

**FALKIRK COUNCIL**

**Subject:** SUB-DIVISION AND CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 2 UNITS, COMPRISING CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) USE AND HOT FOOD TAKEAWAY, INSTALLATION OF TWO SHOPFRONTS AND REAR EXTENSION AT RUMFORD ARMS, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR CADZOW PROPERTIES LTD - P/11/0305/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 2 November 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Brightons

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 21 September 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. The site visit took place on 12 October 2011.
2. At the site visit, the Committee viewed the site and, in particular, the proposed access and parking arrangements. Local Member, Councillor Hughes, spoke in relation to the proposal. Clarification in respect of the proposed vehicular and pedestrian access arrangements associated with the proposed development was provided.
3. An objector in attendance raised concerns in respect of road safety and in particular the restricted width of the access, inadequate pedestrian provision, inadequate parking and turning facilities.
4. In respect of the above mentioned road safety concerns, the Roads officer in attendance confirmed that this was a private access that would not be adopted. Seven parking spaces can be provided which would also allow turning provision within the site. It was acknowledged that the parking provision was below the standards that would normally be expected for the size of the development and the intended uses. However, it was also acknowledged that the previous use as a public house had operated with substandard parking provision. A condition

is attached as part of the officer recommendation to ensure that pedestrian provision is suitably demarcated prior to the occupation of the first unit in the interests of pedestrian safety.

5. The issue of ventilation and noise attenuation details to serve the proposed hot food takeaway was raised. It was confirmed at the site visit that, as there is no defined operator at this stage, such details are not available. The Environmental Health Officer in attendance confirmed that this matter would be addressed prior to the hot food takeaway being brought into use and a planning condition covers this requirement. It was also intimated that such complaints, if they are raised in the future, could be dealt with under the appropriate legislation via the Environmental Protection Unit. It was also confirmed at the site visit that no complaints in respect of smell and noise nuisance had been received in connection with the Rumford Arms when it was in operation or the Hot Food Takeaway outlet adjacent.
6. No matters were raised which would amend the original recommendation to grant planning permission.

## **7. RECOMMENDATION**

### **7.1 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 occupation of the proposed hot food takeaway unit full details of the proposed noise and odour control measures shall be submitted to and approved in writing by the Planning Authority and implemented. The information should include a detailed specification of:
  - (a) Cooking odour extraction system, including the proposed external location on the property.
  - (b) Measures employed to control noise emissions from any extraction, ventilation or air conditioning systems.
- (3) For the avoidance of doubt the Hot Food Takeaway use shall be located within unit 1 of the proposed subdivided premises with the Class 2 (Financial, professional and Other Services) use being located within unit 2 as shown on the approved plans.
- (4) Before the first unit is occupied, a pedestrian footway shall be delineated along the frontage of the two units in accordance with details and specifications to be submitted to and approved in writing by this Planning Authority.

### **Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the residential amenity of the area.

- (3) To ensure that the Planning Authority can control the future use of the premises.
- (4) In the interests of pedestrian safety; to ensure the delineation of a footway.

**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, 03A, 04, 05A and 06.
- (2) In the event that unexpected contamination is encountered following the commencement of development all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a Contaminated Land Assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

**Pp**

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**Director of Development Services**

**Date:** 25 October 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection from Miss Clair Swift, 10 Craigs Terrace Rumford Falkirk FK2 0SD on 7 July 2011.
4. Letter of Objection from Maddiston Community Council, Magdalene Cottage Vellore Road Maddiston Falkirk on 9 August 2011.
5. Letter of Objection from Mr Neil Sinclair, 27 Pender Gardens Rumford Falkirk FK2 0BJ on 31 May 2011.
6. Letter of Objection from Mr Archie Henderson, [Archiehend@gmail.com](mailto:Archiehend@gmail.com) on 6 June 2011.
7. Letter of Objection from Mr Barry Mcallister, [Barrymca79@yahoo.co.uk](mailto:Barrymca79@yahoo.co.uk) on 6 June 2011.
8. Letter of Objection from Ms Clair Swift, [Clairswift@sigenergy.co.uk](mailto:Clairswift@sigenergy.co.uk) on 6 June 2011.
9. Letter of Objection from Wilson & Wilson, Haypark Business Centre Marchmont Avenue Polmont Falkirk on 1 July 2011.
10. Letter of Objection from Miss Laura Crompton, 4 Wallacelea Rumford Falkirk FK2 0AJ on 7 July 2011.

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

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**Subject:** SUB-DIVISION AND CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 2 UNITS, COMPRISING CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) USE AND HOT FOOD TAKEAWAY, INSTALLATION OF TWO SHOPFRONTS AND REAR EXTENSION AT RUMFORD ARMS, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR CADZOW PROPERTIES LTD - P/11/0305/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 September 2011

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Brightons

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

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

- 1.1 This application proposes the change of use and subdivision of an existing detached, single storey pub/restaurant to form a Class 2 (Financial, Professional and Other Services) unit and a hot food takeaway with the installation of two new shopfronts and the reconstruction of a single storey flat roof rear extension measuring approximately 2.6 metres wide and 1.7 metres long. The existing unit is located within an established residential area to the south of Falkirk on Maddiston Road. The site sits adjacent to the Gardrum Burn to the south and to two existing hot food takeaway units and a bookmakers to the north. The site benefits from parking provision for 7 vehicles to the rear of the premises.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor McLuckie.

**3. SITE HISTORY**

- 3.1 None relevant to this application.

#### **4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit have no objections but further information has been requested in relation to cooking odour extraction systems and measures to control noise emissions from any ventilation unit.
- 4.2 The Roads Development Unit have no objections but has recognised that the recommended number of parking spaces for a unit of this size would be 12 and that this cannot be achieved within the confines of the site. It has been noted that 3 additional parking spaces to the side of the premises as shown on the submitted plans are not achievable to recognised standards as this would leave the access road too narrow to allow for safe passage of vehicles and pedestrians entering and exiting the site.

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

- 5.1 The site lies within the Brightons Community Council boundary but the Community Council have not commented on the application. However, Maddiston Community Council have raised concerns in regard to traffic and insufficient parking at the site.

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

- 6.1 In the course of the application, 7 contributors submitted letters to the Council in addition to the Community Council comments outlined above. The salient issues are summarised below:
- Loss of existing community facility.
  - Proliferation of takeaways in local area.
  - Increase in traffic and lack of parking provision.
  - Noise.
  - Anti-social behaviour.
  - Litter.
  - Impact on property values.
  - Impact on general quality of life.
  - Inaccuracies on application form relating to extensions to the premises.
  - Lack of pavement provision in front of proposed units.

## 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 EQ11 'Shopfronts' states:

- “(1) The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part. The retention and restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be required; and*
- (2) External security measures should not detract from the character of the building or the area in general. Where such measures are necessary, there will a presumption in favour of perforated shutters and grilles, as opposed to solid roller shutters.”*

7a.3 The proposed new shopfronts are well proportioned and sympathetic in the character of the building.

7a.4 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.5 The proposed uses are considered compatible with the character of the area. The new uses replace an established pub/restaurant and are located on a busy main road adjacent to other similar uses. The residential environment can be safeguarded. The site benefits from adequate access and parking provision when consideration is given to the existing pub / restaurant use of the site and subsequent reduction in parking requirements as a result of this.

7a.6 Policy SC10 - 'Existing Community Facilities' states:

*“There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available.”*

7a.7 Whilst a well established existing pub/restaurant would be removed from the community as a result of the proposal, the proposed uses are also considered to be community facilities in their own right. The site is located on a busy main road with good public transport links into Falkirk and neighbouring communities where other pub/restaurant businesses are available.

7a.8 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.9 The proposed hot food element is considered to be appropriate for this location. Residential amenity levels can be maintained and parking and access provision is considered adequate.

7a.10 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations are the consultations received, public representations and a recently constructed section of fencing.

### ***Consultation Responses***

7b.2 With regard to the comments from the Environmental Protection Unit the applicant has not finalised a tenant for the premises and full details of odour extraction systems are not available at this time. It is therefore considered appropriate to attach a suspensive condition to any consent given requiring submission and approval of full details prior to the development taking place. This approach is considered appropriate in this instance given the previous use of the building as a pub/restaurant which had kitchen provision and due to the building being detached and single storey, therefore not having any directly attached residential neighbours.

7b.3 The Roads Development Unit has advised that the current use would preferably have 20 parking spaces but in practice only has approximately 7 spaces. The proposed uses would normally require 12 spaces however only 7 would be realistically provided. If permission were granted, the shortfall would therefore reduce from 13 to 5 spaces. The proposed development is therefore considered appropriate in terms of parking provision.

### ***Assessment of Public Representations***

7b.4 Issues in relation to noise, odours, access and parking provision are addressed in sections 7b.2 and 7b.3 of this report.

- 7b.5 An existing community facility would be lost as a result of this proposal, but the proposed uses of the site are also considered to be community facilities albeit they may attract a different sector of the community as customers. It is not the role of the planning authority to interfere with market demand and the issue of proliferation of takeaways in the area is not a material planning consideration.
- 7b.6 Anti-social behaviour issues, management of the premises including littering and impact of the proposal on property values are not material planning considerations.
- 7b.7 The submitted application form does not make reference to the proposed small rear extension but the plans show the extension and the description of development has been amended to include the extension.
- 7b.8 There is no pavement proposed across the frontage of the two units however this is the case for the existing unit as well which does not front onto the main road but instead fronts onto the car park in front of the bookmakers and hot food takeaway to the north. The limited parking area would in turn limit traffic movements into this small private area and the lack of a footpath is not therefore considered to be a determining factor in this instance. However, to address the concerns raised, the applicant has agreed to ensure clear delineation is provided between pedestrians and vehicles by painting the car park tarmac - a common means of separating pedestrians and vehicles within many car parks around the country. This can be covered by planning condition.

### ***Recently Constructed Fencing***

- 7b.9 Following submission of this application a new section of fencing was erected by an adjoining landowner adjacent to the access to the application site on the northern boundary. This section of fencing is approximately 1 metre high and does not require planning permission and whilst it is not ideal from a road safety perspective it is outwith the control of the applicant. The erection of this fence is not considered to influence the assessment of the current application as the situation would remain for the current pub/restaurant use. As is outlined in section 7b.3 of this report. The proposed uses are considered to have a lesser parking requirement than the existing pub/restaurant use and the proposed change of use would therefore improve upon the existing situation at the site.

### **7c Conclusion**

- 7c.1 The proposal is an acceptable form of development and is in accordance 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 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 occupation of the proposed hot food takeaway unit full details of the proposed noise and odour control measures shall be submitted to and approved in writing by the Planning Authority and implemented. The information should include a detailed specification of:
  - (c) Cooking odour extraction system, including the proposed external location on the property.
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**Director of Development Services**

**Date:** 14 September 2011

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# Planning Committee

## Planning Application Location Plan **P/11/0305/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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