

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF EXISTING VALET BAY AND ERECTION OF 4 NO. SINGLE STOREY COMMERCIAL UNITS (UNIT 1-3 CLASS 1 AND UNIT 4 CLASS 3) AT RUMFORD SERVICE STATION, MADDISTON ROAD, RUMFORD, FALKIRK, FK2 0SB FOR N & N JAMAL PROPERTIES - P/14/0214/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 27 November 2014

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor John McLuckie  
Councillor Rosie Murray

**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 by the Planning Committee 29 October 2014 (copy of previous report appended). Members decided to continue this application to allow a site visit to be carried out. This site visit took place on 10 November 2014.
2. During the site visit, Members heard from a number of concerned neighbours over matters primarily relating to road safety, congestion and general disturbance. Many of the points raised made reference to an anticipated increase in congestion at the main entrance and egress for the site. In response to the points raised, officers reiterated that the site layout and level of parking provided accords with Falkirk Council design guidelines.
3. Members requested clarification over whether a Traffic Impact Assessment (TIA) had been, or could be, carried out for the site. It can be confirmed that no TIA has been carried out and that the site is below the relevant thresholds, in terms of size and scale and as such a TIA is not required.

4. Specific questions were raised at the site meeting by the adjoining landowner and Members of the Planning Committee in relation to the potential for the proposed development to cut off access to neighbouring land. Whilst it is acknowledged that the location of parking bays 14 and 15, bin store and air pump would limit the existing informal access to the land to the west of the site, vehicular access would still be possible over land in the control of the concerned neighbour, Mr Nash Lalli. The land in question currently has no formal use and is poorly maintained. Whilst the development as proposed would narrow the available access to this land, there remains the potential for Mr Lalli to improve the land to the rear to provide additional parking for customers for his commercial units. It was also confirmed that the servicing of the proposed units would be taken from the front of the buildings and this raises no road safety concerns.
5. Residents and Members also queried the safety of developing the proposed units in such close proximity for the existing underground petrol storage tanks. This matter is not a material planning consideration and would be governed by separate legislation and guidelines. The applicant is confident that the proposed scheme is in accordance with current legislative requirements in this regard.

## **6. RECOMMENDATION**

### **6.1 It is recommended that Committee grant planning permission subject to:-**

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2)**
  - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
  - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
  - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**

- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Prior to the occupation of units hereby approved, the following details shall be submitted to and approved in writing by the planning authority:
  1. Cooking odour extraction system, where relevant, including its proposed exit point on the external facade of the property;
  2. Measures to control odour emissions where relevant;
  3. Measures employed to control noise emissions from any extraction, ventilation or external refrigeration systems and noise output from any fan.
- (4) Prior to the commencement of development on the site, details of further intrusive site investigation works, undertaken in order to establish the exact situation regarding coal mining legacy issues on the site, shall be submitted to and approved in writing by the planning authority. In the event that these site investigations confirm the need for remedial works to treat areas of shallow coal mine workings, this remedial work shall be completed in full prior to the commencement of development on the site.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that potential odours and noise from odour extraction systems are adequately controlled within unit 4.
- (4) To ensure the ground is suitable for the proposed development.

**Informative(s):-**

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

- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

Pp

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Director of Development Services

Date: 17 November 2014

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan.
2. Falkirk Council Local Development Plan (Proposed Plan).
3. Letter of Objection received from Mr Sean McKinna, 3 Craigs Terrace, Rumford, Falkirk, FK2 0SD on 30 April 2014.
4. Letter of Representation received from Morven Mitchell, 6 Comely Park, North Craigs, Rumford, Falkirk, FK2 0RU on 15 May 2014.
5. Letter of Objection received from Gillian Loudon, 8 Craigs Terrace, Maddiston Road, Rumford, Falkirk, FK2 0SD on 1 May 2014.
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7. Letter of Objection received from Clair Lamont, 10 Craigs Terrace, Maddiston Road, Rumford, Falkirk, FK2 0SD on 1 May 2014.
8. Letter of Representation received from Peter Gardner, Tormaukin, Maddiston Road, Rumford, Falkirk, FK2 0SB on 3 June 2014.
9. Letter of Objection received from Mr Robert Anderson, 4 Craigs Terrace, Rumford, Falkirk, FK2 0SD on 23 April 2014.
10. Letter of Objection received from Mr James Irwin, 13 Craigs Terrace, Maddiston Road, Rumford, Falkirk, FK2 0SD on 9 May 2014.
11. Letter of Objection received from TBB Architecture, 17 Cockburn Street, Falkirk, FK1 1DJ on 22 August 2014.

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:** DEMOLITION OF EXISTING VALET BAY AND ERECTION OF 4 NO. SINGLE STOREY COMMERCIAL UNITS (UNIT 1-3 CLASS 1 AND UNIT 4 CLASS 3) AT RUMFORD SERVICE STATION, MADDISTON ROAD, RUMFORD, FALKIRK, FK2 0SB FOR N & N JAMAL PROPERTIES - P/14/0214/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 29 October 2014

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor John McLuckie  
Councillor Rosie Murray

**Community Council:** Brightons

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

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

- 1.1 This full planning application proposes the demolition of an existing car wash facility within an existing petrol filling station forecourt and the erection of four new single storey commercial units and associated parking. The proposed commercial units do not yet have agreed end users, however Units 1-3 are proposed as Class 1 (retail) units whilst unit 4 is proposed as a Class 3 (food and drink) unit.
- 1.2 The application site is located within a predominantly residential area of Rumford, Falkirk and has been historically in use as a petrol filling station with an associated retail unit. In addition, the site has also been occupied by a separate car wash facility and valet building to the rear of the site. The site is accessed directly from Maddiston Road and benefits from two separate access/egress points, creating a natural one-way system through the site that is typical of most petrol filling stations. The most southerly of these access points is also shared by a grouping of small commercial units immediately to the south of the site. The proposal does not alter these existing access arrangements.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application requires consideration by the Planning Committee as it has been called in by Councillor Rosie Murray.

### **3. SITE HISTORY**

- 3.1 The site has been occupied by a petrol filling station for a considerable period of time. There have been numerous planning applications submitted, approved and implemented for a variety of physical alterations, including various advertisement consents. At this time there are no extant planning consents in place which are material in respect of the current application.

### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit had initially raised concerns in respect of a shortfall in parking provision and vehicular orientation space within the site. The applicant has since amended the proposals to reduce the total floorspace proposed and increase parking provision in order to address these concerns. The revised layout now proposes 26 off-street parking spaces, which is now deemed acceptable. In relation to matters raised relating to fuel tanker deliveries and possible congestion, the applicant has confirmed that tanker deliveries occur every 10-15 days, and there is capacity for these deliveries to be made "out of hours" in order to avoid congestion at the site.
- 4.2 The Council's Environmental Protection Unit has no objection to the proposal, however a request has been made for more information to be submitted in respect of noise and odour control measures at the site. In light of the fact these units do not yet have finalised end users, this information could be premature at this time. It is therefore considered more appropriate to condition the provision of this information prior to occupation of the units.
- 4.3 The Coal Authority has raised no objection to the proposals subject to the imposition of a condition requiring the undertaking of further site investigations prior to the commencement of development.

### **5. COMMUNITY COUNCIL**

- 5.1 Brightons Community Council has not made comment on the application.

### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of this application, 9 letters of representation (objections) were submitted to the Council, including a petition containing 9 signatures. The main issues raised in the objections are summarised below:-

- Increase in traffic and associated road safety concerns.
- Increase in general noise and disturbance.
- Increase in litter.
- Impacts on sewer network from cooking fat being put down drains.
- Over-proliferation of fast food outlets and impacts on public health.
- Ground stability issues due to coal workings.
- Overshadowing of garden ground.
- Development will restrict capacity for land to the rear to be developed by adjoining landowner.

## 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 The proposal raises no issues of a strategic nature.

#### *Falkirk Council Local Plan*

7a.2 Policy EQ3 'Townscape Design' states:

*"New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site's environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected."*

7a.3 The proposed development would improve the visual amenity of an existing untidy site and would help to give the location a sense of local identity. The proposed layout would result in buildings facing out onto the main road, and the proposed scale and mass of the buildings are deemed compatible with the surrounding area. The proposal accords with policy EQ3.

7a.4 Policy EP7 - 'New Retail Development' states:

- "(1) New retail development in excess of 500 m<sup>2</sup> gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 500 m<sup>2</sup> serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*
- (3) Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part."*

7a.5 The gross retail floor area proposed is below 500m<sup>2</sup> threshold as identified in this policy. The proposed development demonstrates a high level of design quality that would improve the visual amenity of this particular location. The proposed retail use is considered compatible with the surrounding area and would be able to function well in the location proposed without any detrimental impact. The proposal accords with the terms of policy EP7.

7a.6 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.7 The proposed food and drink unit proposed within this site would have no adverse impact on the residential amenity of nearby houses. It has been demonstrated that access and parking provision is satisfactory. Issues surrounding noise and odour suppression measures can be adequately covered by a suitably worded planning condition, and the unit's location allows for provision of bin facilities within the site. The proposal accords with policy EP9.

7a.8 The proposed development therefore accords with the relevant terms of the Falkirk Council Local Plan.

7a.9 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are the Falkirk Local Development Plan (Proposed Plan) and the letters of representation received during the course of the application.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications. In relation to the proposed development, the Proposed Plan generally reflects the policies contained within the existing adopted Falkirk Council Local Plan and does not introduce any new policy considerations not already covered by the adopted plan. The proposed development accords with the terms of the Proposed Plan.



## ***Assessment of Representations***

- 7b.3 Consultation with the Roads Development Unit has confirmed that the layout, as amended, now benefits from an acceptable level of off-street parking in order to serve the scale of development proposed. The proposal is not therefore considered likely to contribute further to on-street parking within the vicinity of the site. The existing access to and egress from the site is considered suitable for the scale of development proposed and the surrounding road network is considered capable of accommodating the associated traffic impacts at this site.
- 7b.4 Whilst it is accepted that the proposed development would increase activity at the site, it is not considered that this intensification in the use of the site would have a detrimental impact on residential amenity levels owing to the distances between nearby dwellings and the public frontages of the proposed retail and food and drink units.
- 7b.5 The potential for an over-proliferation of fast food outlets in the area and the day to day management of these establishments, including waste disposal practices, litter collection and the behaviour of customers, are not material planning considerations.
- 7b.6 As identified in section 4 of this report, the Coal Authority has raised no objection to the proposed development, subject to the imposition of a condition requiring the undertaking of further site investigations prior to commencement of development. Potential ground stability concerns raised by objectors are not therefore considered to be determining factors at this time.
- 7b.7 Each proposed unit is single storey in height, with a mono-pitch roofs design. The height of these units are 3.2 metres at its highest part and are to be located no closer than one metre from any residential boundary. The scale of development proposed is not therefore considered to unacceptably increase overshadowing of neighbouring garden ground to such a level so as to adversely affect residential amenity levels.
- 7b.8 The development of this site is not considered to either assist or hinder the potential development of the area of open space to the rear of the current application site.

## **7c Conclusion**

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

## **8. RECOMMENDATION**

### **8.1 It is recommended that Committee grant planning permission subject to:-**

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**Reason(s):-**

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**Director of Development Services**

**Date: 20 October 2014**

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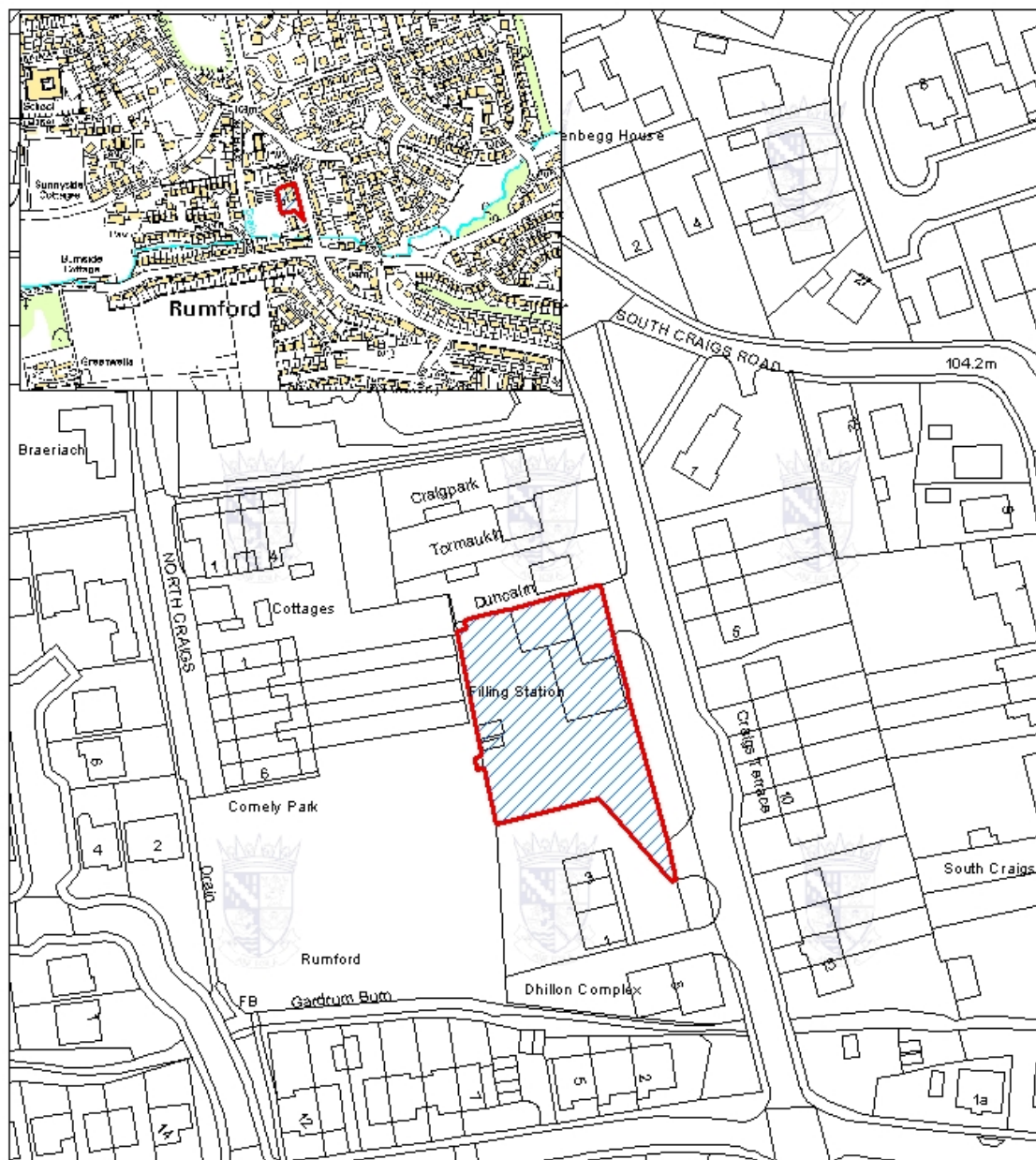
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/14/0214/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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