

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM BETTING SHOP (CLASS 2) TO HOT FOOD TAKEAWAY AND INSTALLATION OF FLUE AT 11 MAIN STREET, SHIELDHILL, FALKIRK FK1 2DZ FOR MR COLIN MCMILLAN - P/10/0757/FUL

Meeting: PLANNING COMMITTEE

Date: 18 May 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

Case Officer: Julie Seidel, (Planning Officer) Ext. 4880

1. UPDATE REPORT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 20 April 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 9 May 2011.
2. The applicant's agent presented a summary of the development proposals to the Committee, stating that there are diminishing facilities for the expanded village of Shieldhill and the applicant wishes to provide an improved service for the local community, as there is only one other hot food takeaway facility within the locality. The agent stated that odour would be managed by the proposed odour filtration system and litter nuisance adequately controlled by management of the facility. The existing betting shop and public house generate traffic already and the proposal would not result in a significant increase in traffic. The agent also noted that the site was within the 30 mph zone, the proposal is in accordance with the Development Plan, it would create local jobs and would be a better use of the existing building. The agent also advised that the premises could reopen as a retail shop without the need for planning permission.
3. The Convener read aloud a representation from Reddingmuirhead and Wallacestone Community Council, who were unable to attend the site visit, reiterating their objections to the application. A Local Member, not on the Planning Committee, had submitted a written representation in support of the application which was read out.

4. Supporters of the application spoke of the lack of choice in the locality and noted that there is only one such existing hot food takeaway facility in Sheildhill and no facilities in the adjacent village of California. Local people currently have to drive into Falkirk or wait a very long time for deliveries. The proposal would benefit locals, in particular the elderly, and create jobs.
5. Objectors commented that the site was not kept in a clean and tidy state and photographs were circulated to Members to reflect this observation. Objectors also raised concerns in relation to gas bottles at the side of the building being a fire risk and a history of loiterers at the application site. Objectors spoke of their concern in relation to a lack of car parking for the proposal, the existing car park being used to capacity at present and a road safety hazard and congestion on the public road. Objectors noted that an end user has not been identified for the proposal, which could be sold on to another party and the use not creating many jobs. Objectors were concerned that the proposed cooking odour filtration system and flue would not adequately disperse odour.
6. The applicant advised Members that the proposed use would not use gas bottles and spoke of his willingness to restrict access to both sides of the building by erecting a gate or fence. The applicant advised that a Chinese takeaway was being considered.
7. Members sought clarification in relation to litter control and noted that the building was already in use so the existing concerns in relation to road safety and loitering would not change. Members asked if other measures that could be used to control inconsiderate parking on the public road. Members also requested a response in relation to concerns about the cooking odour filtration system and flue.
8. The Roads Development Unit officer advised that 5 parking spaces were required for the proposal based on the footprint of the building and this could be achieved, together with the required turning area on site. Parking restrictions, yellow lines, for the adjacent junction could be considered, however these would require to be policed. This could not be considered as part of any planning permission granted but would require to be undertaken as a separate matter. A police accident report from 2001 – 2010 within 50 metres of the junction of the B8028 California Road and Anderson Crescent, shows two minor accidents.
9. The Environmental Protection Unit advise that the proposed high speed fan will draw air from the premises regardless of the position of doors and windows and having windows and doors open could increase the effectiveness of the system. The Unit add that the vertical expulsion design includes a directed circular vent outlet which would carry the plume high above any neighboring properties, the odours would then dilute and disperse before coming back to ground level, some distance away, at which point the odours would be so dilute they would not be noticed. The Council can carry out a smoke test to test the effectiveness of the proposed system if required.
10. No matters were raised that would amend the original recommendation to approve planning permission.

2. RECOMMENDATION

- 2.1 **It is therefore recommended that 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 use as a hot food takeaway commencing 5 parking spaces, a minimum of 5 metres long by 2.5 metres wide, shall be formally marked out on site with white paint.
- (3) Prior to the use as a hot food takeaway commencing, the proposed cooking odour filtration system and flue shall be installed and operational in accordance with the approved plans and specification.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate car parking is provided.
- (3) To ensure that adequate ventilation is provided.

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Director of Development Services

Date: 11 May 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of Representation from Jim and Christine Shaw, Prospectview, California Road, Shieldhill, Falkirk on 9 November 2010
3. Letter of Support from Mr Hugh Gardner, Clachan Cottage California Road Shieldhill Falkirk on 11 May 2011
4. Letter of Objection from Mr Victor Williamson, 9 Main Street Shieldhill Falkirk FK1 2DZ on 9 November 2010
5. Letter of Objection from Dr Helen Young, Coltswood, 5 Main Street Shieldhill, Falkirk, on 9 November 2010
6. Letter of Objection from Mr. Alexander Whyte, 9 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 6 November 2010
7. Letter of Objection from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 8 November 2010
8. Letter of Objection from Mrs Angela Oliver, Braehead, 1 Main Street, Shieldhill, Falkirk, FK1 2DZ on 9 November 2010
9. Letter of Objection from Mr Stuart Young, Coltswood, 5 Main Street, Shieldhill, FK1 2DZ on 9 November 2010
10. Letter of Objection from Thomas Nimmo, Herdshill, 3 Main Street, Shieldhill, Falkirk on 16 November 2010

11. Letter of Objection from Shieldhill and California Community Council, F.T.A.O. Maria Montinaro and Jit Singh, Greenacre, 56 Belmont Avenue, Shieldhill on 16 November 2010
12. Letter of Objection from Ms Michele Ironside, 69 Anderson Crescent, Shieldhill, Falkirk, FK1 2ED on 9 November 2010
13. Letter of Objection from Ms Gail Hayworth, 67 Anderson Crescent, Shieldhill, Falkirk, FK1 2ED on 9 November 2010
14. Letter of Objection from Mr Danny Callaghan, Reddingmuirhead & Wallacestone Community Council, 2 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF on 18 November 2010
15. Letter of Support from Fiona Clark, 9 Queens Drive, California, Falkirk, FK1 2BU on 4 May 2011
16. Letter of Support from Mr Ian Finnigan, 18 Elim Drive, Main Street, Shieldhill, Falkirk on 4 May 2011
17. Letter of Support from George and Isobel Campbell, 8 Queens Drive, California, Falkirk, FK1 2BU on 4 May 2011
18. Letter of Support from R Owen Sinclair, 38 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS on 4 May 2011
19. Letter of Support from S Hamilton, 19 Lochside Cottages, Woodburn Avenue, Redding, Falkirk on 4 May 2011
20. Letter of Support from Mr John McCabe, 17 Niddry View, Winchburgh, EH52 6RR on 4 May 2011
21. Letter of Support from Mr Alec McLung, 46 Garry Place, Falkirk, FK1 2QH on 10 May 2011
22. Letter of Support from Jordan Thomson, 8 Ward Avenue, Redding, Falkirk, FK2 9UL on 10 May 2011
23. Letter of Support from Mr Grant Cormack, 19 Braes View, Shieldhill, Falkirk, FK1 2EB on 11 May 2011
24. Letter of Support from Mr Gerald Marszol, 24 Mamre Drive, California, Falkirk, FK1 2BP on 11 May 2011
25. Letter of Support from Elizabeth Imrie, 5 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 11 May 2011
26. Letter of Support from Mr Craig Bryce, 21 Greenmount Drive, Shieldhill, Falkirk, FK1 2EY on 10 May 2011
27. Letter of Support from Yvonne Newlove, 23 Greenmount Drive, Shieldhill, Falkirk, FK1 2EY on 10 May 2011
28. Letter of Support from K Lumsden, 5 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 10 May 2011
29. Letter of Support from Janice McDonald, 7 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 10 May 2011
30. Letter of Support from Elaine Davie, 6 Barkin Court, Falkirk, FK1 2PS on 10 May 2011
31. Letter of Support from Mr Kevin Gow, 96 Main Street, Shieldhill, Falkirk, FK1 2DT on 10 May 2011
32. Letter of Support from Mr Laurie McLauchlan, 21A Russel Street, Falkirk, FK2 7HS on 10 May 2011
33. Letter of Support from Mr George Ferguson, 18 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 10 May 2011
34. Letter of Support from Andrea McGowan, 10 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 10 May 2011
35. Letter of Support from Debbie Reid, 4 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 10 May 2011
36. Letter of Support from Mr Gary Hayworth, 67 Anderson Crescent, Shieldhill, Falkirk, FK1 2ED on 10 May 2011

37. Letter of Support from Mr Billy Durning, 107 Main Street, Shieldhill, Falkirk, FK1 2DT on 11 May 2011
38. Letter of Support from Kirsty Cunningham, 44 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 11 May 2011
39. Letter of Support from Alice Findlay, 54 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 11 May 2011
40. Letter of Support from Mrs Catriona Edmond, 22 Main Street, Carronshore, Falkirk, FK2 8EX on 11 May 2011
41. Letter of Support from N Spratt, 5 Muirpark Drive, Shieldhill, Falkirk, FK1 2DX on 11 May 2011
42. Letter of Support from Mr Derek Bell, 6 Central Avenue, Grangemouth, FK3 8SD on 11 May 2011
43. Letter of Support from Mr David Sneddon, 1B Church Road, California, Falkirk, FK1 2BD on 11 May 2011
44. Letter of Support from F Gillan, 42 Parkend Crescent Shieldhill, Falkirk, FK1 2EL on 11 May 2011
45. Letter of Support from G Mitchell, Carronview, 35 Main Street, Shieldhill, Falkirk on 11 May 2011
46. Letter of Support from C Thomson, 38 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
47. Letter of Support from Mr Gordon Wilson, 34 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 11 May 2011
48. Letter of Support from Mr Gordon Graham, 46 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
49. Letter of Support from Mr Mark Thomson, 26 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 11 May 2011
50. Letter of Support from Mr Mark Forsyth, 77 Main Street, Shieldhill, Falkirk, FK1 2DT on 11 May 2011
51. Letter of Support from Mr Jack Symes, 15 Rainhill Avenue, Maddiston, Falkirk, FK2 0NR on 11 May 2011
52. Letter of Support from Mr Jason Ford, 50 Pender Gardens, Rumford, Falkirk, FK2 0BJ on 11 May 2011
53. Letter of Support from Louise Henderson, 56 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
54. Letter of Support from Mr James Barrowman, 25 Union Place, Brightons, Falkirk, FK2 0FG on 11 May 2011
55. Letter of Support from Mr John Henderson, 12 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 11 May 2011
56. Letter of Support from Mr Graham Drummond, 48 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
57. Letter of Support from C Sneddon, 28 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
58. Letter of Support from Mr Paul MacLeod, 31 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
59. Letter of Support from Nicola Johnstone, 51 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
60. Letter of Support from Mr Alan McEwan, Strathmore, Princes Street, California, Falkirk on 11 May 2011
61. Letter of Support from Mr William Russell, 24 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011

62. Letter of Support from Mr James Fotheringham, 20 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 11 May 2011
63. Letter of Support from Mr Steven Allison, 10 Braeside, Cross Brae, Shieldhill, Falkirk on 11 May 2011
64. Letter of Support from Mr Iain Higgins, 119 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
65. Letter of Support from Mr Tommy White, 11 Ledi Place, Shieldhill, Falkirk, FK1 2PA on 11 May 2011
66. Letter of Support from Owner/Occupier, 14 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 11 May 2011
67. Letter of Support from Mr Scott Baird, 72 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
68. Letter of Support from Mr Grant Crawford, 60 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
69. Letter of Support from Mr Jason Young, 66 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
70. Letter of Support from C Thomson, 54 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
71. Letter of Support from Mr Stewart Jenkins, 48 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
72. Letter of Support from Linda Yardley, 23 Greencraig Avenue, Shieldhill, Falkirk, FK1 2ES on 11 May 2011
73. Letter of Support from Kerry Coyle, 62 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
74. Letter of Support from Mr Steven Thomson, 24 Greenmount Drive, Shieldhill, Falkirk, FK1 2EP on 11 May 2011
75. Letter of Support from Rosemary Steedman, 22 Greenmount Drive, Shieldhill, Falkirk, FK1 2EP on 11 May 2011
76. Letter of Support from Helen Hunter, 12 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 11 May 2011
77. Letter of Support from Mr Graeme Foy, 13 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 11 May 2011
78. Letter of Support from Mr Andrew McLung, 64 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
79. Letter of Support from Kay Sheridan, 71 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
80. Letter of Support from Mr Christopher Bryce, 7 Herdshill Avenue, Shieldhill, Falkirk, FK1 2EN on 11 May 2011
81. Letter of Support from Annabelle Glen, 24 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EW on 11 May 2011
82. Letter of Support from Adelle Gow, 20 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EW on 11 May 2011
83. Letter of Support from Mr Barry Paterson, 6 Braeside, Cross Brae, Shieldhill, Falkirk on 11 May 2011
84. Letter of Support from Lorraine Duncan, 44 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 11 May 2011
85. Letter of Support from Ann Mochan, 16 Gardrum Gardens, Shieldhill, Falkirk, FK1 2TB on 11 May 2011
86. Letter of Support from K McClung, 28 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EW on 11 May 2011

87. Letter of Support from Margaret Easton, 1 Herdhill Avenue, Shieldhill, Falkirk, FK1 2EN on 11 May 2011
88. Letter of Support from Mr Billy Easton, 111 Portal Road, Grangemouth, FK3 8SU on 11 May 2011
89. Letter of Support from Adam Arbuckle, 87 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 11 May 2011
90. Letter of Support from Yvonne Coyle, 8 Herdhill Avenue, Shieldhill, Falkirk, FK1 2EN on 11 May 2011
91. Letter of Support from H McNiven, 17 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 11 May 2011
92. Letter of Support from Laura Cairns, 9 Tanera Court, Falkirk, FK1 2PQ on 11 May 2011
93. Letter of Support from Mr James Megger, 11 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 11 May 2011
94. Letter of Support from Chris Megger, 10 Canavan Park, Falkirk, FK2 9GD on 11 May 2011
95. Letter of Support from Mr Samuel Sneddon, 5 Rosemead Terrace, California, Falkirk, FK1 2BB on 11 May 2011
96. Letter of Support from Mr Iain Connelly, 4 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 11 May 2011
97. Letter of Support from J Penman, 5 Ledi Place, Shieldhill, Falkirk, FK1 2PA on 11 May 2011
98. Letter of Support from Mr Kevin McElroy, Ahlan, 58 Easton Drive, Shieldhill, Falkirk on 11 May 2011
99. Letter of Support from Mr Craig Donaldson, 10 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR on 11 May 2011
100. Letter of Support from Margo McComb, Incorrect Address Given, on 11 May 2011
101. Letter of Support from Mr John Delaney, Incorrect Address Given, on 11 May 2011
102. Letter of Support from Laura Weir, 11 Livingston Drive, Laurieston, Falkirk, FK2 9JN on 4 May 2011
103. Letter of Support from Mr Richard Clark, 9 Queens Drive, California, Falkirk, FK1 2BU on 4 May 2011
104. Letter of Support from Janice Connelly, 4 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 4 May 2011
105. Letter of Support from Mr John Higgins, 119 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EX on 4 May 2011
106. Letter of Support from Mr Stuart Kerr, 7 Heather Avenue, Shieldhill, Falkirk, FK1 2ET on 4 May 2011
107. Letter of Support from Lynn Penman, 5 Ledi Place, Shieldhill, Falkirk, FK1 2PA on 4 May 2011
108. Letter of Support from J Penman, 5 Ledi Place, Shieldhill, Falkirk, FK1 2PA on 4 May 2011
109. Letter of Support from Mr Iain Connelly, 4 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 4 May 2011
110. Letter of Support from Kevin and Lorna Allison, 15 Patrick Drive, Shieldhill, Falkirk, FK1 2DN on 4 May 2011
111. Letter of Support from Mr John Sutherland, 1 Princes Street, California, Falkirk, FK1 2BX on 4 May 2011
112. Letter of Support from Mr John McLay, 47 Main Street, Shieldhill, Falkirk, FK1 2DZ on 4 May 2011
113. Letter of Support from Yvonne Bryce, Hillside Cottage, California Road, Shieldhill, Falkirk on 4 May 2011
114. Letter of Support from Mr Alexander Bryce, Hillside Cottage, California Road, Shieldhill, Falkirk on 4 May 2011

115. Letter of Support from Gemma Dunlop, 2 California Terrace, California, Falkirk, FK1 2DD on 4 May 2011
116. Letter of Support from Mr William Reape, 58 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 4 May 2011
117. Letter of Support from Mr Stewart Deacon, 23 Main Street, Shieldhill, Falkirk, FK1 2DZ on 4 May 2011
118. Letter of Support from Jennifer Fullerton, 82 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS on 4 May 2011
119. Letter of Support from Mr David Dick, 8 Gardrum Gardens, Shieldhill, Falkirk, FK1 2TB on 4 May 2011
120. Letter of Support from Mr Paul Jenkins, 8 Cruickshank Drive, Shieldhill, Falkirk, FK1 2DS on 4 May 2011
121. Letter of Support from C Farquhar, 80B Easton Drive, Shieldhill, Falkirk, FK1 2TA on 4 May 2011
122. Letter of Support from Andrea Easton, 125 Main Street, Shieldhill, Falkirk, FK1 2DT on 4 May 2011
123. Letter of Support from D Evans, 2 Gardrum Gardens, Shieldhill, Falkirk, FK1 2TB on 4 May 2011
124. Letter of Support from W Allardyce, Parkend Cottage, Main Street, Shieldhill, Falkirk on 4 May 2011
125. Letter of Support from Doreen Meikle, 6 Gardrum Gardens, Shieldhill, Falkirk, FK1 2TB on 4 May 2011
126. Letter of Support from Mr Ross Agnew, 10 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR on 11 May 2011
127. Letter of Support from Mr Ronnie Hunter, 19 Ledi Place, Shieldhill, Falkirk, FK1 2PA on 11 May 2011
128. Letter of Support from Charles and Lynn Sneddon, 28 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
129. Letter of Support from Lana McClung, 15 Braeside, Cross Brae, Shieldhill, Falkirk on 11 May 2011
130. Letter of Support from Mr Gary Wilson, 99 Easton Drive, Shieldhill, Falkirk, FK1 2DW on 11 May 2011
131. Letter of Support from Mr John Allardyce, Parkend Cottage, Main Street, Shieldhill, Falkirk on 11 May 2011
132. Letter of Support from Mr Michael McClung, 12 Greenmount Drive, Shieldhill, Falkirk, FK1 2EY on 11 May 2011
133. Letter of Support from Owner/Occupier, 3 Anderson Crescent, Shieldhill, Falkirk, FK1 2ED on 11 May 2011
134. Letter of Support from Mr Craig Jenkins, 8 Cruickshank Drive, Shieldhill, Falkirk, FK1 2DS on 11 May 2011
135. Letter of Support from Mr Daniel Russell, 12 Braes View, Shieldhill, Falkirk, FK1 2EB on 11 May 2011
136. Letter of Support from Mr Gareth Thomson, Arisaig, Reddingmuirhead, Falkirk, FK1 2BL on 11 May 2011
137. Letter of Support from Mr David McLauchlan, 12 Elim Drive, Main Street, Shieldhill, Falkirk on 11 May 2011
138. Letter of Support from Tracey Easton, 39 Main Street, Shieldhill, Falkirk, FK1 2DZ on 11 May 2011
139. Letter of Support from N McDougall, Hays Buildings, Cross Brae, Shieldhill, Falkirk on 11 May 2011

140. Letter of Support from Mr Scot Russell, 14 Pirleyhill Drive, Shieldhill, Falkirk, FK1 2EA on 11 May 2011
141. Letter of Support from Mr Stephen McGowan, 21 Rannoch Place, Shieldhill, Falkirk, FK1 2PB on 11 May 2011
142. Letter of Support from Jane Stowe, 4 Braeside, Cross Brae, Shieldhill, Falkirk on 11 May 2011
143. Letter of Support from Charlene Weir, 24 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 11 May 2011
144. Letter of Support from Mr George Robertson, 7 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 11 May 2011
145. Letter of Support from Mr John Hewitt, 28 Easton Drive, Shieldhill, Falkirk, FK1 2DR on 11 May 2011
146. Letter of Support from Mr Billy Sneddon, 1B Church Road, California, Falkirk, FK1 2BD on 11 May 2011
147. Letter of Support from Mr Robert Paterson, 33 Pirleyhill Drive, Shieldhill, Falkirk, FK1 2EA on 11 May 2011
148. Letter of Support from Mr Andy Tulloch, 13 Anderson Crescent, Shieldhill, Falkirk, FK1 2ED on 4 May 2011
149. Letter of Support from Mr Michael Hamilton, 22 Parkend Crescent, Shieldhill, Falkirk, FK1 2EL on 4 May 2011
150. Letter of Support from Mr James Alexander, 40 Mavisbank Avenue, Shieldhill, Falkirk, FK1 2EU on 4 May 2011
151. Letter of Support from Anne Reape, 58 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 4 May 2011
152. Letter of Support from Mr Mark Agnew, 10 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR on 4 May 2011
153. Letter of Support from Mr Kenny McElroy, Ahlan, 58 Easton Drive, Shieldhill, Falkirk on 4 May 2011
154. Letter of Support from Mr Thomas McClung, 9 Paterson Drive, Shieldhill, Falkirk, FK1 2EJ on 4 May 2011
155. Letter of Support from Mr Allan Weir, 24 Anderson Crescent, Shieldhill, Falkirk, FK1 2EE on 4 May 2011
156. Letter of Support from C Finnigan, 11 Elim Drive, Main Street, Shieldhill, Falkirk on 4 May 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM BETTING SHOP (CLASS 2) TO HOT FOOD TAKEAWAY AND INSTALLATION OF FLUE AT 11 MAIN STREET, SHIELDHILL, FALKIRK FK1 2DZ FOR MR COLIN MCMILLAN – P/10/0757/FUL

Meeting: PLANNING COMMITTEE

Date: 20 April 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use from an existing betting shop to a hot food take away and the installation of a flue at 11 Main Street, Sheildhill.
- 1.2 The application site is located within an established residential area and sits directly opposite the junction of Main Street and Anderson Crescent. Residential properties are located to the east and south, and a public house, 'the Clachan Bar' is located to the west.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to the Planning Committee by Councillor John McLuckie and Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 06/0756/FUL – use of premises for class 2 office (betting office) use (amendment to planning permission F/2001/0387) reducing the development to a single unit and reducing the number of car parking spaces to 6 – granted on 19 August 2006.
- 3.2 F/2000/0333 – erection of hot food takeaway and bookmakers – withdrawn on 10 April 2001.
- 3.3 F/2001/0387 – erection of class 1 and class 2 building – granted on 26 November 2001.

4. CONSULTATIONS

- 4.1 The Roads Development Unit comment that the available parking for the unit is acceptable and advise of conditions relating to the delineation of vehicular parking spaces.
- 4.2 The Environmental Protection Unit advise that the proposed cooking odour extraction system is satisfactory.

5. COMMUNITY COUNCIL

- 5.1 The Reddingmuirhead and Wallacestone Community Council object to the proposal for the following reasons:-
- The proposed change of use would result in increased pressure for on street parking, compromising road safety and leading to congestion;
 - The car park is also used as a smoking and storage area for the Clachan Bar;
 - Litter accumulation and odour nuisance as a result of the proposed change of use; and
 - A hot food takeaway was refused at the application site in the past.
- 5.2 The Shieldhill and California Community Council object to the proposal for the following reasons:-
- Increase in traffic at an already congested intersection at peak periods;
 - Insufficient parking to accommodate staff and customers for the Clachan Bar and proposed hot food takeaway;
 - Access to main junction would have to reverse into a number of blind spots;
 - Immediately adjacent to residential properties with potential for noise and congestion;
 - A hot food shop was refused at the application site; and
 - There is a similar use within the village with adequate safe car parking.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 11 objectors submitted letters to the Council. The salient issues are summarised as follows:
- Increased traffic as a result of the proposal resulting in a road safety hazard;
 - There is not enough parking to serve the existing betting shop and public house;

- No provision for delivery vehicles;
- The proposal is adjacent to a busy staggered cross road;
- Patrons of the existing betting shop and public house park on the pavement causing pedestrians to walk on the road. The proposal will further exasperate existing road safety concerns;
- The school bus drops children opposite the application site and the proposed use could distract the children and cause a road safety hazard, contrary to the policy on safe routes to school;
- The proposal would increase the amount of people hanging about and would lead to noise nuisance and disturbance to adjacent dwellings;
- Drainage to Anderson Crescent;
- The village already has a fast food shop and local convenience store;
- Impact on residential amenity as a result of noise, odour and litter; and
- Where would rubbish bins be stored.

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 relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.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."*

7a.3 Policy SC7 - 'Established Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. 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.4 Policy EP9 'Food and Drink' and SC7 'Established Residential Areas' seek to protect residential areas and ensure there is no detriment to local residents through noise disturbance, traffic generation or parking. The application site relates to an existing betting shop and is adjacent to a public house. It is considered that the change of use from the betting shop to a hot food takeaway would not result in a significant impact on the amenity of adjacent residents, or the surrounding area. The Roads Development Unit have confirmed that the existing car park is acceptable to accommodate the required parking provision for the proposed use. Similarly the Environmental Protection Unit advise that the proposed cooking odour filtration system is acceptable. It is considered that the proposed use is complementary to the adjacent public house use and accords with policies EP9 and SC7.

7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are the assessment of public representations and the comments of the Shieldhill and California, and Reddingmuirhead and Wallacestone Community Council.

Assessment of Public Representations and Community Council Comments

7b.2 The Roads Development Unit have not raised any road safety concerns and advise that there is adequate parking for the proposed use.

7b.3 It is considered there is adequate room, within the application site, for the storage of refuse bins.

7b.4 Vehicles parking on the pavement surrounding the application site is enforceable by the police.

7b.5 The comments in relation to school children and the school bus drop off points are noted, but it is not considered that the proposed change of use would lead to a significant road safety hazard.

7b.6 Policy ST5 'Managing Travel to School' is not relevant to the assessment of the proposal.

7b.7 The provision of an existing fast food shop and local convenience shop in the town are not relevant to the assessment of this application.

- 7b.8 It is not considered that the proposed change of use would impact on drainage for Anderson Crescent.
- 7b.9 It is considered that the proposed change of use to a hot food takeaway would harmonise with the adjacent public house use and make use of an existing building and parking area. The Roads Development Unit are satisfied with the level of parking available and the Environmental Protection Unit are satisfied with the proposed flue and cooking odour extraction system to be located away from residential properties, adjacent to the existing car park.
- 7b.10 Planning permission for a hot food takeaway on the site has not previously been refused. An application for the erection of a hot food takeaway and bookmakers was submitted in 2000 but was withdrawn.

7c Conclusion

- 7c.1 The application has been assessed as being in accordance with the Development Plan. The consultation response and the comments of third parties are noted and addressed in the body of this report. The application is recommended for approval of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that 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 use as a hot food takeaway commencing 5 parking spaces, a minimum of 5 metres long by 2.5 metres wide, shall be formally marked out on site with white paint.
- (3) Prior to the use as a hot food takeaway commencing, the proposed cooking odour filtration system and flue shall be installed and operational in accordance with the approved plans and specification.

Reason(s):-

- (2) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate car parking is provided.
- (3) To ensure that adequate ventilation is provided.

Informative(s):-

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



Pp

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Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of Representation from Jim and Christine Shaw, Prospectview California Road Shieldhill Falkirk on 9 November 2010
3. Letter of Objection from Mr Victor Williamson, 9 Main Street Shieldhill Falkirk FK1 2DZ on 9 November 2010
4. Letter of Objection from Dr Helen Young, Coltswood 5 Main Street Shieldhill Falkirk on 9 November 2010
5. Letter of Objection from Mr. Alexander Whyte, 9 Nobel View Reddingmuirhead Falkirk FK2 0EF on 6 November 2010
6. Letter of Objection from Mr Danny Callaghan, 2 Nobel View Reddingmuirhead Falkirk FK2 0EF on 8 November 2010
7. Letter of Objection from Mrs Angela Oliver, Braehead, 1 Main Street Shieldhill Falkirk FK1 2DZ on 9 November 2010
8. Letter of Objection from Mr Stuart Young, Coltswood 5 Main Street Shieldhill FK1 2DZ on 9 November 2010
9. Letter of Objection from Maria Montinaro and Jit Singh, Greenacre, 56 Belmont Avenue, Shieldhill, Falkirk FK1 2BS on 10 November 2010.
10. Letter of Objection from Thomas Nimmo, Herdshill 3 Main Street Shieldhill Falkirk on 16 November 2010
11. Letter of Objection from Ms Michele Ironside, 69 Anderson Crescent Shieldhill Falkirk FK1 2ED on 9 November 2010
12. Letter of Objection from Ms Gail Hayworth, 67 Anderson Crescent Shieldhill Falkirk FK1 2ED on 9 November 2010
13. Letter of Objection from Reddingmuirhead & Wallacestone Community Council on 18 November 2010

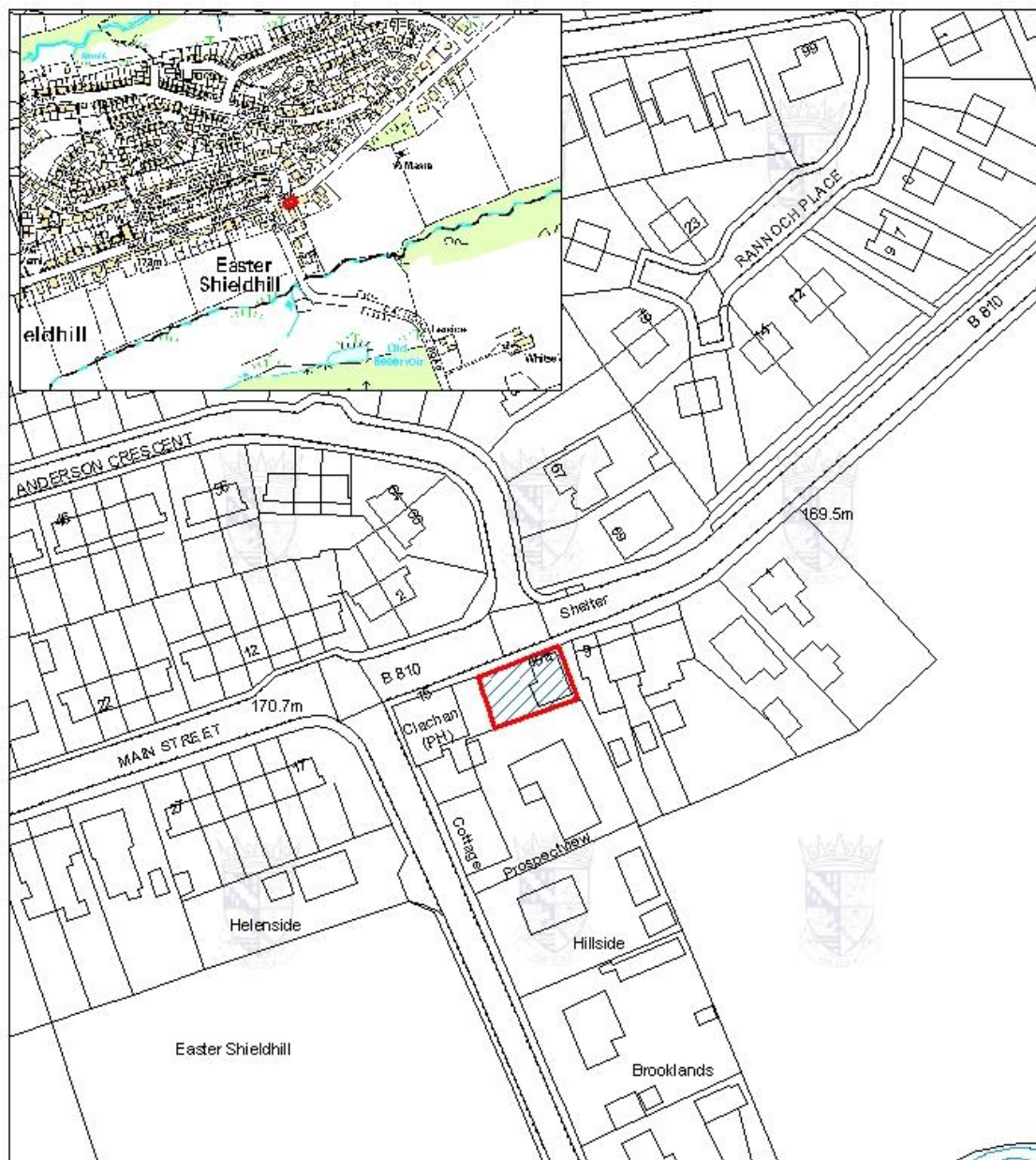
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0757/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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