



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 23 November 2022** at **14:00** 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 the meeting held on 26 October 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 22/00717/LUE: Hunterston Construction Yard, Fairlie, Largs

Certificate of Lawfulness for existing general industrial use (Class 5).

4 Notice under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997: Townhead Close, Largs

Submit report by the Chief Planning Officer seeking approval to promote the stopping up of Townhead Close, Largs under sections 207 and 208 of The Town and Country Planning (Scotland) Act 1997 (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.

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Planning Committee 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:

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Timothy Billings, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

Present (Remote Participation)

Scott Davidson, Amanda Kerr and Jim Montgomerie.

In Attendance (Physical Participation)

J. Miller, Chief Planning Officer and A Gemmell, Manager (Planning); R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services), A. Little and D. McCaw, Committee Services Officers (Chief Executive's Service).

Apologies

Ian Murdoch and Chloé Robertson.

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. Minutes

The Minute of the meeting of the Planning Committee held on 28 September 2022 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 22/00595/PPM: DSM Nutritional Products UK Ltd, Drakemyre, Dalry

DSM Nutritional Products UK Ltd have applied for planning permission for the erection of a chemical production and distribution facility for the manufacture of an animal feed additive within the site boundary of DSM Nutritional Products at Drakemyre, Dalry.

The Committee was advised of a late objection from Scottish Gas Network (SGN) relating to a gas pipeline in the vicinity of the proposed development. The applicant had further advised that there would be a corridor of 15m either side of the pipe, ensuring there would be no encroachment on the pipeline and that consultation had taken place with SGN that addressed any safety concerns. It was noted that the development was located approximately 30m from the pipeline.

Discussion took place on the type, range and pitch of noise from the operation of the proposed facility. The Chief Planning Officer, advised that Condition 9 stated the facility must not exceed the background noise level by 5dB or more at the curtilage of any noise sensitive property. He undertook to obtain further information from Environmental Health and advise Councillor Billings accordingly. It was noted that the final design of the facility would examine this area in more detail.

Councillor Inglis, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

The Committee agreed to grant the application, subject to the following conditions:-

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of the EIA Report and associated supporting documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, the scope and content of which shall be informed by the EIA Report. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development hereby approved, the applicant shall agree the Remediation Method Statement contained within Appendix 8-4 of the Environmental Impact Assessment Report with North Ayrshire Council as Planning Authority. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this, and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing to be agreed with the Planning Authority, the applicant shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use. In addition, on completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted for the written approval of North Ayrshire Council as Planning Authority.

4. That, for the avoidance of doubt, surface water arising from the development of the site, including during construction operations, shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the development of the site (during construction and operational phases) has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.
6. That, notwithstanding the plans hereby approved, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used (inclusive of colour scheme). Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of any landscaping works, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and woodland planting. The finalised scheme shall be based on the Indicative Landscape Masterplan hereby approved and shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Renewable and Low Carbon Technology Feasibility Study' prepared by BakerHicks dated 18th July 2022, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
9. The rated noise level, as defined in BS4142:2014 + AL:2019, from the operation of the proposed facility must not exceed the background noise level by 5dB or more at the curtilage of any noise sensitive property.

4. 22/00593/PP: 32 Eglinton Street, Beith

Mr M Jawad, has applied for a change of use of vacant bank premises to a hot food takeaway to include the erection of a ventilation flue to rear at 32 Eglinton Street, Beith. Three representations were received and summarised in the report.

Councillor Billings, seconded by Councillor Ferguson, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

1. That prior to the commencement of the development hereby approved, full details and drawings of the extraction system (including details of odour control and noise/vibration reduction measures) shall be submitted and approved in writing by North Ayrshire Council as Planning Authority. Details of the extraction system will be accompanied by written certification from a member of the Building & Engineering Services Association, or any other suitably qualified person, confirming that the extraction system, as designed:
 - can be affixed to the external wall without the need for approval by a third party, or alternatively, evidence of such approval;
 - is suitable for use in a catering environment;
 - will provide a suitable rate of extraction above all cooking appliances;
 - will sufficiently reduce or eliminate odours and efficiently extract products of combustion, considering the nature of the business, will discharge to the external air in a suitable area to prevent odours affecting the residents of surrounding dwellings; and
 - has incorporated any necessary noise/vibration reduction measures to ensure operation of the system will not result in intrusive levels of noise affecting the residents of adjoining and surrounding dwellings.

Thereafter, the extraction system shall be fully installed as detailed in the drawings and tested prior to the commencement of the operation, shall always be in operation when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

2. The rated noise level, as defined in BS4142, from the operation of plant/equipment (extraction system and associated flues) shall not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property in the vicinity of the site.
3. That the maximum operating hours of the hot food takeaway hereby approved shall be between 1200 and 2100 hours on any day. The premises shall not operate out with these hours without the prior written approval of North Ayrshire Council as Planning Authority.

5 22/00137/MSCM: West Byrehill Industrial Estate Byrehill Place, West Byrehill, Kilwinning

Persimmon Homes & Ashtenne Industrial Fund LLP have applied for approval of matters specified in conditions of planning permission in principle ref. 20/00323/PPM for a residential development comprising the erection of 426 dwellinghouses and associated infrastructure at West Byrehill Industrial Estate, Byrehill Place, West Byrehill, Kilwinning. One representation was received and summarised in the report.

The Committee was advised of continuing work by the Council's consultants on the impact of the development on the road network and their ongoing discussions with the applicant's traffic consultants. In order to protect the safety and free flow of traffic on the trunk road network near the site, it was considered that a condition was required to restrict the scale of the development until all road network matters had been agreed. Condition 5, as set out in the report, would limit the development, to no more than 108 houses, until all road network matters had been concluded.

The Committee noted that there was no commitment on the Council to contribute to the road network improvement.

Councillor Ferguson, seconded by Councillor Inglis, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the submitted plans, drawings and supporting documents, all to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing. Prior to commencement, the layout and the site plan shall be updated to show the works to form the flood storage area including any designed flood flowpath between the open culvert and the storage area, the details of which shall be agreed in writing before drainage works commence.
2. That the development shall be implemented in accordance with the phasing plan hereby approved unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
3. That the landscaping and open space provision shall be provided on a phase-by-phase basis. The implementation of the main area of open space to serve the development shall be agreed in writing by North Ayrshire Council as Planning Authority.

4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
5. The development hereby approved shall commence in phases, and in accordance with the following transport requirements, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority and in consultation with Transport Scotland. For the avoidance of doubt, not more than 108 houses constructed within the red line boundary shall be occupied until either:
 - (i) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network; OR
 - (ii) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network in the event of the implementation of appropriate measures identified within the approved transport assessment; OR
 - (iii) The modifications to the A78(T)/A738(T) Pennyburn Roundabout, generally as indicated in SIAS drawing number 75064-1 titled 'Pennyburn Roundabout Signalisation - Revision 1', and the modifications to the A738(T)/Pennyburn Road mini-roundabout and the A738(T) Whitehirst Road signalised to form a roundabout junction generally as indicated in SIAS drawing number 75064-5 titled Whitehirst Park Road have been implemented; OR
 - (iv) North Ayrshire Council as Planning Authority Planning Authority or any other party has concluded an appropriate legal agreement or agreements for the funding and implementation of the works to mitigate the development.
6. That, following the completion of the first phase of housing, the Energy Strategy for the remainder of the development shall be updated for the written approval of North Ayrshire Council as Planning Authority. The update shall reflect progress made towards the options identified in the August 2022 version of the Strategy, namely, centralised air source heat pumps or ground source heat pumps to distribute heat to individual homes based on demand. Thereafter the updated Energy Strategy as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

6 Development Plan Scheme - LDP3

Submitted report by the Executive Director (Place) providing an update on the preparation of the Council's next Local Development Plan (LDP3) and seeking approval of an updated Development Plan Scheme. The Development Plan Scheme, was attached at Appendix 1 and set out the timetable for preparing and reviewing the Local Development Plan.

The Committee agreed to adopt the Development Plan Scheme as set out in Appendix 1 to the report.

The meeting ended at 2.55 p.m.

NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast and Cumbraes
Reference	22/00717/LUE
Application Registered	12th October 2022
Decision Due	12th December 2022
Ward	North Coast

Recommendation	Certificate Issued
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Location	Hunterston Construction Yard Fairlie Largs Ayrshire
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Applicant	Clydeport Operations Ltd
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Proposal	Certificate of Lawfulness for existing general industrial use (Class 5)
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1. Description

This Certificate application seeks to confirm that the use of the site for general industrial (Class 5) uses is lawful. The site is some 51ha in area, including access road. The access road connects to the west side of the Hunterston Roundabout on the A78. The access road is currently closed to traffic but provides access to the site and secondary access to the Former Hunterston Coal Terminal and to the Hunterston Power Station. The main site itself projects to the north from the mainland and is an irregular hexagonal shape. The main site is some 46.5ha in area.

A Class 5 (General Industrial) use is defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997 ("the GPDO") as any industrial process not falling within Class 4 (Business). Class 4 allows any industrial process "which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

The application site is identified as part of the Hunterston Strategic Development Area and as a site suitable for Business and Industry in the Local Development Plan.

2. Consultations and Representations

Neither any neighbour notification nor publicity measures are required for a Certificate of Lawfulness applications and no consultations were undertaken on this application.

3. Analysis

Section 150 of the Town and Country Planning (Scotland) Act 1997, allows an application to be made for a Certificate of Lawful Use or Development (CLUD) to ascertain whether any operations, use of land or building or a breach of a planning condition is or would be lawful. It is not equivalent in law to a grant of planning permission but the purpose of a CLUD for an existing use is usually to secure immunity from enforcement action by the Planning Authority or to provide certainty for future planning applications.

In this case of a Class 5 (General industry) use, if the use has been in existence for ten years or more, it is immune from planning enforcement action and a CLUD has to be issued. The legislation makes it clear that the onus of proof rests with the applicant. In order to justify the issuing of a CLUD for such an existing use, the applicant must be able to demonstrate that the use has existed for at least ten years prior to the date of the application. The relevant test of such applications is on 'the balance of probability' rather than 'beyond reasonable doubt.'

The planning history for the site dates back to the mid-1970s. In July 1975, the Secretary of State for Scotland granted consent for the construction of the yard. In January 1988 planning permission was granted for the continued use of the site, enlargement of the platform and associated land reclamation. This permission was subject to a condition which limited the duration of the use. This permission was extended in December 2005 and May 2011.

On the 31st of August 2016, planning permission was granted for the removal of the condition which limited the duration of the use, which meant that the planning permission would not lapse for the use of the land as a construction yard. This permission allowed the use of the site for construction and repair. A subsequent application to vary the types of structures which could be constructed, repaired, or decommissioned was granted 25th of April 2018 and remains extant. Other planning permissions granted for the site since 2002 include permissions allowing the erection of up to three wind turbines for the purposes of testing.

The applicant has submitted evidence of how the site has been used during the above period. Following creation of the yard until 1985, the site was leased by various engineering companies undertaking infrastructure projects including construction of oil rig platforms. Copies of the leases and information of the projects undertaken is provided. For the period 1988 until 1996 the applicant has submitted evidence of further leases by engineering firms. The construction yard was extended during this period and work carried out included the construction of the floating Trident Dry Dock. Local newspaper extracts reporting on this work are also provided. A marketing brochure from the mid-1990s, describing the dry dock as recent and stating the site is suitable for a range of "marine construction projects," is also submitted. The brochure includes photographs of a gravity base tank for an oilfield and a steel platform. A provided newspaper extract places the steel platform work to sometime after 1993.

For the period from 1998 onwards, further details of short leases taken of the site by fabrication and engineering companies are provided. From 2014 evidence of the permitted wind turbines, erected for the purposes of testing, being constructed on site is submitted. The applicant has provided evidence of the use of the site for a period of more than 10 years, as far back as 1975. Whilst this evidence is not consecutive, it provides a picture of a site where various industrial projects have been undertaken.

The Council has no evidence to the contrary of these supporting documents. Indeed, the information the Council, as Planning Authority, retains supports the applicant's narrative as to the use of the site. This evidence includes the planning records for the site and various photographs. The Council has photographs of the site from 1995, 2003, 2011 and 2016 which show either industrial processes being undertaken, or the site being occupied by buildings and structures required for carrying out industrial processes.

Whilst the above evidence shows a site where various industrial projects have been undertaken, it is acknowledged that the evidence is not consecutive and there have been periods where no works on site appear to have occurred. Periods of non-use do not necessarily affect the lawful use of a site. In planning terms non-use will only affect the lawful use of a site if it has led to the site being 'abandoned.' Abandonment is considered in several terms including (i) the period of non-use; (ii) the physical condition of the site; (iii) whether there has been an intervening use; and (iv) evidence regarding the owner's intentions. Whilst the evidence of use, particularly for the last 10 years, is intermittent, the site has been in use for industrial processes. There is no long period of sustained non-use in the history of the site. The site has been kept throughout in a condition that would allow for its use for industry. There has been no intervening use of the site that would not fall within Class 5 of the GPDO.

The landowner's intentions have been for industrial use as evidenced by the planning history and the marketing material. The current Local Development Plan (LDP) identifies the site as being suitable for industrial development. This LDP was adopted in 2019. The previous LDP was adopted in 2014 and also identified the site as being an industrial area. The identification of the site for industry was a continuation from the North Ayrshire Local Plan (excluding Isle of Arran) adopted 2005, the Ayrshire Structure Plan adopted 1999 and likely prior. Although planning policies have no bearing on the determination of a CLUD, the policy history shows the long-term identification of the site with industrial uses.

It is therefore considered that any use of the site for general industrial purposes has not been abandoned.

Given all of the above it is considered, on the balance of probability, that the lawful use of the site is Class 5 (General industry). It is noted that this conclusion would not prejudice any future planning applications. The principle of the use of the site for industrial purposes has in effect already been established by the LDP allocation. Planning permission would be required for development of new buildings and any use which did not fall within general industry including mixed or 'sui generis' uses, such as scrap yards and waste disposal.

4. Full Recommendation

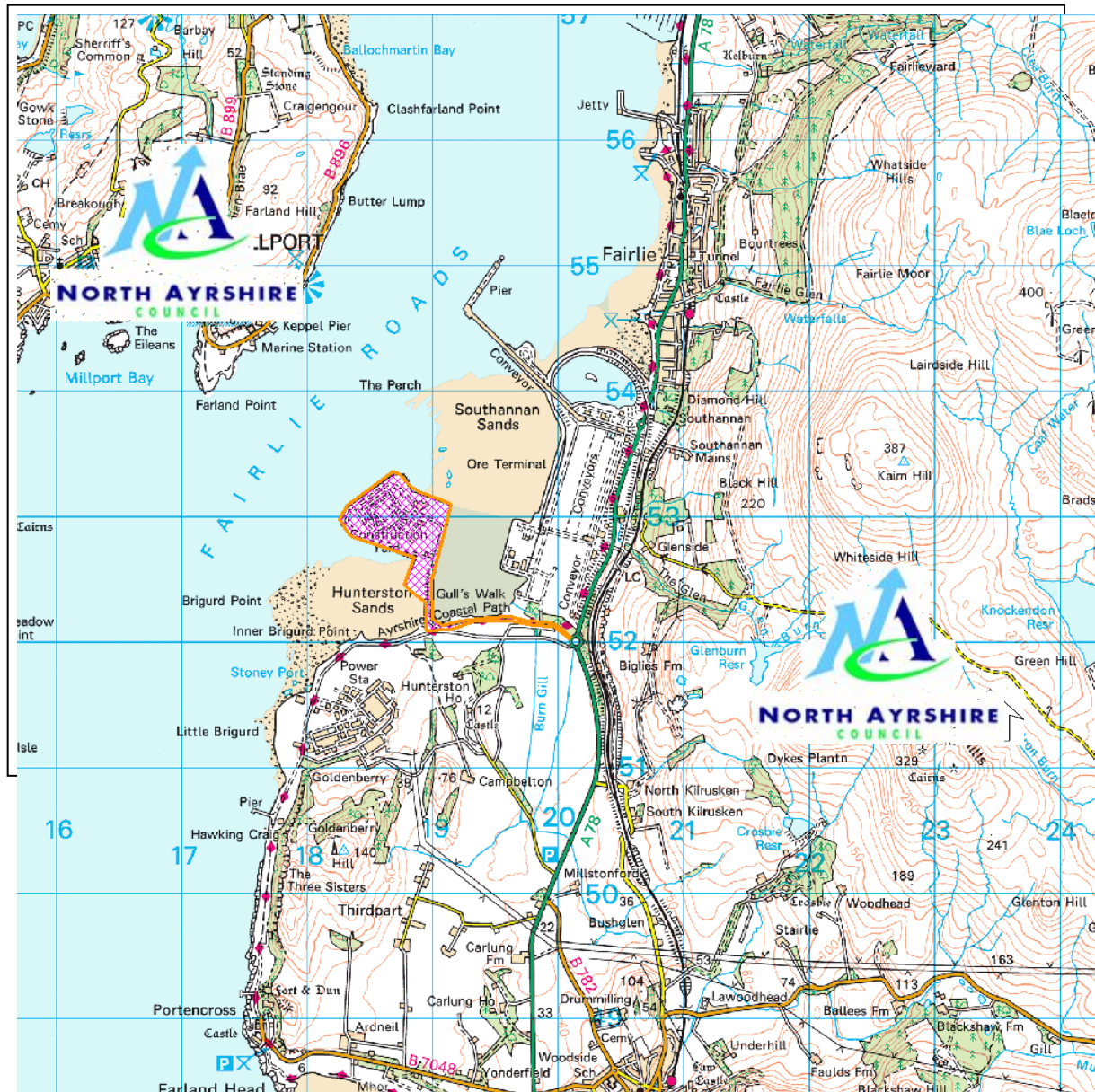
Certificate Issued

James Miller
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23rd of November 2022

Planning Committee

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

1. Executive Summary

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

2. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

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

Human Resources

- 4.2 None

Legal

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

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

Equality/Socio-economic

4.4 None

Environmental and Sustainability

4.5 None

Key Priorities

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

Community Wealth Building

4.7 None.

5. Consultation

5.1 None

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

[Click here to enter text.](#)



M&S

EST. 1884

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If in doubt ASK

Denote ownership boundary



Area of Road, Footpaths and Footways to be stopped up

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

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

Revision Notes

 **Architects**

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Drawing Status

LEGAL

Suitability

Project

M&S Foodhall
Main Street
Largs
KA30 8JL

Drawing Title

Stopping Up Plan

Scale

1 : 200

Size

A1

Drawn

AW

Checked

RM

Date

01/07/22

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719-G1-SO-XX-DR-A-SP09-P2