
NORTH AYRSHIRE COUNCIL

2 September 2020

Local Review Body

Title: Notice of Review: 20/00023/PP - 67 - 71 Dockhead Street, Saltcoats

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant requesting the amendment of Condition 5 of planning permission 20/00023/PP.

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 20/00023/PP – Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy at 67 - 71 Dockhead Street, Saltcoats.
- 2.2 Planning permission was granted by officer's subject to conditions. Condition 5 states:
- "That the siting of the shipping containers at this location shall be limited to a period of 5 years from the date of the decision. Upon the expiry of the consent, the containers and all associated infrastructure, including the roof canopy, shall be removed and the site restored to its former condition to the satisfaction of North Ayrshire Council as Planning Authority."*
- 2.3 The Notice of Review is seeking to amend the time limit on this condition of 5 years.
- 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

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 none were received.

Craig Hatton
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

Background Papers: 0

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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

MAGON + CO.

Address

11-13 DUNDEE ST
GLASGOW G1 1AA

Contact

Contact

Fax

E-mail

Agent (if any)

Name

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative: ☐

Yes

No

* Do you agree to correspondence regarding your review being sent by e-mail?

☒

☐

Planning authority

NORTH Ayrshire Council

Planning authority's application reference number

20/00023/PP.

Site address

67-71 DOCKHEAD ST SALTCOATS KA21 5ED

Description of proposed development

SITTING OF 5 MODIFIED SHIPPING CONTAINERS
RETAIL AND HOT FOOD USE WITH GLAZED CANOPY

Date of application

10 JAN 2020

Date of decision (if any)

5 MARCH 2020

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

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☐
3. 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) ☐
4. Application for approval of matters specified in conditions ☒

Reasons for seeking review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

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.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, 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 are necessary:

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input type="checkbox"/> |

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

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.

PLEASE REVIEW CONDITION 5. WE ARE INVESTING £150,000 ON THE ENTIRE PROJECT, WHICH WILL PROVIDE AN OPPORTUNITY TO ATTRACT MORE TRADE TO THE TOWN. THE CURRENT 5 YEAR TERM WOULD NOT ATTRACT BUSINESSES AS THIS DOES NOT ALLOW FOR ANY LONG TERM STABILITY. THIS PROJECT IS THE ONLY VIABLE OPTION FOR LANDSBURGH TRINITY CHURCH TO BECOME OF SOME USE. THIS WILL ONLY RESULT IN ANOTHER EMPTY BUILDING WITHIN THE TOWN CENTRE.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

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 and intend to rely on in support of your 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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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.

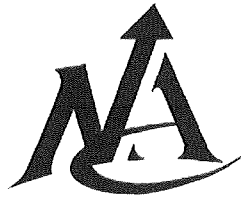
Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

10-3-2020



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/20/00023/PP

(Original Application No. N/100223958-001)

CONDITIONAL 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 : Magon & Co Fao Kamal Magon

With reference to your application received on 14 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

at 67-71 Dockhead Street
Saltcoats
Ayrshire
KA21 5ED

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- | | | |
|-----------|----|---|
| Condition | 1. | That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and/or samples of the proposed external finishes. For the avoidance of doubt, the shipping containers shall be painted a dark grey colour. Thereafter, the development shall be implemented in accordance with such external finishes as may be approved, all to the satisfaction of North Ayrshire Council. |
| Reason | 1. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area. |
| Condition | 2. | That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and/or samples of the proposed roller shutters to be installed. For the avoidance of doubt, the housing for all roller shutters within the development shall be concealed and recessed (or flush fitted) to the external face of the containers. The shutters shall have an open lattice design. Thereafter, the development shall be implemented in accordance with such roller shutters as may be approved, all to the satisfaction of North Ayrshire Council. |

- | | | |
|-----------|----|---|
| Reason | 2. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area. |
| Condition | 3. | That, for the avoidance of doubt, the canopy shall be erected over the containers prior to any of the units becoming operational in accordance with the plans hereby approved to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason | 3. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area. |
| Condition | 4. | That the units hereby approved shall be used only for purposes falling within Class 1 or Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent order which re-enacts its provisions, unless North Ayrshire Council as Planning Authority gives consent to any variation. |
| Reason | 4. | To define the scope and limits of the planning permission in order to safeguard the amenity of the area. |
| Condition | 5. | That the siting of the shipping containers at this location shall be limited to a period of 5 years from the date of the decision. Upon the expiry of the consent, the containers and all associated infrastructure, including the roof canopy, shall be removed and the site restored to its former condition to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason | 5. | In recognition of the temporary nature of the development. |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Dated this : 5 March 2020

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for the North Ayrshire Council

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	20/00023/PP
Proposal:	Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy
Location:	67-71 Dockhead Street, Saltcoats, Ayrshire, KA21 5ED
LDP Allocation:	Town Centre/Retailing
LDP Policies:	SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 3 - Town Centres & Retail / Detailed Policy 10 - Listed Buildings /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 14.01.2020 Neighbour Notification expired on 04.02.2020
Advert:	Setting of Listed Building Published on:- 22.01.2020 Expired on:- 14.02.2020
Previous Applications:	96/00681/LBC for Removal of 8 stained glass window panels Approved subject to Conditions on 09.12.1996 06/01135/PP for Change of use from church to form (a) shop; and (b) cafe and hot food takeaway (retrospective) Application Refused on 20.06.2007 15/00416/PP for Change of use from class 1 to class 10 Approved with no Conditions on 18.09.2015

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.

Detailed Policy 10 - Listed Buildings

Policy 10:

Listed Buildings

We will support proposals for the re-use and restoration of a Listed Building where the special architectural or historical interest of the building is preserved and enhanced. This can include the restoration of original features which have previously been lost due to development or demolition. The layout, design, materials, scale, siting and use of any development affecting a Listed Building or its setting should be appropriate to the character and appearance of the listed building.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

There is a presumption against the demolition of Listed Buildings and will only be supported in the following exceptional circumstances:

- i) The building is not of special interest; or
- ii) The building is incapable of repair and reuse through the submission and verification of a thorough structural condition report produced by a qualified structural engineer; or
- iii) The repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; or
- iv) The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally

Description

This application (as amended) seeks planning permission for the siting of 5 no. modified shipping containers for use as retail and/or hot food units, to include the erection of a glazed overhead canopy. The application indicates that the proposal would operate under the name "Trinity Arcade". The proposal would occupy the forecourt area to the front of a church building, setback from the building line on a pedestrianised street. The shipping containers would line either side of the forecourt area, facing inwards to create an internal courtyard leading up to the church entrance door with the glass canopy overhead. The proposal, including the covered canopy area, would have a footprint of approx. 125.159sqm and would continue the established building line on Dockhead Street. The shipping containers would each measure 6m x 2.4m on plan and 2.6m to the highest point, with the exception of one container which would measure 6m x 3.2m. The glass canopy would have a curved shape, measure 3.45m to the highest point. The shipping containers would face lengthways onto the street, with glazed sections and shop signage above, connected by 2 no. glazed doors opening into the internal courtyard with adjacent glazed panels and further signage above. Roller shutters are proposed over the glazed sections and would be concealed and recessed with an open lattice design. To the internal courtyard elevations, the shipping containers would face inwards, modified with glazed frontages and signage above. Gate access for maintenance and night access is proposed to the rear of the courtyard area.

The application site is located at 67-71 Dockhead Street, Saltcoats. The existing building is the former Landsborough and Trinity Church building located on the north side of Dockhead Street in Saltcoats Town Centre. The building is a Category C Listed Building. The proposal relates to the forecourt area to the front of the church which is currently hard surfaced with concrete slabs, with planters and trees to either side. The trees were recently removed from the site at the time of the application. The forecourt area is connected to a slightly raised area above Dockhead Street, accessible by steps and ramps and flanked by sculpted metal columns. The site is surrounded by a mix of single, two and three storey buildings comprising mainly of commercial properties. To the rear of the site the former church hall is used as a soft

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play area which is surrounded by a town centre car park, accessible from Vernon Street and Chapelwell Street.

Planning permission was approved in 2015 (ref. 15/00416/PP) for the change of use of the former church building from class 1 to class 10. This permission was not implemented, and has since lapsed. In addition, planning permission was refused in 2007 (ref. 06/01135/PP) for change of use from church to form (a) shop; and (b) café and hot foot takeaway (retrospective). Listed building consent was approved subject to conditions in 1996 (ref. 96/00681/LBC) for removal of 8 stained glass window panels.

The application site is within Saltcoats town centre in terms of the Adopted Local Development Plan (LDP) and therefore the Town and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. The application also requires to be assessed against Policy 3 (Town Centres and Retail), Policy 10 (Listed Buildings), and Strategic Policy 2 (Placemaking).

Consultations and Representations

Neighbour notification was carried out for this application in accordance with statutory procedures and the application was advertised in the local press. One comment objecting to the planning application was received. The points raised are summarised below:

1. The proposal is unwelcome as it will spoil the location, produce even more litter than at present and will affect trade for existing providers of food and drink, which is already more than adequate. There are many vacant properties in both Dockhead Street and Hamilton Street which are an eyesore and would be better used for these units than containers.

Response: Noted. However, litter and competition between similar types of businesses in town centre locations are not material planning considerations. Issues relating to the appearance of the proposal and vacant properties in the surrounding area are addressed below.

Consultations:

Environmental Health - no objections to the development subject to the condition that the hot food units must be capable of operating without causing nuisance to neighbouring properties due to cooking odours or noise.

Response - Noted.

Scottish Water - no objection to this planning application. Further advice for the applicant provided.

Response - noted.

Estates - Confirmed that the site is non-NAC owned and that the pedestrianised area of Dockhead Street is an adopted roads area forming a straight, continuous boundary in line with the frontages of the neighbouring buildings.

Response - Noted. Amendments were sought and achieved to exclude the adopted roadway/footway from the area to be developed. A consequence of this amendment

was the reduction of the number of units from 7 to 5, with no units projecting beyond the established building line of Dockhead Street.

Saltcoats Community Council - Concern regarding the number of existing vacant shops, near the proposed planning location. It is considered that there is no benefit in introducing more retail units to the town when there is so many vacant premises. Concern regarding the proposed hot food units and potential damage to trade of existing food retailers within the town. Concern regarding the adverse impact to the character of the town.

Response - Noted. Concern regarding existing vacant shop premises in the town centre is acknowledged. However, it is considered that the proposal offers an opportunity for new/small business to occupy small (mostly 14 square metres), readily adaptable units in a "pop-up" or "start-up" capacity on under-utilised town centre land adjacent to the established pedestrianised area of Dockhead Street. The applicant considers that a small number of such units in Saltcoats would be better suited to the needs of small start-up ventures than conventional retail units, which typically have larger floor space. There are currently no similar opportunities in Saltcoats. It should also be noted that the number of the proposed units was reduced from 7 to 5, as discussed above. The total floor space to be provided would therefore be approximately 76 square metres, which would not be a significant amount in the context of Saltcoats town centre.

Regarding potential damage to trade of existing food retailers, competition between businesses is not a material planning consideration and the Planning Authority would not seek to reduce competition. Nonetheless, given the anticipated use of the units by small/new businesses, and the very limited amount of new floorspace provided, it is not considered that there would be an adverse impact to existing businesses within the town centre.

In terms of any adverse impact to the character of the town, it is agreed that the proposal in its original form would have had an adverse visual impact in relation to the established building line of Dockhead Street. Amendments were sought, resulting in a reduction in the number of proposed units in order to continue the established building line of the street. Furthermore, the shipping containers are to be modified, including glazing and signage to the front and a curved glass canopy above, forming a covered arcade. It is considered that these design changes would make the visual impact of the proposal suitable for a town centre location without causing significant adverse impacts on the setting of the category C listed building to the rear. The applicant has provided evidence of several successful examples of shipping containers being converted for use as retail units, most notably 'BOXPARK' in London.

Active Travel and Transport (Roads) - no transport related objection to the proposal.

Response - Noted.

Analysis

In principle, the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) supports 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. The application therefore falls to be assessed against the relevant policies of the LDP; Policy 3 (Town Centres and Retail), Policy 10

(Listed Buildings), and Strategic Policy 2 (Placemaking) which identifies certain qualities of a successful place which all applications for planning permission are expected to meet.

Located within Saltcoats Town Centre as identified in the LDP, it is considered that the proposed retail use of the units is appropriate for this location. The proposal has the potential to generate footfall and as such aligns with the town centre first sequential approach. The unique use of shipping containers would offer opportunities for a mix of small and new/emerging businesses to occupy a small-scale retail unit in a "pop-up" or "start-up" capacity, supporting Saltcoats Town Centre as a place for businesses to locate and grow.

In terms of Policy 10 (Listed Buildings), it is considered that the architectural/historical interest of the Category C Listed Building to the rear of the proposal would be preserved. Whilst the siting of the proposal within the forecourt of the Listed Building would indeed affect its setting, it is considered that any negative effects on the character or setting of the Listed Building would not be significant given the modest scale and temporary nature of the proposal in relation to the shipping containers, which are temporary structures and easily moveable. Furthermore, it should be noted that the proposal has potential benefits for economic growth and would connect and provide access from Dockhead Street, facilitating the re-use of the Listed Building.

The proposal would be readily visible from public viewpoints in the surrounding area. The original proposal was for 7 no. shipping containers which would have projected approx. 1.9m forward of the building line of the Street and onto the adopted road area. However, amendments were sought and achieved to bring the proposal back, reducing the number of shipping container units from 7 to 5, maintaining the established building line of Dockhead Street and significantly reducing the visual impact of the proposal on the surrounding area.

Given the mix of single, two, and three storey buildings in the area, it is considered that the modest height of the proposed units would be appropriate to the mix of building scales and forms in the surrounding area. Even when the curved roof canopy is taken into account, the overall height of the proposal would be low enough to ensure that the skyline of Saltcoats Town Centre and views of the Category C Listed Building to the rear would be maintained when viewed from street level. The proposal would adjoin and provide access to the church building, making more productive use of the forecourt area to the front of the building which is currently vacant and underused.

The proposed modifications to the shipping containers (including the glazed frontages and sections, signage, and the overhead curved glass canopy) would soften the appearance of the shipping containers and provide active frontages onto Dockhead Street. The proposed roller shutters would be concealed and recessed with an open lattice design, complying with the Council's approved Shopfront Design Guidance (dating from May 2016). Whilst no details were submitted regarding the proposed colour of the shipping containers, the drawings suggest that they would be grey. It is considered that a dark grey colour would be appropriate to the area, since it is a neutral colour and unlikely to result in adverse visual impacts. Conditions could be added to the consent requiring that prior to the commencement of the development, details and/or samples of the proposed external finishes and roller shutters shall be submitted for written approval.

The resource efficiency of re-using metal shipping containers as retail units should also be noted. The proposal would reduce levels of metal waste and the need for traditional building materials such as bricks and cement.

In terms of amenity, whilst Environmental Health has no objection to the proposal subject to the condition as noted above, it is considered that the proposed use of the units should be restricted to exclude hot food takeaways. There are many existing hot food takeaway and other food outlets in Saltcoats Town Centre area and it is considered that having additional hot food outlets concentrated together at this location would have an adverse impact on the amenity of the surrounding area. A condition could be attached to the consent restricting any hot food use of the units.

Furthermore, the unique use of shipping containers offers the opportunity for small/new businesses to occupy a small-scale Class 1 or Class 2 unit in a "pop-up" or "start-up" capacity. The installation of cooking/kitchen equipment and ventilation systems associated with hot food takeaways would require significant capital investment, the impact of which could deter other types of small business from leasing a unit. There would still be the opportunity for the sale of cold food and hot drinks. By restricting the use of the units to exclude hot food takeaways, the proposal would be adaptable to future users of the site and their needs.

Located within Saltcoats Town Centre and on a pedestrianised area of Dockhead Street, the proposal would be well connected for people travelling by sustainable and active travel choices, such as walking, cycling and public transport. The application site is connected to a slightly raised area on Dockhead Street accessible by stairs and ramps which would ensure that the proposal would be accessible to future users of the site and surrounding area. Active Travel and Transport (Roads) have no transport related objection to the proposal.

Whilst the benefits of the proposed development in terms of providing adaptable small-scale retail units for small/new businesses are acknowledged, the sensitivity of the proposed development and its relationship with the site and surrounding area in terms of its visual impact is also recognised. Planning permission should therefore be granted on a temporary basis of 5 years. After 5 years the applicant would be required to re-apply should they wish to continue siting the containers at this location, which would provide the opportunity for the applicant and the Planning Authority to review the suitability of the proposal at this location.

Based on the above observations, the proposal complies with the relevant policies of the LDP and there are no other material considerations to indicate otherwise. Therefore, planning permission should be granted subject to the conditions as noted above.

Decision

Approved subject to Conditions

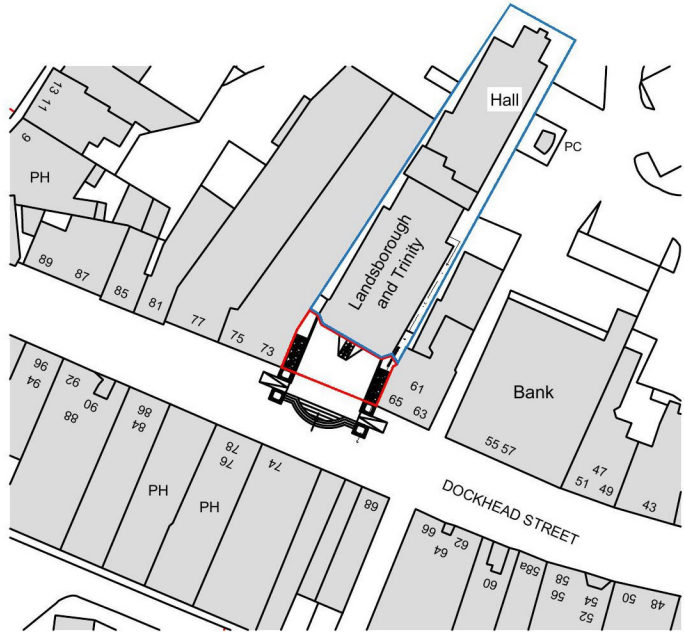
Case Officer - Mr Joe Thompson

Appendix 1 - Drawings relating to decision

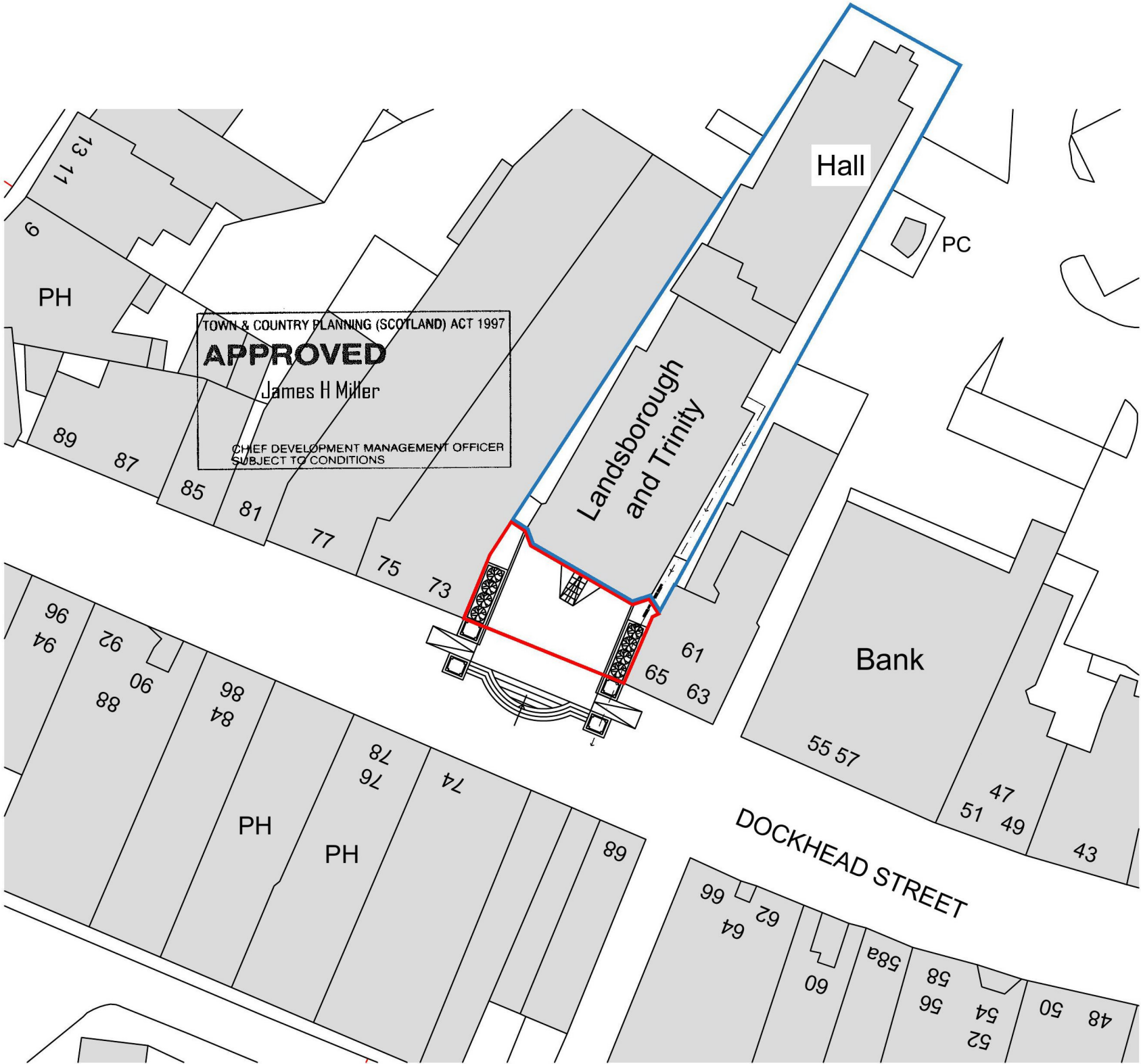
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Existing Elevations	AL(00)003	
Existing Elevations	AL(00)004	
Annotated Photos	AL(00)009	
Other	AL(00)010	
Block Plan / Site Plan	AL(00)001	Rev A
Block Plan / Site Plan	AL(00)002	REV C
Proposed Plan	AL(00)005	REV B
Proposed Elevations	AL(00)006	REV B
Proposed Elevations	AL(00)007	REV B
Proposed Elevations	AL(00)008	REV B

Note: The contractor will be held to have examined the site and determined all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from drawing.

Revision	Description	Date	By
A	BOUNDARIES REVISED AS REQUESTED BY THE LOCAL AUTHORITY	16/01/2020	CK

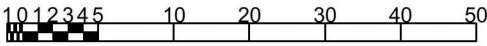


LOCATION PLAN @ 1:1250



EXISTING BLOCK PLAN @ 1:500

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
APPROVED
James H Miller
CHIEF DEVELOPMENT MANAGEMENT OFFICER
SUBJECT TO CONDITIONS



SCALE OF METRES
1:500



t: 07403 232228
e: colin@thehomearchitect.co.uk
www.thehomearchitect.co.uk



Issue for PLANNING		
Client MR KAMAL MAGON		
Project Title TRINITY MARKET, DOCKHEAD STREET, SALTCOATS		
Drawing Title EXISTING LOCATION & BLOCK PLAN		
Scale 1:1250 & 1:500 @ A3	Date 30/12/2019	Job No. A034
Drawn by CK	Checked by CK	Sheet Size A3
Drawing No. AL(00)001		Rev. A



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/20/00023/PP

(Original Application No. N/100223958-001)

CONDITIONAL 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 : Magon & Co Fao Kamal Magon
c/o The Home Architect Fao Colin Kennedy
15 James Shepherd Grove
East Kilbride
Glasgow
South Lanarkshire
G75 8WT

With reference to your application received on 14 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

at 67-71 Dockhead Street
Saltcoats
Ayrshire
KA21 5ED

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- | | | |
|-----------|----|---|
| Condition | 1. | That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and/or samples of the proposed external finishes. For the avoidance of doubt, the shipping containers shall be painted a dark grey colour. Thereafter, the development shall be implemented in accordance with such external finishes as may be approved, all to the satisfaction of North Ayrshire Council. |
| Reason | 1. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area. |
| Condition | 2. | That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and/or samples of the proposed roller shutters to be installed. For the avoidance of doubt, the housing for all roller shutters within the development shall be concealed and recessed (or flush fitted) to the external face of the containers. The shutters shall have an open lattice design. Thereafter, the development shall be implemented in accordance with such roller shutters as may be approved, all to the satisfaction of North Ayrshire Council. |
| Reason | 2. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area. |

- | | | |
|-----------|----|---|
| Condition | 3. | That, for the avoidance of doubt, the canopy shall be erected over the containers prior to any of the units becoming operational in accordance with the plans hereby approved to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason | 3. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area. |
| Condition | 4. | That the units hereby approved shall be used only for purposes falling within Class 1 or Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent order which re-enacts its provisions, unless North Ayrshire Council as Planning Authority gives consent to any variation. |
| Reason | 4. | To define the scope and limits of the planning permission in order to safeguard the amenity of the area. |
| Condition | 5. | That the siting of the shipping containers at this location shall be limited to a period of 5 years from the date of the decision. Upon the expiry of the consent, the containers and all associated infrastructure, including the roof canopy, shall be removed and the site restored to its former condition to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason | 5. | In recognition of the temporary nature of the development. |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Dated this : 5 March 2020

.....
for the North Ayrshire Council

Drawings relating to decision

Drawing Title	Drawing Reference	Drawing Version
Existing Elevations	AL(00)003	
Existing Elevations	AL(00)004	
Annotated Photos	AL(00)009	
Other	AL(00)010	
Block Plan / Site Plan	AL(00)001	Rev A
Block Plan / Site Plan	AL(00)002	REV C
Proposed Plan	AL(00)005	REV B
Proposed Elevations	AL(00)006	REV B
Proposed Elevations	AL(00)007	REV B
Proposed Elevations	AL(00)008	REV B

(See accompanying notes.) (The applicant's attention is particularly drawn to note 5 (limit of duration of planning permission))



NOTIFICATION OF INITIATION OF DEVELOPMENT

Please return notice when you intend to commence development

5 March 2020

TO:

Enforcement Officer
Planning Services
Cunninghame House
Irvine
North Ayrshire
KA12 8EE

Our Ref: N/20/00023/PP

Decision: Approved subject to Conditions

Decision Date: 5 March 2020

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		The Home Architect Fao Colin Kennedy 15 James Shepherd Grove East Kilbride Glasgow South Lanarkshire G75 8WT

Description of Development: Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

Location of Development: 67-71 Dockhead Street Saltcoats Ayrshire KA21 5ED

Date when work commences: _____

Signed: _____

Applicant/Agent* _____

* Delete where applicable

Please read the following and retain for your information.

1. Work must be carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Please return notice when you have completed the development

5 March 2020

TO:

Enforcement Officer
Planning Services
Cunninghame House
Irvine
North Ayrshire
KA12 8EE

Our Ref: N/20/00023/PP

Decision: Approved subject to Conditions

Decision Date: 5 March 2020

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		The Home Architect Fao Colin Kennedy 15 James Shepherd Grove East Kilbride Glasgow South Lanarkshire G75 8WT

Description of Development: Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

Location of Development: 67-71 Dockhead Street Saltcoats Ayrshire KA21 5ED

Date when works complete: _____

Signed: _____

Applicant/Agent* _____

*Delete where applicable

Please read the following and retain for your information.

1. Work must have been carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



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, 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.