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## NORTH AYRSHIRE COUNCIL

1st September 2021

### Planning Committee

Locality	Isle of Arran
Reference	21/00655/PP
Application Registered	25th June 2021
Decision Due	25th August 2021
Ward	Ardrossan And Arran

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Glenard Manse Road Brodick Ayrshire KA27 8DN
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<b>Applicant</b>	Mr Bruce Jenkins
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<b>Proposal</b>	Removal of condition 1 of planning approval 04/00333/PP and retain use as dental surgery
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### 1. Description

Planning permission is sought for the removal of a planning condition. Planning permission (ref. 04/00333/PP) was granted by the Planning Committee in 2004 for the sub-division and part change of use of a house to form a dental surgery. Condition No. 1 of the consent states that the use would enure for the benefit of the applicant only and for no other person. The applicant now wishes to retire and to sell both the house and dental surgery as a package and therefore requests removal of the condition to enable someone else to continue providing the dental service to Arran.

A new 180mm high ramp would be formed to the front door and internal alterations would also be carried out to form an accessible WC. The original two storey house faces north to the coast. The dental surgery is in a later extension to the rear which is accessed from Manse Road at the west. Existing parking provision is on Manse Road. The building is adjoined by dwellinghouses to three sides and by the playing fields of Ormidale Park to the west.

The application site is within the settlement of Brodick, as identified in the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP"). Strategic Policy 1: the Towns and Villages Objective is relevant. In terms of planning history, a Certificate of Lawfulness

was also issued in 2012 (12/00594/LUE) for the use of a detached chalet in the rear garden of Glenard to provide ancillary accommodation to the main house.

## **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.

## **2. Consultations and Representations**

The statutory neighbour notification procedures were undertaken, and no objections were received.

### **3. Analysis**

Section 42 of the Town and Country Planning (Scotland) Act 1997 allows that applications can be made to allow development to be carried out without compliance with a condition of a previous planning permission. As above, the part change of the use of the building was established by the previous planning permission. A condition had been applied linking the use to the applicant. The determining factor in this application to remove the condition is therefore whether the use has now been established and whether the condition has now served its purpose and can be removed.

The application site is within the General Urban Area of Brodick and Strategic Policy 1: the Towns and Villages Objective supports a wide range of facilities and services which support the social and economic functions of our towns and villages. Use as a dental surgery is generally considered an appropriate use within a residential area, as it is unlikely to result in adverse effects on the residential amenity of any other properties. There are no land use planning issues in principle.

The building is within an existing residential curtilage and its operation as a Class 2 (Professional Services) dental surgery is appropriate to the amenity of a residential area. There is no record of any planning breach or complaints regarding its operation during the preceding seventeen-year period regarding disturbance of residential amenity. The proposal in this case does not raise any significant issues and therefore complies with SP1.

The business appears to have become well established in the interim period and there is no reason to suspect that the operation would change if operated by a different dentist. The condition has therefore served its purpose and can be removed allowing the property to be marketed for sale for continuation of the established use. A second existing condition of the Planning Permission (ref. 04/00333/PP) limits the operating hours to between 0800 and 1800 Mondays to Fridays. A request has not been made to remove this condition and it can therefore be re-applied, allowing that any request by a new operator, to amend the stated hours, could be considered on its merits by Planning Services without requiring a new planning application.

The proposed external ramp to the front would be minor, would aid accessibility to the premises and would have no significant adverse effect on visual amenity. The internal alterations would not require planning permission and there are no issues to consider in terms of Strategic Policy 2: Placemaking. In conclusion, planning permission can be granted. As above, the original condition to limit the hours of operation should be re-applied to protect residential amenity given the location within the residential area.

### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the operating hours of the surgery hereby approved shall be limited to between 0800 and 1800 hours, Monday to Friday inclusive unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, .

**Reason**

In the interest of the amenity of the area.

James Miller  
Chief Planning Officer

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

**Appendix 1 – Location Plan**

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