FALKIRK COUNCIL

Subject: CHANGE OF USE OF PART OF EXISTING SHOP UNIT TO FORM HOT

FOOD TAKEAWAY AT 18 WOODBURN STREET, FALKIRK, FK2 9DS FOR

MR & MRS LALLI - P/07/0953/FUL

Meeting: PLANNING COMMITTEE

Date: 4 November 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor David Alexander

Councillor Craig R Martin Councillor Cecil Meiklejohn

Provost Pat Reid

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Kevin Brown (Planning Officer ext. 4701)

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

- 1.1 Members will recall this application was initially presented to the Planning Committee on 23 September 2009. At this meeting the decision was taken to continue consideration of the application to allow a visit to the application site. The Committee carried out this site visit on 20 October 2009.
- 1.2 At the site visit, officers presented a brief overview of the proposed development and the applicant outlined how the unit was to operate. The applicant pointed out that he was happy for the opening times for the proposed unit to be controlled in line with those of a nearby fish and chip shop.
- 1.3 A number of objectors were then afforded an opportunity to raise concerns. The concerns raised were in line with those submitted with the application, however, particular emphasis was placed on parking, odour and anti-social behaviour.
- 1.4 Members of the Planning Committee sought clarification regarding many of the concerns raised by objectors and local member, Councillor Alexander, highlighted previous problems with a chip van which used to operate in the area. Following further investigating into this matter, it is apparent that the operator of this chip van had a licence to do so up until 30 May 2007. The operator of this van now runs the nearby chip shop in Alexander Avenue. At the time of writing this report, there is no documentation relating to anti-social behaviour issues, roads concerns or complaints associated with the operation of this van.

2. RECOMMENDATION

- 2.1 It is recommended that detailed planning permission be granted subject to the following condition:-
 - (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

(1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

(1) Should in practice, any noise or odour complaints be received, the Environmental Health Unit would be obliged to investigate and act as necessary under Statutory Nuisance legislation contained in the Environmental Protection Act.

Pp	
	Development Services

Date: 27 October 2009

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan
- 2. Falkirk Local Plan
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
- 4. Letter of objection from Mrs McIntosh, 65 Midthorn Crescent, Falkirk FK2 9DN on 28 November 2007
- 5. Letter of objection from A. M. Young, 77 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 6. Letter of objection from Alexander Murray, 79 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 7. Letter of objection from Mary Gallagher, 42 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
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- 24. Letter of objection from Mary Maxwell, 32 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 25. Letter of objection from Alexander Maxwell, 32 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 26. Letter of objection from E. Bennett, 31 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 27. Letter of objection from Mary Sharp, 23 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 28. Letter of objection from Mrs. S. Hay, 5 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 29. Letter of objection from E. Burt, 27 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 30. Letter of objection from Gordon Hine, 25 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
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- 33. Letter of objection from Thornwood Tenants & Residents Association, Mrs Mary MacDonald (Secretary), 9 Thornbridge Road Falkirk FK2 9AZ on 2 November 2007
- 34. Letter of objection from Mary MacDonald, 9 Thornbridge Road, Falkirk FK2 9AZ on 7 November 2007
- 35. Letter of objection from Jessie Gemmell, 65 Westfield Street, Falkirk FK2 9DX on 7 November 2007
- 36. Letter of objection from Dorothy Aitken, 64 Westfield Street, Falkirk FK2 9DU on 7 November 2007

- 37. Letter of objection from Jennifer Lindsay, 55 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 38. Letter of objection from Mr and Mrs Fleming, 60 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 39. Letter of objection from Mr and Mrs A McPhail, 57 Westfield Street Falkirk FK2 9DU on 7 November 2007
- 40. Letter of objection from Mr and Mrs Fleming, 54 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 41. Letter of objection from Owner/Occupier, 69 Westfield Street, Falkirk FK2 9DX on 7 November 2007
- 42. Letter of objection from Mary Mulholland, 86 Westfield Street, Falkirk FK2 9DX on 7 November 2007
- 43. Letter of objection from L Gardiner, 84 Westfield Street, Falkirk FK2 9DX on 7 November 2007
- 44. Letter of objection from John Corrigan, 71 Westfield Street, Falkirk FK2 9DX on 7 November 2007
- 45. Letter of objection from Mr Alex McNab, 49 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 46. Letter of objection from Michelle Smith, 9 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 47. Letter of objection from Mr and Mrs Morrison, 46 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 48. Letter of objection from Douglas and Andrea Barclay, 44 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 49. Letter of objection from Helen Conlin, 41 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 50. Letter of objection from Mrs Anne Henderson, 50 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 51. Letter of objection from Owner/occupier, 34 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 52. Letter of objection from J Russell, 43 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 53. Letter of objection from R Russell, 43 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 54. Letter of objection from Mr and Mrs John Strathearn, 89 Woodburn Road, Falkirk FK2 9BT on 7 November 2007
- 55. Letter of objection from Mrs Jean Cowan, 80 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 56. Letter of objection from B Jackson, 86 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 57. Letter of objection from Fabienne Flippard, 92 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 58. Letter of objection from Jennifer Fleming, 40 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 59. Letter of objection from Mr and Mrs Graham, 15 Randyford Street, Falkirk FK2 9DF on 7 November 2007
- 60. Letter of objection from W Boyle, 3 Montgomery Street, Falkirk FK2 9BL on 7 November 2007
- 61. Letter of objection from Mr and Mrs J Buchanan, 1 Montgomery Street, Falkirk FK2 9BL on 7 November 2007
- 62. Letter of objection from Mrs Wotherspoon, 44 Montgomery Street, Falkirk FK2 9BN on 7 November 2007

- 63. Letter of objection from Robert Paterson, 72 Thornbridge Road, Falkirk FK2 9AX on 7 November 2007
- 64. Letter of objection from Joanne Cumming, 11 Thornbridge Road, Falkirk FK2 9AZ on 7 November 2007
- 65. Letter of objection from Mr J Baird, 21 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 66. Letter of objection from Karrie Preston, 123 Randyford Street, Falkirk FK2 9DH on 7 November 2007
- 67. Letter of objection from Robert Godfrey, 14 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 68. Letter of objection from Steven Ferguson, 1 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 69. Letter of objection from Irene Preston, 18 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 70. Letter of objection from Mrs I Busby, 16 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 71. Letter of objection from Alan McNee, 14 Montgomery Street, Falkirk FK2 9BN on 7 November 2007
- 72. Letter of objection from Jim McPherson, 11 Cunningham Gardens, Falkirk FK2 9BE on 7 November 2007
- 73. Letter of objection from Mr J Gardiner, 28 Montgomery Street, Falkirk FK2 9BN on 7 November 2007
- 74. Letter of objection from John Thomson, 21 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 75. Letter of objection from Mr S W Connell, 28 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 76. Letter of objection from David Robertson, 17 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 77. Letter of objection from John Sutherland, 19 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 78. Letter of objection from Alexander Stuart and Blanche Wright, 47 Westfield Street, Falkirk FK2 9DTon 7 November 2007
- 79. Letter of objection from R Turner, 8 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 80. Letter of objection from A J McLaughlan, 23 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 81. Letter of objection from Tina Cosgrove, 10 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 82. Letter of objection from Jim Georgeson, 9 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 83. Letter of objection from Isabel Georgeson, 9 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 84. Letter of objection from Davis Georgeson, 9 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 85. Letter of objection from James McLaughlan, 77 Woodburn Road, Falkirk FK2 9BT on 7 November 2007
- 86. Letter of objection from David Conry, 4 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 87. Letter of objection from William Gardiner, 4 Woodburn Street, Falkirk FK2 9DR on 7 November 2007

- 88. Letter of objection from Andrew Johnstone, 29 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 89. Letter of objection from Mr and Mrs William Murray, 90 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 90. Letter of objection from Mrs M Christie, 98 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 91. Letter of objection from Mr and Mrs Wright and Family, 91 Woodburn Road, Falkirk FK2 9BT on 7 November 2007
- 92. Letter of objection from Allan Johnson, 25 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 93. Letter of objection from Thomas Ferrier, 31 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 94. Letter of objection from Mrs S Mahon, 20 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 95. Letter of objection from Mr D Bray, 21 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 96. Letter of objection from Scott Wotherspoon, 6 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 97. Letter of objection from Erin Wotherspoon, 6 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 98. Letter of objection from A McCallum, 11 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 99. Letter of objection from Mrs W Cumming, 11 Thornbridge Road, Falkirk FK2 9AZ on 7 November 2007
- 100. Letter of objection from Janet Strathie, 4 Woodburn Road, Falkirk FK2 9BP on 14 November 2007
- 101. Letter of objection from Agnes MacMillan, 18 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 102. Letter of objection from Mr. W. Murray, 9 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 103. Letter of objection from Mrs. Fenwick, 17 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 104. Letter of objection from Mr. Brodie, 16 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 105. Letter of objection from D. Anderson, 11 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 106. Letter of objection from M. Anderson, 11 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 107. Letter of objection from H. Murray, 9 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 108. Letter of objection from J. Craft, 4 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 109. Letter of objection from A. McInnes, 21 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 110. Letter of objection from Frank Quinn, 19 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 111. Letter of objection from Helen Muir, 13 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 112. Letter of objection from Agnes Wright, 9 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007

- 113. Letter of objection from Alexander Hay, 5 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 114. Letter of objection from John MacAskill, 52 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 115. Letter of objection from O. Buchanan, 3 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 116. Letter of objection from Kathleen Menzies, 1 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 117. Letter of objection from Malcolm Menzies, 1 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 118. Letter of objection from David & Sally Davidson, 30 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 119. Letter of objection from G. Allan, 3 Randyford Street, Falkirk FK2 9D on 28 November 2007
- 120. Letter of objection from Andrew & Mary Moffat, 75 Midthorn Crescent, Falkirk FK2 9DW on 28 November 2007
- 121. Letter of objection from W. Morrison, 26 Midthorn Crescent, Falkirk FK2 9DW on 28 November 2007
- 122. Letter of objection from M. Findlay, 24 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 123. Letter of objection from Mrs. Elizabeth Laird, 12 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 124. Letter of objection from J. Rodger, 32 Randyford Street, Falkirk FK2 9DF on 28 November 2007
- 125. Letter of objection from E. Godfrey, 14 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 126. Letter of objection from Mrs. J. Peel, 48 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 127. Letter of objection from Miss S. Peel, 35 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 128. Letter of objection from W. Young, 17 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 129. Letter of objection from Mr. & Mrs. J. Binnie, 3 Randyford Street, Falkirk FK2 9DF on 28 November 2007
- 130. Letter of objection from P. Morton, 49 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 131. Letter of objection from Rachel Russell, 53 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 132. letter of objection from Angela Marshall, 22 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 133. Letter of objection from Mrs. E. Malone, 85 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 134. Letter of objection from Joan Smith, 58 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 135. Letter of objection from Robert White, 1 Randyford Street, Falkirk FK2 9DF on 28 November 2007
- 136. Letter of objection from E. McCaffer, 50 Thornbridge Square, Falkirk FK2 9BA on 28 November 2007

Any person wishing to inspect the background papers listed above should telephone Falkirk 013 504701 and ask for Kevin Brown (Planning Officer).	324

FALKIRK COUNCIL

Subject: CHANGE OF USE OF PART OF EXISTING SHOP UNIT TO FORM HOT

FOOD TAKEAWAY AT 18 WOODBURN STREET, FALKIRK, FK2 9DS FOR

MR & MRS LALLI - P/07/0953/FUL

Meeting: PLANNING COMMITTEE

Date: 23 September 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor David Alexander

Councillor Craig R Martin Councillor Cecil Meiklejohn

Provost Pat Reid

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Kevin Brown (Planning Officer ext. 4701)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the change of use of part of an existing shop unit to form a separate hot food takeaway.
- 1.2 The application site is located in a predominantly residential area of Falkirk within an established neighbourhood shop.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 A significant number of objections from local residents have been received in association with this planning application.

3. SITE HISTORY

F/2002/0730 - change of use and alterations to shops to form 2 dwellinghouses and erection of 5 flatted dwellings, granted detailed planning permission -09/04/2003.

4. CONSULTATIONS

4.1 The Roads Development Unit has raised concerns in relation to lack of off street parking.

4.2 The Environmental Protection Unit has assessed the proposed development and the odour extraction details submitted by the applicant and has raised no concerns. They have however pointed out that if in practice noise or odour complaints are received, the Environmental Health Unit would be obliged to investigate and act as necessary under Statutory Nuisance legislation contained in the Environmental Protection Act.

5. COMMUNITY COUNCIL

5.1 The Grahamston, Westfield and Middlefield Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 133 letters of objection were received following the neighbour notification process. One of these letters enclosed a petition containing 49 signatories. Issues raised include:
 - Parking shortage.
 - Odours.
 - Noise late at night.
 - Litter.
 - Anti-social behaviour.
 - The proposal is located in the middle of a housing scheme.

7. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

"the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

Accordingly,

7a The Development Plan

7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Falkirk Local Plan

7a.2 Policy FAL 3.7 'Shopfront Design' 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. Where possible, the preservation or restoration of existing traditional shopfront features such as stallrisers, pilasters, cornices, friezes and mouldings will be encouraged."

- 7a.3 The proposed shopfront is considered to relate well to the existing shopfront on the shop adjacent and as such would not have any adverse impact on the visual amenity of the area. The proposal therefore complies with policy FAL 3.7.
- 7a.4 Policy FAL 5.8 'Non Residential Uses in Housing Areas' stated:

"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 ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded and access and parking issues can be satisfactorily resolved."

7a.5 Policy FAL 7.8 'Food and Drink Outlets' states:

'Proposals for food and drink outlets (Class 3 as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997), public houses and hot food takeaways will only be permitted where:

- (i) 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;
- (ii) the proposal meets the terms of Policy FAL 7.9 on protected shopping frontages; and
- (iii) the proposal is satisfactory in terms of parking, access and traffic generation."
- 7a.6 The proposed introduction of a hot food takeaway in this location is considered compatible with the neighbouring land use. The Environmental Protection Unit has confirmed that it is satisfied with the proposed odour extraction system and has raised no concerns in relation to noise and odours. The proposal complies with Policy FAL 7.8. The comments of the Roads Development Unit regarding lack of off street parking are noted. However, the application site is part of an existing larger shop that sells a wide range of convenience goods. The proposal would reduce the floor area of the existing shop unit and so the overall impact on parking is unlikely to be significant. In addition, whilst there is no off-street parking to serve the existing premises or the proposed subdivision of the premises, there is unrestricted on street parking immediately in front of the application site and in the vicinity. The proposal is therefore considered to be in accordance with the terms of Policy FAL 5.8 and FAL 7.8.
- 7a.7 The proposal is therefore in accordance with the terms of the Falkirk Local Plan.

7b Material Considerations

7b.1 The material considerations relating to this proposal are the representations received and the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Representations Received

- 7b.2 It is acknowledged that the premises do not have off-street parking. However the application site is part of an existing shop unit that has operated here for a number of years and it is not considered that the proposed hot food takeaway and the reduction in size of the existing shop unit will significantly impact upon congestion in the area.
- 7b.3 Noise and odour issues have been considered by the Environmental Protection Unit and no objections have been raised in this regard. The unit has advised that should any noise or odour nuisance occur, this can be controlled statutory nuisance legislation contained in the Environmental Protection Act.
- 7b.4 The issue of litter is difficult to control through the planning process and is better controlled through licensing legislation.
- 7b.5 Anti-social behavior is not a material planning consideration.
- 7b.6 The location of the proposed unit within a housing area is noted, but this is not considered to be an incompatible land use given that the site is part of an existing shop unit and adequate noise and odour abatement provisions are proposed.

Finalised Draft Falkirk Local Plan

- 7b.7 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."
- 7b.8 Policy EQ11 affirms the position of the Falkirk Local Plan
- 7b.9 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."

7b.10 Policy SC 7 affirms the position of the Falkirk Local Plan.

7b.11 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."
- 7b.12 Policy EP9 affirms the position of the Falkirk Local Plan.
- 7b.13 The proposals are therefore in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7c Conclusion

7c.1 The proposed development is considered to be acceptable development as it is in accordance with the terms of Policies FAL 3.7, FAL 5.8 and FAL 7.8 of the Falkirk Local Plan and Policies EQ11, SC7 and EP9 of the Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no material planning considerations that would justify a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following condition:-
 - (1) The development to which this permission relates must be begun within three years of the date of this permission.

Reason(s):

(1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

(2) Should in practice, any noise or odour complaints be received, the Environmental Health Unit would be obliged to investigate and act as necessary under Statutory Nuisance legislation contained in the Environmental Protection Act.

For Director of Development Services

Date: 15th September 2009

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- 44. Letter of representation from John Corrigan, 71 Westfield Street, Falkirk FK2 9DX on 7 November 2007
- 45. Letter of representation from Mr Alex McNab, 49 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 46. Letter of representation from Michelle Smith, 9 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 47. Letter of representation from Mr and Mrs Morrison, 46 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 48. Letter of representation from Douglas and Andrea Barclay, 44 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 49. Letter of representation from Helen Conlin, 41 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 50. Letter of representation from Mrs Anne Henderson, 50 Westfield Street, Falkirk FK2 9DU on 7 November 2007
- 51. Letter of representation from Owner/occupier, 34 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 52. Letter of representation from J Russell, 43 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 53. Letter of representation from R Russell, 43 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 54. Letter of representation from Mr and Mrs John Strathearn, 89 Woodburn Road, Falkirk FK2 9BT on 7 November 2007
- 55. Letter of representation from Mrs Jean Cowan, 80 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 56. Letter of representation from B Jackson, 86 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 57. Letter of representation from Fabienne Flippard, 92 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 58. Letter of representation from Jennifer Fleming, 40 Kerse Gardens, Falkirk FK2 9DY on 7 November 2007
- 59. Letter of representation from Mr and Mrs Graham, 15 Randyford Street, Falkirk FK2 9DF on 7 November 2007
- 60. Letter of representation from W Boyle, 3 Montgomery Street, Falkirk FK2 9BL on 7 November 2007
- 61. Letter of representation from Mr and Mrs J Buchanan, 1 Montgomery Street, Falkirk FK2 9BL on 7 November 2007
- 62. Letter of representation from Mrs Wotherspoon, 44 Montgomery Street, Falkirk FK2 9BN on 7 November 2007
- 63. Letter of representation from Robert Paterson, 72 Thornbridge Road, Falkirk FK2 9AX on 7 November 2007
- 64. Letter of representation from Joanne Cumming, 11 Thornbridge Road, Falkirk FK2 9AZ on 7 November 2007
- 65. Letter of representation from Mr J Baird, 21 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 66. Letter of representation from Karrie Preston, 123 Randyford Street, Falkirk FK2 9DH on 7 November 2007
- 67. Letter of representation from Robert Godfrey, 14 Woodburn Road, Falkirk FK2 9BP on 7 November 2007

- 68. Letter of representation from Steven Ferguson, 1 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 69. Letter of representation from Irene Preston, 18 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 70. Letter of representation from Mrs I Busby, 16 Woodburn Road, Falkirk FK2 9BP on 7 November 2007
- 71. Letter of representation from Alan McNee, 14 Montgomery Street, Falkirk FK2 9BN on 7 November 2007
- 72. Letter of representation from Jim McPherson, 11 Cunningham Gardens, Falkirk FK2 9BE on 7 November 2007
- 73. Letter of representation from Mr J Gardiner, 28 Montgomery Street, Falkirk FK2 9BN on 7 November 2007
- 74. Letter of representation from John Thomson, 21 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 75. Letter of representation from Mr S W Connell, 28 Westfield Street, Falkirk FK2 9DT on 7 November 2007
- 76. Letter of representation from David Robertson, 17 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 77. Letter of representation from John Sutherland, 19 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 78. Letter of representation from Alexander Stuart and Blanche Wright, 47 Westfield Street, Falkirk FK2 9DTon 7 November 2007
- 79. Letter of representation from R Turner, 8 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 80. Letter of representation from A J McLaughlan, 23 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 81. Letter of representation from Tina Cosgrove, 10 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 82. Letter of representation from Jim Georgeson, 9 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 83. Letter of representation from Isabel Georgeson, 9 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 84. Letter of representation from Davis Georgeson, 9 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 85. Letter of representation from James McLaughlan, 77 Woodburn Road, Falkirk FK2 9BT on 7 November 2007
- 86. Letter of representation from David Conry, 4 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 87. Letter of representation from William Gardiner, 4 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 88. Letter of representation from Andrew Johnstone, 29 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 89. Letter of representation from Mr and Mrs William Murray, 90 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 90. Letter of representation from Mrs M Christie, 98 Woodburn Road, Falkirk FK2 9BS on 7 November 2007
- 91. Letter of representation from Mr and Mrs Wright and Family, 91 Woodburn Road, Falkirk FK2 9BT on 7 November 2007
- 92. Letter of representation from Allan Johnson, 25 Woodburn Street, Falkirk FK2 9DS on 7 November 2007

- 93. Letter of representation from Thomas Ferrier, 31 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 94. Letter of representation from Mrs S Mahon, 20 Woodburn Street, Falkirk FK2 9DS on 7 November 2007
- 95. Letter of representation from Mr D Bray, 21 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 96. Letter of representation from Scott Wotherspoon, 6 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 97. Letter of representation from Erin Wotherspoon, 6 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 98. Letter of representation from A McCallum, 11 Woodburn Street, Falkirk FK2 9DR on 7 November 2007
- 99. Letter of representation from Mrs W Cumming, 11 Thornbridge Road, Falkirk FK2 9AZ on 7 November 2007
- 100. Letter of representation from Janet Strathie, 4 Woodburn Road, Falkirk FK2 9BP on 14 November 2007
- 101. Letter of representation from Agnes MacMillan, 18 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 102. Letter of representation from Mr. W. Murray, 9 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 103. Letter of representation from Mrs. Fenwick, 17 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 104. Letter of representation from Mr. Brodie, 16 Montgomery Street, Falkirk FK2 9BN on 28 November 2007
- 105. Letter of representation from D. Anderson, 11 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 106. Letter of representation from M. Anderson, 11 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 107. Letter of representation from H. Murray, 9 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 108. Letter of representation from J. Craft, 4 Montgomery Street, Falkirk FK2 9BL on 28 November 2007
- 109. Letter of representation from A. McInnes, 21 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 110. Letter of representation from Frank Quinn, 19 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 111. Letter of representation from Helen Muir, 13 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 112. Letter of representation from Agnes Wright, 9 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 113. Letter of representation from Alexander Hay, 5 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 114. Letter of representation from John MacAskill, 52 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 115. Letter of representation from O. Buchanan, 3 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 116. Letter of representation from Kathleen Menzies, 1 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007
- 117. Letter of re[presentation from Malcolm Menzies, 1 Livingstone Crescent, Falkirk FK2 9BW on 28 November 2007

- 118. Letter of representation from David & Sally Davidson, 30 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 119. Letter of representation from G. Allan, 3 Randyford Street, Falkirk FK2 9D on 28 November 2007
- 120. Letter of representation from Andrew & Mary Moffat, 75 Midthorn Crescent, Falkirk FK2 9DW on 28 November 2007
- 121. Letter of representation from W. Morrison, 26 Midthorn Crescent, Falkirk FK2 9DW on 28 November 2007
- 122. Letter of representation from M. Findlay, 24 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 123. Letter of representation from Mrs. Elizabeth Laird, 12 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 124. Letter of representation from J. Rodger, 32 Randyford Street, Falkirk FK2 9DF on 28 November 2007
- 125. Letter of representation from E. Godfrey, 14 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 126. Letter of representation from Mrs. J. Peel, 48 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 127. Letter of representation from Miss S. Peel, 35 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 128. Letter of representation from W. Young, 17 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 129. Letter of representation from Mr. & Mrs. J. Binnie, 3 Randyford Street, Falkirk FK2 9DF on 28 November 2007
- 130. Letter of representation from P. Morton, 49 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 131. Letter of representation from Rachel Russell, 53 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 132. letter of representation from Angela Marshall, 22 Woodburn Road, Falkirk FK2 9BP on 28 November 2007
- 133. Letter of representation from Mrs. E. Malone, 85 Woodburn Road, Falkirk FK2 9BT on 28 November 2007
- 134. Letter of representation from Joan Smith, 58 Woodburn Road, Falkirk FK2 9BS on 28 November 2007
- 135. Letter of representation from Robert White, 1 Randyford Street, Falkirk FK2 9DF on 28 November 2007
- 136. Letter of representation from E. McCaffer, 50 Thornbridge Square, Falkirk FK2 9BA on 28 November 2007

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/07/0953/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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