



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

24 October 2013

Planning Committee

You are requested to attend a Special Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 30 OCTOBER 2013** at **1.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

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. Stopping Up Order: Irvine: Jail Close

Submit report by the Chief Executive on the making of an Order stopping up Jail Close, Irvine and the pedestrian right of way linking High Street to East Road via Jail Close (copy enclosed).

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Joe Cullinane
Ronnie McNicol
Tom Marshall
Jim Montgomerie
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 2

30 October 2013

Planning Committee

Subject: **Stopping Up Order: Irvine: Jail Close**

Purpose: To seek authority to make an order stopping up Jail Close, Irvine and the pedestrian right of way linking High Street to East Road via Jail Close.

Recommendation: That the Committee agrees to make an order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 to be known as "The North Ayrshire Council (Jail Close, Irvine) Stopping Up Order 2013" to enable development to be carried out in accordance with Planning Permission granted under Part III of the 1997 Act for the erection of a community, cultural and leisure centre at the site lying to the west of 36 High Street and 33-45 East Road, Irvine.

1. Introduction

- 1.1 The Council has powers under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 to stop up roads and footpaths if they are satisfied it is necessary to do so in order to enable a development to be carried out in accordance with planning permission granted under Part III of the 1997 Act. The Council has granted Conditional Planning Permission for the erection of a community, cultural and leisure centre at the site to the west of 36 High Street and 33-45 East Road, Irvine (Planning Reference: 13/00046/PPM).

2. Current Position

- 2.1 The Report to the Planning Committee on 5 June 2013, in respect of the above planning application, noted that a Stopping Up Order may be required in respect of Jail Close to enable the development to be carried out. It has now been confirmed that the Stopping Up of both the vehicular and pedestrian route which presently runs from East Road to High Street through the development site is required to allow the development to be carried out.

- 2.2 The route presently used by vehicles known as Jail Close runs from East Road to High Street along the route shown hatched black on the location plan annexed at Appendix 1. This is an adopted road which is presently maintained by the Council as Roads Authority and is suitable for both vehicles and pedestrians. In terms of the Conditional Planning Permission granted by the Council, the Leisure Centre building which forms part of the development will be constructed on part of this road and the road accordingly requires to be stopped up to allow the building to be constructed. It would be impractical to create an alternative route for vehicles between East Road and High Street through the development site, particularly as there would be serious health and safety implications arising from the entry/emergence of vehicles to and from Jail Close in close proximity to the present bus stops on High Street. Considering there is an existing alternative route for vehicles along East Road to High Street, which is of a better standard and quicker in time than Jail Close, an alternative route through the development site is not required. The road is no longer required to access any properties. In practice the road was used to access the rear of buildings which have been, or will shortly be, demolished. Use of it as a through route was uncommon as the alternative vehicular route by High Street and East Road was quicker.
- 2.3 The route presently used by pedestrians between East Road and High Street through the development site runs south westwards from East Road along Jail Close and then continues along a footpath to High Street along the route shown crosshatched black on the location plan so as to form a public right of way from East Road to High Street for pedestrians only. Stopping up this right of way is required to allow the proper execution and design as part of the development of the disabled car park and access into the building in order to ensure that the facilities/arrangements will be compliant with BS 8300 and the Disability Discrimination Act. The path reaches East Road by way of the east end of Jail Close. This will form the service access to the development site. This vehicular access is narrow and there is insufficient space to provide a safe pedestrian route. As the route will be used by bin lorries, use of this route by pedestrians will be dangerous, requiring the stopping up of pedestrian access. There are suitable alternative routes available for pedestrians who may proceed south-east along East Road to High Street or north-west along East Road via Bank Street to High Street and an alternative route through the development site is accordingly not required.

3. Proposals

- 3.1 It is proposed that the Council makes an order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 stopping up Jail Close, Irvine, which runs from East Road to High Street along the route shown hatched black on the location plan annexed at Appendix 1. This is an adopted road which is suitable for both vehicles and pedestrians. In addition, the section of Jail Close which runs south westwards from East Road continues along a footpath to High Street so as to form a public right of way from East Road to High Street for pedestrians only. It is proposed the order made by the Council should also stop up this pedestrian footpath which is shown crosshatched black on the location plan.

4. Implications

Financial Implications

- 4.1 The developers, being the North Ayrshire Council, will be responsible for the costs required to make and implement the Stopping Up Order.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 The Order is in accordance with Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 and is required to enable a development for which planning permission has already been granted to be carried out. The Council may confirm the order if no objections are received. However, if objections are received and not withdrawn the order will be referred to a local inquiry for a hearing to be held following which a decision on whether to confirm the order, with or without modifications, will be made by The Scottish Ministers.

Equality Implications

- 4.4 None.

Environmental Implications

- 4.5 None.

Implications for Key Priorities

4.6 None.

5. Consultations

5.1 Consultations have taken place with Finance and Property Services.

6. Conclusion

6.1 The Stopping Up Order is necessary to allow the development to proceed in terms of the planning permission granted by the Council.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Rosemary Conner, Solicitor on 01294 324327

Background Papers

None



**NORTH AYRSHIRE
COUNCIL**

FINANCE & PROPERTY



Stopping Up Order, Jail Close, Irvine

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