

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE OF (CLASS 1) TO HOT FOOD TAKE AWAY AT 102 GLASGOW ROAD, FALKIRK, FK1 4HR FOR MR MOHAMMED QADIR - P/10/0127/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 16 June 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Gerry Goldie  
Councillor Joe Lemetti  
Councillor John Patrick  
Councillor Georgie Thomson

**Community Council:** Camelon and District

**Case Officer:** Gavin Clark (Assistant Planning Officer) ext. 4704

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This detailed planning application proposes the change of use of a shop unit to a hot food takeaway. The proposed works include installation of ventilation flues and formation of 6 car parking spaces to the rear of the premises. The unit was previously used as a general store but is currently vacant.
- 1.2 The application site forms part of a single storey detached building, part of which would appear to have been formerly used as a dwellinghouse. The unit is located on the junction of Glasgow Road and Watling Street and is located opposite the former Wrangler Factory Site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Councillor Joe Lemetti and Councillor Georgie Thomson.

**3. SITE HISTORY**

- 3.1 Application F/98/0233 was granted planning permission on the 5 August 1998. For a part change of use of a shop to form hot-food takeaway, alterations to the building and installation of a flue (Detailed).
- 3.2 Application F/98/0611 was granted advertisement consent on the 9 February 2000. For the display of illuminated advertisements.

3.3 Application F/98/0778 for the display of illuminated advertisements. was withdrawn on the 4 June 1999.

3.4 Application P/10/0157/ADV for the display of illuminated advertisements was recently granted without prejudice to the determination of this application.

#### **4. CONSULTATIONS**

4.1 The Roads Development Unit has assessed the application in terms of road safety and parking requirements and has no objections to the proposal.

4.2 The Environmental Protection Unit have requested further information in relation to the cooking odour extraction system, including the filter and its location on the building, and measures employed to control noise emissions from any extraction or ventilation systems.

#### **5. COMMUNITY COUNCIL**

5.1 The Camelon and District Community Council has not made comment on the application.

#### **6. PUBLIC REPRESENTATION**

6.1 One letter of objection has been received following the neighbour notification process. The issues raised are summarised as follows:

- Poor upkeep and general appearance of the property
- Lack of parking facilities
- Noise
- Health
- Odours
- Anti-Social Behaviour
- General need for an additional hot-food takeaway
- Concern over children's safety

#### **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**

### ***Falkirk Council Structure Plan***

- 7a.1 There are no policies in the Falkirk Council Structure Plan relevant to the determination of this application.

### ***Falkirk Local Plan***

- 7a.2 Policy FAL 7.8 'Food and Drink Outlets' states:

*"Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:*

- (i) 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;*
- (ii) the proposal meets the terms of Policy FAL 7.9 on protected shopping frontages; and*
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation."*

- 7a.3 The Environmental Protection Unit have requested further information be provided to include detailed specifications of the proposed cooking odour extraction system and information indicating measures employed to control noise emissions from any extraction or ventilation systems. It is considered that these matters can be covered by conditions.
- 7a.4 It is not considered that the proposal would have any adverse impact to the degree that would justify refusal of the application.
- 7a.5 The Roads Development Unit have assessed the proposal and is satisfied that the proposal would be acceptable in terms of road safety and parking requirements.
- 7a.6 Accordingly, the proposed development accords with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the representations received and the planning history of the site.

## ***The Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 Policy EP9 - 'Food And Drink ' states:

*“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 other locations where they are capable of serving a tourism function. It must also be demonstrated that:*

- (1) 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;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied.”*

7b.3 Policy EP9 affirms the position of the Falkirk Local Plan, the proposal therefore accords with the terms of this policy.

7b.4 The proposal is considered to be in accordance with the terms of the Falkirk Council Local Plan (Finalised Draft) Deposit Version).

### ***Representations Received***

7b.5 The poor upkeep, and general appearance of the property is not a material planning consideration, however, it is considered that the current property would be vacant property that would be brought to beneficial use as a result of this proposal.

7b.6 Satisfactory off-street parking provision is proposed with 6 parking spaces.

7b.7 Noise and smell issues can be covered by planning condition, with further information to be submitted to, and approved by the Planning Authority. However if complaints were to be received regarding noise or odour nuisances the Environmental Protection Unit would be obliged to investigate and take action as necessary.

7b.8 The establishment of drinking dens, general need for a hot-food takeaway and other concerns are not considered to be material planning considerations.

### ***Planning History***

7b.9 It is noted that Planning permission was granted on the 5th August 1998 for a partial change of use of shop to form hot-food takeaway, alterations to the building and installation of a flue. The principle of an, albeit, limited hot food use has been established at this location. It is however unclear when such use was last undertaken.

## **7c Conclusion**

7c.1 The proposal is considered to be an appropriate form of development in accordance with the provisions of the Development Plan. There are no material planning considerations which would warrant a refusal of planning permission in this instance.

## **8. RECOMMENDATION**

**8.1** It is therefore recommended that the Committee grant planning permission subject to the following conditions:-

- (1)** The development to which this permission relates must be begun within three years of the date of this permission.
- (2)** Prior to the approved use being open to the general public, detailed specifications of the cooking odour extraction system, including filters and its proposed location on the external facade of the property shall be submitted to the Planning Authority. For the avoidance of doubt, the approved use shall not open to the public until written approval of these details has been given and the approved cooking odour extraction system has been installed.
- (3)** Prior to the approved use being open to the public, details of the proposed measures to control noise emissions from any extraction or ventilation systems shall be submitted to the Planning Authority for approval. For the avoidance of doubt, the approved use shall not open to the public until these details have been submitted and approved.

**Reason(s):**

- (1)** To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2)** To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (3)** To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

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**Director of Development Services**

**Date: 8 June 2010**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of objection received from Mr Lawson Hamilton Ramsay, 106 Glasgow Road, Camelon, Falkirk, FK1 4HR on 20 April 2010.

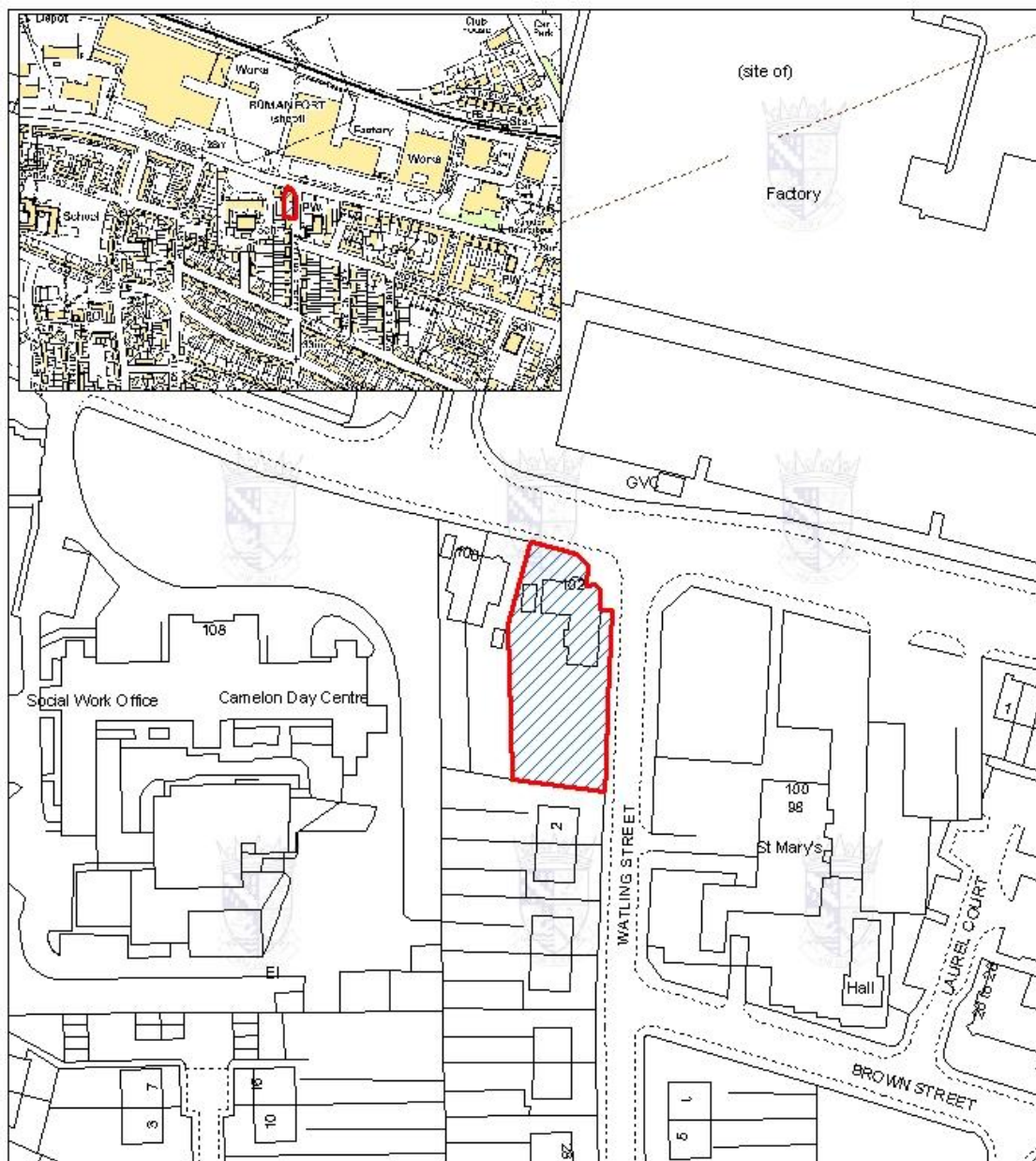
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark (Assistant Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/10/0127/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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