
NORTH AYRSHIRE COUNCIL

4 September 2019

Local Review Body

Title: Notice of Review: 19/00159/PP – 32 Eglinton Street, Beith, KA15 1AQ.

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 19/00159/PP – change of use of a vacant bank to form hot food takeaway with small seating area and the erection of flue to the rear of the building at 32 Eglinton Street, Beith.
- 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;
Appendix 4 - Planning Decision Notice;
Appendix 5 - Further representations from interested parties; and
Appendix 6 - Applicants response to further representations.

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.

Human Resources

4.2 None.

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.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 None.

Community Benefits

4.7 None.

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 these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

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

MR MOHAMMED JAWAD

Address

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Postcode

[REDACTED]

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

[REDACTED]

Agent (if any)

Name

[REDACTED]

Address

[REDACTED]

Postcode

[REDACTED]

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

[REDACTED]

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? ☒ Yes ☐ No

Planning authority

NORTH AYRSHIRE COUNCIL

Planning authority's application reference number

N/19/00159/PP

Site address

32 EGLINTON ST, BEITH, KA15 1AQ

Description of proposed development

CHANGE OF USE TO FORM HOT FOD TAKEAWAY WITH
SMALL SEATING AREA AND ERECTION OF FENCE TO REAR.

Date of application

[REDACTED]

Date of decision (if any)

12/4/19

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:

HEARINGS IS NECESSARY SO I CAN PUT ALL MY POINTS ACROSS, I WILL BRING PHOTOGRAPHS AT HEARING.

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 checked="" 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 SEE STATEMENT BY APPEAL

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.

- ① STATEMENT OF APPEAL
- ② REFUSAL NOTICE
- ③ SITE PLANS
- ④ MENU FOR "MA CHER" @ 34 ESCINTON ST
- ⑤ PHOTOGRAPHS OF VACANT SHOPS
- ⑥ DECISION GIVEN BY LOCAL REVIEW BODY OVER 29A ESCINTON ST, IRVINE.

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:

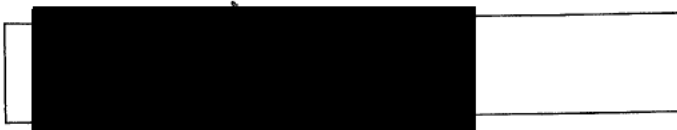
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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.

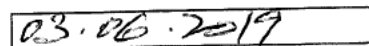
Declaration

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



1. Statement of Appeal

Statement of Appeal – Notice of Review 02/6/19

Change of use from Vacant Bank to form hot food takeaway with small seating area
at 32 Eglinton Street, Beith KA15 1AQ

Dear North Ayrshire Council,

My name is Mr Mohammed Jawad and I am the applicant whose application has recently been refused. I wish to lodge an appeal over this site. For the benefit of doubt I am receiving help writing this letter as I do not know how to write good English hence why I have requested any communication to be sent to Commercial Connexions at 120 Haggs Road, Glasgow, G41 4AT.

The proposal has been refused on the following grounds:

- (a) Contrary to TC 1 and General Policy
- (b) The proposal will have an adverse impact on the Amenity and adverse impact on the character of Beith Town Centre.

The characteristics and the Shopping Pattern have changed in many small towns and Beith is no different. More and more vacancies are seen on the High Street, we are lacking entrepreneurial spirit. If we cast our eyes back some 30 to 40 years, one could walk to their High Street and find Fishmongers, Alternation Shops, Wool Shops, Paint Shops, Hardware Shops, Bakeries, Cobblers. Families worked together and made businesses survive. The younger generation and school leavers are not willing to work the same way as we used to work, e.g. People would start at the bakeries at 2 o'clock in the morning for preparation and by 7am bake the bread and display it in their shops. Before 10 am the Bakery would have sold their stock and would be preparing to close up shop thereafter.

Shops were very hard to find 30/40 years ago, nobody was willing to vacate and commercial shops were in great demand. Nowadays there are plenty of shops available but we lack the workers.

I would request that you come with me to have a walk along the Main Street and Eglinton Street and we will count how many units are lying vacant. I have printed out photographs of some of the properties, which have lay dormant for some time now.

Card Shop is Closed

Delicatessen is Closed
Hotel is Closed
Banks have closed
Post Office is closed.

Recently North Ayrshire Council granted Hot Food Consent at 34 Eglinton Street, Beith "Mr Chef". This was contrary to Policy TC1 and General Policy. The upstairs of Mr Chef is a Residential dwelling.

The upstairs of my proposed unit is in fact an Office, ie Commercial development. There will be no adverse impact as our hours of operation are completely different.

My proposal is for an Indian Takeaway with Restaurant facility. There is no Indian Restaurant in Beith. With the opening of my shop, this will generate income and taxes for the local community. The opening of the shop will also create employment in the local area. I will be able to create at least 6 jobs, plus will need 2 delivery drivers. It is hard to even create one job, but I am trying to feed life into a derelict unit.

I am a Disabled person and have been reliant on Council Support for many years now; I wish to be self-supporting and would like to stop receiving benefits. The shop requires a huge financial investment; I am looking to take out a loan for this project as I have full faith in my abilities.

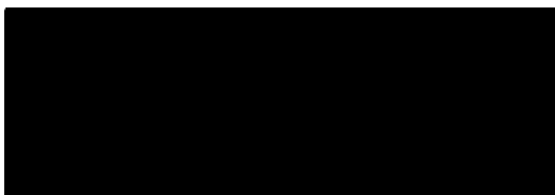
I want to help other people and generate local jobs but at the same time I need the Councils Help and Support to bring this dead shop alive again, otherwise there will be another empty shop on the High Street. With the business opening VAT will be generated helping raise further revenue for the Country.

The council have nothing to lose here. If with the opening of the shop causes any problems to the local area I am prepared to enter into an agreement with the Council and hand back the Planning Permission.

Under similar circumstances an application for Hot Food was lodged at 29a Eglinton Street, Irvine (16/00544/PP) Hot Food permission was granted conditionally with restricted opening hours and at Review Stage full Hot Food Takeaway permission was granted extending the opening hours. I too hope that you will be able to overturn your previous decision.

I would like to thank you for taking the time in listening or reading my appeal and would like to thank you even if you are unable to grant me permission under the circumstances.

Yours Sincerely



2. Refusal Notice

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00159/PP

(Original Application No. N/100155707-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

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 Mohammed Jawab

With reference to your application received on 6 March 2019 for planning permission under the above mentioned Acts and Orders for :-

Change of use of vacant bank to form hot food takeaway with small seating area and the erection of flue to rear of building

at 32 Eglinton Street
Beith
Ayrshire
KA15 1AQ

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 proposal would be contrary to the provisions of the North Ayrshire Council Local Development Plan Policy TC 1 and General Policy criterion (b) Amenity, by reason of the resulting concentration of hot food uses in close proximity to one another resulting in adverse impacts on amenity, including additional noise, disturbance, potential odour nuisance and adverse impacts on the character of Beith town centre.

Dated this : 12 April 2019

.....
for the North Ayrshire Council

(See accompanying notes)

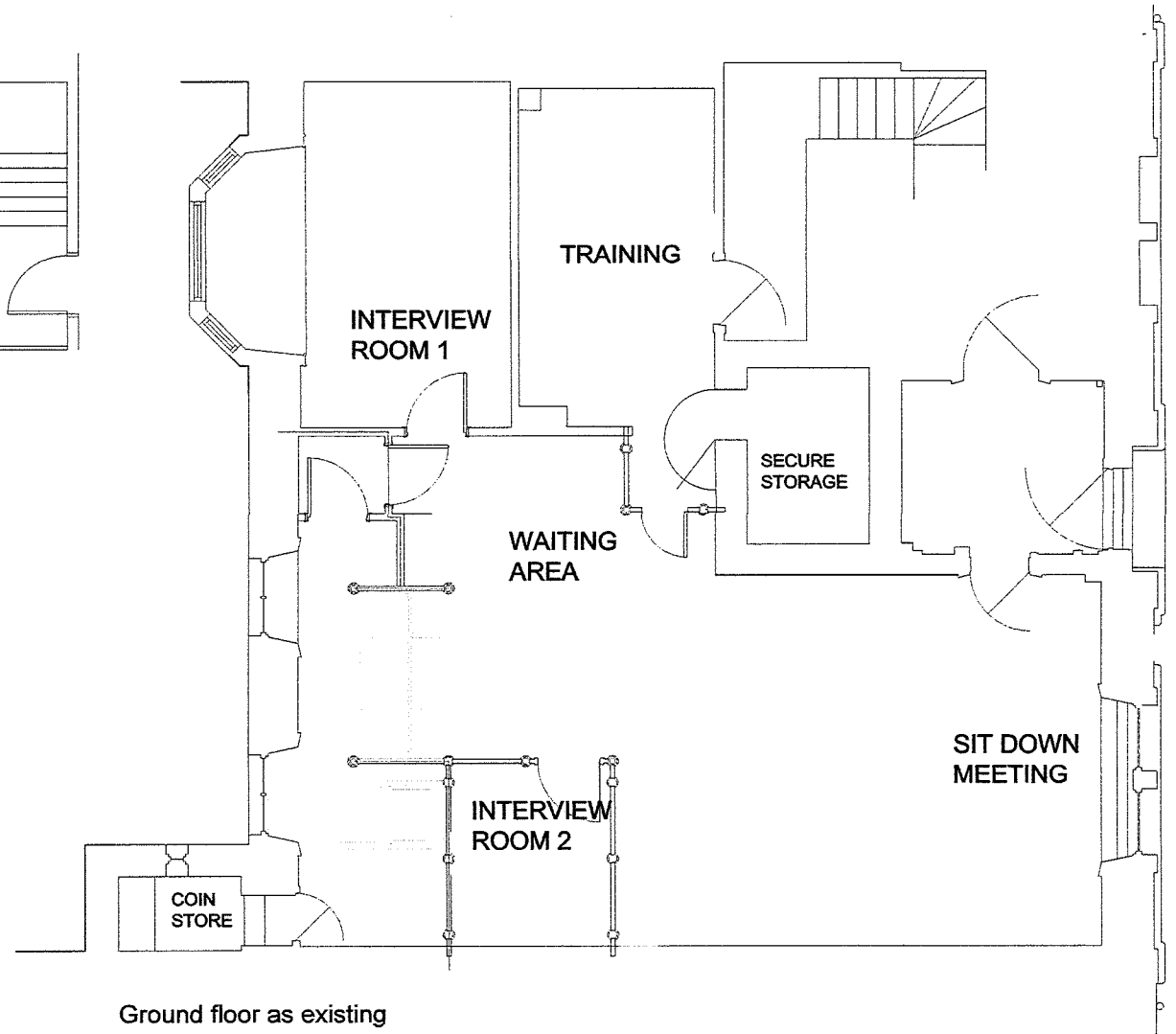
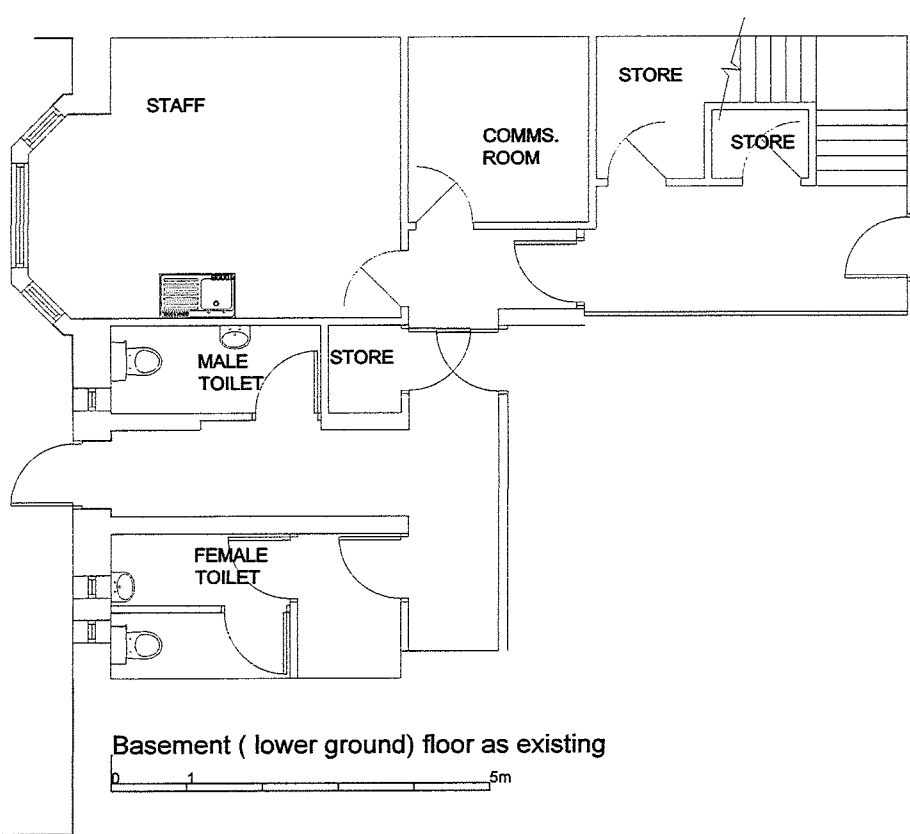
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

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.

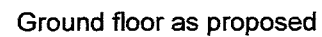
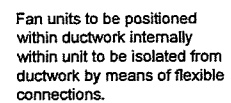
3. Site Plans



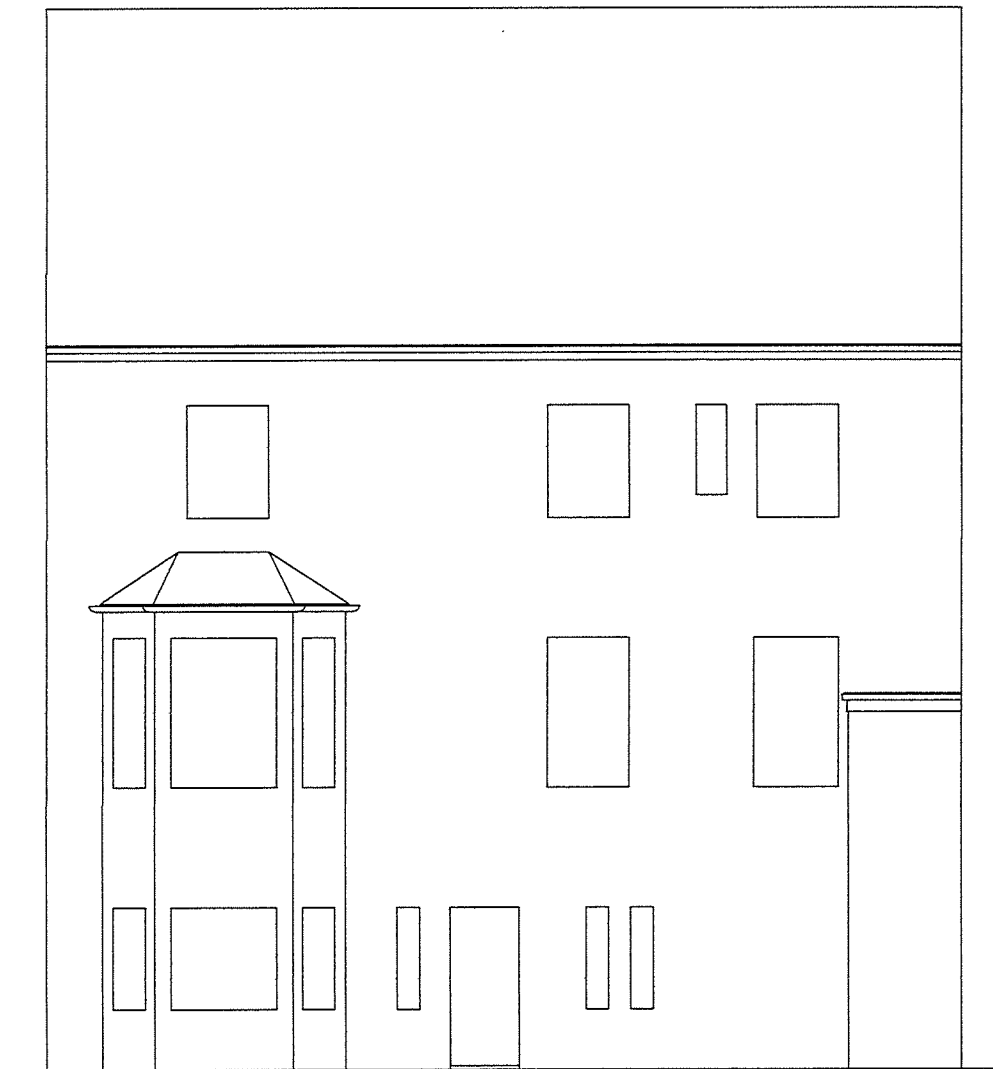
Proposals at
32 Eglinton Street
Beith

scale 1:50(A2)
dwg no. 27016/1a

SCALE DWS to 1-100 (A4)

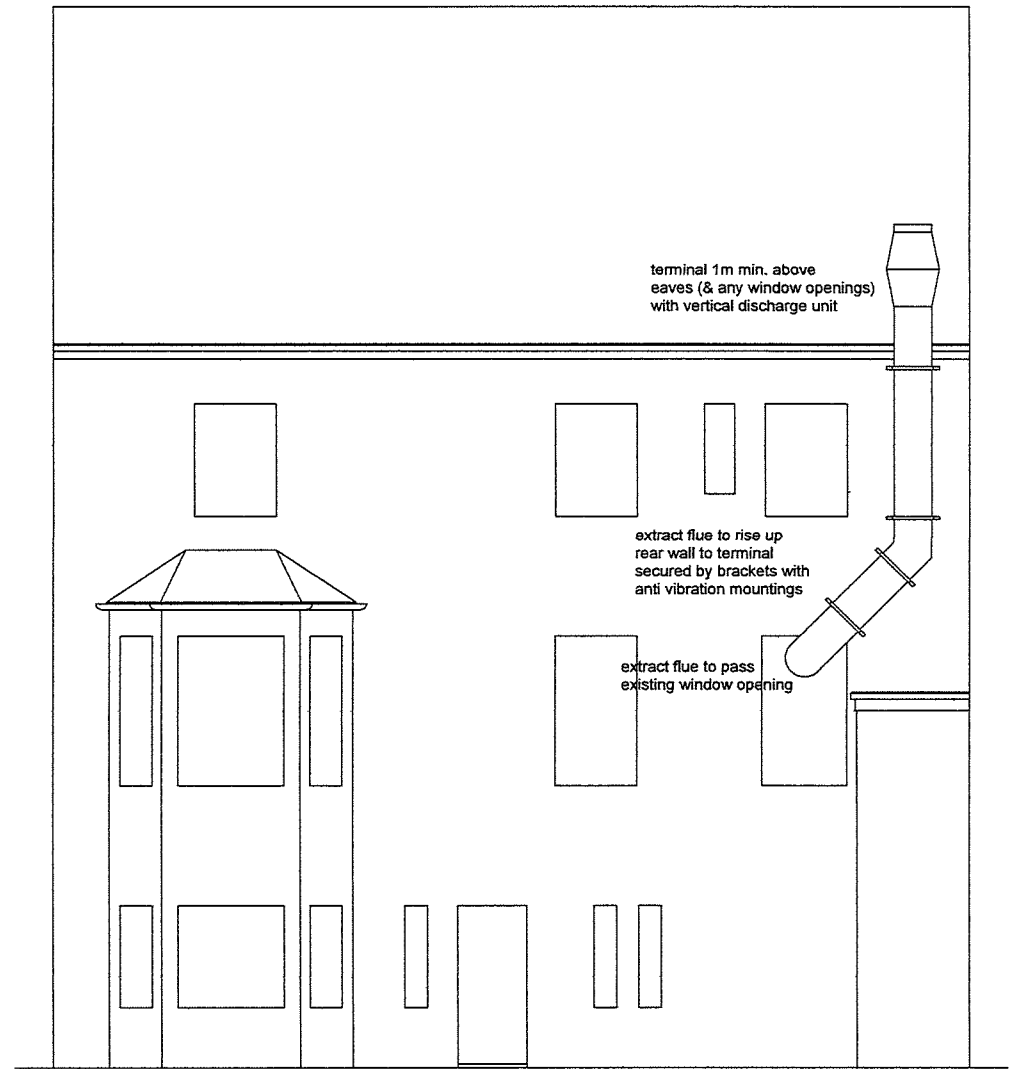


SCALE ~~gms~~ to 1:100 (A4)



rear elevation as existing

0 1 5m



rear elevation as proposed

terminal 1m min. above
eaves (& any window openings)
with vertical discharge unit

extract flue to rise up
rear wall to terminal
secured by brackets with
anti vibration mountings

extract flue to pass
existing window opening

Proposals at
32 Eglinton Street
Beith

scale 1:50(A2)
dwg no. 27016/3

SCALE DRAFT 1:100 (A4)

PROPOSALS AT
32 EGLINTON STREET
BEITH

SCALE 1:200
DWG NO. 27016/11

0 2 10M



SITE PLAN

Bk

28

26

30

34

36

38

32

40

Bk

Shelters

29

25

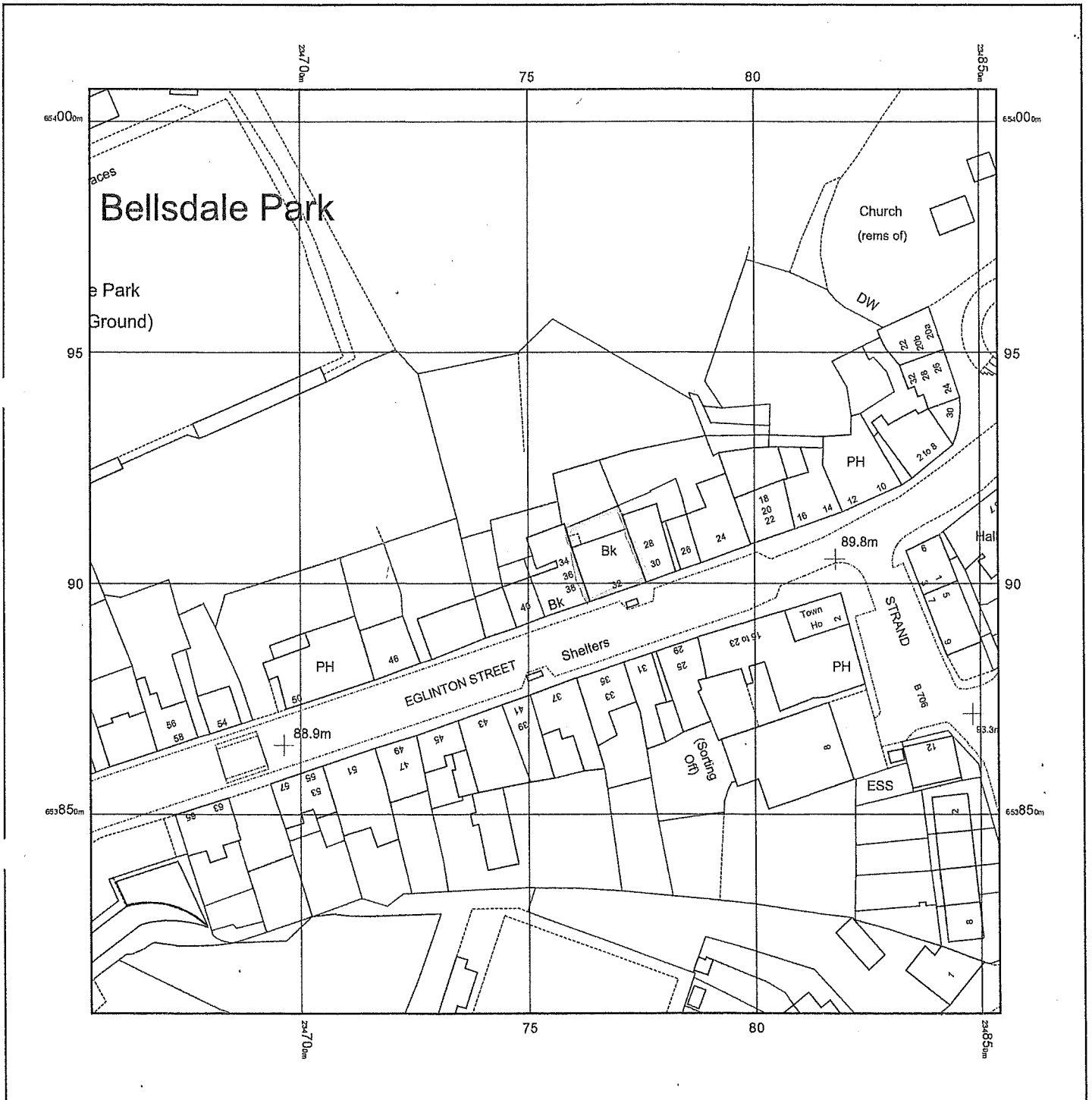
31

35



North
25m

Scale 1:1250



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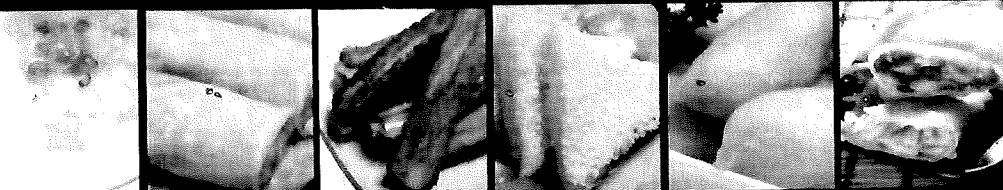
27016: 32 EGLINTON STREET, BEITH.

4. Menu for Mr Chef @ 34 Eglinton Street

Meal Deal £8.90 Per Person

One Starter + One Main Course (Served with Rice or Chips)

Starters



Main Course

- | | |
|---|---|
| • Chicken or Beef Curry | • Chicken or Beef with Onions |
| • Chicken or Beef in Black Bean Sauce | • Sweet & Sour Chicken Balls in Batter |
| • Chicken or Beef with Pickled Ginger & Pineapple | • Sweet & Sour Chicken Hong Kong Style |
| • Chicken or Beef with Szechuan Style | • Lemon Honey Chicken |
| • Chicken or Beef with Garlic Black Pepper Sauce | • Mixed Vegetables in ANY choice of Sauce |
| • Chicken or Beef with Mushroom | |

SPECIAL SET MEAL

For 2 Persons £21.90

STARTER:

Choice of Starters

Ribs or Dragon & Phoenix Rolls or Soup

MAIN COURSE:

Beef with Green Pepper in Black Bean Sauce

Sweet & Sour Chicken Hong Kong Style

Egg Fried Rice (2)

Banana Fritter or Pineapple Fritter

Prawn Crackers

For 3 Person £31.20

Extra: King Prawn with Cashew Nuts

For 4 Person £38.90

Extra: Chicken Szechuan Style

+ **Free** Bottle of Juice

MR CHEF

Chinese Takeaway

34 Eglinton Street, Beith
KA15 1AQ

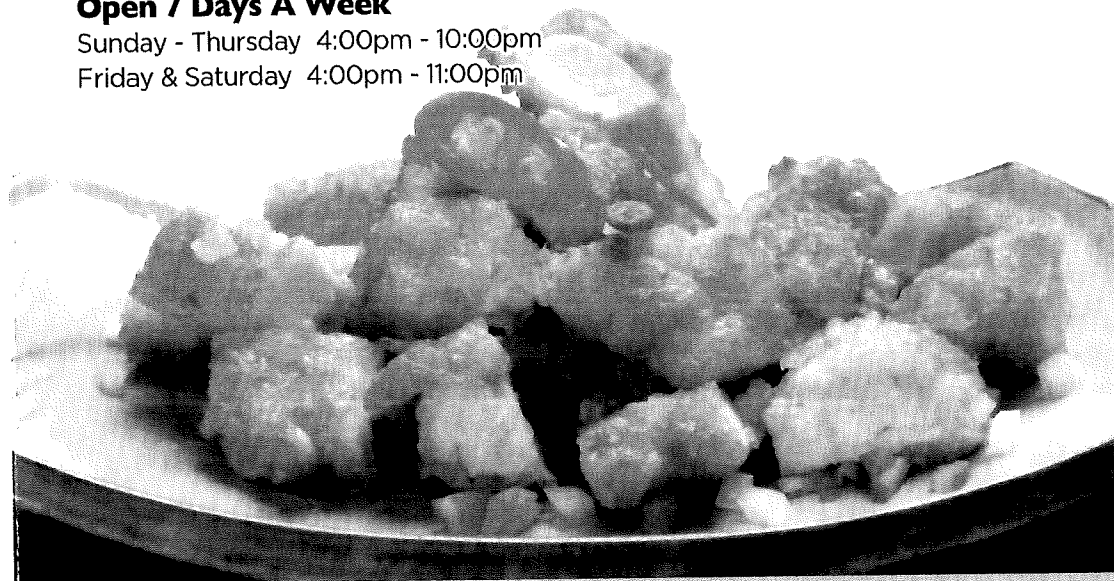
Home Delivery
Service

01505 506 088

Open 7 Days A Week

Sunday - Thursday 4:00pm - 10:00pm

Friday & Saturday 4:00pm - 11:00pm



FREE Prawn Crackers
with Food Order Over £15.00
(Excluding Delivery Charge)

CASH PAYMENT ONLY!

To the best of our knowledge, we do not use suppliers who deal in GM foods. Please inform us if you have any food allergies.

25/27
Eglinton
Street



**39 Eglinton
Street**

**41 Eglinton
Street**



51 Eglinton Street



**41 Eglinton
Street**



40 Eglinton
Street

Our HAPPY DAYZ

40

TO
LET
EASTON
01563
851242

TO
LET
EASTON
01563
851242



9 Eglinton
Street



Closed



5 The Strand

NORTH AYRSHIRE PROPERTIES



**Beith Town House
14/15 Eglinton Street**

**17 Eglinton
Street**



6.

EXAMPLE OF SUCCESSFUL
NOTICE OF REVIEW



**NORTH AYRSHIRE
COUNCIL**

**REVIEW DECISION NOTICE
DECISION BY NORTH AYRSHIRE LOCAL REVIEW BODY**

- Site Address: 29A Eglinton Street, Irvine
- Application for Review by Sava Estates per Bennett Developments and Consulting, 10 Park Court, Glasgow, G46 7PB
- Application Reference: 16/00544/PP
- Application Drawing: Location Plan 24049/7 (b) existing floor plans 24049/1
Proposed floor plans 24049/2
Existing elevations 24049/3
Proposed elevations 24049/4
Proposed elevations 24049/5
Proposed elevations 24049/6

Date of Decision Notice: 25th November 2016

Decision

North Ayrshire Local Review Body agrees to (a) uphold the review; and (b) replace condition 1 of planning permission N/16/00544/PP dated 22nd July 2016 with a substitute condition

1.0 Introduction

- 1.1 This Notice constitutes the formal decision notice of the North Ayrshire Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 A Notice of Review relative to Condition 1 attached to the grant of planning permission N/16/00544/PP dated 22nd July 2016 check for the maximum hours of operations for the change of use from vacant office to café with takeaway facilities and to installation of an external flue at 29A Eglinton Street, KA12 8AS was considered by the North Ayrshire Local Review at its meeting on 26th October 2016

1.3 The Local Review Body was constituted by Councillors Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol and, Tom Marshall.

Also in attendance were Ross Middleton, Planning Adviser, Jean Law, Legal Adviser and Angela Little, Committee Clerk.

2.0 Proposal

- 2.1 The application for planning permission for the change of use from a vacant office (Class 2.2) Café (Class 3) with takeaway facilities and installation of external flue at 29A Eglinton Street, Irvine. Planning permission was granted subject to the conditions. Condition 1 is the matter under review.

3.0 Preliminaries

- 3.1 The members of the Local Review Body were provided with copies of the following:-
 - (i) Notice of Review;
 - (ii) The Appointed Officer's Report of Handling;
 - (iii) The Decision Notice;
 - (iv) The North Ayrshire Council Local Development Plan adopted 20th May 2014
- 3.2 The Local Review Body were shown photographs of the site and plans relating to the application.
- 3.3 The Local Review Body also had the opportunity of examining the planning application and related documentation relating to the review on the Council's on line e-planning system.
- 3.4 The Local Review Body taking account of the material produced considered that the review application could be determined without further procedure in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4.0 Findings

- 4.1 The site is within Irvine Town Centre in terms of the North Ayrshire Local Development Plan. Policies TC1, HE1 and the General Policy of that plan were identified as relevant for consideration.

The proposal was considered to accord with the above policies.
- 4.2 The condition imposed in the original permission permitted operation between 10am and 8pm. The Local Review Body discussed whether it was reasonable to restrict trade in the evening to 8 pm being a time at which most restaurants would operate.

5.1 Having regard to the whole circumstances of the case, the North Ayrshire Local Review Body upheld the review and agreed to replace condition 1 of planning permission N/16/00544/PP dated 22nd July 2016 with a substitute condition as follow:-

1. that the maximum hours of operation for the use hereby approved shall be between the hours of 10.00am and 11.00pm on any day unless otherwise agreed in writing by North Ayrshire Council as Planning Authority".

The reason for the above conditions is:-

In the interest of the amenity of the area.

for the North Ayrshire Council

(See accompanying notes)

PLANNING & COMMUNITIES
Executive Director: Karen Yeomans
Cunninghame House, Irvine KA12 8EE
Tel: 01294 310000
www.north-ayrshire.gov.uk



NOTIFICATION OF COMPLETION OF DEVELOPMENT

Please return notice when you have completed the development

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TO:

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

Our Ref: N/16/00544/PP

Decision: Approved with Conditions

Decision Date: 25th November 2016

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE

Description of Development: Change of use of vacant office (Class 2) to Café (Class 3) with takeaway facility and installation of external flue.

Location of Development: 29A Eglinton Street, Irvine, Ayrshire, KA12 8AF.

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)

Notification to be sent to an applicant under termination by the Planning Authority of an application following a review conducted under Section 43a (8).

Notice under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If the 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 (V) of the Town and Country Planning (Scotland) Act 1997.

ECONOMIC GROWTH

Head of Service: Caitriona McAuley
Cunninghame House, Irvine, KA12 8EE
Tel: 01294 310000 Fax: 01294 324304
www.north-ayrshire.gov.uk



Your Ref: Our Ref: I:\LPPUBLIC\CCU\Consultations\ANQ02877

If telephoning please call: **Mrs A Quigley, 01294 324361 (direct line)**
e-mail: aquigley@north-ayrshire.gcsx.gov.uk

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

14 March 2019

OFFICIAL

Mr Mohammed Jawab



Dear Mr Jawab

Environmental Protection Act 1990

Town and Country Planning (Scotland) Act 1997

Planning Ref: 19/00159/PP

Change of use of vacant bank building to form hot food takeaway with small seating area with the erection of a flue to the rear at 32 Eglinton Street, Beith KA15 1AQ

I refer to the above application which has been passed to Environmental Health by Development Management for consultation.

Having considered the proposals, I intend to advise them that there are no objections to the application; however, the following matters must receive your attention:

1. Details of the extraction system must 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,;
 - 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, taking into account the nature of the business, and will discharge to the external air in a suitable area to prevent odours affecting the residents of adjoining and surrounding dwellings.
 - has incorporated any necessary noise 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 and tested prior to the commencement of the operation of the food outlet hereby approved, shall be in operation at all times when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

Also, the following matters must receive your attention:

2. Except with the prior written agreement of the Environmental Health Service of North Ayrshire Council, permitted operating times for noisy demolition and/or construction works that are likely to cause a disturbance to neighbours shall be as follows:

Monday-Saturday (except on a public holiday): 0800-1900 hrs.

Plant, machinery and operating methods should be selected and used in accordance with BS 5228: Noise Control on Construction and Open Sites and the Control of Pollution Act 1974 to minimise nuisance from noise and vibration.

3. Due to the proximity of occupied houses, the provision of electricity to the site compound by means of standard generator(s) is not appropriate between 2300 and 0700 hours. Any generator(s) provided on site must be capable of being operated so as to be inaudible within any nearby residential property.
4. Demolition and/or construction work must not cause nuisance or loss of amenity to neighbouring properties due to excessive noise or dust.
5. Any asbestos material encountered during demolition operations must be dealt with in accordance with all relevant legislation and codes of practice.
6. Appropriate arrangements must be made for the removal and proper disposal of waste materials off site. Burning waste on site is not permitted unless exempted by SEPA. Irrespective of any permitted SEPA exemptions, dark smoke or smoke nuisance must not be created at any time.

Should you wish to discuss this letter please contact me at the above telephone number.

Yours sincerely

[Redacted Signature]

Mrs A Quigley
Environmental Health Officer

Cc Mr D Jarvie, [Redacted]

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	19/00159/PP
Proposal:	Change of use of vacant bank to form hot food takeaway with small seating area and the erection of flue to rear of building
Location:	32 Eglinton Street, Beith, Ayrshire, KA15 1AQ
LDP Allocation:	Town Centre/Retailing
LDP Policies:	General Policy / TC1 / HE1 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 06.03.2019 Neighbour Notification expired on 27.03.2019
Advert:	Regulation 20 (1) Advert Published on:- 13.03.2019 Expired on:- 03.04.2019 Schedule 3 Published on:- 13.03.2019 Expired on:- 03.04.2019
Previous Applications:	19/00165/LBC for Alterations to bank building to include internal alterations for hot food takeaway use and erection of flue to rear Pending Consideration on

Appeal History Of Site:

Relevant Development Plan Policies

General Policy
GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.
- Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.
- External appearance should have regard to the locality in terms of style, fenestration,

materials and colours.

- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.
- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas. Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.
- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.
- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;
- Levels and effects of noise and vibration;
- Smell or fumes;
- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;
- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural

heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and

planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will

generally be required to ensure an appropriate boundary between town and country is

provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance.

Development should seek to protect the landscape character from insensitive development and the Ayrshire Landscape Character Assessment shall be used to assist

assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an

integral part of any significant development proposal. Development should have regard to

North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement.

This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

TC1

POLICY TC 1: TOWN CENTRES

1. Within the areas identified on the LDP Map as Town Centres, excluding Core Shopping Areas, development comprising Classes 1, 2, 3, 4, 7, 9, 10 and 11, and hot food takeaways, amusement arcades, public houses, theatres and flats shall accord with the LDP.

2. Development comprising a change of use from retail will require to demonstrate that:

(a) this will not undermine the retail function of the centre;

(b) all reasonable steps have been taken to let or sell the property for retail purposes (i.e. through active marketing), and

(c) no interest has been expressed in it at a rental level similar to other properties of a comparable size and location.

3. Development of a type likely to give rise to noise and disturbance (e.g. public houses, hot food takeaways) should:

- not be located so as to give rise to a concentration of such uses in close proximity where this would unacceptably impact upon amenity; AND
- not be located in a ground floor property where there are flats on upper floors.

See Policy A3 for details of relevant Supplementary Guidance.

HE1

POLICY HE 1: CONSERVATION AREAS

(a) Development within Conservation Areas:

Proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area, including its setting, buildings, open space or trees, shall not accord with the LDP.

(b) Development adjacent to Conservation Areas:

Proposal for development adjacent to a conservation area which has a significant adverse effect on its architectural and historical character and wider setting shall not accord with the LDP.

(c) Demolition within Conservation Areas:

Demolition of a building in a conservation area shall not accord with the LDP unless it

can be justified against the following criteria:

- (i) an assessment of the importance of the building and its contribution to the local scene concludes there is little or no value in retention; OR
- (ii) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; OR
- (iii) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; AND
- (iv) there is an acceptable comprehensive redevelopment proposal.

Note:

Applicants must prove that retention, restoration, and sympathetic conversion to some

other compatible use is not possible before proposals to demolish are accepted.

The Council encourages pre-application discussions regarding demolition and redevelopment. Detailed plans for an acceptable replacement building should accompany applications for conservation area consent.

Description

Planning permission is sought for the change of use of vacant bank premises within an office building to form a hot food takeaway. It is also proposed to install a flue on the rear elevation. The former Bank of Scotland is located on the ground floor of a 2.5 storey building within Beith Town Centre and is within the Beith Conservation Area. The building is category B listed.

The application site is over two levels: ground floor and basement. It is proposed to sub-divide the ground floor with a customer waiting area at the front and servery/kitchen and stores (with separate rooms for food and refuse) to the rear. The drawing notes the waiting area would have a small number of seats. An accessible toilet for customer use would also be provided, with access from the customer waiting area. It is proposed that the kitchen would have a ventilation flue which would pass through a rear window. The flue would then turn vertically, terminating 1m above the eaves. The flue itself would consist of a stainless steel cylindrical tube topped with a cowl. The basement level of the former bank would be utilised for stores, staff room and staff toilets.

The applicant's agent has provided a supporting statement which states that the anticipated hours of operation would be from 10 am to 11 pm on Sundays - Thursdays (inclusive) and from 10 am to 12 midnight on Fridays and Saturdays. The statement notes that, whilst seating would be limited, the proposal would "nonetheless offer a quality venue both to those wishing to use the premises as café and those availing themselves of the takeaway." The statement also highlights that the proposal would generate additional pedestrian activity in the street, and considers that the use would help improve safety during winter evenings due to the light from the windows.

The application site is within Beith Town Centre and also with Beith Conservation Area as identified within the Adopted Local Development Plan (LDP). On the upper floors of the building, with access from the same front entrance door, are other office suites. These continue to be occupied by another business.

The proposal requires to be assessed against Policy TC1 (Town Centres). This policy confirms the acceptability of a range of use classes within this allocation, including the proposed Class 3 and hot food takeaway use. The policy also requires that development of a type likely to give rise to noise and disturbance (eg. hot food takeaways) should (i) not be located so as to give rise to a concentration of such uses in close proximity where this would unacceptably impact on amenity; and (ii) not be located on ground floor properties where there are flats on the upper floors.

The proposal also requires to be assessed against Policy HE1 (Conservation Areas) which states that proposals for development which would adversely affect the visual amenity of historical/architectural character of a conservation area, including its setting or buildings, open space or trees, shall not accord with the LDP.

Finally, the proposal requires to be assessed against the relevant criteria of the General Policy of the LDP, in this case (a) siting, design and external appearance; and (b) amenity.

Consultations and Representations

The application was subject to the statutory neighbour notification procedures and also included an advertisement in a local newspaper. 3 objections, including one

from Beith and District Community Council, have been received and are summarised below:

1. There are presently six hot food takeaways in Beith town centre, four of which are within 100 metres of each other in a continuous row from 32 to 42 Eglinton Street. There are also cafe premises which provide takeaway food. The provision of another hot food takeaway would adversely impact on the mix of retail and commercial uses, leading to an over reliance on this type of business and limited cross-over trade. The local authority has a duty to promote health and well-being in the local population and allowing another takeaway would be an aberration of that duty.

Response: It is agreed that the proposal would lead to an over concentration of hot food uses in close proximity, notwithstanding the anticipated opening hours including day time use and the provision of a limited seating area. The proposal is not specific about the type of food that would be prepared and offered for sale. In any event, it is outwith the scope of the planning system to regulate the menu of hot food takeaways.

2. The proposal would add to congestion, including double parking when deliveries are brought in. There is lack of parking and a bus stop directly outside the front of the premises. Additional anti-social behaviour and noise pollution from the proposed use during the evening (from cars, pedestrians, etc) would adversely affect the amenity of residents in the flats above commercial premises in the street.

Response: Active Travel offered no objections, and note that dedicated parking is not proposed. Parking is available on road at this location, which is currently unrestricted. North Ayrshire Council reserves the right to alter parking control measures in the future. Anti-social behaviour is not a material planning consideration and would be a matter for the Police to consider should it occur. However, Policy TC 1 in the adopted LDP recognises that a concentration of hot food takeaways in town centre locations can result in adverse amenity impacts on the surrounding area and, consequently, may not be appropriate.

3. The proposal affects a listed building and the front entrance is shared. There is concern regarding potential damage to the other premises in the event of a fracas and over the type of signage which a takeaway would have.

Response: As noted above, anti-social behaviour is not a material planning consideration. However, Policy TC 1 in the adopted LDP recognises that a concentration of hot food takeaways in town centre locations can result in adverse amenity impacts on the surrounding area and, consequently, may not be appropriate. The installation of signage and other alterations to listed buildings require consent from the Council to ensure that their design is appropriate for the character of the building.

4. The proposal could lead to odours from the kitchen and the ventilation system would need to be affixed to the upper part of the building, which is not owned by the applicant.

Response: Environmental Health has no objection, and advises that a condition is required with respect to the details of the extraction system. The ventilation system would be affixed to the rear elevation where it would not be visible from Eglinton Street, but it would be visible from the parkland to the rear. There is an intervening woodland area between the rear elevation and the parkland, thereby mitigating the

visual impact when viewed from the parkland. The flue design would have to be free-standing in the event that the other building owner does not permit the flue to be attached to the upper part of the building. If planning permission is granted, such details could be clarified through a condition.

Consultations

Beith and District Community Council - object on the grounds set out above.

Response: As above.

Environmental Health: - No objections subject to the imposition of an appropriate condition with respect to the odour extraction system.

Response: Noted. This request could be covered with the imposition of an appropriate planning condition.

NAC Active Travel and Transport - No objections. No dedicated parking is proposed. Parking is available on road at this location, which is currently unrestricted. North Ayrshire Council reserves the right to alter parking control measures in the future.

Analysis

Policy TC1 of the adopted LDP states that within areas identified as town centres, development comprising takeaways and cafes shall accord with the LDP. However, development of a type likely to give rise to noise and disturbance, such as public houses and takeaways, should not be located so as to give rise to a concentration of such uses in close proximity where this would unacceptably impact on amenity and not be located in a ground floor property where there are flats above.

The property was formerly a bank. There are other hot food takeaways in close proximity, including one directly adjacent. The takeaway and kitchen area would have an office use above. It is considered that use as a hot food takeaway would give rise to a concentration of uses at this location which would unacceptably impact on amenity. As such, the proposed use would not accord with Policy TC1.

With regards to Policy HE1, the only external alterations would be the erection of a flue which would not be visible from the front of the property. The rear of the property is set some distance back from Bellsdale Park and views towards it are mitigated by an established wooded area. It is considered that the flue would not be highly visible from public areas and would have no adverse impact on the character of the conservation area. The premises could potentially be altered to accommodate a food takeaway use without any detrimental effects on the public frontage of the building, subject to appropriate signage, etc. As such, the submitted proposal would not be contrary to Policy HE 1.

With regards to the General Policy the relevant criteria the development requires to be assessed against are (a) siting, design and external appearance, (b) amenity.

The proposal would result in the re-use of a vacant bank within a category B listed building. However, with regard to the impact on the amenity of the area, it is agreed with the objectors that there would be an over-concentration of hot food uses within close proximity, with the resultant effects on the retail/commercial mix on offer within Eglinton Street. Whilst the supporting statement considers that the proposal would

lead to additional footfall, the likelihood of increased benefits to the town centre as a whole appears doubtful. Footfall is observed to be low in the area during daytime, which is likely to be a consequence of the changing nature of the town centre as a local shopping and service centre. Given the existing number of takeaway/cafe premises in the surrounding area, it is not considered likely that a further takeaway would revitalise the town centre or positively enhance its amenity as has been claimed in the supporting statement. The proposal may also lead to food odours impacting on town centre housing, in addition to other potential adverse impacts (eg. from traffic and pedestrians) during late evenings when retail shops are closed and takeaway premises remain open until late at night. In combination, such factors could have further adverse consequences on the attractiveness of the town centre area for supporting a mix of complementary uses both now and in the future. For these reasons, the proposal would not accord with criteria (b) of the General Policy.

The emerging North Ayrshire Proposed Local Development Plan is a material consideration, and the proposal has been assessed against the terms of the Proposed LDP. In this instance, assessing the proposal against the terms of the Proposed LDP would not alter the conclusion of the assessment of the proposal against the adopted LDP, because the policies in the Proposed LDP are substantially similar to those in the adopted LDP, and it does not raise any new issues that would alter the assessment of the proposal.

There are no other material considerations. In summary, for the reasons given above, it is considered that the proposal would not accord with the relevant provisions of the LDP and the application should be refused.

Decision

Refused

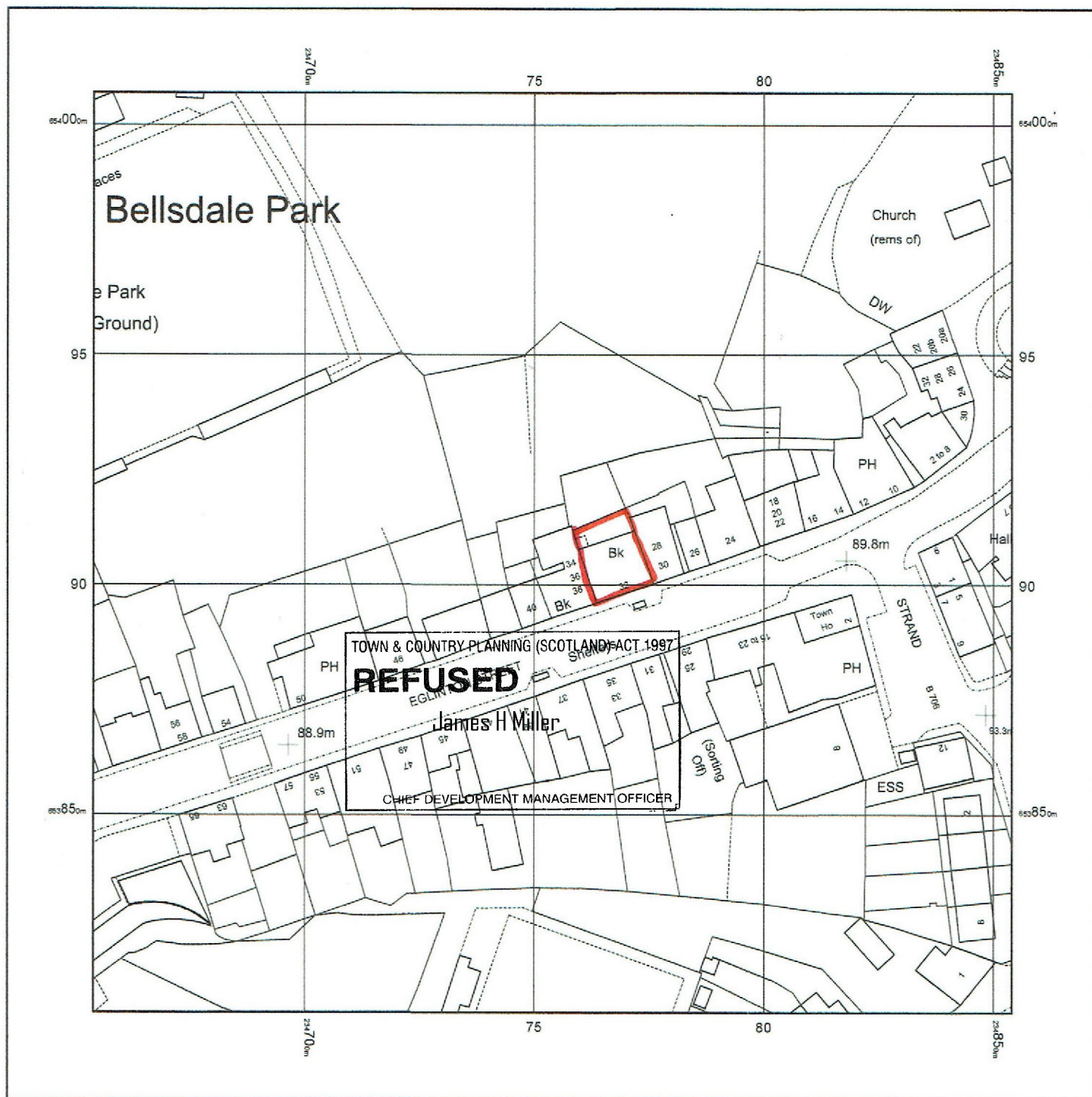
Case Officer - Mr A Hume

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	-	
Site Plan	-	
Existing Elevations	27016/3	
Existing Floor Plans	27016/1a	
Proposed Floor Plans	27016/2a	
Proposed Elevations	27016/4	



Scale 1:1250



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27016: 32 EGLINTON STREET, BEITH.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00159/PP

(Original Application No. N/100155707-001)

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 Mohammed Jawab
c/o David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

With reference to your application received on 6 March 2019 for planning permission under the above mentioned Acts and Orders for :-

Change of use of vacant bank to form hot food takeaway with small seating area and the erection of flue to rear of building

at 32 Eglinton Street
Beith
Ayrshire
KA15 1AQ

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 proposal would be contrary to the provisions of the North Ayrshire Council Local Development Plan Policy TC 1 and General Policy criterion (b) Amenity, by reason of the resulting concentration of hot food uses in close proximity to one another resulting in adverse impacts on amenity, including additional noise, disturbance, potential odour nuisance and adverse impacts on the character of Beith town centre.

Dated this : 12 April 2019

.....
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

KAREN YEOMANS : Executive Director (Economy & Communities)

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.



Chair
Beith and District Community Council
Email: [REDACTED]
Tel: [REDACTED]

Planning Department
Cunninghame House
Friars Croft
Irvine
KA12 8EE

23 June 2019

RE: 19/00159/PP | Change of use of vacant bank to form hot food takeaway and the erection of flue to rear of building | 32 Eglinton Street Beith Ayrshire KA15 1AQ – Notice of Review

I am writing on behalf of Beith and District Community Council regarding the above Notice of Review.

Beith and District Community Council hereby make further representation in our objection to this proposal.

As previously stated in our previous objection it is without doubt that there is no need for yet another hot food take away in our town as it is already well serviced within and out with locally from other suppliers including Indian hot food take away. There is concern that Beith is becoming over reliant on this type of service impacting on the general health and well being and financial impact on its community people.

Noise and anti social behaviour are a concern as previously described in addition to the impact of reduced car parking for residents; access to the bus stop outside the premises; disruption to the flow of traffic due to double parking or large vehicles unloading supplies to the premises on an already congested road.

The erection of a flue to the rear of the building gives rise for concern due to its appearance on this listed building. It will be visible and unsightly and alter the appearance of the building. It will also contribute to unpleasant odours for the residents living within the area and further impact on the environment and its atmosphere.

The application states that it would open at 10.00am; however this is an unusual time for this type of hot food take away to open for business as most open from 4.00pm. It is doubtful that the opening times will be adhered to once the business is operation.

At our meeting on 11 June, representation was made to the community council by Mr Singh, who introduced himself as the landlord. He requested to be heard with regards to his Notice of Review. Mr Singh informed the community council that the town would benefit from this service as it would make use of an empty building. He produced photographs of current unused buildings on the street, however he was corrected that some of the buildings photographed were in use such as the Townhouse, the garage and the sorting office. It was suggested to Mr Singh that he consider making an application for daytime activity other than a hot food take away within the premises as it was agreed that the town required investment during the day for consumers as it was already well served for evening trade. Mr Singh stated that there would be a restaurant in the back room for 20 covers however this is not reflected in the application.

Recently immigration attended 2 of the Chinese hot food take away outlets, including the recently approved Mr Chef, and arrested 3 illegal immigrants with a further 3 who ran away and were not apprehended. This raises concerns for the community in the staffing of these premises and the like and would request a reassurance that local people are employed to ensure investment is returned to the community. The applicant has not given any assurances of this matter.

I trust that you will take our concerns into consideration when making your decision on this review.

Yours sincerely

[REDACTED]

[REDACTED]

Beith and District Community Council



North Ayrshire Council
Euan Gray
Committee Services Officer
Cunninghame House
Irvine
KA12 8EE

Dear Mr Gray,

18/01034/PP, Return of Comments.

I write in regards to your letter dated 1/7/19, which we have received and note the Comments raised by Community Council.

Please note that under Normal circumstances, when an appeal is lodged, the Council would normally send out a information pack to the applicant attaching all previous correspondence and letters of representations, Policy Guidelines, comments from Objectors and also comments which have been received in favour. This has not been sent to me. **Will this be sent?**

Population as per 2016 was 6040 according to citypopulation.de.

The objections, which have been raised, are by a sheer few numbers of people. If shops are opened back up, incentives given it will help bring back people into the area and help grow the population, preventing Beith to become a Ghost Town. Over the years the population of Beith has been decreasing.

The Community Council says that there is no need for an Indian Takeaway. I have not applied for just a Takeaway. My application clearly states that it is for a Takeaway with a seating provision for Restaurant purposes. There are 3 Fish n Chip Shops already, one on Eglinton Street, Main Street and another single storey shop just outside the Main Street.

Three Chinese Takeaway and Restaurants, two in Eglinton Street and 1 on the Main Street.

There is not one Independent Indian Takeaway and Restaurant in Beith, which they claim. The shop, which they are referring to, has a Fish n Chip fryer in the shop. You can't call this shop an Indian Takeaway, as the main business is Fish n Chips.

Noise and Anti Social behaviour is not a Planning Matter but a Police Matter.

Comments around congestion have been raised. The Main Street is congested, as this is a one-way traffic system.

Eglinton Street is not congested as this is a two-way system, so the point they raise regarding congestion is Invalid. They are talking about Large Vehicles; patrons of the takeaway will walk or come in some family cars to order their food. They will not be travelling in Large Commercial Vehicles. As an owner of the business I will be buying my supplies from local cash and carries and will be using my own car for buying raw materials.

There is high unemployment in the area, not every one will be using a car to come to this shop once its opened. This is a local shop for the community and local members can walk if they choose to use this shop.

In regards to the flue, In Scotland, an external flue is one of the best methods of dispersing odours and cooking smells. It is a lot better than Internal Flue or Carbon Box Filtration System. The property directly above the shop is Commercial, with no residential activity. The rear garden access is solely for the use of the property in question. No one else has access to the rear of the shop. I am happy to paint the flue to match the brickwork colour of the building to help it blend in.

Behind the property there is an abundance of over grown trees and has become more like a jungle. No one standing in the park can see the back wall of the property due to the dense number of heavy grown trees.

Flues to a Listed Building, is an issue for Historic Scotland to deal with. There are a numerous properties in Scotland which are Grade A listed and have flues attached to the rear wall. Our bank is a Grade C Building.

The community council members themselves should be doing more work to help make these shops occupied instead of raising unnecessary problems. I would like to know if the community council members have themselves reopened any closed shops or have they managed to persuade any of their family members to come forward and establish a business with the area. It's very easy for "them" to sit back and just talk, but in reality they do not want to do anything constructive. I am prepared to risk my savings into this as I have faith and hope.

In the last paragraph the community council talk about Immigration raids within Beith. This is a Police and Border Security Matter. The current fine is £20,000 for each illegal employee, which is found working within premises. There is no way I can dream of employing such people.

The community council can help by installing cameras of the main street for civilian safety and will also help with catching illegal workers if they are so concerned.

I will need two local delivery drivers, who have the knowledge of Beith and the Surrounding areas. I also need local staff for attending the phones and packing the orders. Local staff will also be used with the Restaurant. We will not be employing illegal workers.

If anyone from the Community Council know of local unemployed people then I will be happy to interview them, but will need experience of working on an Indian Kitchen. Priority will be given to them and they will need to sit a Health And Hygiene Course.

I would like to end this letter by quoting from South Lanarkshire Council, Local Plan. These comments are from the Scottish Executive Reporter and supersede any comment or observations from any organisation.

Page 9

"Residents who choose to live within a central area cannot reasonably expect to enjoy the peace and quiet of a residential suburb and some late evening activity in the street should be anticipated" **Copy of this has been attached.**

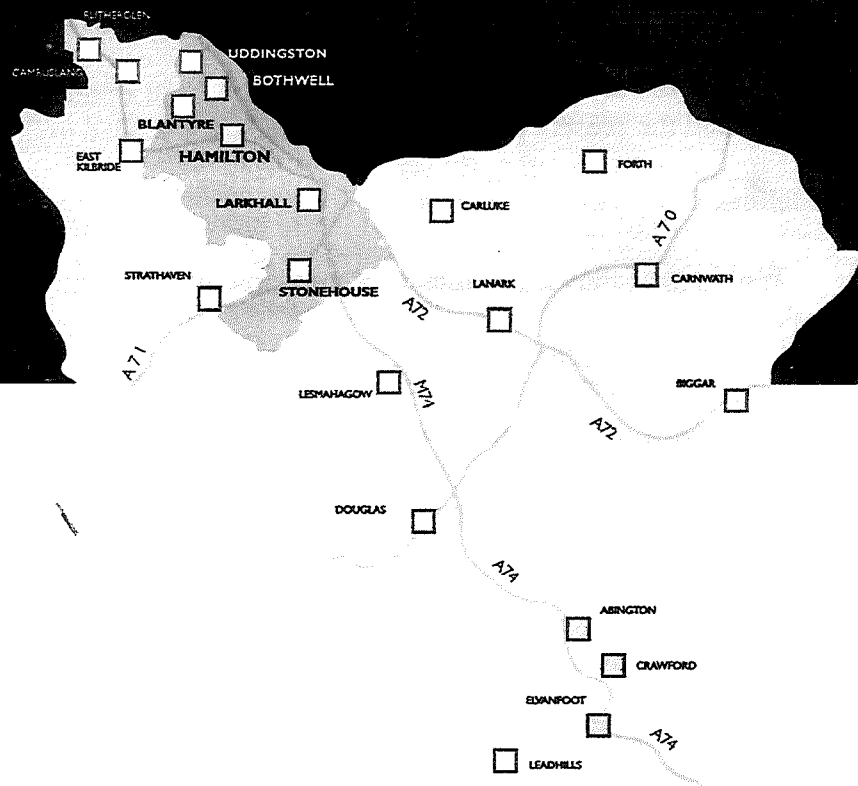
In the light of the above, I hope you are in a position to Grant the application and help a dormant shop come back to life within Beith. The Community Council has not backed up their letter with any evidence. Environmental Health and the Road Department do not object to this proposal.

Many Thanks



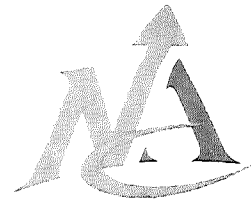
Development Advice Policy Guidance

South Lanarkshire Council (Hamilton District) Local Plan



ECONOMIC GROWTH

Head of Service: **Caitriona McAuley**
Cunninghame House, Irvine, KA12 8EE
Tel: 01294 310000 Fax: 01294 324304
www.north-ayrshire.gov.uk



Your Ref: Our Ref: I:\LPPUBLIC\CCU\Consultations\ANQ02877

If telephoning please call: **Mrs A Quigley, 01294 324361 (direct line)**
e-mail: aquigley@north-ayrshire.gcsx.gov.uk

North Ayrshire Council
Comhairle Siorrachd Air a Tuath

14 March 2019

OFFICIAL

Mr Mohammed Jawab
32 Eglinton Street
Beith
Ayrshire
KA15 1AQ

Dear Mr Jawab

Environmental Protection Act 1990
Town and Country Planning (Scotland) Act 1997
Planning Ref: 19/00159/PP

Change of use of vacant bank building to form hot food takeaway with small seating area with the erection of a flue to the rear at 32 Eglinton Street, Beith KA15 1AQ

I refer to the above application which has been passed to Environmental Health by Development Management for consultation.

Having considered the proposals, I intend to advise them that there are no objections to the application; however, the following matters must receive your attention:

1. Details of the extraction system must 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,:
 - 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, taking into account the nature of the business, and will discharge to the external air in a suitable area to prevent odours affecting the residents of adjoining and surrounding dwellings.
 - has incorporated any necessary noise 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 and tested prior to the commencement of the operation of the food outlet hereby approved, shall be in operation at all times when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

Also, the following matters must receive your attention:

2. Except with the prior written agreement of the Environmental Health Service of North Ayrshire Council, permitted operating times for noisy demolition and/or construction works that are likely to cause a disturbance to neighbours shall be as follows:

18/01034/PP

5 JULY 2019

26 ENGELTON ST BEITH KA15 1AQ
MAY BE CLOSING DOWN



in Person of 32 ENGELTON ST BEITH
HOT/COOL ASSOCIATION
APPEAL

FOR:- NORTHAMPTONSHIRE COUNCIL
MR EURO CORRY
COMMITTEE SOURCES OFFICER
CHANNINGHAME HOUSE
JOURNALS
KA12 8EE

William Hill to shut 700 betting shops with 4,500 jobs at risk

by [Frances Rougvie](#)

July 4, 2019, 10:30 am **Updated:** July 4, 2019, 11:00 am

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Betting group William Hill has said it plans to close around 700 betting shops across the UK, with 4,500 jobs at risk.

William Hill said of its store closure plans: "This follows the Government's decision to reduce the maximum stake on B2 gaming products to £2 on 1 April 2019.

"Since then the company has seen a significant fall in gaming machine revenues, in line with the guidance given when the Government's decision was announced in May 2018."

It plans to begin shutting shops by the end of the year.

There are currently six stores in Dundee.

P. T. O