

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO LOUNGE BAR AT REDDING & WEST QUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING & WESTQUARTER UNITY CLUB - P/12/0588/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 January 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Lower Braes

**Case Officer:** Kirsty Hope (Assistant Planning Officer), Ext. 4705

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

- 1.1 The Unity Club is a single storey detached premises located on a wedge of land adjacent to the main railway line and below the level of the adjacent Redding Road which is located north of the site.
- 1.2 The proposed development is for the erection of a single storey extension of approximately 89 square metres to accommodate an additional lounge/bar and seating area.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Malcolm Nicol.

**3. SITE HISTORY**

- 3.1 P/10/0214/FUL - Change of use of land to form outside drinking area was granted planning permission on 27th October 2010.
- 3.2 P/09/0285/FUL - Formation of External Smoking Area (Retrospective) was granted planning permission on 28th May 2009.
- 3.3 P/09/0098/FUL - Siting of Snack Van (Retrospective) was granted planning permission on 30th April 2009.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has requested a total of 55 incurtilage parking spaces be provided within the confines of the site and maneuvering space to serve the existing building and the proposed extension. No details have been received from the applicant.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has no objection to the proposal. It has requested that if the application is granted consent, two informatives be attached, one in relation to contaminated land and the other in relation to the hours of construction.
- 4.4 The Coal Authority has requested that the applicant submits a Coal Mining Risk Assessment Report as the site falls within the defined Coal Mining Development Referral Area. No response has been received from the applicant. The Coal Authority objects to the planning application.

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

- 5.1 No comments have been received from the Community Council.

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

- 6.1 During consideration of the application, one letter of representation was received from Network Rail. The comments raised can be summarised as follows:-
- Whilst Network Rail has no objection in principle to the proposal, due to its close proximity to the operational railway, construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. The developer should contact Network Rail's Asset Protection Engineers regarding all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to any works commencing on site.

#### **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 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.3 The existing social club use has been well established within this residential area. The proposed extension in terms of scale and design is considered to be in keeping with the original building. However, it has not been demonstrated that there is satisfactory parking provided within the site. The applicant has been given advice with regards to what details are required to assess the application, as well as being advised of the comments received from the Roads Development Unit; however the applicant has not made any contact or comment, despite a number of requests and reminders. It therefore has not been demonstrated by the applicant that the proposal is satisfactory in terms of access and parking provision.

7a.4 Policy SC10 - "Existing Community Facilities" states:

- (1) 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; and*
- (2) The provision of new community facilities, including churches and places of worship, will generally be supported provided that:*
  - \*The proposal is compatible in terms of scale, character and design with the surrounding area;*
  - \* There is no adverse impact on local amenity*
  - \* There is good access by public transport, on foot and by cycle; and*
  - \* It complies with other Local Plan policies.*

7a.5 The proposed extensions to the property are considered to be compatible in terms of the scale and design of the proposed extension. It has not been demonstrated that there will be no adverse impact on the local amenity, as sufficient details in respect of parking requirements have not been submitted by the applicant, despite a number of requests and reminders. Therefore it has not been demonstrated that parking and access requirements can be fulfilled.

7a.6 Accordingly, the proposal does not accord with the Development Plan.

### **7b Material Considerations**

7b.1 The material considerations in respect of this application are the consultation responses and the public representations received.

### ***Consultation Responses***

- 7b.2 The Roads Development Unit has requested a total of 55 incurtilage parking spaces be provided within the confines of the site and maneuvering space to serve the existing building and the proposed extension. Despite several requests and reminders being sent to the applicant seeking information, the details requested have not been provided and the applicant has declined to contact officers to discuss these matters.
- 7b.3 The Coal Authority has requested that the applicant submits a Coal Mining Risk Assessment Report because the site falls within an area where their records indicate there are coal mining features and hazards which need to be considered in relation to the determination of this application; specifically likely unrecorded underground coal mining at shallow depth and the presence of a recorded mine entry. No response has been received from the applicant, despite a number of requests and reminders. The Coal Authority has therefore formally objected to the planning application.

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

- 7b.4 The comments are noted from Network Rail given the close proximity to the operational railway. An informative could be attached to this affect if the application were to be consented.

### **7c Conclusion**

- 7c.1 The proposal is contrary to the Development Plan and insufficient details have been provided to warrant a recommendation to grant planning permission. In the light of the concerns raised by the Roads Development Unit and the Coal Authority, the applicant has been requested to provide further information to address these outstanding issues, but despite a number of requests and reminders has not made contact with officers.

## **8. RECOMMENDATION**

- 8.1 **It is therefore recommended that planning permission be refused for the following reason(s):-**

- (1) The applicant has failed to submit a Coal Mining Report as well as details of the proposed parking requirements and, as such, the proposal is therefore contrary to Policy SC 07 'Established Residential Areas' and Policy SC10 'Existing Community Facilities' within the Falkirk Council Local Plan which seek to ensure suitable parking can be provided and there will be no impact on the character of the surrounding 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, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12 and 13.

**Pp**

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**Director of Development Services**

**Date: 22 January 2013**

**LIST OF BACKGROUND PAPERS**

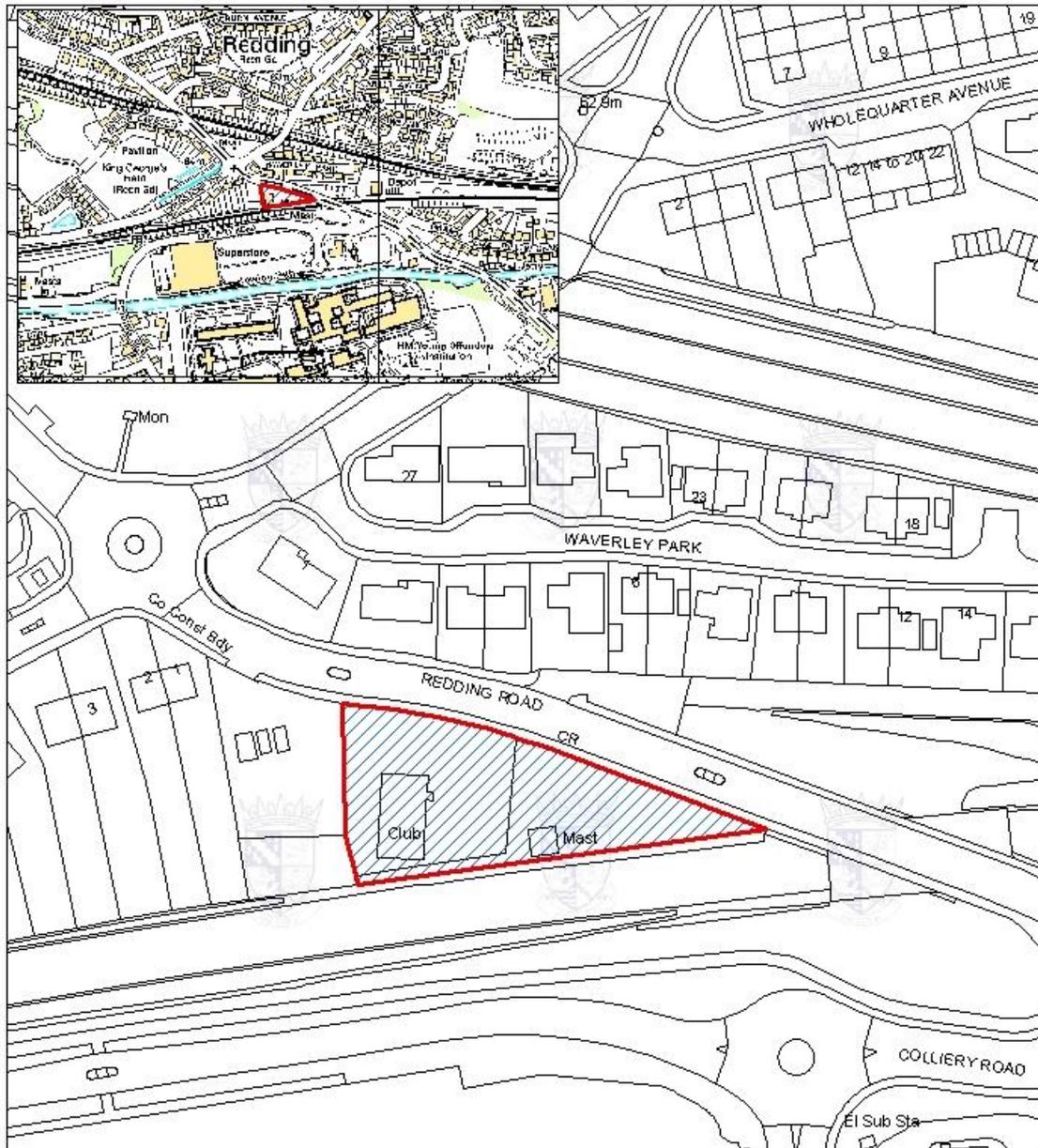
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Representation received from Network Rail, Town Planning, 4th Floor, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ on 23 October 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope, Assistant Planning Officer.

# Planning Committee

## Planning Application Location Plan P/12/0588/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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