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## NORTH AYRSHIRE COUNCIL

### Planning Committee

Locality	North Coast And Cumbraes
Reference	21/00787/PP
Application Registered	10th August 2021
Decision Due	10th October 2021
Ward	North Coast And Cumbraes

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	44-46 Boyd Street Largs Ayrshire KA30 8LE
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<b>Applicant</b>	HK Properties
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<b>Proposal</b>	Change of use of existing vacant shop unit to form restaurant with ancillary takeaway and erection of flue
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### 1. Description

This application seeks planning permission to change the use of a vacant podiatry clinic at 44-46 Boyd Street, Largs, to a restaurant with an ancillary takeaway facility. The applicant has provided a supporting statement, which confirms that the proposed use would be operated between 10am and 11pm on Sundays to Thursdays and from 10am and 12midnight on Fridays and Saturdays.

No. 44-46 is a single storey building with a hipped and pitched roof, a shopfront on Nelson Street and a side elevation on Boyd Street along with an adjoining flat roofed building to the rear that has a separate shopfront on Boyd Street. Both buildings were originally separate units before being amalgamated to form the existing premises, which last accommodated a podiatry clinic. The proposal would see the creation of a kitchen, serverly and a small waiting area in the flat roofed southernmost building while a small restaurant seating area, an accessible W.C. and an internal bin store would be located in the adjoining northernmost building.

The applicant's supporting statement confirms that the only external change would be the installation of a flue on the roof plane facing the flat roofed (southernmost) building. On negotiation with the case officer, the originally designed flue, which had a jet roof cowl termination, has been replaced and a 500mm diameter galvanised steel duct with a roof cap

termination is now proposed. The flue would have a maximum height of around 1.5m when measured from the adjacent roof plane.

The application property occupies a corner plot and is adjoined by single storey shop units on both sides. The application property backs on to the shared rear garden of a three-storey block of flats at 42 Nelson Street.

In terms of the adopted Local Development Plan (LDP), the site is located within Largs town centre. Strategic Policy 1 (Towns and Villages Objective) applies to development in built-up areas. The application requires to be considered in terms of Strategic Policy 2 on 'placemaking' and Policy 3 on 'town centres and retail' of the LDP.

A previous application to change the use of the premises to a hot food takeaway was refused planning permission on the 1st July 2013 (ref. 13/00301/PP). The reasons for refusal were that the proposal did not meet the town centre policy requirements of the 2009 North Ayrshire Local Plan, which has since been replaced twice, most recently by the 2nd Local Development Plan (adopted November 2019), and because it was considered that the proposed hot food takeaway business would unacceptably affect the amenity of nearby residential properties. The decision to refuse was upheld by the Local Review Body.

## **Relevant Development Plan Policies**

### **Strategic Policy 2**

#### **Placemaking**

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

#### **Six qualities of a successful place**

##### **Distinctive**

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

##### **Welcoming**

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

##### **Safe and Pleasant**

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private

and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

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

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

#### Adaptable

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

#### Resource Efficient

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

#### Easy to Move Around and Beyond

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

### Detailed Policy 3 -Town Centres & Retail

#### Policy 3:

##### Town Centres and Retail

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

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

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

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

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

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

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

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

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

## **2. Consultations and Representations**

Neighbour notification was carried out and the application was advertised in the local press. There were no representations received.

**NAC Active Travel & Transport** - offer no transport related objections to the proposal and confirmed that no dedicated parking is required for the proposed use at this location. While waiting restrictions are present on the public road outside of the application property, on road parking is available nearby.

*Response: Noted.*

**Largs Community Council** - viewed the proposed development positively but noted potential concerns around parking and odour nuisance.

*Response: Noted. As stated above, the Council's Active Travel and Transport responded with no transport related objections and stated that on road parking is available nearby. The proposal is required to be assessed against the placemaking policy of the LDP, which requires proposals to acceptably respect the amenity of existing and future users in terms of*

*smells, amongst a range of wider amenity considerations. The emission of any odour that would constitute a statutory nuisance could be controlled by environmental health legislation.*

**NAC Environmental Health** - offer no objections to the proposal subject to the rated noise level from the operation of all external plant not exceeding the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. Other matters raised can be addressed within the Environmental Health legislation.

*Response: Noted. A condition could be attached to any permission to control noise levels and the performance and maintenance of the proposed ventilation system.*

### **3. Analysis**

As noted above, the application site is located within a designated town centre in a built-up area. In principle, the change of use of a vacant podiatry clinic in a town centre to a restaurant with an ancillary takeaway facility is acceptable and raises no land use policy issues in relation to the Towns and Villages Objective of Strategic Policy 1. The application requires to be considered in terms of Strategic Policy 2 on 'Placemaking' and Policy 3 on 'Town Centres and Retail'. In terms of Policy 3 on 'Town Centres and Retail', the proposal is considered to be one that would be appropriate in Largs town centre, which supports the needs of neighbouring settlements, visitors and residents and would therefore be supported in principle by Policy 3.

The stated purpose of the Placemaking Policy in the LDP is to ensure "all development contributes to making quality places". It goes on to state "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Of the six qualities of a successful place, those most relevant to this proposal are limited to 'safe and pleasant' and 'adaptable'.

The only external change would be the provision of a flue on the hip of the existing roof, which would be visible from the street. While such features are not generally expected on public elevations of buildings, the proposed location is one that limits the visual impact on the streetscape. It would only be readily visible in oblique angles to the east. The detail of the flue has been amended so that it would not have an overly prominent appearance. The visual quality of the proposed development is considered to be acceptable.

In terms of the proposed developments impact on the amenity of existing and future users, a planning condition could be used to control the noise impact of any external plant and the overall hours of operation of the proposed restaurant and takeaway. With the imposition of planning conditions, the proposed use, by merit of its town centre location, is considered to be acceptable in terms of its impact on the amenity of the surrounding area. Given the above, it is considered that the proposed restaurant and takeaway would maintain the area's 'safe and pleasant' character.

The proposal also indicates that the application property is capable of being adapted to meet the changing needs of town centre users, without harming the quality of the streetscape or the amenity of the surrounding area. Therefore, the proposal is considered to meet the relevant requirements of the LDP's placemaking policy. As the proposal is acceptable in terms of the placemaking policy, it would meet the detailed requirements of

Policy 3, which requires proposals to positively contribute to the centre's quality of character and identity.

There are no other material considerations. As such, planning permission should be granted.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the use of the site as a restaurant with ancillary takeaway hereby approved shall not operate outside the hours of 10am to 11pm on Sundays to Thursdays and from 10am to 12midnight on Fridays and Saturdays without the written approval of North Ayrshire Council as planning authority.

##### **Reason**

In recognition of the proposed hours of operation and to minimise disturbance to occupants of nearby residential properties.

##### **Condition**

2. That the rated noise level from the operation of all external plant shall not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property, as measured in accordance with the principles of BS 4142 or any future updated or replacement recognised standard for measuring the impact of noise.

##### **Reason**

To meet the requirements of the Council's Environmental Health Team and to protect the amenity of the surrounding area in terms of noise.

##### **Condition**

3. That prior to the first use of the site as a restaurant with ancillary takeaway hereby approved, full details of the performance and maintenance requirements of the proposed extraction system shall be provided for the written approval of North Ayrshire Council as planning authority. Thereafter, the approved details shall be fully implemented prior to the first use of the site as a restaurant with ancillary takeaway and the extraction system shall be maintained in perpetuity in accordance with the approved details to the satisfaction of North Ayrshire Council as planning authority.

##### **Reason**

To meet the requirements of the Council's Environmental Health Team and to protect the amenity of the surrounding area in terms of noise and smells.

James Miller  
Chief Planning Officer

For further information please contact Mr Marc Miller Assistant Planning Officer on 01294 317285.

## Appendix 1 – Location Plan

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