



AGENDA ITEM 12

Change of Use from a Vacant Retail Unit (Class 1) to a Hot Food Takeaway (Sui Generis); Installation of Extraction and Ventilation Equipment and External Alteration at 24 High Street, Bonnybridge FK4 1DA for DPSK Ltd – P/16/0423/FUL

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM A VACANT RETAIL UNIT (CLASS 1) TO A HOT FOOD TAKEAWAY (SUI GENERIS);
INSTALLATION OF EXTRACTION/VENTILATION
EQUIPMENT AND EXTERNAL ALTERATIONS AT
24 HIGH STREET, BONNYBRIDGE, FK4 1DA, FOR DPSK
LTD - P/16/0423/FUL

Meeting: PLANNING COMMITTEE

Date: 26 October 2016

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site lies at the western end of a small retail terrace within Bonnybridge Town Centre. The site consists of a single storey unit, adjoining land to the rear and the first floor above an adjoining unit. The single storey unit was previously occupied by 'Stewart Electrical' and has been vacant for approximately two years.
- 1.2 The proposal is to change the use of the unit from a vacant retail unit (class 1) to a hot food takeaway. It is proposed the takeaway would be occupied by Domino's Pizza and the applicant states that it could create up to 35 full and part-time jobs. The proposal includes leaner bars and tables and chairs, primarily for customers waiting to collect their orders. However, the facilities would also provide flexibility for customers who may choose to eat in.
- 1.3 The application includes an extraction duct to run from the oven and through the roof at the eastern elevation, a fresh air intake duct at the rear (north) elevation and two wall mounted compressors at the eastern elevation. A noise report has been submitted in support of the application.
- 1.4 The application also includes the installation of replacement doors, as well as replacement of a staircase and protective rail.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Baillie Buchanan owing to concerns from residents relating to impact on parking and traffic flows.

3. SITE HISTORY

- 3.1 Planning application F/90/0642 for alterations and extension to the shop was granted on 10 August 1990.
- 3.2 Advertisement consent F/93/0033 for the display of a projecting advertisement sign was granted on 9 February 1993.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have noted that the site is in close proximity to 2 no. junctions, is situated on an 'A' class road and does not benefit from on-site parking. They consider that the introduction of frequent parking manoeuvres, which would probably coincide with peak traffic on the road network, would not be in the best interests of road safety. They acknowledge that the unit could open as a Class 1 (shop) use without any requirement for planning permission but consider that the parking impact of the proposed development type would be more onerous than a convenience store. They have anecdotal evidence that on-street parking in the vicinity is well used during peak times (4pm to 6pm) but consider that this evidence alone is not sufficient to conclude that there is an existing parking problem.
- 4.2 The Environmental Protection Unit have advised that the specification of the ventilation system and the proposed measures to abate odour appear to be satisfactory. They are satisfied with the submitted noise report and note that it outlines a number of recommendations which could be employed to reduce noise levels generated by the extractor and air-inlet to the required level. The recommended options include the fitting of a vent stack silencer and the fitting of an acoustically lined shroud to the main air intake. They recommend a condition to ensure compliance with the required noise level.

5. COMMUNITY COUNCIL

- 5.1 The Bonnybridge Community Council have not made any representations in respect of the application.

6. PUBLIC REPRESENTATION

- 6.1 Fourteen objections have been received in respect of this application. The concerns raised in the objections can be summarised as follows:-
- Existing noise problems;
 - Late night opening;
 - Noise and odour from extractors and ventilators;

- Existing problems with litter (which will be made worse);
- What method will be employed regards the storage of waste food material, where will the storage containers be kept, access routes to the containers, how will they be emptied?
- Movement of bins for collection will be very noisy;
- In no circumstances should the waste storage containers be wheeled out to Lade Road to await uplift;
- Existing constant traffic on the private road (Lade Road);
- Congestion on Lade Road that could be caused if deliveries are made/ waste is uplifted from the back of the premises;
- Increase in traffic congestion;
- More adversity to those trying to pass/ drive through Bonnybridge;
- Existing parking problems;
- Exacerbate parking problems for local residents;
- Already too many hot food takeaways in the area;
- A variety of shops is needed in the village to get people shopping locally again;
- Adverse impacts on existing long standing businesses;
- The proposal will make the High Street weaker than it already is;
- Outline of property appears to encroach over neighbouring residential property;
- Loss of property value; and
- Another fast food outlet will encourage people to eat unhealthily.

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

7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 The application site lies within Bonnybridge Town Centre as defined in the Local Development Plan.

7a.3 Policy TC01 - Network of Centres states:-

1. *The focus for retail, leisure, cultural and major community uses in the area will be on the network of centres identified in Figure 3.3 and Map 3.3. Significant new retail and commercial leisure development will be directed to these centres. The boundaries of centres are identified on the Proposals Map. Residential and business uses will also be promoted in these centres as appropriate.*

2. *New food shopping will be a priority in Denny, Bonnybridge and Bo'ness Town Centres, and in the new Local Centres of Banknock, Kinnaird Village and Whitecross.*
3. *Opportunities for development, regeneration and enhancement in the centres will be promoted as listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
4. *Development which would significantly undermine the role of any centre in the network, as defined in Figure 3.3, will not be permitted.*

7a.4 The role of Bonnybridge Town Centre is to function as a Local Centre. A Local Centre, as defined in Figure 3.3 of the Local Development Plan, serves the smaller towns of the Falkirk area in terms of top-up shopping and limited local services. It is not considered that the proposed development would undermine the role of this Local Centre.

7a.5 TC02 - Development and Changes of Use in Centres states:-

Within the defined boundaries of centres, a mix of retail, business, leisure, community and residential uses will be promoted consistent with maintaining the vitality and viability of these centres and their role in the network of centres. Proposals for development or changes of use for these uses will be supported subject to the following:

1. *Within the core area of Falkirk Town Centre, ground floor premises should be retained in retail use, or non-retail use which actively supports the shopping or tourism function of the Town Centre;*
2. *Within established shopping streets elsewhere in Falkirk Town Centre and in the District and Local Centres, ground floor premises should, where possible, retain an active frontage;*
3. *The re-use of upper storeys in shopping streets for residential use will be supported; and*
4. *Within Central Retail Park and the retail element of the Falkirk Gateway, development proposals and changes of use should comply with any relevant Section 75 Obligations covering these shopping areas.*

Outwith centres, proposals involving the loss of neighbourhood and rural shops (Class 1) and services (Class 2) which serve an important community function will only be permitted where the Council is satisfied the premises are no longer viable for such uses.

7a.6 The proposed development would contribute to a mix of retail, business, leisure, community and residential uses within the Town Centre. The presence of this well known company at this town centre location, the proposed hours of opening (11am to 11pm), the likely increase in footfall and the creation of potentially up to 35 full and part times jobs would contribute positively to the viability and vitality of the Town Centre. In addition, the occupation of this vacant unit (vacant for approximately two years) would ensure the unit has an active frontage again.

7a.7 Policy TC04 - Food and Drink states:-

1. *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 locations where they are capable of fulfilling a tourism function.*
2. *Proposals must demonstrate that 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, and that parking and access requirements are satisfied.*
3. *Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality*

7a.8 The proposed hot food takeaway is to locate within a centre in association with other local shops and services. It is therefore supported in principle by this policy. The proposal includes the installation of extraction/ ventilation equipment which the Environmental Protection Unit are satisfied with in terms of noise and odour. The proposed hours of opening are considered to be suitable for a town centre location. The applicant proposes to install a litter bin to help address the possibility of litter nuisance. Whilst there is no on-site parking, there is on-street parking available for use in the vicinity. It can be noted that the lawfully established use of the unit (Class 1 retail) would allow for such uses as a convenience store, which would also generate short term parking demand. The applicant has advised that a similar Dominos store in Scotland has a trade split of roughly 80% home delivery and 20% walk-in. In terms of traffic generation, this is a mitigating factor, as the delivery drivers take multiple orders on a single trip, which reduces overall traffic movements.

7a.9 Policy D06 - Shopfronts states:-

The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part, as specified within Supplementary Guidance SG04 'Shopfronts'.

7a.10 The proposal involves only minor external alterations to the building including to the shopfront. The proposed extraction/ventilation equipment is on rear elevations of the building and does not impact on the shop frontage. As such, the proposal is acceptable within the terms of SG04 'Shopfronts'.

7a.11 Policy D04 - Low and Zero Carbon Development states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - *Proposals for change of use or conversion of buildings;*
 - *Alterations and extensions to buildings;*
 - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - *Temporary buildings with consent for 2 years or less; and*
 - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.12 The proposal is for a change of use of an existing building. As such, the requirements of this policy for the provision of low and zero carbon-generating technologies (LZCGT) do not apply.

7a.13 Policy INF11 - Parking states:-

The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

1. *The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*

2. *The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
3. *Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
4. *New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.14 The Roads Development Unit have advised that the National Roads Development Guide does not contain a parking rate for the proposed use. The shop unit does not have any dedicated on-site parking facilities and the existing on-street parking would be relied upon for customer parking and deliveries as per the existing arrangement.

7a.15 In light of the above comments, the application is assessed as complying with the Local Development Plan.

7b Material Considerations

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

Consultation Responses

7b.2 The consultation responses are summarised in Section 4 of this report. The road safety concerns of the Roads Development Unit are noted and are considered in this report and balanced against other considerations and mitigating factors. The Environmental Protection Unit are satisfied with the submitted information in relation to noise and odour and recommend a noise condition.

Public Representations

7b.3 The following comments are considered to be relevant to the concerns raised in the representations:-

- Concerns are raised in relation to existing problems in the area such as noise and litter associated with other sources;
- The proposal would contribute to a mix of uses within the Town Centres and to its day-time and evening economies. There are no other hot food takeaways within this retail terrace;
- A noise report has been submitted which outlines a number of recommendations to ensure that the required noise level is met. The Environmental Protection Unit are satisfied that odour and noise impacts associated with the plant and equipment have been satisfactorily addressed;

- The applicant proposes to install a litter bin to help address the possibility of litter;
- The applicant has advised that the waste would be stored in two bins at the rear of the store (one for general waste and one for recycling). The bins would be collected twice weekly and wheeled around the site during store hours to the High Street for collection. They would not be stored or collected from Lade Road;
- The premises would continue to be served by existing parking in the local area. There is existing unrestricted parking on both sides of the road at this location. The home delivery service would be likely to reduce traffic generation given the anticipated trade split of home deliveries to walk-ins;
- Concerns in relation to impact on property values, trade competition and healthy eating are not material planning considerations; and
- The applicant has submitted a copy of a plan purchased from an official third party source (Land Register of Scotland). The application site boundaries match the land shown on this plan. Any dispute over landownership is not necessarily an impediment to the grant of planning permission but may affect whether a planning permission can be implemented if the consent of a third party is required.

7c Conclusion

- 7c.1 The application is considered to accord with the Local Development Plan for the reasons detailed in this report. There are not considered to be any material planning considerations to set aside the terms of the Local Development in this instance.
- 7c.2 Whilst the road safety concerns of the Roads Development Unit (due to the introduction of frequent parking manoeuvres) are noted, this must be balanced against the authorised Class 1 (shop) use of the store (which allow for uses that would also potentially introduce frequent parking manoeuvres, including at peak times) and the existing character of the High Street. The High Street at this location has unrestricted roadside parking, is sufficiently wide to ensure that parked vehicles do not impede through-traffic and parking manoeuvres are a frequent occurrence at this location which most drivers will be aware of. In addition, the likely high proportion of home deliveries and the practice of the delivery drivers to take multiple orders on a single trip are mitigating considerations. This is owing to the overall traffic movements being less than might otherwise have been the case with a higher proportion of walk-ins.
- 7c.3 In addition, the proposal offers benefits in terms of employment opportunities and would contribute to the viability and vitality of the Town Centre, whilst the potential impacts can be satisfactorily addressed as detailed in this report.
- 7c.4 On balance, it is considered that the application can be supported. It is therefore recommended for approval subject to appropriate conditions. The conditions include a restriction on hours of operation, in order to avoid noise and other disturbance late at night in view of the proximity of sensitive residential uses.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant Planning Permission subject to the following conditions:-

- 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. The proposed development shall not be brought into use until the extraction duct has been painted a colour to be approved in writing by this Planning Authority.**
- 3. The hours of opening of the hot food takeaway shall be limited to between the hours of 1100 hours and 2300 hours.**
- 4. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwellinghouse or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C) 35 between 0700 hours and 2200 hours and N.R.C 25 at all other times.**

Reasons for the conditions above:

- 1. As these drawings and details constitute the approved development.**
- 2. In the interests of visual amenity; to ensure the external finish is appropriate to the character of the area.**
- 3. To safeguard the residential amenity of the area.**
- 4. To safeguard the residential amenity of the area.**

Informatives:

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03C, 04, 05A, 06A, 07, 08A, 09A and 10.**
- 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.**

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Director of Development Services
Date: *17 October 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan
2. Supplementary Guidance SG04 'Shopfronts'
3. Objection received from Mr Connor Hazlett, Hillview coneypark banknock, Falkirk, FK41TU on 31 July 2016
4. Objection received from Mary Wilson, Glendaruel, 1A Lade Road, Bonnybridge, FK4 1DD, on 20 July 2016
5. Objection received from Mr & Mrs M Howes, Glenbonny, 1 Lade Road, Bonnybridge, FK4 1DD, on 20 July 2016
6. Objection received from Mrs Margaret Jeffray, 41 High Street, Bonnybridge, FK4 1BX, on 25 July 2016
7. Objection received from Mrs Lynn Grant, 51 Alloway Crescent, Bonnybridge, Fk41ez on 2 August 2016
8. Objection received from Mr Abid Jahangir, 15 Graffham Avenue Giffnock, Glasgow, G41 2LW on 3 August 2016
9. Objection received from Mrs Irene White, 24 Ure Crescent, Bonnybridge, FK4 1NB on 8 August 2016
10. Objection received from Mr Rajinder Dhami, 13 Langdales Avenue, Cumbernauld, Glasgow, G68 9DH on 26 July 2016
11. Objection received from Miss Debbie Peat, 20 Princess Street, Bonnybridge, Stirlingshire, FK41BJ on 26 July 2016
12. Objection received from Mr Gurpreet Singh, 29a High Street, Bonny Bridge, Falkirk, FK4 1UF on 26 July 2016
13. Objection received from Mr David Grant, 51 Alloway Crescent, Bonnybridge, FK4 1EZ on 2 August 2016
14. Objection received from Robert and Loretta Parker, 2 Lade Road, Bonnybridge, FK4 1DD, on 27 July 2016
15. Objection received from Mr Craig O'Neill, 5 Connolly Place, Denny, FK6 5BN on 31 July 2016
16. Objection received from I and M Howes, Glenbonny, 1 Lade Road, Bonnybridge, FK4 1DD, on 31 August 2016

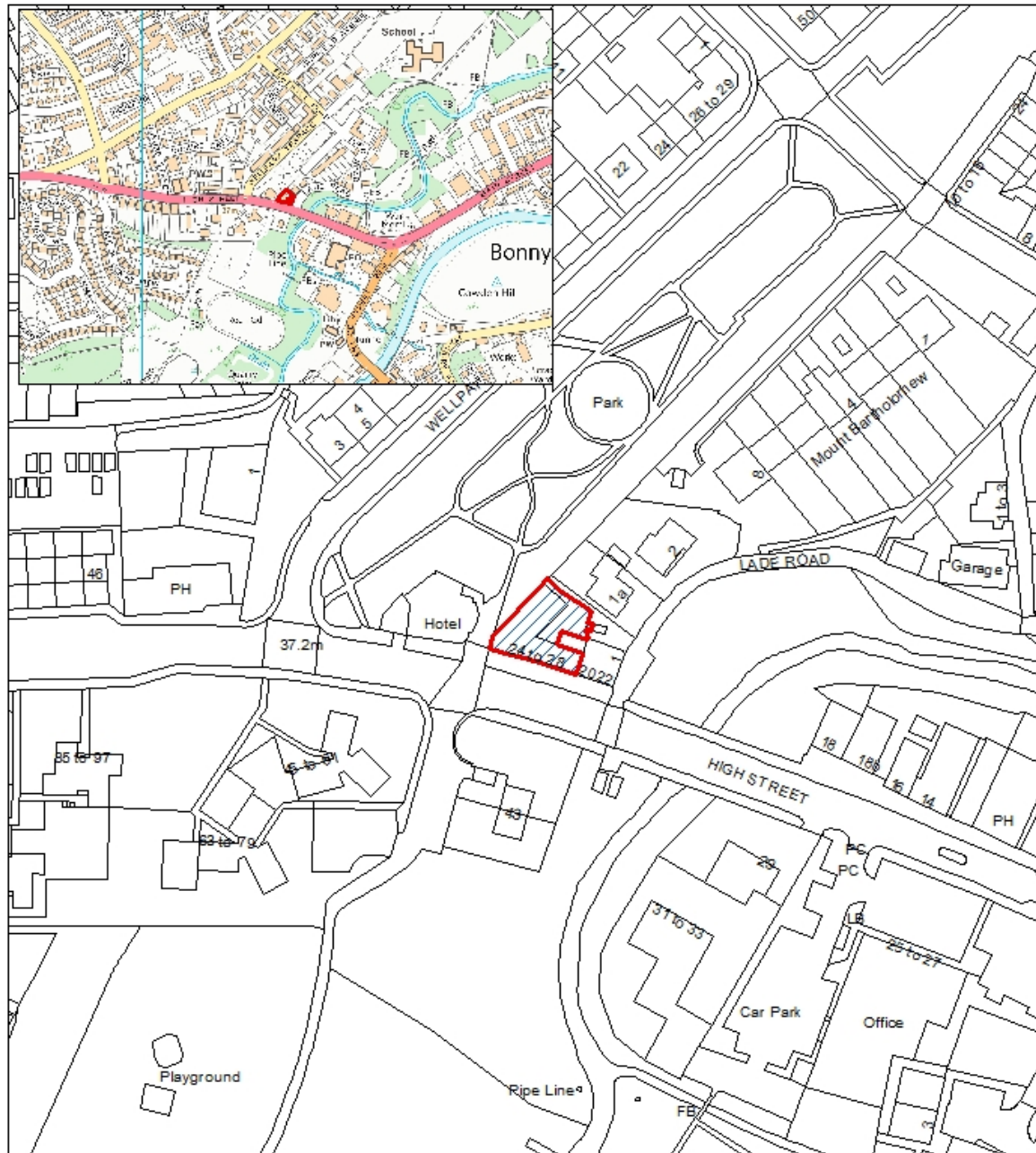
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0423/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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