

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM BETTING SHOP (CLASS 2) TO HOT FOOD TAKEAWAY AND INSTALLATION OF FLUE AT 11 MAIN STREET, SHIELDHILL, FALKIRK FK1 2DZ FOR MR COLIN MCMILLAN – P/10/0757/FUL

Meeting: PLANNING COMMITTEE

Date: 20 April 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use from an existing betting shop to a hot food take away and the installation of a flue at 11 Main Street, Sheildhill.
- 1.2 The application site is located within an established residential area and sits directly opposite the junction of Main Street and Anderson Crescent. Residential properties are located to the east and south, and a public house, 'the Clachan Bar' is located to the west.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to the Planning Committee by Councillor John McLuckie and Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 06/0756/FUL – use of premises for class 2 office (betting office) use (amendment to planning permission F/2001/0387) reducing the development to a single unit and reducing the number of car parking spaces to 6 – granted on 19 August 2006.
- 3.2 F/2000/0333 – erection of hot food takeaway and bookmakers – withdrawn on 10 April 2001.
- 3.3 F/2001/0387 – erection of class 1 and class 2 building – granted on 26 November 2001.

4. CONSULTATIONS

- 4.1 The Roads Development Unit comment that the available parking for the unit is acceptable and advise of conditions relating to the delineation of vehicular parking spaces.
- 4.2 The Environmental Protection Unit advise that the proposed cooking odour extraction system is satisfactory.

5. COMMUNITY COUNCIL

- 5.1 The Reddingmuirhead and Wallacestone Community Council object to the proposal for the following reasons:-

- The proposed change of use would result in increased pressure for on street parking, compromising road safety and leading to congestion;
- The car park is also used as a smoking and storage area for the Clachan Bar;
- Litter accumulation and odour nuisance as a result of the proposed change of use; and
- A hot food takeaway was refused at the application site in the past.

- 5.2 The Shieldhill and California Community Council object to the proposal for the following reasons:-

- Increase in traffic at an already congested intersection at peak periods;
- Insufficient parking to accommodate staff and customers for the Clachan Bar and proposed hot food takeaway;
- Access to main junction would have to reverse into a number of blind spots;
- Immediately adjacent to residential properties with potential for noise and congestion;
- A hot food shop was refused at the application site; and
- There is a similar use within the village with adequate safe car parking.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 11 objectors submitted letters to the Council. The salient issues are summarised as follows:

- Increased traffic as a result of the proposal resulting in a road safety hazard;
- There is not enough parking to serve the existing betting shop and public house;

- No provision for delivery vehicles;
- The proposal is adjacent to a busy staggered cross road;
- Patrons of the existing betting shop and public house park on the pavement causing pedestrians to walk on the road. The proposal will further exasperate existing road safety concerns;
- The school bus drops children opposite the application site and the proposed use could distract the children and cause a road safety hazard, contrary to the policy on safe routes to school;
- The proposal would increase the amount of people hanging about and would lead to noise nuisance and disturbance to adjacent dwellings;
- Drainage to Anderson Crescent;
- The village already has a fast food shop and local convenience store;
- Impact on residential amenity as a result of noise, odour and litter; and
- Where would rubbish bins be stored.

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 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.3 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.4 Policy EP9 'Food and Drink' and SC7 'Established Residential Areas' seek to protect residential areas and ensure there is no detriment to local residents through noise disturbance, traffic generation or parking. The application site relates to an existing betting shop and is adjacent to a public house. It is considered that the change of use from the betting shop to a hot food takeaway would not result in a significant impact on the amenity of adjacent residents, or the surrounding area. The Roads Development Unit have confirmed that the existing car park is acceptable to accommodate the required parking provision for the proposed use. Similarly the Environmental Protection Unit advise that the proposed cooking odour filtration system is acceptable. It is considered that the proposed use is complementary to the adjacent public house use and accords with policies EP9 and SC7.

7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be considered are the assessment of public representations and the comments of the Shieldhill and California, and Reddingmuirhead and Wallacestone Community Council.

Assessment of Public Representations and Community Council Comments

7b.2 The Roads Development Unit have not raised any road safety concerns and advise that there is adequate parking for the proposed use.

7b.3 It is considered there is adequate room, within the application site, for the storage of refuse bins.

7b.4 Vehicles parking on the pavement surrounding the application site is enforceable by the police.

7b.5 The comments in relation to school children and the school bus drop off points are noted, but it is not considered that the proposed change of use would lead to a significant road safety hazard.

7b.6 Policy ST5 'Managing Travel to School' is not relevant to the assessment of the proposal.

7b.7 The provision of an existing fast food shop and local convenience shop in the town are not relevant to the assessment of this application.

- 7b.8 It is not considered that the proposed change of use would impact on drainage for Anderson Crescent.
- 7b.9 It is considered that the proposed change of use to a hot food takeaway would harmonise with the adjacent public house use and make use of an existing building and parking area. The Roads Development Unit are satisfied with the level of parking available and the Environmental Protection Unit are satisfied with the proposed flue and cooking odour extraction system to be located away from residential properties, adjacent to the existing car park.
- 7b.10 Planning permission for a hot food takeaway on the site has not previously been refused. An application for the erection of a hot food takeaway and bookmakers was submitted in 2000 but was withdrawn.

7c Conclusion

- 7c.1 The application has been assessed as being in accordance with the Development Plan. The consultation response and the comments of third parties are noted and addressed in the body of this report. The application is recommended for approval of planning permission.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that Committee grant planning permission 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) Prior to the use as a hot food takeaway commencing 5 parking spaces, a minimum of 5 metres long by 2.5 metres wide, shall be formally marked out on site with white paint.**
- (3) Prior to the use as a hot food takeaway commencing, the proposed cooking odour filtration system and flue shall be installed and operational in accordance with the approved plans and specification.**

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2) To ensure that adequate car parking is provided.**
- (3) To ensure that adequate ventilation is provided.**

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 and supporting documents.

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Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

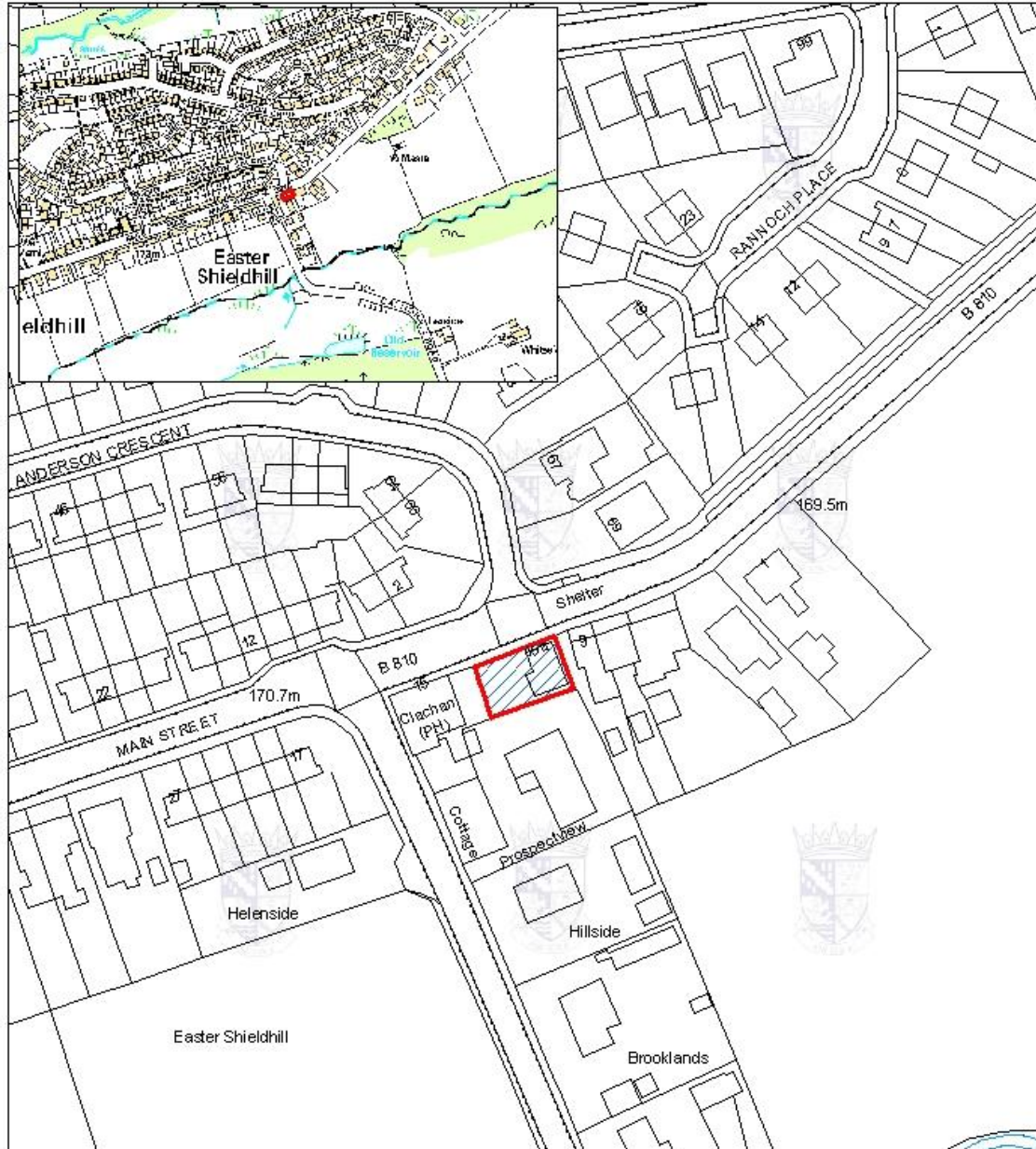
1. Falkirk Council Local Plan.
2. Letter of Representation from Jim and Christine Shaw, Prospectview California Road Shieldhill Falkirk on 9 November 2010
3. Letter of Objection from Mr Victor Williamson, 9 Main Street Shieldhill Falkirk FK1 2DZ on 9 November 2010
4. Letter of Objection from Dr Helen Young, Coltswood 5 Main Street Shieldhill Falkirk on 9 November 2010
5. Letter of Objection from Mr. Alexander Whyte, 9 Nobel View Reddingmuirhead Falkirk FK2 0EF on 6 November 2010
6. Letter of Objection from Mr Danny Callaghan, 2 Nobel View Reddingmuirhead Falkirk FK2 0EF on 8 November 2010
7. Letter of Objection from Mrs Angela Oliver, Braehead, 1 Main Street Shieldhill Falkirk FK1 2DZ on 9 November 2010
8. Letter of Objection from Mr Stuart Young, Coltswood 5 Main Street Shieldhill FK1 2DZ on 9 November 2010
9. Letter of Objection from Maria Montinaro and Jit Singh, Greenacre, 56 Belmont Avenue, Shieldhill, Falkirk FK1 2BS on 10 November 2010.
10. Letter of Objection from Thomas Nimmo, Herdshill 3 Main Street Shieldhill Falkirk on 16 November 2010
11. Letter of Objection from Ms Michele Ironside, 69 Anderson Crescent Shieldhill Falkirk FK1 2ED on 9 November 2010
12. Letter of Objection from Ms Gail Hayworth, 67 Anderson Crescent Shieldhill Falkirk FK1 2ED on 9 November 2010
13. Letter of Objection from Reddingmuirhead & Wallacestone Community Council on 18 November 2010

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan P/10/0757/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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