a family concern with its operation having been passed from father to son. The current operator of the farm is the applicant's brother and both brothers are occupied in the running of the farm. The family originally lived in the farm house with the retired parents moving to a nearby cottage. The house, the subject of this application, was permitted to allow both adult brothers and their families to live on site. The farm can therefore be seen to be a long standing family enterprise in the rural area, with the current arrangement having been in place for around seven years. This time is considered to be a sufficiently long period following the creation of the occupancy restriction.

The supporting statement advises that the occupancy restriction restricts the potential to raise finance against the value of the house, which limits the potential for diversification of and investment in the core farm business. Whilst removal of the restriction may result in the house being occupied in isolation from the operation of the farm, planning law cannot compel an owner to work farmland in their ownership. Should the house be split from the farm in the future, any proposed additional residence associated with the farm would require planning permission which would be assessed on its own merits the LDP policies prevailing at the time. However this scenario is not before the Council at the present time.

In terms of siting and amenity, the house has been in occupation for a number of years. It is considered that the house provides a reasonable level of residential amenity and outlook. It is to the south of the farm yard with its own access off the road from the B780. It is also agreed that the Scottish Government's advice, in the form of the former Chief Planner's letter, Circular 3/2012 and Scottish Planning Policy 2014, on the desirability of avoiding occupancy restrictions, other than to guard against identified impacts on road safety, amenity etc. is a material planning consideration.

Taking all of these factors into consideration, it is considered that there is no longer a requirement to retain the occupancy restriction. It is therefore recommended that the occupancy restriction be removed, and the associated Section 75 agreement be discharged.

4. Full Recommendation

Approved with no Conditions



Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

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