
NORTH AYRSHIRE COUNCIL

23rd of November 2022

Planning Committee

Title:	Notice under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997: Townhead Close, Largs
Purpose:	To seek approval to promote the stopping up of Townhead Close, Largs under sections 207 and 208 of The Town and County Planning (Scotland) Act 1997.
Recommendation:	That the Committee grants authority to proceed with promoting a Stopping Up Order for Townhead Close, Largs.

1. Executive Summary

- 1.1 The approval of the Planning Committee is sought for the promotion of a Stopping Up Order for Townhead Close, Largs in relation to a Planning Permission (ref. 21/01042/PP) for the development of a retail unit at a site at 123-125 Main Street, Largs which was granted on 24th May 2022.

2. Background

- 2.1 Planning Permission was granted under delegated powers on 24th May 2022 for the demolition of all existing buildings and structures on site and the development of a single retail unit (for convenience retailing purposes), associated car parking, revised vehicular access, servicing and ancillary development plus hard and soft landscaping at a site at 123-125 Main Street, Largs. The retail unit is to be operated by an M&S Foodhall. The site contains the access from Main Street to Townhead Close, a small, adopted cul-de-sac containing three residential properties and the rear access to an additional residential property on Waterside Street. In total, the access for four properties would be affected by the development.
- 2.2 The approved site plan for the foodstore would result in alterations to the access to Townhead Close so that it would be accessed through the car park of the foodstore and therefore would be disconnected from the public road network. A Condition to the Planning Permission requires that the applicant provides a detailed Parking Management Plan including:
- details of maximum parking stay duration,
 - specification of how parking duration would be monitored and enforced,

- the hours of operation of parking management,
- how vehicles of residents (and their visitors) of Townhead Close shall be excluded from the parking management scheme,
- how customer parking will be prevented in Townhead Close,
- where staff will park, and
- suitable management arrangements to prevent non-customers from parking.

2.3 The Parking Management Plan, as required by the terms of the Condition, has not yet been submitted, however, it is expected that the customer car park would be controlled through APNR licence plate recognition of cars entering and leaving the car park. The maximum stay would likely be 90 minutes. This scheme would apply during the opening hours of the food store. Residents of Townhead Close would be able to register to have their vehicles excluded from the scheme. Staff should not be permitted to park on site and a Travel Plan would encourage the use of non-car modes of travel.

2.4 Given the above, the applicant has requested that Townhead Close be stopped up under Sections 207 and 208 of The Town and County Planning (Scotland) Act 1997, as amended (The Act) in order to allow the approved development to proceed.

2.5. Section 207 of The Act states that a Planning Authority may by order authorise the stopping up or diversion of any road which is not-

- (i) a trunk road within the meaning of the Roads (Scotland) Act 1984, or
- (ii) A special road provided by the Secretary of State in pursuance of a scheme under that Act,

if they are satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with Planning Permission granted under Part III or Section 242A, or by a government department.

2.6 Section 208 provides similar powers in relation to footpaths and bridleways.

2.7 For the avoidance of doubt, the stopping up of a road means that the road would no longer be adopted or form part of the public road network. In this instance, the lower section of Townhead Close would be removed and would be replaced by the car park for the approved foodstore. The upper section would be retained as a private access, accessible through the car park of the foodstore.

2.8 The proposed Stopping Up Order would relate to the stopping up of Townhead Close which is neither a trunk road within the meaning of the Roads (Scotland) Act 1984 nor is it a special road provided by the Secretary of State in pursuance of a scheme under that Act. The Stopping Up Order is necessary in order to enable the development to be carried out in accordance with Planning Permission granted under Part III of the Act (Planning ref. 21/01042/PP).

2.9 The applicant has confirmed that on the grant of any Stopping Up Order, servitudes would be granted to the proprietors affected by the Order in order to maintain access to their properties.

2.10 The process of carrying out a Stopping Up Order involves:

- i. Notice of the proposed order is published in the Edinburgh Gazette and a local newspaper, served on statutory undertakers and owners/occupiers of the land involved and displayed at the road;
- ii. There is a 28-day period for objections/representations;
- iii. If there are no objections, the authority may confirm the order itself;
- iv. If there are objections, the Order goes to the Scottish Ministers for confirmation and an inquiry is generally required; and
- v. Confirmation of the order must be advertised/notified in the same manner as notice of the proposed order

2.11 Should the committee approve the promotion of such an Order, the notification process would be carried out shortly thereafter.

3. Proposals

- 3.1 It is therefore recommended that the Planning Committee approve the promotion of a Stopping Up Order for Townhead Close.
- 3.2 If no objections are received to the Stopping Up Order, in the interest of expediency, it is recommended that the Order be confirmed under delegated powers by the Chief Planning Officer.

4. Implications/Socio-economic Duty

Financial

- 4.1 Under Section 207 of The Act, the Planning Authority can require any other authority or person specified to make payments, repayments, or contributions to the cost of doing work associated with the Order. In this instance, the applicant would be expected to pay the costs of the Stopping Up Order.

Human Resources

- 4.2 None

Legal

- 4.3 Should a Stopping Up Order for Townhead Close be confirmed, Townhead Close would no longer be part of the adopted road network and therefore North Ayrshire Council would no longer have a responsibility to maintain the road. The lower part of the road would be incorporated into the car park for the foodstore and the upper section would remain as a private access for the residential properties affected. In order to preserve access to the existing residential properties it is proposed that the Stopping Up Order would not come into operation until the new access has been formed. In addition, the applicant has confirmed that formal rights of access would be granted to the proprietors

affected by the Order in order to maintain access to their properties and that formation and future maintenance of the new access road will be the responsibility of the applicant.

Equality/Socio-economic

4.4 None

Environmental and Sustainability

4.5 None

Key Priorities

4.6 The proposed Stopping Up Order would facilitate a development proposal which aligns with the Council Plan Key Priorities of 'Inclusive, growing and enterprising local economy'; 'Effective infrastructure and digital connectivity'; 'Vibrant, welcoming and attractive places'; and 'A sustainable environment'.

Community Wealth Building

4.7 None.

5. Consultation

5.1 None

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **John Mack, Planning Officer**, on **01294 324794**.

Background Papers

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If in doubt ASK

Denote ownership boundary



Area of Road, Footpaths and Footways to be stopped up

This is the plan referred to the foregoing The North Ayrshire Council (Townhead Close, Largs) Stopping Up Order 2022

2	Stopping Up Hatch Amended	19/10/22
1	Existing adopted road extents amended	10/10/22
No	Description	Date

Revision Notes



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Drawing Status
LEGAL

Suitability

Project
M&S Foodhall
Main Street
Largs
KA30 8JL

Drawing Title
Stopping Up Plan

Scale
1 : 200

Size
A1

Drawn
AW

Checked
RM

Date
01/07/22

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