

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO HOT FOOD TAKEAWAY AT THE WILLOW, GLEBE STREET, DENNY, FK6 6AA, FOR MR S M LI (P/09/0356/FUL)  
**Meeting:** PLANNING COMMITTEE  
**Date:** 2 December 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Jim Blackwood  
Councillor John McNally  
Councillor Martin David Oliver  
Councillor Alexander John Waddell

**Community Council:** Denny and Dunipace

**Case Officer:** Kirsty Hope (Assistant Planning Officer) ext 4705

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

- 1.1 The application site comprises a detached vacant hot food unit within an established housing estate. The existing property is single storey and is currently in disrepair.
- 1.2 This detailed application proposes an extension to the front and rear of the property, as well as replacing the flat roof with a pitched roof. The materials proposed are wet dash and facing brick with concrete roof tiles. Information has been submitted with the application that includes details of the proposed ventilation installations and an image indicating that external extraction would be from the rear roof plane of the building. There is no indication of the likely opening hours.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Martin Oliver.

**3. SITE HISTORY**

- 3.1 There is no relevant history.

#### **4. CONSULTATIONS**

- 4.1 The Environmental Protection Unit has advised that there should be a condition attached to control the ventilation extraction system to prevent odour nuisance arising at nearby neighbouring properties. If an odour or noise complaint was received the Environmental Protection Unit would investigate and act as necessary under statutory nuisance legislation.

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

- 5.1 The Denny and Dunipace Community Council has made no comment on the application.

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

- 6.1 Following the neighbour notification process, no letters of representation have been received.

#### **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 specific policies within the approved Falkirk Council Structure Plan relevant to this application.

###### ***Denny and District Local Plan***

- 7a.2 Policy DEN 1 'Urban Limit' states:

*"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Denny and District for the period of the Plan. Accordingly there will be a general presumption against development proposals which would extend the urban area beyond this limit. Within the Urban Limit, proposals for development or changes of use will generally be acceptable, provided that:*

- (i) they are consistent with the policies and proposals contained in The Local Plan; and*
- (ii) access, car parking, drainage, and other servicing can be provided to a standard acceptable to the District Council.*

*Note: Outwith the Urban Limit, development proposals will be subject to the relevant countryside policies of the Rural Local Plan (listed by Appendix 1)."*

7a.3 The application site is within the urban limits as defined by the Denny and District Local Plan and the proposal is therefore in accordance with the terms of this policy.

7a.4 Policy DEN 10 'Non Residential Uses' 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 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."*

7a.5 There is an existing use (hot food takeaway) which has been established, and it is not considered that extending the property would be incompatible with the character and setting of the area. The proposed alterations would improve the visual impact of this property.

7a.6 Accordingly, the proposal accords with the provisions of the Development Plan.

## **7b Material Considerations**

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

### ***The Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.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."*

7b.3 The proposed frontage is well proportioned and sympathetic to the character of the area. There are no external security measures proposed.

7b.4 The proposal accords with the Policy EQ 11.

7b.5 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.6 The Environmental Protection Unit has assessed the proposal and was satisfied that the proposal would not represent nuisance in terms of odour or noise. In the event that any disturbance on these grounds occur, the Environmental Protection Unit has legislative powers to investigate and rectify the issue.
- 7b.7 The application is an extension to an existing use and it is considered that the existing parking requirements are satisfactory. There is unrestricted parking provision in front of the application site and vicinity. Furthermore no letters of representation and in particular letters of objection have been received in connection with this planning application.
- 7b.8 The proposal accords with the provisions of Policy EP 9.
- 7b.9 Accordingly, the proposal accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

### ***Supplementary Planning Guidance Note – Shopfronts***

- 7b.10 This general guidance note is intended to advise on developments' external appearance, design and character of the property. It sets out guidance on the proportions of the advertisements and alterations and improvements to existing shopfronts. The proposed frontage is considered to be sympathetic to the streetscape and is not considered to be detrimental to the nearby residents as the proposal would upgrade the present building.

## **7c Conclusion**

- 7c.1 The proposed development is considered to be acceptable development as it is in accordance with the terms of the Development Plan. 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 permission be granted 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) The cooking odour extraction system must incorporate activated carbon filters the details of which shall be submitted to and approved in writing by the Planning Authority; the approved system shall be installed and operational before the hot food unit commences trading.

### **Reason(s)**

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

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**For Director of Development Services**

**Date: 25 November 2009**

**LIST OF BACKGROUND PAPERS**

1. The Denny and District Local Plan
2. The Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Supplementary Planning Guidance on Shopfronts

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504748 and ask for Kirsty Hope (Assistant Planning Officer).

# Regulatory Committee

## Planning Application Location Plan **P/09/0356/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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