



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 28 September 2022 at 14:15** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

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 Local Review Body held on 8 June 2022 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 Notice of Review: 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn

Submit report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

4 Notice of Review: 22/00292/PP: 15 Pathfoot, Kilwinning

Submit report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

5 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

**Local Review Body Committee
8 June 2022**

Agenda Item 2

Irvine, 8 June 2022 - At a Meeting of the Local Review Body of North Ayrshire Council at 3.20 p.m.

Present

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis, Amanda Kerr and Chloé Robertson.

In Attendance

A. Hume (Item 2) and I. Davies (Item 3), Senior Development Management Officers (Planning); J. Law, Solicitor (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Apologies

Davina McTiernan, Jim Montgomerie and Ian Murdoch.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning Decision Notice, further representations; and the applicants' response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request without a site visit.

Councillor Foster, seconded by Councillor Kerr, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

There being no amendment the motion was declared carried.

3. 21/01036PP - 48 Stoneyholm Road, Kilbirnie

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. Photographs and plans of the site were displayed.

Councillor Foster seconded by Councillor Davidson, moved that the Local Review Body uphold the appeal and grant planning permission.

As an amendment, Councillor Billings, seconded by Councillor Inglis, moved that the Local Review Body uphold the officer's decision and refuse planning permission.

On a division there voted for the amendment three and for the motion four, and the motion was declared carried.

Accordingly, the Local Review Body agreed to grant the application.

The meeting ended at 4.15 p.m.

NORTH AYRSHIRE COUNCIL

28 September 2022

Local Review Body

Title:	Notice of Review: 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn for the change of use of vacant plant hire premises to a retail outlet for the sale of food and drink from vending machines at that address.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan; and
 - Appendix 4 - Planning Decision Notice.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	GRAHAM	Forename	
Surname	CHEN	Surname	
Company Name	GO VENDING LTD	Company Name	
Building No./Name	UNIT 15	Building No./Name	
Address Line 1	MACINTOSH PL	Address Line 1	
Address Line 2	SOUTH NEWMOOR IND	Address Line 2	
Town/City	WVINE	Town/City	
Postcode	KA11 4JT	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	NORTH AYLESFORD COUNCIL
Planning authority's application reference number	22/00063/PP

Site address	THE PLANT, COLYTHILL MOUNT ROAD DREEMOOR
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Description of proposed development

CHANGING OF USE TO A VENDING RETAIL SPACE PROVIDING FARM FRESH MILK VENDING AND MORE

Date of application

26/1/2022

Date of decision (if any)

15/5/2022

Note: This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☒
☒
☒
☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary

I WOULD LIKE THE OPPORTUNITY TO EXPLAIN WHY THE DORME PLANT IS THE IDEAL LOCATION

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☒

Is it possible for the site to be accessed safely, and without barriers to entry?

☐

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

B. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

WE WERE REFUSED PLANNING PERMISSION DUE TO THE TOWN CENTRE FIRST PRINCIPLE OUR CONCEPT WOULD NOT WORK IN THE TOWN CENTRE DUE TO PARKING RESTRICTIONS. WE WANT OUR HEALTHY VENDING CONCEPT TO BE AN ATTRACTION FOR PEOPLE TO VISIT NORTH AYLESFORD WITH THE JARVIS PLANT BEING ON A MAIN ROAD IN AND OUT OF THE TOWN. WE HAVE PLANS TO EXPAND AND DIVERSIFY INTO A LOCAL ATTRACTION WITH REQUIRED ADEQUATE SPACE TO DEVELOP

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☒ No ☐

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

I DID NOT ANTICIPATE THAT THE PLANNING REFUSAL WOULD BE BASED ON THE LOCATION AS I DID NOT KNOW ABOUT THE TOWN FIRST POLICY. WE DID NOT WANT TO SUBMIT A DETAILED PLAN FOR FEAR OF COMPETITORS DOING SOMETHING SIMILAR

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☐

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

CREAMHILL (N)

Date:

10/5/22

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	22/00063/PP
Proposal:	Change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines
Location:	Jarvie Plant, Corsehill Mount Road, Dreghorn, Irvine Ayrshire
LDP Allocation:	General Urban Area
LDP Policies:	SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 3 -Town Centres & Retail /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 18.02.2022 Neighbour Notification expired on 11.03.2022
Advert:	Not Advertised
Previous Applications:	None

Appeal History Of Site:

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.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 3 -Town Centres & Retail Policy 3:

Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).

- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

Description

Planning permission is sought for the change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines at Jarvie Plant on Corsehill Mount Road in Dreghorn. The site relates to an area of approx. 0.15 hectares. There is existing vehicular access from Corsehill Mount Road and parking provision within the site. A total of 17 no. car parking spaces are proposed by the applicant within the site, including 1 no. accessible space and a bike rack/storage to the front of the building. The building covers approx. 210 square metres.

The applicant submitted a supporting statement. It states that the proposed business intends to collaborate with local farmers to deliver fresh milk through the vending machines and build a brand around this concept by offering milkshakes and home baking in addition to a selection of typical vending machine snacks/refreshments and coffee.

The determination of the application was delayed between 16th March 2022 and 25th April 2022 as a revised site plan and further information regarding parking and servicing arrangements was sought by the case officer.

The application site consists of a commercial unit with neighbouring units to the west of a similar use type. Dreghorn Fire Station is located to the east and a large car dealership is located on the opposite side of Corsehill Mount Road. Greenwood Academy is located further along the road to the northeast. Corsehill Mount Road is a B class road (B7081) and one of the primary connections between Irvine and Dreghorn. A public footpath runs along the front of the site, adjacent to the Corsehill Mount Road. The National Cycle Network Route 73 is located to the north of the site beyond the car dealership and Greenwood Academy, with several foot/cycle paths connecting the route to Corsehill Mount Road.

The application site is located within the General Urban Area within the settlement boundary of Irvine as identified in the Adopted Local Development Plan (LDP). Therefore, the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. The application requires to be considered in accordance with Strategic Policy 2 (Placemaking) and Policy 3 (Town Centres and Retail).

Consultations and Representations

Neighbour notification was carried out for this application in accordance with statutory procedures. No representations were received in response to the application.

Consultations:

Scottish Water - no objection. The applicant should be aware that this does not confirm that Scottish Water can currently service the proposed development. Further advice is given by Scottish Water regarding water and wastewater capacity, surface water, and general advice and next steps for all proposed developments.

Response: Noted.

NAC Environmental Health - no objections.

Response: Noted.

NAC Active Travel and Transport (Roads) - the applicant has provided insufficient information for an adequate assessment to be carried out. The applicant requires to provide a transport statement.

Response: It is not considered that a transport statement is a proportionate requirement for the purposes of a change of use application in the 'local' developments category. The commercial unit was previously occupied by a plant hire business which involved frequent traffic movements into and out of the site via the existing access with the B7081. However, at the request of the case officer, the applicant submitted a revised site plan and further information detailing the proposed parking and servicing arrangements within the site. This is considered sufficient information upon which to make an assessment for an application of this type.

Analysis

In terms of the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy), new non-residential proposals will be assessed against policies of the LDP that relate to the proposal. Proposals within North Ayrshire's towns and villages will be supported by the Council, in principle, where they support the social and economic functions of 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.

In this case, the application is not a major new development nor does the proposal represent a significant retail investment in planning policy terms. However, the application should be considered in terms of Policy 3 (Town Centres and Retail) and Strategic Policy (Placemaking). These policies will now be considered in turn.

Policy 3 (Town Centres and Retail)

For development that has the potential to generate significant footfall, proposals that have adopted a town centre first sequential approach will be supported by the Council. The site is not located within a town centre location. However, given its siting on the B7081 and close proximity to Greenwood Academy, several industrial/business uses, and the National Cycle Network Route 73, there is the potential for the proposed use to generate footfall by attracting employees, pupils, and cyclists/pedestrians in the immediate area, in addition to vehicular traffic from the B7081.

The site is relatively isolated from Irvine town centre (approx. 2km) and from residential and other built areas in Irvine. It is situated approx. 1.3km to the west of Dreghorn Main Street (ie. the centre of the village where there is a concentration of shops, food outlets, public houses and other public-facing businesses and services). As such, the site is considered to be out of centre. Nonetheless, due to its location on Corsehill Mount Road, the site is well-connected for a variety of transport modes, including for pedestrians, cyclists, public transport and private vehicles.

Given the unique and small-scale nature of the proposed retail use, it is not considered that the proposal would generate significant levels of footfall away from Irvine Town Centre. However, it is considered that the proposed use would be more appropriately located within Irvine town centre or within Dreghorn Main Street (1.3km to the east). Despite not being identified in the Network of Centres in the LDP, Dreghorn is a more built-up area, better connected for residents, and has its own commercial/retail centre along Townfoot and Main Street with several existing Class 1 units. It is considered that there is a limited number of surrounding businesses within walking distance to the application site to justify the need for a retail use in this location. There is an existing convenience store within the petrol filling station at the Newmoor Interchange Roundabout to the west, as well as several other retail shops between the site and the village centre (eg. the Co-op supermarket and West End Stores, both of which are closer to residential areas and the historic centre of Dreghorn). Furthermore, whilst connected for a variety of transport modes, it is considered that the B7081 acts as a barrier, and limits the connectedness of the site for pedestrians and cyclists, including from Greenwood Academy and the National Cycle Network Route on the other side of the road.

Therefore, whilst it is acknowledged that the proposal may not generate significant footfall away from Irvine Town Centre, or from Dreghorn village centre, it is considered that there is insufficient justification for a retail use at this location, notwithstanding the vending machine format and information contained in the applicant's statement in respect of supporting local food producers. Proposals of this

type are directed in the first instance to premises within a defined town centre location or within an established village centre such as Dreghorn Main Street. The applicant has not submitted any supporting information to demonstrate that the proposal has adopted a town centre first sequential approach. The proposal does not accord with Policy 3 (Town Centres and Retail).

Strategic Policy 2 (Placemaking)

The stated purpose of Strategic Policy 2 on Placemaking is to ensure "all development contributes to making quality places." The policy also seeks to "safeguard, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Strategic Policy 2 (Placemaking) identifies six qualities of a successful place which all applications for planning permission are expected to meet. In this case, it is considered that the 'Safe and Pleasant,' 'Resource Efficient,' 'Adaptable,' and 'Easy to Move Around and Beyond' qualities are most relevant.

'Safe and Pleasant'

It is not considered that the proposal would result in any adverse impacts in terms of noise, privacy, sunlight/daylight, odours, vibrations, or glare. NAC Environmental Health has no objections to the proposals.

'Resource Efficient' and 'Adaptable'

Notwithstanding the above concerns, it is considered that the application site is adaptable for an alternative use, subject to the use being acceptable for the location in planning policy terms.

'Easy to Move Around and Beyond'

It is considered that the proposal would be well connected for a variety of transport modes and users including pedestrians, cyclists, and public transport. The public footpath running along the front of the site connects into the wider footpath network within Irvine/Dreghorn and beyond and would ensure pedestrian connectivity for users in the immediate area. However, as noted above, it is acknowledged that the B7081 acts as a barrier which could limit the overall connectedness of the site for pedestrians and cyclists, including from Greenwood Academy and the National Cycle Network on the opposite side of the road.

In terms of traffic generation and parking, it is noted that NAC Active Travel and Transport requested the submission of a Transport Assessment including servicing arrangements, anticipated traffic movements, and parking plan. However, for the purposes of the change of use application, it is not considered that the submission of Transport Assessment is required. Nonetheless, for the avoidance of doubt and at the request of the case officer, the applicant was asked to submit a revised block plan and further information with regards to the proposed parking and servicing arrangements.

The revised block plans shows that the site can accommodate a total of 17 no. off street parking space, including 1 no. accessible space. The applicant confirmed that the spaces have been measured out on site. It is not planned to have the spaces marked on the ground. In terms of servicing, delivery vehicles would have access to the side of the building. There is an existing vehicular access from Corsehill Mount Road (B7081) and the applicant confirmed that the access is wide enough for traffic to pass with adequate sightlines at the junction. Due to the convenience nature of the proposed shop, it is not anticipated that vehicles would spend a long time at the site, thus enabling a frequent turnover of the parking spaces. Therefore, given the

above, it is considered that the proposal would not give rise to any adverse traffic or parking impacts to the surrounding area.

Finally, in terms of public transport, there are bus stops to the north-west of the site on Corsehill Mount Road. Frequent services on the route are operated by Stagecoach, primarily the Ardrossan - Kilmarnock service.

Therefore, given the above, it is considered that the proposal would largely meet the relevant qualities of a successful place as identified in Strategic Policy 2 (Placemaking). Nevertheless, the determining issue relates to the suitability of the location for the proposed use. As discussed, it is not considered that the proposal accords with Policy 3 (Town Centres and Retail), which would take precedence over the other material considerations.

Based on the above observations, the proposal does not accord with the relevant policies of the LDP. There are no other material considerations to indicate otherwise. Therefore, planning permission should be refused.

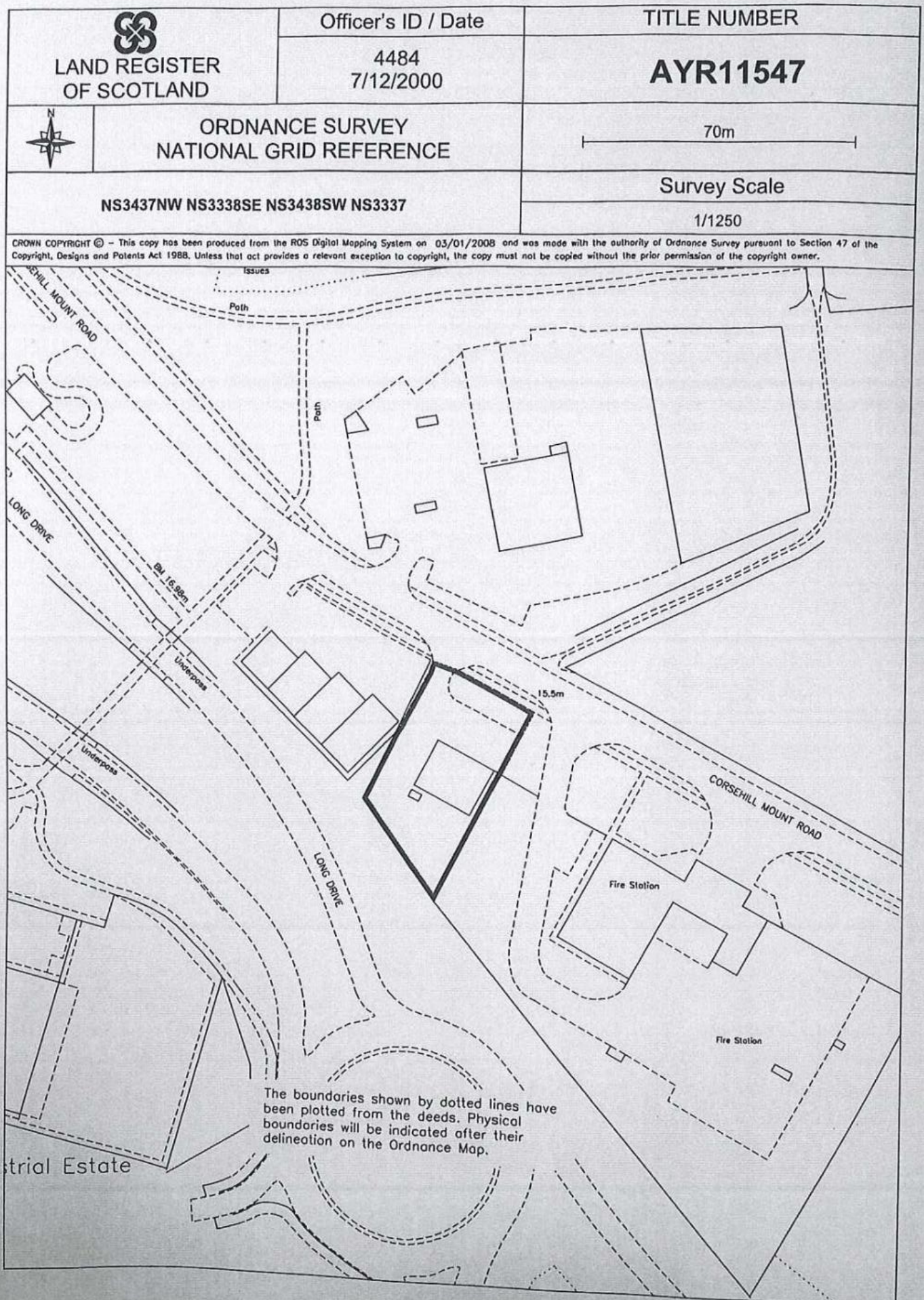
Decision

Refused

Case Officer - Mr Joe Thompson

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Block Plan / Site Plan		





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00063/PP

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mr Graham Owens
Unit 15 Mackintosh Place
South Newmoor Industrial Estate
Irvine
Ayrshire
KA11 4JT

With reference to your application received on 18 February 2022 for planning permission under the above mentioned Acts and Orders for :-


Change of use of vacant plant hire premises to a retail outlet for the sale of food/drink from vending machines

at Jarvie Plant
Corsehill Mount Road
Dreghorn
Irvine
Ayrshire
KA11 4JZ

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed retail use would be contrary to the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail) of the adopted North Ayrshire Local Development Plan as the site is located outwith a designated town centre. As such the proposal would undermine the Council's town centre first principle which gives priority to supporting the social and economic functions of town centres. No justification has been provided to demonstrate otherwise, nor would any other material considerations outweigh the provisions of the Local Development Plan.

Dated this : 18 May 2022


.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NORTH AYRSHIRE COUNCIL

28 September 2022

Local Review Body

Title:	Notice of Review: 22/00292/PP: 15 Pathfoot, Kilwinning
Purpose:	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
Recommendation:	That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00292/PP - 15 Pathfoot, Kilwinning for a change of use from lounge bar to hot food takeaway and external alterations to include the erection of a ventilation flue and formation of an access ramp at that address.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan; and
 - Appendix 4 - Planning Decision Notice.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100554662-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="James Robertson Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="James"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Robertson"/>	Building Number:	<input type="text" value=""/>
Telephone Number: *	<input type="text" value=""/>	Address 1 (Street): *	<input type="text" value=""/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value=""/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value=""/>
Email Address: *	<input type="text" value=""/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="REDACTED"/>	Building Number:	<input type="text" value="REDACTED"/>
Last Name: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="REDACTED"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="REDACTED"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="REDACTED"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="REDACTED"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="15 PATHFOOT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILWINNING"/>
Post Code:	<input type="text" value="KA13 7NG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="643264"/>	Easting	<input type="text" value="230705"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from lounge bar to hot food takeaway and external alterations to include the erection of ventilation flue and formation of access ramp

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☒ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

100554662-001

What date was the application submitted to the planning authority? *

19/04/2022

What date was the decision issued by the planning authority? *

17/06/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mingyan He

Declaration Date: 07/08/2022

Proposal Details

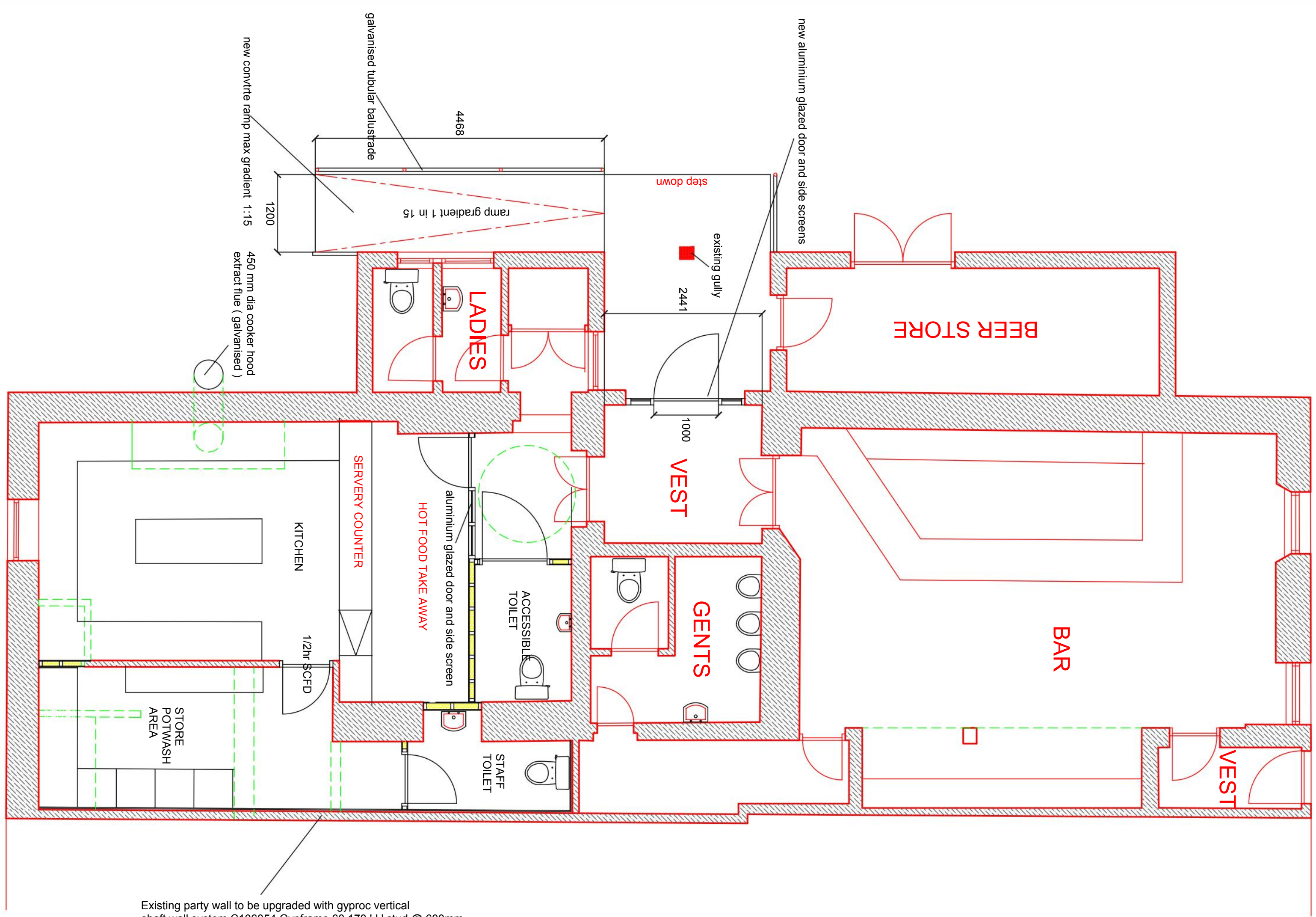
Proposal Name	100595651
Proposal Description	Change of use from lounge bar to hot food takeaway and external alterations to include the erection of ventilation flue and formation of access ramp
Address	15 PATHFOOT, KILWINNING, KA13 7NG
Local Authority	North Ayrshire Council
Application Online Reference	100595651-001

Application Status

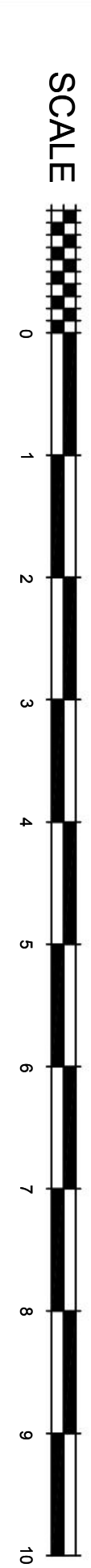
Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete



Attachment Details

Notice of Review	System	A4
Review statement	Attached	A4
Notice of review	Attached	A4
Drawings	Attached	Not Applicable
Drawings proposed	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0




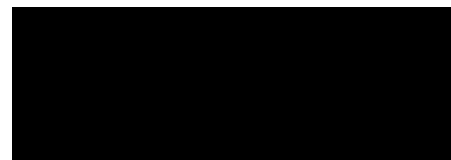
GROUND FLOOR PLAN AS PROPOSED



notes	
client	
project PROPOSED ALTERATIONS TO FORM ENTRANCE AND KITCHEN FOR TAKE AWAY	
drawing	
<div>  <div> JAMES ROBERTSON ARCHITECT B. Arch. Dip. Arch. A.R.I.B.A. </div> </div> 	
scale 1 : 50@A2	date march 2022
drawn	checked
drwg no <div>DRAWING 2</div>	



SIDE ELEVATION AS EXISTING

notes	
client	
project PROPOSED ALTERATIONS TO FORM ENTRANCE AND KITCHEN FOR TAKE AWAY	
drawing	
 JAMES ROBERTSON ARCHITECT B. Arch. Dip. Arch. A.R.I.B.A. 	
scale 1 : 50@A2	date march 2022
drawn	checked
drwg no DRAWING 4	

Mr Mingyan He

Review statement
The Cosy Corner
15 Pathfoot Kilwinning



In recent weeks we have been in the process of retaining the premises license from the previous owners Mr and Mrs Walker in order to continue the operations of the public house. We would like for the review board to take into consideration the current hardship of running a public house due to the current economic climate. We believe that without the opportunity to offer food to bar patrons aswell as offer a takeaway service the public house would not be able to continue operating.

We are looking to continue running the public house and further develop the building with the opportunity of the takeaway running alongside the public house business offering Asian styled bar snacks and the option for takeaway.

The building itself has fallen to disrepair in recent times, we have a keen interest to develop and modernise by fitting a state of the art kitchen, refurbishing the current tired looking bar and reworking the external walls and paintwork in order for the building to look more appealing which can only be beneficial to the local community as the building is one of the first noticeable buildings as you enter Kilwinning.

We understand the towns principles of developing the town center however do believe that old buildings just outside are in need of developing in order for them to continue trading and preventing them from being neglected.

If the planning permissions where to be approved we can see the local community benefitting from the creation of jobs which include,

Contractors for building works

Kitchen and bar staff (full time and part time vacancies)

Delivery drivers

And opportunities for local food produce businesses

Our current aim is to Hire 10-15 members of staff working in this business

The building is currently located in an area which has a mix of commercial and residential properties, an increase in footfall will be beneficial to the local businesses and we would like to work closely with the local authority and residents in order to find solutions to any issues that they may raise.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	22/00292/PP
Proposal:	Change of use from lounge bar to hot food takeaway and external alterations to include the erection of ventilation flue and formation of access ramp
Location:	15 Pathfoot, Kilwinning, Ayrshire, KA13 7NG
LDP Allocation:	
LDP Policies:	SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 3 -Town Centres & Retail /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 27.04.2022 Neighbour Notification expired on 09.06.2022
Advert:	Regulation 20 (1) Advert Published on:- 04.05.2022 Expired on:- 25.05.2022 Schedule 3 Published on:- 04.05.2022 Expired on:- 25.05.2022
Previous Applications:	None

Appeal History Of Site:

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.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure

that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 3 -Town Centres & Retail

Policy 3:

Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).

- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

Description

Planning permission is sought for the change of use from lounge bar to hot food takeaway and external alterations to include the erection of ventilation flue and formation of access ramp at 15 Pathfoot in Kilwinning.

The proposed change of use relates to an area to the rear of a public house, with a floorspace of approx. 51 sqm. The area is currently used as a bar lounge and store. The proposal would involve alterations to form a new kitchen area, store/pot wash area, service counter, and accessible and staff toilets. An access ramp would be formed to the southeast elevation of the building and would relate to a new entrance to the building which would be formed of a new aluminium glazed door and side screens. A ventilation flue would be installed on the southeast elevation of the building.

6 no. off street parking spaces would remain within the site. Waste storage and collection would be provided via an external bin area located within the existing car park.

The application site consists of the rear section of The Cosy Corner public house which fronts onto Pathfoot (A737). There is a car park located to the south of the building. Vehicular and pedestrian access to the proposed hot food takeaway would be via the car park. A bus stop is located immediately adjacent to the application site on the public footpath. The surrounding area is formed primarily of residential properties. However, there is also a used car dealership to the north and several other business premises located further north along the A737 closer to Kilwinning Town Centre.

The application site is located within the General Urban Area within the settlement boundary of Kilwinning as identified in the Adopted Local Development Plan (LDP). Kilwinning Town Centre is located approx. 230m to the northwest of the site, an approx. 3 - 5 minute walk. Therefore, the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies, and the application requires to be considered in respect of Strategic Policy 2 (Placemaking) and Policy 3 (Town Centres and Retail).

Consultations and Representations

Neighbour notification was conducted for this application in accordance with statutory procedures and an advertisement was placed in a local newspaper. Four representations were received in response to the application, two in objection, one in support, and one neither in objection to nor supporting the planning application. The points raised are summarised below:

1. Concern that the proposed hot food takeaway will increase the number and frequency of vehicular traffic to the site.

Response: The traffic and parking implications of the proposal are considered in the Analysis section below. See also the consultation response from NAC Active Travel and Transport (Roads).

2. Concern regarding the parking associated with the proposed hot food takeaway due to the current situation where vehicles park on the public footpath.

Response: The traffic and parking implications of the proposal are considered in the Analysis section below. See also the consultation response from NAC Active Travel and Transport (Roads). The parking of private vehicles on the public footpath is not a matter for Planning Services.

3. Concern regarding litter associated with the hot food takeaway.

Response: This is not a material planning consideration. Nonetheless, it is noted that there is an existing waste bin located near the application site adjacent to the bus shelter on the public footpath at Pathfoot.

4. Concern regarding odour, noise, and disruption associated with the hot food takeaway.

Response: Amenity impacts including those highlighted are considered in the Analysis section below. See also the consultation response from NAC Environmental Health.

5. Concern that no proper neighbour consultation has been undertaken as part of the application process as neighbour notification letters were received 18th May 2022 the expiry date for public comments.

Response: It is acknowledged that there was a delay in the delivery of the neighbour notification letters for this application. Accordingly, additional time was made for public comments.

Consultations:

NAC Environmental Health - no objections to the development subject to a range of matters being addressed. In particular, the ventilation system for the hot food takeaway. A letter has been sent directly from Environmental Health to the applicant/agent regarding the matters raised.

Response: A condition could be added to any consent regarding the ventilation system.

NAC Active Travel and Transport (Roads) - no transport related objections to this proposal. There is sufficient parking and turning within the confines of the site to accommodate the proposed development, such that it will not impact on the adjacent public road network.

Response: Noted.

Scottish Water - no objection to this planning application. However, the application should be aware that this does not confirm that the proposed development can currently be serviced. Further advice given regarding water and wastewater capacity, drinking water protected areas, surface water, general notes, and next steps.

Response: Noted.

Analysis

The Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) supports, in principle, development proposals within North Ayrshire's towns and villages that support the social and economic functions of its towns 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. The application therefore requires to be considered with reference to Policy 3 (Town Centres and Retail) in addition to Strategic Policy 2 (Placemaking).

Firstly, in terms of Policy 3 (Town Centres and Retail), for development that has the potential to generate significant footfall, the Council will support proposals that have adopted a town centre first sequential approach. This includes a variety of uses and it is considered that the proposed hot food takeaway facility would fall under this type of development. Conversely, proposals which do not accord with Policy 3 may be contrary to the aims of the LDP. In this case, the application site is located outwith Kilwinning Town Centre and is within a General Urban Area as identified in

22/00292/PP

the LDP. In the submitted application, it has not been demonstrated that consideration has been given to the town centre first sequential approach. No reasoned justification has been provided for discounting the relevant locations in the order of preference (i.e., town centres, edge of town centres, other commercial centres, and out of centre locations that are, or can be made easily accessible by a choice of transport modes).

As noted above, the application site is located outwith Kilwinning Town Centre and within the General Urban Area of Kilwinning. The edge of Kilwinning Town Centre is located within approx. 230 metres of the application site, within walking distance of both the application site and the surrounding residential area with the primary walking route along the A737 available via the public footpath network and a walking time of around 3 - 5 minutes. Similarly, more immediate access to the town centre is available via cycle and public transport with several bus stops located throughout the surrounding residential area, or by private car. In these circumstances, it is not considered that a hot food takeaway can be justified at this location in terms of the town centre first principle. As such, the proposal would not accord with Policy 3 (Town Centres and Retail) and the associated town centre first principle and sequential approach. The proposal would undermine the goal of Policy 3 (Town Centres and Retail) to support the social and economic functions of the town centre.

The application also requires to be considered in accordance with Strategic Policy 2 (Placemaking). The stated purpose of Strategic Policy 2 on Placemaking is to ensure "all development contributes to making quality places." The policy also seeks to "safeguard, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Strategic Policy 2 (Placemaking) identifies six qualities of a successful place which all applications for planning permission are expected to meet. In this case, it is considered that the 'Safe and Pleasant' quality is most relevant.

In terms of the Safe and Pleasant quality, it is noted that proposals should respect the amenity of existing and future users of an area in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. It is acknowledged that the proposed hot food takeaway facility has the potential to cause nuisance to neighbouring residents by way of adverse noise and odours created through cooking processes and transport impacts through the pickup and delivery of hot food sales.

A ventilation flue is proposed to the southeast facing side elevation of the building. NAC Environmental Health has no objections to the development subject to a range of matters being addressed, including the ventilation system for the hot food takeaway.

In terms of traffic generation and parking, it is proposed that 6 no. off street parking spaces would remain within the site within the existing car park area off the A737. NAC Active Travel and Transport (Roads) has no transport related objections to this proposal observing that there is sufficient parking and turning within the confines of the site to accommodate the proposed development, such that it will not impact on the adjacent public road network.

In light of above, it is acknowledged that any noise and odour impacts resulting from the proposed hot food takeaway facility could potentially be mitigated through an appropriately designed ventilation system. There is existing parking provided at the site which would remain and could accommodate any associated vehicular travel,

provided it is used for short stay purposes. However, it is also recognised that the surrounding area to the application site is primarily residential in character and appearance, with the exception of the existing public house and the car dealership to the north. As noted above, it is not considered that the application site is of adequate distance away from Kilwinning Town Centre to justify the siting of a hot food takeaway in this location. Similarly, it is considered that the siting of a hot food takeaway facility within a primarily residential area would be inappropriate and would adversely impact on the residential character and amenity of the surrounding area. It is noted that the existing public house already represents a "bad neighbour" in the area. However, it is considered that the addition of a further "bad neighbour" use with the potential to cause nuisance to neighbouring residents by way of adverse noise and odours would not be appropriate.

Therefore, it is not considered that the proposal meets the relevant criteria of a successful place as identified in Strategic Policy 2 (Placemaking).

Based on the above observations, the proposal does not accord with the relevant policies of the LDP and there are no other material considerations to indicate otherwise. Therefore, planning permission should be refused.

Decision

Refused

Case Officer - Mr Joe Thompson

Appendix 1 - Drawings relating to decision

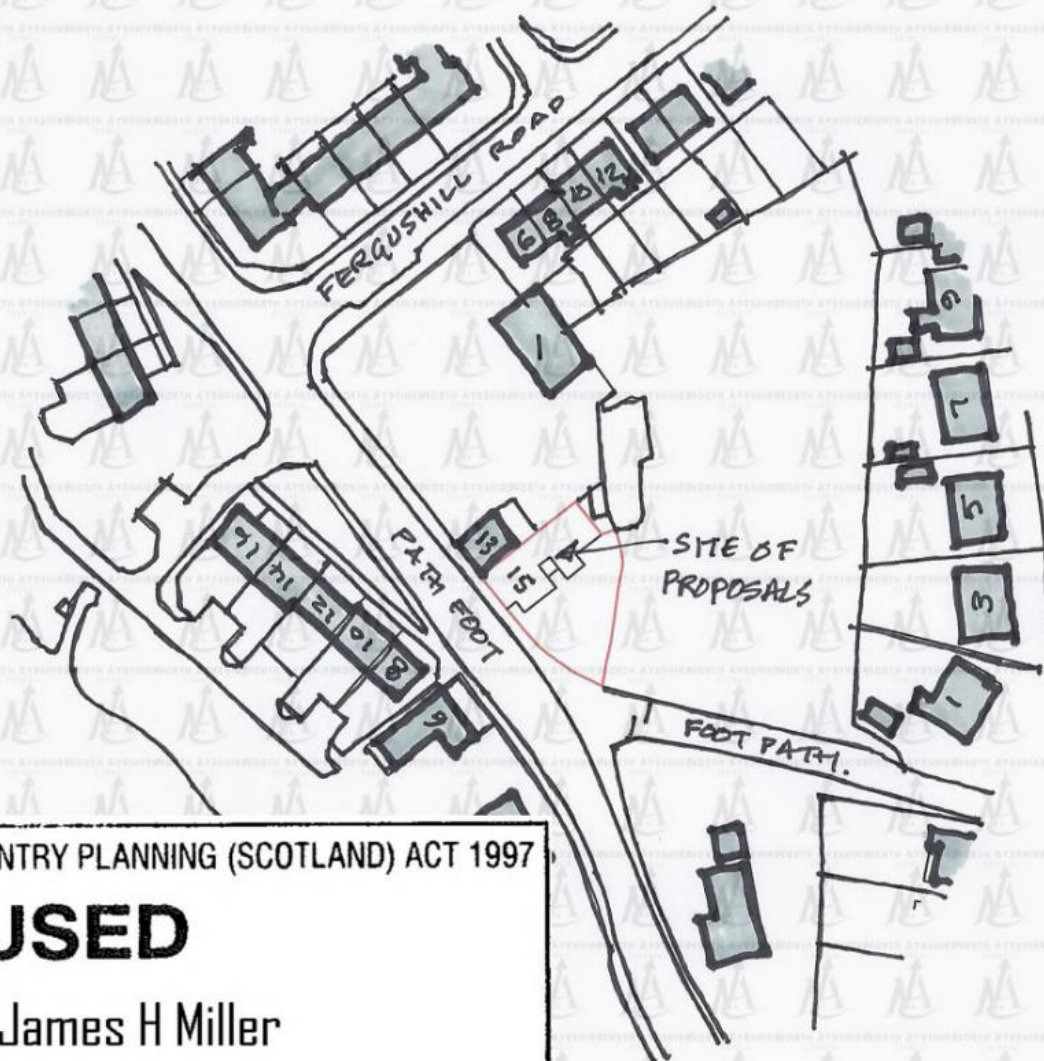
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan		
Location Plan		
Existing Floor Plans	MH/01	
Proposed Floor Plans	MH/02	
Proposed Cross Section	MH/03	
Existing Elevations	MH/04	
Proposed Elevations	MH/05	



JAMES ROBERTSON ARCHITECT

B. Arch. Dip. Arch. A.R.I.B.A.

NORTH



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER

PROPOSED CHANGE OF USE FROM LOUNGE BAR TO HOT FOOD TAKE AWAY
AT 15 PATHFOOT KILWINNING
FOR Mr Mingyan He

LOCATION PLAN

1:1250



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00292/PP

(Original Application No. N/100554662-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013

To : Mr Mingyan He
c/o James Robertson Architects
7 Park Avenue
Prestwick
Ayrshire
KA9 1RG

With reference to your application received on 22 April 2022 for planning permission under the above mentioned Acts and Orders for :-

Change of use from lounge bar to hot food takeaway and external alterations to include the erection of ventilation flue and formation of access ramp

at 15 Pathfoot
Kilwinning
Ayrshire
KA13 7NG

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed hot food takeaway facility would be contrary to the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail) of the adopted North Ayrshire Local Development Plan as the site is located outwith Kilwinning Town Centre. Therefore, the proposal would not support the town centre first principle, which seeks to direct such uses to town centres in the first instance. No justification has been provided to demonstrate otherwise, nor would any other material considerations outweigh the provisions of the Local Development Plan.
2. The proposed hot food takeaway facility would be contrary to Strategic Policy 2 (Placemaking) of the adopted North Ayrshire Local Development Plan as it is likely to have an adverse impact on the predominantly residential character and amenity of the surrounding area as a result of additional noise, disturbance, traffic and potential cooking odours.

Dated this : 17 June 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS
2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.