
NORTH AYRSHIRE COUNCIL

24 June 2020

Planning Committee

Locality	Three Towns
Reference	20/00296/MDPO
Application Registered	16th April 2020
Decision Due	16th June 2020
Ward	Ardrossan And Arran

Recommendation	Approved with no Conditions
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Location	Ardrossan Harbour Montgomerie Street Ardrossan Ayrshire KA22 8LY
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Applicant	Clydeport Properties Limited
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Proposal	Discharge of section 75 agreement relating to planning permission 01/00753/OPP
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1. Description

An application has been made in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to discharge an agreement that was entered in to under Section 75 of the Town and Country Planning (Scotland) Act 1997.

On the 7th April 2003 the Planning Committee agreed to grant planning permission in principle for a mixed-use development including retail, housing, marina, restaurant, port and related uses, extension to industrial estates, relocation of car showroom and public open space (ref: 01/00753/OPP). This permission was subsequently issued on the 17th December 2004 following the signing of a Section 75 legal agreement. The S.75 agreement required certain potential works to be undertaken in respect of road upgrades, potential financial contribution towards level crossing upgrades and access to be given to the Council in respect of certain land. Some subsequent detailed planning permissions were granted, which led to the development of Asda and some housing.

The applicant has submitted a statement that the original planning application has lapsed in so far as it is not possible to submit any more applications relating to matters specified in its conditions. The applicant also states that all the relevant clauses of the S.75 have been met. Some of the road upgrades, such as traffic signals at the junction of Dalry Road and

Eglinton Road, Ardrossan, have taken place whilst others have not been required due to the proposed development not being fully completed. The overall development of the site as originally envisaged (ref: 01/00753/OPP) has not come to fruition. Any further development of the site, requiring planning permission, would be controlled through new permissions.

The application site is located within the settlement of Ardrossan, as identified in the adopted North Ayrshire Local Development Plan ("the LDP"). Most of the site comprises the Ardrossan Harbour and North Shore Strategic Development Area. The south-western end, around the harbour and to the west of Asda, is identified as a business and industry location. The portion of site around the marina and west of Montgomerie Street is identified as a residential/mixed use area and potential housing development site. The very northernmost portion of the site on the western side of North Crescent Road is identified as open space. A small part of the site, to the north of Asda, is identified as part of the town centre.

The relevant policies of the LDP are considered to be; Strategic Policy 3: Strategic Development Areas which sets out the type of development which will be supported in the area; and as the S.75 mainly related to access issues and road upgrades, Policy 27: Sustainable Transport and Active Travel. The Scottish Government's Planning Circular 3/2012 on Planning Obligations is also relevant.

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 considered in terms of the adopted Local Development Plan Strategic Policy 3: Ardrossan Harbour and North Shore Strategic Development Area, Policy 27 Sustainable Transport and Active Travel and any other material planning considerations.

The Scottish Government's Planning Circular 3/2012 on Planning Obligations set out the tests which should be met when setting an obligation. S.75 Agreements should be, amongst other things, relevant to the development and reasonable.

The main requirements of the S.75 agreement relate to upgrading of roads. This included improved traffic signals at the junction of Dalry Road and Eglinton Road and improved traffic signals at Princes Street and Glasgow Street. Widening of North Crescent Road was also required subject to 51 houses being built and occupied. The S.75 also required potential financial contribution to an upgrading of the level crossings. Finally, the S.75 agreement required access to be given to the Council for certain road upgrades.

The applicant has confirmed compliance with all the relevant requirements. The traffic signals have been installed and North Crescent Road upgraded. The level crossings have been upgraded with the installation of safety barriers. The applicant has confirmed that Network Rail did not require a financial contribution from them.

As the requirements of the S.75 have largely been met and the original permission lapsed, the S.75 can be seen to be neither longer relevant to any development nor reasonable.

Future development of the site could be controlled by planning conditions or subsequent S.75 agreements, if considered necessary, and could include access to any part of the site for the Council, if required. However, future conditions or obligations would be relevant to any future development.

Strategic Policy 3 states that the Council will support proposals for the area that improves accessibility of ferry services by excellent multi-modal transport interchanges. Specific infrastructure including town centre connections will be supported. The works secured through the S.75 supported those aims and discharging the obligation would not be incompatible with Strategic Policy 3 of the LDP

Policy 27 states that the Council will support proposals which contribute to an integrated transport network, provides safe transport options and considers the impact on, and seeks to reduce risk to level crossings. The works secured through the S.75 supported those aims. As the S.75 is no longer relevant, discharging the obligation would again be compatible with Policy 27 of the LDP. Such issues, if relevant, would be considered in any subsequent planning applications for the site.

Taking all of these factors into consideration, it is considered that the requirements of the S.75 have been met or are no longer required given the development carried out. Any future development of the site would be considered in these terms and any further road/access requirements deemed necessary could be controlled through future planning permissions. 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

Russell McCutcheon
Executive Director (Place)

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

Appendix 1 – Location Plan

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