



AGENDA ITEM

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**Extension to Existing Decking, Erection of Pergola (Over Deck and Entrance Door) and Timber Cladding to West and North Elevation (Retrospective) at Craiglee Inn, Redding Road, Reddingmuirhead, Falkirk FK2 0DP for Alchemy Inns – P/17/0757/FUL
- Continuation**

FALKIRK COUNCIL

Subject: EXTENSION TO EXISTING DECKING, ERECTION OF PERGOLA (OVER DECK AND ENTRANCE DOOR) AND TIMBER CLADDING TO WEST AND NORTH ELEVATION (RETROSPECTIVE) AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK, FK2 0DP FOR ALCHEMY INNS - P/17/0757/FUL

Meeting: PLANNING COMMITTEE

Date: 25 April 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Adanna McCue
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Reddingmuirhead and Wallacestone

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was considered at the meeting of the Planning Committee on 20 March 2018 (copy of previous report appended), when it was agreed that it be continued to allow a site visit to take place. This visit took place on Tuesday 3 April 2018.
2. The applicant and his agent acknowledged that works had been undertaken without the benefit of planning permission. However they considered that the completion of the unauthorised works would allow the decking area to be left in a safe condition. The applicant stated that he wanted his business to appeal to walkers, cyclists and families, and wished to be a good neighbour.
3. Objectors were heard in relation to their concerns, particularly in relation to impact on residential amenity by virtue of noise, activity and light pollution. Road safety concerns were also heard, as was a statement submitted by the Convener of Reddingmuirhead and Wallacestone Community Council.
4. It was clarified that the decking was on land owned by the applicant and that no part of it was located on the publicly adopted road or pavement. It was also confirmed that the premises were not the subject of any current complaints in relation to Environmental Protection legislation.
5. It was confirmed that the replacement of bulbs in the lighting units does not require planning permission. The applicant indicated a willingness to reach a compromise that would safeguard the safety of users of the car park and reduce potential impacts on neighbouring properties.

6. The current application does not propose an extension to the car park and it was clarified that resurfacing or repair works would not require planning permission.
7. In relation to a Building Warrant, an amendment to an existing Warrant has been submitted, and this has been held pending determination of this planning application. It should be noted that there are no safety concerns in relation to the Building Standards Regulations, although use of the decking is at the risk of the applicant, who has been advised of this.
8. No further issues were raised at the site visit which would alter the officer recommendation to grant planning permission. The previous recommendation reiterated as follows:-

9. RECOMMENDATION

- 9.1 It is recommended that the Committee grant planning permission subject to the following condition(s):-**

- 1. The decking shall not be open for use between 2200 hours and opening time the following day on any day of the week.**

Reason(s):-

- 1. To protect the residential amenity of the area.**

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.**

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pp Director of Development Services

Date: 17 April 2018

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 19 January 2018.
3. Objection received from Mr Kenny Baird, Muirrigg, Redding Road, Reddingmuirhead, FK2 0DP on 26 December 2017.
4. Objection received from Mr Carlo Wood, Glenbogie, Redding Road, Reddingmuirhead, FK20DP on 3 January 2018.
5. Objection received from Mr Alexander Whyte, 8 Muirhead Court, Reddingmuirhead, Falkirk, FK2 0ZZ on 26 January 2018.
6. Objection received from Mr Danny Callaghan, Reddingmuirhead & Wallacestone Community Council, 2 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 19 January 2018.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

FALKIRK COUNCIL

Subject: EXTENSION TO EXISTING DECKING, ERECTION OF PERGOLA (OVER DECK AND ENTRANCE DOOR) AND TIMBER CLADDING TO WEST AND NORTH ELEVATION (RETROSPECTIVE) AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK, FK2 0DP FOR ALCHEMY INNS - P/17/0757/FUL

Meeting: PLANNING COMMITTEE

Date: 20 March 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Adanna McCue
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Reddingmuirhead and Wallacestone

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This retrospective planning application seeks permission for an extension to an existing raised timber decking area to the front of an established public house and restaurant in Reddingmuirhead. The application site is located on the eastern side of Redding Road with the raised decking area constructed over a previous area of hard-standing immediately adjacent to the public footway. The proposal also includes the erection of a timber pergola over the extended decking area and the entrance doors to the premises as well as the installation of timber cladding on the north and west elevations. The decking area has been formed for use as an external seating area for patrons of the pub/restaurant and now measures approximately 13m x 4.5m.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Adanna McCue for the following reasons:-
- Clarity required regarding layout and design of car park extension;
 - Checking of curtilage of building - does the decking provide clear demarcation between public and private space?;
 - Does the raised elevation of decking ensure privacy of neighbours?;
 - As this is a retrospective planning application, scrutiny through visual on site examination should be carried out to ensure that design plans match with the proposed development;

- Concern over light intrusion from installed floodlights.

3. SITE HISTORY

- 3.1 F/2003/0876 - Withdrawn 03.04.2004 - Erection of Dwellinghouse
- 3.2 P/12/0410/FUL - Detail Granted (Temporary Permission) 07.03.2013 - Formation of Raised Decking Area and Disabled Access Ramp to Form External Seating Area (Retrospective)
- 3.3 P/14/0376/FUL - Detail Granted 12.08.2015 - Formation of Raised Decking Area and Disabled Access Ramp to Form External Seating Area (Retrospective)
- 3.4 P/16/0187/FUL - Application Withdrawn 18.05.2016 - Extension to Decking
- 3.5 The decking in its current form has been erected in situ since November 2017 when an enforcement investigation was undertaken. The current application has been submitted in response to this enforcement investigation.

4. CONSULTATIONS

- 4.1 Falkirk Council's Environmental Protection Unit have no objection. However, a request has been made that the use of the decking area be restricted to no later than 2200 hours.
- 4.2 Falkirk Council's Roads Development Unit have no objections. The Roads Development Unit has also confirmed that the decking has not been constructed over any of the publicly adopted road or pavement.

5. COMMUNITY COUNCIL

- 5.1 The Redding and Wallacestone Community Council have objected to this application. Their objections are summarised below:
 - Increase in noise levels;
 - Impact on visual amenity
 - Retrospective nature of application;
 - Built on Council property;
 - Light Pollution;
 - Confusion over the name of the premises;
 - The signage at the premises is also unauthorised.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 4 contributor(s) submitted letter(s) to the Council including one letter written on behalf of the Redding and Wallacestone Community Council have been received. The salient issues are summarised below:

- Overlooking of private garden ground;
- Increase in noise levels;
- Impact on visual amenity;
- Retrospective nature of application;
- Previous decking was assessed as being contrary to the Development Plan;
- Lack of enforcement of previous 10pm restriction;
- Structural strength and fire safety concern;
- Built on council property;
- Light pollution;
- Confusion over the name of the premises;
- The signage at the premises is also unauthorised.

6.2 Concerns have also been raised in relation to light intrusion from installed floodlights.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 Policy D03 - 'Urban Design' states: -

New development should create attractive and safe places for people to live, work and visit. Accordingly:

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*

5. *Development proposals should include landscaping and green infrastructure which enhances structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.3 The decking is located on a prominent elevation of the existing premises which fronts a busy main road. Whilst the extended decking and pergola details are of limited architectural merit, they tie in well, in visual terms, with the design and appearance of the decking previously granted at the site. The appearance of the existing premises is further improved by the introduction of timber cladding to the north and west elevations. This timber cladding replaces previously poor quality render and uses materials to match the decking and pergola. It is considered that the future weathering of these timbers will help to soften the visual impact of the new development and the overall impact upon visual amenity will be positive in this locality. The proposal accords with Policy D03.

7a.4 Policy HSG06 - 'Non-Residential Uses in Residential Areas' states: -

Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. Proposals for appropriate community services (e.g. surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided.

7a.5 The application site is located within a predominantly residential area of Reddingmuirhead and the use of these premises as a pub and restaurant is long established in this location. The proposed extension to the decking area, whilst allowing for additional seating to be provided, is not considered to introduce any new unacceptable residential amenity concerns. The proposal accords with Policy HSG06.

7a.6 Policy TC04 - 'Food and Drink' states: -

1. *Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.*
2. *Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirements are satisfied.*

3. *Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality.*

7a.7 It is accepted that the decking area does overlook some neighbouring garden ground as the previous decking structure did. The increased size of the decking area would not bring this overlooking to an unacceptable level. It is also considered unlikely to result in a marked increase in noise and disturbance given the Scottish climate, degree of screening, and the location of the site adjacent to the main road. It is considered that the on-going management of the decking area can be suitably controlled through the licensing process. The policy accords with Policy TC04.

7a.8 Accordingly, the proposals are considered to accord with the Development Plan policies.

7b Material Considerations

7b.1 The material consideration to be assessed are Community Council comments, public representations and the consideration of the site in relation to coal mining legacy.

Assessment of Public Representations

7b.2 It is accepted that the decking area overlooks some areas of private garden ground. However this situation already exists by virtue of the previously approved decking structure at the site. The proposed increase in the size of the decking is not considered to substantially increase overlooking to the point where residential amenity would be adversely impacted upon.

7b.3 It is not accepted that the enlarged decking area would result in an unacceptable increase in noise levels. The on-going management of the premises and the decking area can be influenced by the licensing process and it is considered appropriate to continue to limit the use of the decking area to no later than 10pm.

7b.4 It is not accepted that the development has a negative impact on visual amenity.

7b.5 The retrospective nature of an application has no bearing on the assessment of the merits of the development.

7b.6 The fact that the previous decking was assessed as being contrary to the Development Plan is not relevant. The current application is being assessed against current local plan policies in a context where there is an existing approval in place for timber decking in this location.

7b.7 Comments referring to a lack of enforcement of the previously conditioned 10pm usage restrictions are noted. However it is confirmed that the Development Management Unit have received no complaints in this regard. On receipt of any future complaints, these would be investigated and the use of enforcement powers considered where necessary. The Environmental Protection Unit have advised of 2 historical complaints received in relation to the use of the decking after 10pm. The management of the premises were reminded of the 10pm restriction in each instance. There are currently no outstanding concerns associated with this aspect.

7b.8 The decking structure requires a Building Warrant. No Building Warrant application has yet been received. This is being pursued separately.

- 7b.9 The applicant has confirmed ownership of the application site and it is confirmed by the Roads Development Unit that the decking has not been built on the public road.
- 7b.10 Light pollution concerns are noted. These concerns can be investigated and acted upon by the Environmental Protection Unit if assessed as being injurious to amenity.
- 7b.11 Suggestions of confusion over the name of the premises is not a material planning considerations.
- 7b.12 The signage at the premises is unauthorised. However, this is a separate matter and has no bearing on the assessment of this planning application. Correspondence has been sent to the agent under separate cover in respect of this matter, and an application for Advertisement Consent is being pursued.
- 7b.13 Spot lights have been installed on the decking structure. These lights are angled in a manner so as not to shine into adjacent properties. The applicant has also renewed the floodlights within the car park area to the side of the premises. These lights were renewed approximately 2 years ago by replacing old halogen lights with LED floodlights. Whilst these lights do not form part of this application, the applicant has been made aware of the concerns raised and has undertaken to review the placement of these lights to avoid any residential amenity concerns.

Consideration of the Site in Relation to Coal Mining Legacy

- 7b.14 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.15 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.16 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and accords with the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee grant planning permission subject to the following condition(s):-

- 1. The decking shall not be open for use between 2200 hours and opening time the following day on any day of the week.**

Reason(s):-

- 1. To protect the residential amenity of the area.**

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.**

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pp Director of Development Services

Date: 9 March 2018

LIST OF BACKGROUND PAPERS

- 1. The Falkirk Local Development Plan.**
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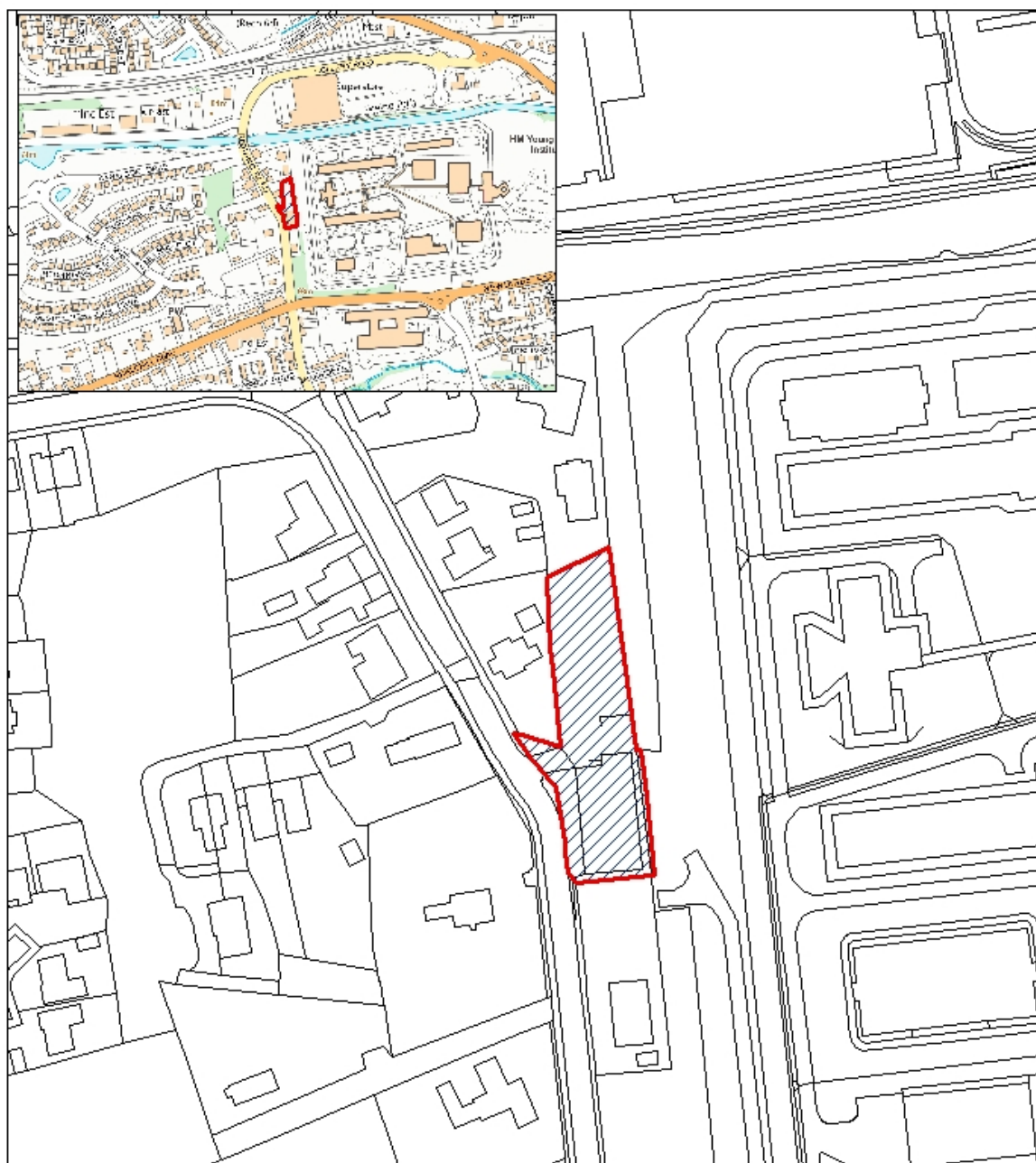
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0757/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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