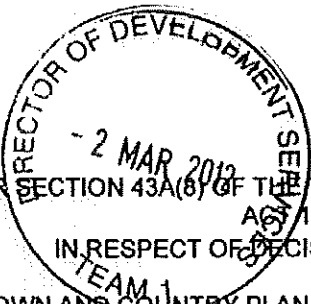


List of Enclosures – Agenda Item 3

	<u>Page(s)</u>
1. Notice of Review dated 24 February 2012 along with supporting statement.	10 – 13
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## NOTICE OF REVIEW

UNDER SECTION 43A(6) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008



Falkirk Council

**IMPORTANT:** Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review. Please note that the guidance notes are issued by the Scottish Government. They apply to planning authorities generally and not specifically to Falkirk Council

In terms of the Act and regulations referred to above, Falkirk Council's Planning Review Committee sits as the "local review body".

Please use **BLOCK CAPITALS** if completing by hand.

### Applicant(s)

Name	MR M. FANNING
Address	10-12 GRANGEMOUTH ROAD FALKIRK
Postcode	FK2 9DA
Tel	
Mobile	
Fax	
e-mail *	

### Agent

Name	T-SQUARE (MR S. BANKS)
Address	70 BELLS BURN AVENUE LINLITHGOW WEST LOTHIAN
Postcode	EH49 7LB
Tel	01506 864744
Mobile	
Fax	
e-mail *	

Mark this box to confirm all contact should be through your agent or representative: ☒

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority's application reference number

P/11/0606/FUL

Site address

Description of proposed development

10-12 GRANGEMOUTH ROAD, FALKIRK, FK2 9DA.  
PARTIAL CHANGE OF USE TO EXISTING SHOP (CLASS 1) TO ALLOW  
HOT FOOD TAKEAWAY SALES AND INSTALLATION OF EXTERNAL FLUE.

Date planning application declared  
valid by Planning Authority

22/9/11

Date of Decision (Leave blank if  
appeal against non-determination)

14/12/11

Note. This notice must be served on the planning authority within **three months** of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

### Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

### Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

## Review procedure

The Planning Review Committee will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you consider that the review should be conducted by a combination of procedures. Please note, however, that the final decision as to procedure will rest with the Planning Review Committee.

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

2. TO ALLOW THE PROPOSALS TO BE DISCUSSED AND IF NECESSARY TO ALLOW OTHER PARTIES TO BE CONSULTED. FOR EXAMPLE, THE APPLICANTS HAVE THE SUPPORT OF TWO LOCAL COUNCILLORS WHO MAY WISH TO ADDRESS THE HEARING.

## Site inspection

In the event that the Planning Review Committee decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Planning Review Committee would be unable to undertake an unaccompanied site inspection, please explain here:

## Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Planning Review Committee to consider as part of your review.

If the Planning Review Committee issues a notice requesting further information from any other person or body, copies of any such information received will be sent to you and you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State in the space provided the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Are you submitting a statement of reasons for review in a separate document?

Yes  
☒

No  
☐

#### Reasons for Notice of Review

SEE SEPARATE DOCUMENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  
☒

No  
☐

Are you submitting additional documentation?

☒

☐

If you answer yes to either or both of the above questions, you should explain in the box below, why you are raising new material and/or introducing additional documentation, why it was not raised with or made available to the appointed officer before your application was determined and why you think it should now be considered in your review. Please note that it will be for the Planning Review Committee to decide whether or not all or any of the new material/additional documentation will be considered in the review.

ISSUES SUCH AS NOISE, LITTER, DISTURBANCE AND ODOURS WERE NEVER RAISED BY FALKIRK COUNCIL DURING THE APPLICATION PROCESS. IT WAS OUR UNDERSTANDING THAT THE ONLY ISSUES CAME FROM THE ROADS DEPARTMENT. WE WERE NOT AWARE OF ANY OTHER PROBLEMS UNTIL THE PLANNING REFUSAL DECISION ARRIVED AND MENTIONED THEM AS REASONS FOR REFUSAL, AND WE WERE NOT GIVEN THE OPPORTUNITY TO COMMENT OR PRESENT EVIDENCE.

#### List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1.	REASONS FOR NOTICE OF REVIEW.
2.	COPY OF FALKIRK COUNCIL EMAIL, 5/12/11.
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


Full completion of all parts of this form ☒  
 Statement of your reasons for requiring a review ☒  
 All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

### Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

 T. SQUARE.

Date

24/2/12.

This form and other documents should be returned to:

The Development Manager,  
 Development Services,  
 Abbotsford House,  
 Davids Loan,  
 Falkirk FK2 7YZ

The reasons given for refusal are:

1. The proposal does not accord with the terms of the Falkirk Local Plan Policy EP9 - Food and Drink. It is considered that the hot food takeaway would have an adverse impact on adjacent residential properties and the surrounding area generally by virtue of noise, disturbance, litter and odours.
2. Parking, access and traffic generation requirements are unable to be satisfied at this particular location.
3. The proposed use would not be in the interests of road safety.

Reasons for requesting a review:

1. Issues such as "noise, disturbance, litter and odours" were never mentioned in any discussions with the planning department during the application process. It was our understanding was that the sole reason for refusing the application was because the Roads Department had raised concerns about parking and traffic. We were unaware of any other problems. Had these additional concerns been raised prior to refusal we would have been able to present our own arguments.
2. We would contend that litter is a civil issue and not a matter for the planning department. There are already problems with fly tipping in this area, unrelated to the applicant's business, and the back garden has been cleared 5 times in the last 2 years. The applicant, Mr Fanning, has paid for this twice out of his own pocket, the residents in the adjacent flats have paid for it once, and Falkirk Council have also cleared the site on two separate occasions. There are waste bins inside the premises and at the front door for customers use. Given the nature of the business, it is in the applicant's interest to maintain a clean, litter-free environment and Mr Fanning attends promptly to any litter outside the premises, as demonstrated by his efforts to date.
3. This is an established business, and the premises is already licensed to open until 11pm. In all the time it has operated there have never been any complaints about noise or disturbance, and it is the applicants intention to close before last orders at any nearby pubs. Noise and disturbance will therefore be no worse than existing.
4. Deliveries will continue to be made during normal working hours, Monday to Friday, usually between 8am and 12 noon. Often deliveries will be to the back door, away from the main road.
5. Odours will not be a problem, as the proposed extract fans contain carbon scrubbers and filters. Mr Fanning has spoken to Environmental Health officer Jackie Balfour about the extract system, so our proposals do take into account advice given by Falkirk Council as well as all relevant CIBSE, HSE, BS and EU standards.
6. There is a large lay-by on the opposite side of the road, right beside a pedestrian crossing, and on-street parking 50 metres away on the same side of the road. Pedestrian safety is therefore not an issue.
7. There are 6 parking spaces behind the premises. Falkirk Council dismissed these as unsuitable in their email of 5/12/11, stating that "the access to the rear would not be able to be used for customer parking due to the position of the access, which in itself would create issues with road safety". We dispute this, as the access is already used by residents without any problem. The railing in the middle of the road makes it impossible for anyone to turn right when leaving. The introduction of controlled traffic lights, parking restrictions, and a central reservation would suggest that there may have been problems at this junction in the past but they have clearly been resolved. The junction comfortably copes with traffic to and from the nearby retail park, to Falkirk College, and general through-traffic.
8. The planning department have previously stated their concerns that customers will try to park directly outside the premises. There are already double yellow lines and 6 bollards making it quite clear that this is not permitted and would be illegal.
9. Any dangerous driving or parking is a matter for the police, not the planning department.
10. The main hours of business will be outwith evening rush hour, so the traffic will be relatively light at that time.
11. No consideration seems to have been made to the additional 5 jobs that this proposal will create over the next couple of years.
12. Although it's perhaps not relevant to the review, Mr Fanning has spoken to some of his local Councillors (for example Cllr David Alexander) and they are very supportive of the proposals.

**stuart.banks2@virgin.net**

---

**From:** "McClure, Stephen" <stephen.mcclure@falkirk.gov.uk>  
**Date:** 05 December 2011 11:35  
**To:** [REDACTED]  
**Subject:** RE: P/11/0606/FUL - Change of Use From Shop and Cafe to Shop and Hot Food Takeaway and Installation of External Flue - 10-12 Grangemouth Road, Falkirk, FK2 9DA

Dear Stuart,

Further to our telephone call, I can confirm that the application is currently recommended for refusal. As discussed, the main issues are in relation to Road Safety, due to the location of the shop and the main traffic light controlled junction. The access to the rear would not be able to be used for customer parking, due to the position of the access, which in itself would create issues with road safety. I will be able to confirm on Friday afternoon if the application has been called into committee or if the recommendation has become a decision.

Please do not hesitate to contact me if you wish to discuss the matter further.

*Thanks,  
 Stephen McClure  
 Planning Officer  
 Development Management  
 Falkirk Council  
 01324 504702*

---

**From:** [REDACTED]  
**Sent:** 01 December 2011 17:09  
**To:** McClure, Stephen  
**Subject:** Re: P/11/0606/FUL - Change of Use From Shop and Cafe to Shop and Hot Food Takeaway and Installation of External Flue - 10-12 Grangemouth Road, Falkirk, FK2 9DA

Dear Stephen,

Further to our phone conversation a few minutes ago I called my clients to let them know what's happening. I mentioned what you told me about the Roads Dept view, that they are against the proposal because of the risk of traffic stopping outside the shop. My clients have asked me to inform you that there is provision for up to 6 cars to park behind the shop. This also allows deliveries to be made without vehicles stopping at the roadside.

I should also add that the proposal will eventually create up to 5 jobs over the next couple of years.

Regards,

Stuart Banks  
 T-Square Architectural Services

[REDACTED]  
[www.t-square.design.officelive.com](http://www.t-square.design.officelive.com)

---

\*\*\*\*\*  
 The information contained in this e-mail is confidential and is intended only for the named recipient(s). If you are not the intended recipient, you must not copy, distribute or take any action or reliance on it. If you have received this e-mail in error, please notify the sender. Any unauthorised disclosure of the information contained in this e-mail is strictly prohibited.

The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.  
 \*\*\*\*\*

17/02/2012

## Agent Details

Please enter Agent details

Company/Organisation:	T-Square
Ref. Number:	
First Name: *	Stuart
Last Name: *	Banks
Telephone Number: *	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	70
Address 1 (Street): *	Bells Burn Avenue
Address 2:	
Town/City: *	Linlithgow
Country: *	UK
Postcode: *	EH49 7LB

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Mike
Last Name: *	Fanning
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	10 - 12
Address 1 (Street): *	Grangemouth Road
Address 2:	
Town/City: *	Falkirk
Country: *	Scotland
Postcode: *	FK2 9DA




**Falkirk Council**

Abbotsford House Davids Loan Falkirk FK2 7YZ

Tel: 01324 504748

Fax: 01324 504747

 Email: [planning.applications@falkirk.gov.uk](mailto:planning.applications@falkirk.gov.uk)

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000028478-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from shop/cafe to shop &amp; hot food takeaway, with installation of external flue (this is a re-application, following the withdrawal of P/11/0283/FUL)

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Have the works already been started or completed? \*

☒ No ☐ Yes - Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Site Address Details

Full postal address of the site (including postcode where available):

Address 1:	10 - 12 GRANGEMOUTH ROAD	Address 5:	
Address 2:		Town/City/Settlement:	FALKIRK
Address 3:		Post Code:	FK2 9DA
Address 4:			

Please identify/describe the location of the site or sites.

Northing	680306	Easting	289648
----------	--------	---------	--------

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details

In what format was the feedback given? \*

☐ Meeting ☒ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (Max 500 characters)

Mid-way through the previous application the position of the extract duct was moved from the side to the rear elevation. After several emails and phone calls with the planning officer, Mr McClure, it was confirmed that this did not constitute a non-material variation and it was agreed to withdraw the application and re-apply.

Title:	Mr	Other title:	
First Name:	Stephen	Last Name:	McClure
Correspondence Reference Number:	P/11/0283/FUL	Date (dd/mm/yyyy):	08/07/11

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area: 120.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Shop and cafe.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

Existing arrangement to remain (bins stored behind property)

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008? \*

☒ Yes ☐ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

Certificate and Notice under regulation 15 8 – Town and Country planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1 or Certificate Form B or Certificate C, but if this is a Minerals application, you will need Certificate Form D.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Stuart Banks

On behalf of: Mr Mike Fanning

Date: 21/09/2011

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

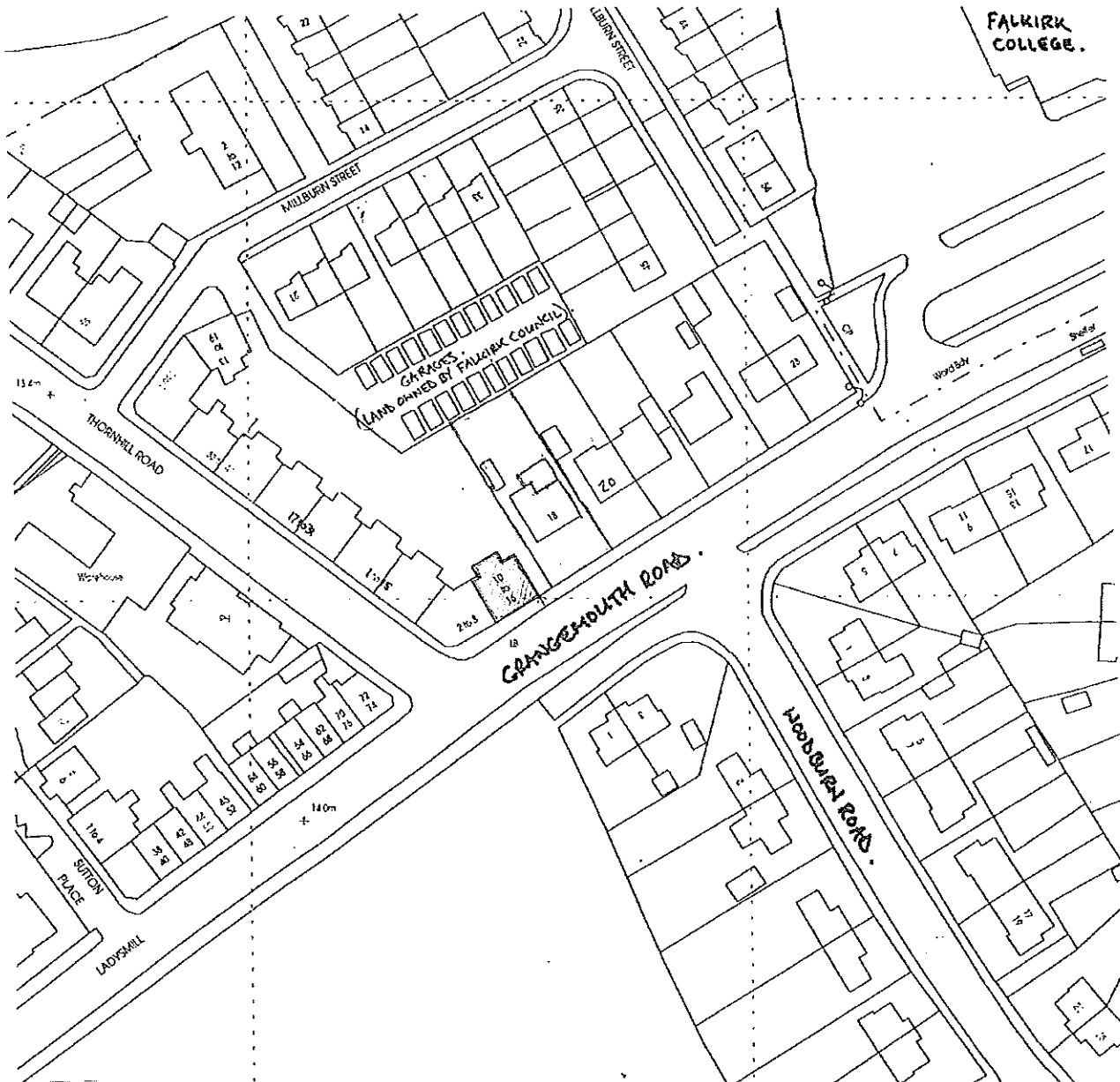
## Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Stuart Banks

Declaration Date: 21/09/2011

Submission Date: 21/09/2011



Proposed Alterations  
10-12 Grangemouth Road,  
Falkirk.

Mr M. Fanning.

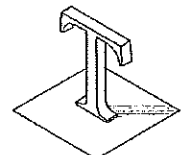
Location Plan.

Scale: 1:1250

Date: Oct '10.

Drawing No: LP

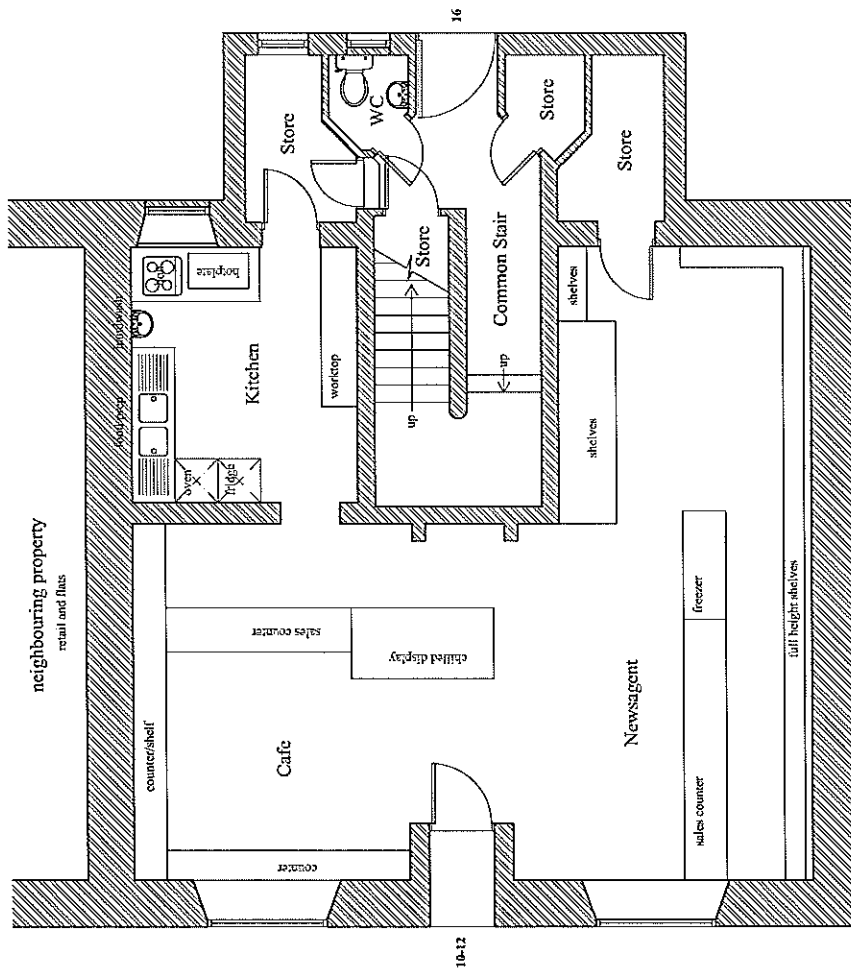
Rev:



**T-Square**

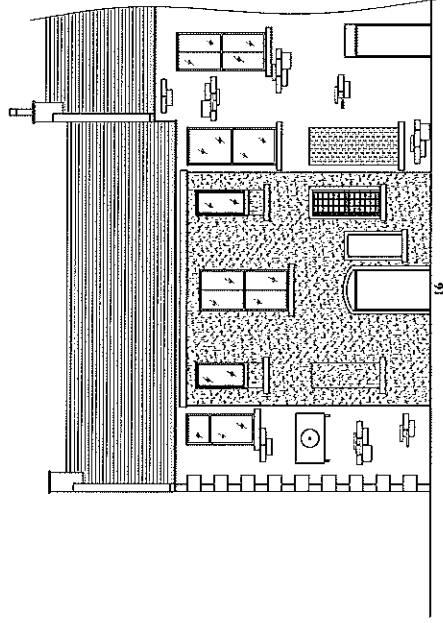
70, Bellshum Avenue,  
Linlithgow,  
West Lothian  
EH49 7LB.

tel 01506 844744



Existing Ground Floor Plan. 1:50.

This drawing is intended for the sole purpose of obtaining building warrant and/or planning permission. It is not to be used for any other purpose. The architect accepts no liability for any errors or omissions which may appear in this drawing. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.



Existing Rear Elevation. 1:100.



**T-Square**

70, The Square, Albany,  
Winnipeg, Manitoba,  
R3B 7J1.  
Tel: 204-584-1494

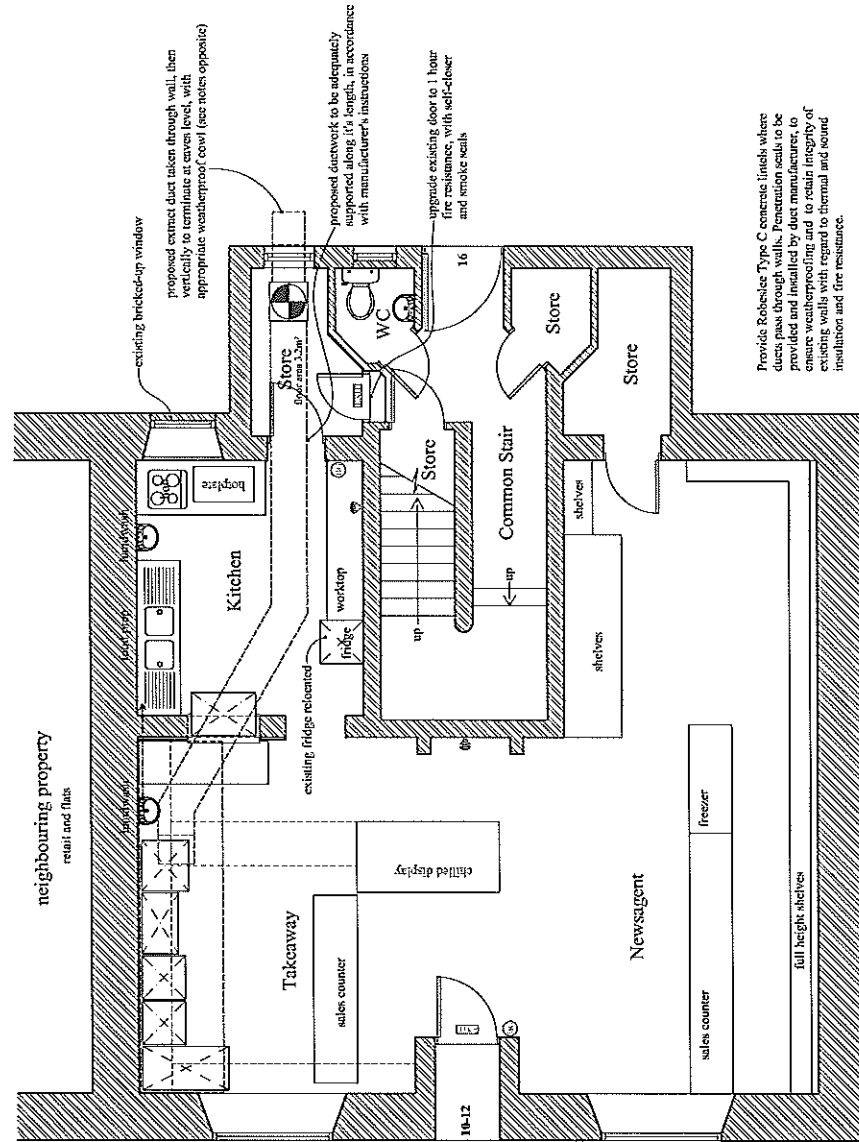
Proposed Alterations to Takeaway,  
10-12 Groganmouth Road,  
Fiskirk.

Mr. M. Fanning.

Existing.

Scale: 1:50.	Date: Oct '10.
Drawing No: 01	Rev:





### Proposed Ground Floor Plan: 1:50.

Existing Class 3 takeaway/food store licence still applies (close at 11pm).  
Shop is under single occupancy.

Breakdown key:

- ① Break glass fire alarm call point.
- ② Fire alarm.
- ③ Illuminated call light with battery backup.

Category M manual fire alarm system with manual call points and sounders (automatic detection is not part of the system). Type B (indirect operation) break glass call point to BS EN 54: Part 1: 2001.

**Extract canopy 5m long x 1.2m wide x 500mm deep.**  
**500 x 400mm ducting above suspended ceiling within shop.**  
**Vent-Axia Turbo Prop fan, 500mm dia, located in rear store room, bracketed between 2 walls with anti-vibration mounts (no fixings to 1st floor joists above).**  
**Air movement 2.2m³ per second.**  
**External ductwork (after fan) to be 450 x 450mm, passing through rear wall then offsetting as required to rise between upper storey windows, finishing 1m above flat roof level with weatherproof cowl.**  
**Fresh air input system fan type RD26, complete with speed controller/pre-filter and ductwork to 3no diffusers located in ceiling, capable of 1.8m³ per second.**

Provide Robustex Type C concrete linings where ducts pass through walls. Penetration seals to be provided and installed by duct manufacturer, to ensure weatherproofing and to retain integrity of existing walls with regard to thermal and sound insulation and fire resistance.

This drawing is intended for the sole purpose of obtaining building services and/or planning permission (although this drawing may require revision). It is not to be used for construction or other purposes. It is a design only.

### Ventilation of kitchens in catering establishments Extracts from HSE Information sheet Catering Information Sheet No 10 (rev1)

#### Adequate ventilation

- The kitchen requires a ventilation system as far as possible to remove excess heat and introduce fresh air so that a comfortable working environment is achieved. Inadequate ventilation can cause stress, contribute to a tired workforce and high staff turnover.
- The ventilation system should be designed to provide sufficient air for complete combustion at fired appliances, and prevent the risk of carbon monoxide accumulation.
- It should be easy to clean, avoiding the buildup of fat.
- Residues and blocked air inlets which lead to loss of efficiency and increase risk of fire, as be quiet and vibration free.
- The system should be designed to take account of a cooking load, amount of cooking equipment used, layout and shape of the kitchen.
- Number of staff in the kitchen for energy calculations and requirements.

#### Gas Safety (Installation and Use) Regulations (1998)

These regulations apply to gas appliances found in most catering premises. Some gas appliances will be a type (known as type D) that require a flue to comply with the regulations. The flue is a duct that carries the combustion products away from the kitchen and discharges them outside the building. The system connecting the flue to the gas supply. Further details can be found in Catering Information Sheet 23, Catering Information Sheet 24 and in the guidance accompanying the regulations.

#### Canopy

The canopy hood needs to be designed and operated to ensure the effective removal of cooking fumes. It will need to be of suitable size and have sufficient extraction to minimise fume spillage into the kitchen. There should be sufficient canopy hoods for all appliances and other sources generating fumes and heat. The canopy hood should be designed to provide sufficient air for complete combustion at fired appliances, and prevent the risk of carbon monoxide accumulation. The airflow into the canopy should be uniform and constant, and meet the appropriate design flow required for the appliances. The canopy hood should be constructed from non-combustible material and fabricated so as to discourage accumulation of dirt or grease and contamination. There should be suitable access to the ductwork to allow for regular cleaning to prevent accumulation of dirt etc. Grease filters need to be readily removable for cleaning/replacement.

#### Performance

The extraction rate is best calculated from the information supplied with the appliances within the kitchen. It should also take account of air change with the regulations. When canopies are not used, or when extraction occurs through ventilated ceilings, consult a competent heating and ventilation engineer to calculate the appropriate ventilation rates. The design should avoid draughts where the kitchen is subdivided (eg washroom, vegetable preparation).

#### Replacement air

The ventilation system design should take into account the need to replace extracted air. Makeup air can be provided by mechanical and/or natural means. In smaller kitchens, sufficient replacement air may be driven in naturally via ventilation grilles in walls, doors, windows. Where doors are closed, some form of control is usually required. A fan made grille will assist the ventilation, and a larger grille area can compensate. However, for larger installations, a mechanical system using a fan and filter is more suitable. The 'clean air' should not be taken from 'dirty' areas eg waste storage, smoking area etc. The makeup air should not impair the performance of fume serving gas appliances.

#### Cooling air

The effective balancing of incoming cool air and extracted hot air should help prevent the kitchen becoming too hot. For mechanical makeup air systems, the cooler air can be directed towards hot work positions. Otherwise, you may need to consider air conditioning or flood fan that do not affect the local environment. Local freshening fans are not recommended. They may spread microorganisms or set up air currents or turbulence affecting the efficiency of fumes extraction. They also introduce other hazards such as tripping and electric shock hazards from the trailing cable.

#### Discharge

High level discharge of extracted air is often needed to prevent nuisance to neighbouring properties. 'Chimney' hoods on discharge stacks are not recommended as they encourage down draught and venting of fumes into the building. Where discharge should be away from wet cooling towers.

#### Notes

- The ventilation design engineer will need to take into account:
  - kitchen usage information from the current;
  - equipment information from the owner of supplier, eg cleaning requirements, the amount of air required for complete combustion, and the performance of the existing installation;
  - the limitations of the building, eg the available room may influence the size and nature of air inlets or discharges;
  - food hygiene requirements, eg identify a suitable source for clean makeup air, prevent pest entry, avoid grease accumulation and ensure easy cleaning of the system;
  - heat control and waste energy recovery to maximise energy efficiency.

Designers would then normally refer to industry technical guidance, eg The Chartered Institution of Building Services Engineers (CIBSE), The Heating and Ventilation Contractors' Association (HVCA) guidance DW172 Specification for kitchen ventilation systems and BS 6171: 2001.

**Extract canopy and ducting to be designed and installed by specialist contractor, in accordance with relevant regulations, including:**  
**BS 5720: 1979 or CIBSE Guide B: 2001, the Gas Safety Installation and Use Regulations, BS 6173: 2009, BS 6172, DW172, HSE Catering sheet 10, HSE Catering sheet 23, BS 5440: 2000, ICOM/UP11 and DJES BB101.**



**T-Square**

75, Tinsdale Avenue,  
Widley, South  
Wendover, Bucks.  
HP89 7JA  
01494 647474

Proposed Alterations to Takeaway,  
10-12 Grogan Road,  
Fulking.

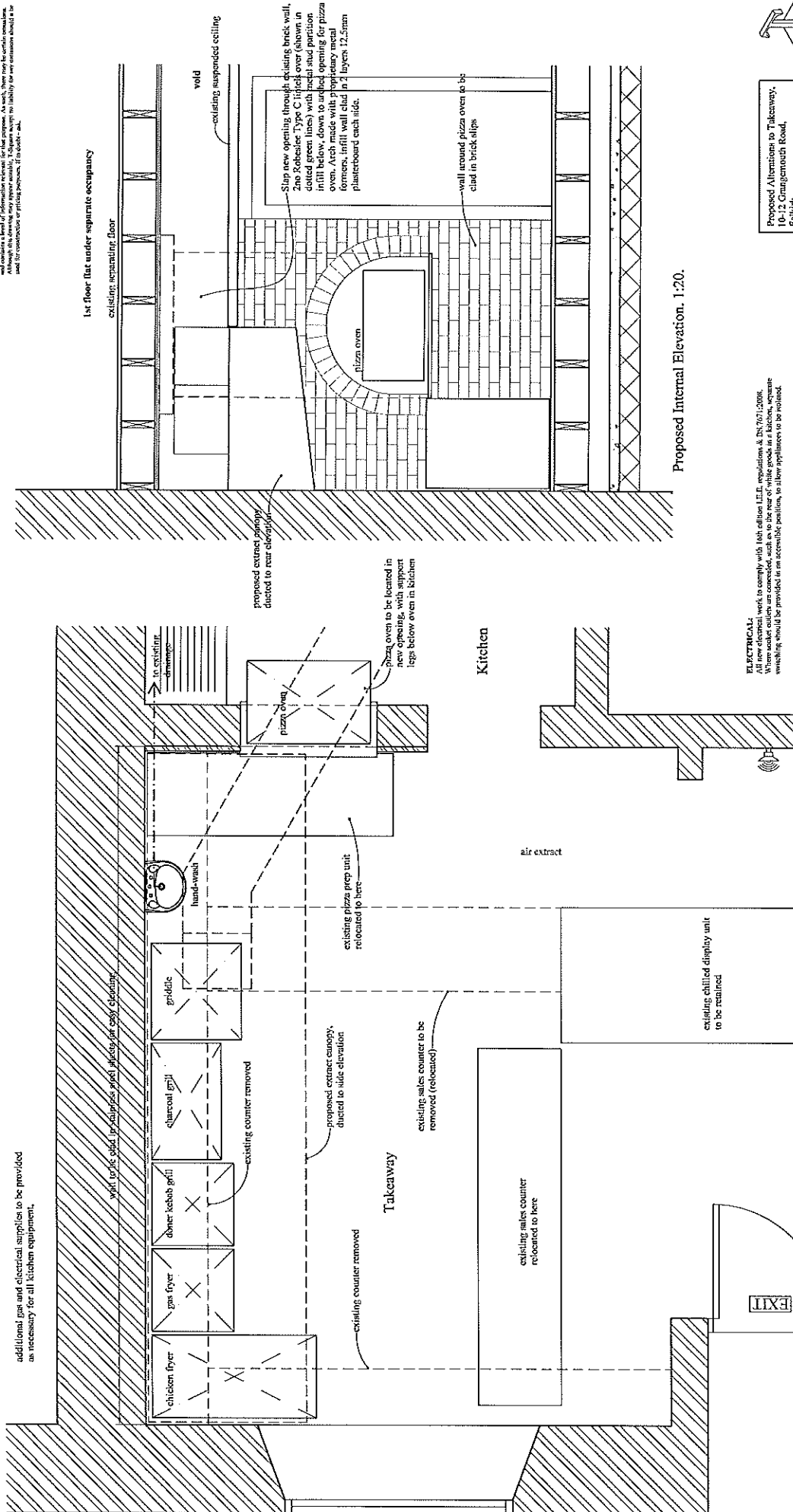
Mr M. Punning.

Proposed Ground Floor Plan.

Scale: 1:50 Date: Oct '10.  
Drawing No: 02 Rev: B

Rev B: BW notes added, June '11.  
Rev A: Client info, notes added, April '11.

This drawing is limited to the proposed premises of planning, building, and planning permission. It does not constitute a contract. The client acknowledges that the drawings are for information only and that the client is responsible for the construction of the premises. The client acknowledges that the drawings are for information only and that the client is responsible for the construction of the premises.



Proposed Internal Elevation. 1:20.

**ELECTRICAL:**  
All new electrical work to comply with 18th edition I.E.E. regulations & BS7671:2008.  
Where socket outlets are connected, such as to the rear of white goods in a kitchen, separate switching should be provided in an accessible position, to allow appliances to be isolated.



T-Square

25, St. Andrew's Avenue,  
Weymouth, Dorset, DT9 7LZ.  
Tel: 01305 344744

Proposed Alterations to Takeaway,  
10-12 Grangemouth Road,  
Falkirk.  
Mr M. Fleming.

Proposed Alterations.

Scale: 1:20 Date: Oct '10.  
Drawing No: 01 Rev: B

Rev B: BW notes added, June '11.  
Rev A: Client alt's, notes added, April '11.

Proposed Floor Plan. 1:20.

Gas safety in catering and hospitality.

**Installation and repair work on gas appliances**

Such work will also require using natural gas or LPG in homes, restaurants, fish and chip shops, and mobile catering units. Everyone who does this type of work must be competent. Whether contractors or in-house staff do the work, the company must be GSGRI registered and operatives must have a valid certificate of competence relevant to the particular type of gas work involved. This is a requirement of the Gas Safety (Installation and Use) Regulations 1998 (GSIUR).

### Maintenance and Inspection by employers and users

**Maintenance and inspection by employers and users**  
Regulation 35 of COSHH requires employers to ensure that gas appliances, flues, pipework and safety devices are maintained in a safe condition. They should be inspected by a competent person in accordance with current industry practice. Period between inspections may vary depending on the type of appliance. Manufacturers' recommendations, but as a general rule annual inspections will be a reasonable minimum frequency; for gas appliances with a gas control valve, the frequency should be increased to twice a year. The frequency of inspection should also be increased if the appliance is used for a long period of time each day, or if it is used in a particularly demanding or hazardous environment and its use should follow manufacturers' recommendations.

## Use of gas and routing tanks on equipment

[illegible]

AN 6173: 2001 Specification for installation of certified catering appliances for use in all types of catering establishments

This British Standard was extensively revised and published in May 2001. A period of three months was allowed for users to convert to it from the 1990 version. So from September 2001 all new trial balloons should have been to the Standard. It specifies the installation requirements for new and second-hand, self-inflating balloons and places greater emphasis on food hygiene and ventilation requirements.

### Flame supervisors

When installing secondhand ovens and similar enclosed burner equipment such as heaters, these should be provided with flame supervision devices and appropriately upgraded gas controls.

For existing ovens this has been ISI advice since 1994, unless it is too expensive compared with the risk, but many employers remain unaware of it and therefore consult Catering Information Sheet No 35 for more information. In practice, as employers have now had many years to comply, ovens should only be superseded without flame supervision devices in exceptional cases. Generally speaking, all ovens should have been upgraded or replaced by now. The Standard also states that all burners on secondhand equipment being installed should be fitted with flame supervision devices where this is reasonably practicable. This will apply to all other open burners on secondhand equipment.

The need to retrofit flame supervision to existing equipment issue should be determined by the user's/risk assessment. As new equipment should be supplied with flame supervision, overall industry standards will improve as older equipment is replaced.

### Isolation of gas supplies

[illegible][illegible]

## New Installation

<sup>1</sup> Because the Standard applies to any installation of an appliance, rather than a new kitchen installation, questions have arisen about the installation of individual appliances.

### Interlocking mechanism

Direct airflow measurements have traditionally been regarded as the most reliable means of monitoring that ventilation ducting is working properly, but its catering ducting, fat and grease buildup can cause these to fail. There are a range of indirect airflow measuring methods which indicate that the ventilation system is working effectively. Provided these are suitably selected, equipment failure and ventilation shutdowns should be avoided.

### Safety Mandates for new appliances

All new appliances for commercial catering must be CTimarked in accordance with the Gas Appliance Safety Regulations 1995. CTimarking indicates conformity with these Regulations and that a notified body has approved the appliances. Although the Regulations apply principally to domestic appliances, commercial space heaters and commercial catering equipment are covered. The principal standard that applies to safety standards for powered catering equipment is BS EN 20311.

2005 specification for gas heated entering equipment. One area that remains a source of confusion is the safety requirements. Many existing appliances are not fitted with this, although the standard came into effect in 1993.

Flame supervision should be provided on new equipment, in compliance with AS EN 2031.

It should be provided on second-hand equipment being brought in under the equipment allowance following the equipment allowance or other equipment allowance.

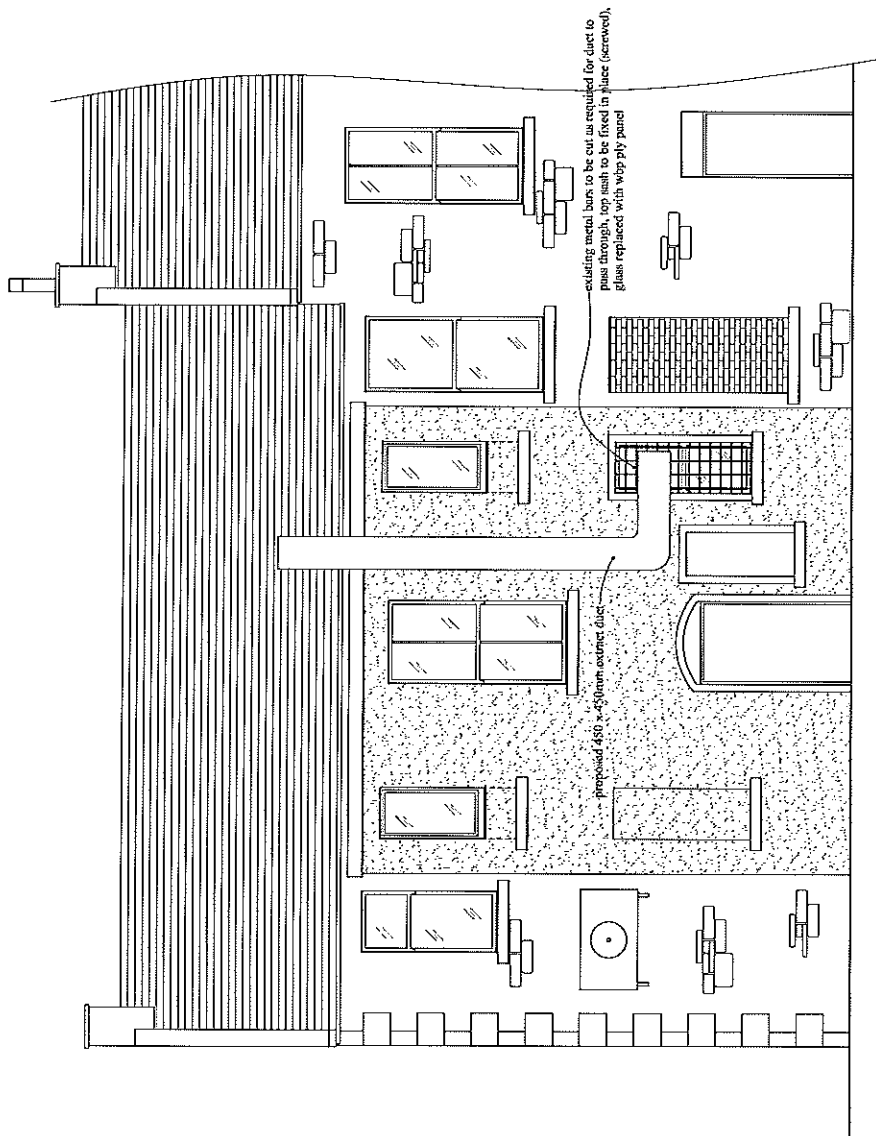
bioRxiv preprint doi: <https://doi.org/10.1101/2019.05.21.257400>; this version posted May 21, 2019. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

[illegible]

## Validation network

Sources of fires in ductwork above open flues via appliances include (tumbling, flame-spilling and idling). Ductwork should be regularly cleaned to prevent build up of grease and fat. This can be an unpleasant and awkward task and great care is needed to ensure a proper job is done as experience has shown this is often skipped. The risk of a large buildup of grease within a ductwork system can be greatly reduced if an appropriately designed canopy with modern grease filtration is used.

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Proposed Rear Elevation. 1:50.



### T-Square

70, Bethlehem Avenue,  
Litchfield,  
West Litchfield.  
10450 7133.

**Proposed Alterations to Takenway,  
10-12 Grangemouth Road,  
Balkirk.**

**Mr M. Fanning.**

Proposed Rear Elevation.

Scale: 1:50.	Date: Apr '10.
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Drawing No: 04	Rev: A
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Rev A: GW notes added, June '11.

**Morris, John**

---

**From:** hillis, alfred  
**Sent:** 07 October 2011 10:41  
**To:** adtm1dmbcorr  
**Subject:** P/11/0606/FUL - 10/12 Grangemouth Road, Falkirk  
Contaminated Land

In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

Environmental Health

Due to the nature of the business and close proximity of dwelling houses, further information is required from the applicant with regard to odour and noise control in order to provide a detailed response to the proposal. The information should include a detailed specification of:

1. Cooking odour extraction system.
2. Measures to control odour emissions.
3. Measures employed to control noise emissions from any extraction or ventilation systems.

Alf Hillis  
Environmental Health Officer  
01324 501024

---

\*\*\*\*\*  
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The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.  
\*\*\*\*\*

**Morris, John**

---

**From:** Crawford, Grahame  
**Sent:** 27 October 2011 09:29  
**To:** adtm1dmbcorr  
**Cc:** Raeburn, Brian  
**Subject:** P/11/0606/FUL

## Development Services

## Memo

**To:** Stephen McClure  
Planning and Transportation

**From:** Grahame Crawford  
Roads and Design (Roads Development)

**Date:** 27 October, 2011      **Enquiries:** 4733      **Fax:** 4850

**Our Ref:** 111027-GC      **Your Ref:** P/11/0606/FUL

---

**Proposal :** Change of Use From Shop and Cafe to Shop and Hot Food  
Takeaway and Installation of External Flue  
**Location :** 10 - 12 Grangemouth Road, Falkirk, FK2 9DA,  
**Applicant :**

I refer to your consultation received on the 26 September 2011 concerning the above application and would make the following comment:

The premises referred to in the application, sit on the north side of Grangemouth Road, Falkirk, between the controlled junction with Thornhill Road and the uncontrolled junction with Woodburn Road.

These junctions are on the primary service route for Central Retail Park and as such the free flow of traffic is of paramount importance, for that reason the roads are subject of traffic orders restricting parking. Any vehicles either broken down or illegally parked cause major disruption, holding up traffic on all roads.

The junction of Grangemouth Road and Thornhill Road is also the primary local crossing point for pedestrians. Indiscriminate parking and traffic congestion has in the past led to difficulties for pedestrians using the crossing.

There are no parking facilities in the immediate vicinity of the premises and they can offer no parking provision.

I appreciate that a large proportion of their business comes from the nearby college, however any suggestion that the premises are a hot food take away would encourage passing trade to stop and try to park with the resultant congestion.

With the foregoing in mind, from a road safety perspective, I would be reluctant to see any planning application approved that could exacerbate problems that already exist at this busy

junction and would suggest that my comments may be used to support a recommendation of refusal for this application.

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\*\*\*\*\*  
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\*\*\*\*\*

## Application Comments for P/11/0606/FUL

### Application Summary

Application Number: P/11/0606/FUL

Address: 10 - 12 Grangemouth Road Falkirk FK2 9DA

Proposal: Change of Use From Shop and Cafe to Shop and Hot Food Takeaway and Installation of External Flue

Case Officer: Stephen McClure

### Customer Details

Name: MR RAYMOND PURCELL

Address: 18 GRANGEMOUTH ROAD, FALKIRK FK2 9DA

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to state I object to this shop changing to a hot food takeaway.

The shop is sited on a busy road, with double yellow lines painted outside it. There is no allocated parking for this shop, they would have to park outside our house or our neighbours, therefore I believe there would be an increase of parking outside our house. We currently have an issue with some delivery vehicles/customers parking in front of our driveway.

Many customers currently park half on the pavement and road. This causes difficulties for wheelchairs and buggies getting past the vehicles.

The traffic on Grangemouth Road can be busy at peak times, and the traffic often backs up to the traffic lights outside our property. Parking can make this worse. Sometimes buses struggle to get past the parked cars. I am not sure if this is an issue for the emergency services.

This shop fitted a new fan a few years ago. We were not consulted on this and this fan switches on/off around the clock. It is extremely loud and I can hear it in my house, causing sleep problems.

I am concerned with an increase of customers hanging around outside the shop. There is also a problem with litter. The shop provides a bin, but not all customers use it and our garden often has litter.

A few years ago there was a problem with youths hanging around the area across the road from the shop, and we found knives in our garden. The police were called many times and the youths were in and out the gardens of these houses. I would not like them to start hanging around at the side of the shop or sitting on our wall, as we have young children.

I enquired when I previously objected to this change of use, what time does the shop expect to close? There is currently a problem at times with anti social behaviour (vomit, shouting, fighting, large groups singing, etc) when the pub round the corner closes and I do not want drunk people hanging around waiting on their food.

This is a residential area.

**PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING**

---

**PROPOSAL** : Partial Change of Use of Existing Shop (Class1) to Allow Hot Food Takeaway Sales and Installation of External Flue  
**LOCATION** : 10 - 12 Grangemouth Road, Falkirk, FK2 9DA  
**APPLICANT** : Mr Mike Fanning  
**APPN. NO.** : P/11/0606/FUL  
**REGISTRATION DATE** : 22 September 2011

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

The site consists of an existing Class 1 shop unit, which currently operates as a newsagent, with additional cold food sales, as well as a proportion of ancillary hot food sales. The shop is on the ground floor level with residential properties above. The unit is located on a main junction with routes into Falkirk Town Centre and the Central Retail Park, and is adjacent to a bookmakers (Class 2) and residential properties. It is proposed to partially change the use of the shop to form a hot food takeaway, which would also see the addition of equipment on the exterior of the property (Flue).

## **2. SITE HISTORY**

P/11/0283/FUL was also submitted for a partial change of use to the unit, but was withdrawn to allow for amendments to the exterior equipment design and location.

## **3. CONSULTATIONS**

The following responses to consultation were received:

### **Environmental Protection Unit**

No objection to the proposal, however, further information would be required in relation to odour and noise control if the application were to be granted. This information would require to include a detailed specification of:

1. Cooking odour extraction system.
2. Measures to control odour emissions.
3. Measures employed to control noise emissions from any extraction or ventilation systems.

### **Roads Development Unit**

The unit is located at a main road junction which is traffic controlled. The junction is the primary service route for the Central Retail Park, and as such, traffic flow must not be disrupted. The junction is also a primary local crossing point for pedestrians. There are no parking facilities in the immediate vicinity of the premises and they can offer no suitable parking provision. The provision of a hot food takeaway would encourage passing trade to stop and try to park, resulting in congestion at the junction. The Roads Unit would therefore not be in favour of such a use at this location from a road safety perspective, as it could exacerbate problems that already exist at the junction.

Where the local Community Council requested consultation, their comments appear above.

## **4. PUBLIC REPRESENTATION**



In the course of the application, 1 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

- There is no allocated parking at the shop; this would result in an increase in parking on the main road in front of the shop and residential properties. This would lead to congestion on the main road, as traffic cannot easily pass if cars are parked at this location, as well as difficulties for pedestrians trying to use the pavement (cars would have to park partially on the pavement).
  - There is a current fan on the shop unit which causes noise issues with the neighbouring dwelling.
  - There could be an increase in the number of customers hanging around at the shop.
  - There could be an increase in the litter, as currently neighbouring dwellings gardens already end up with litter from the shop.
  - Could be a problem of youths hanging about at the front of the unit, this has happened in the past.
  - There is currently a problem at times with anti-social behaviour when the nearby pub closes, this could be exacerbated if the unit was open till late, as the pub customers would use the unit.
- This is a residential area and the proposed use would not be acceptable.

## **5. THE DEVELOPMENT PLAN**

The proposed development was assessed against the undernoted Development Plan(s):

### **Falkirk Council Structure Plan**

There are no relevant policies within the Falkirk Council Structure Plan.

### **Falkirk Council Local Plan**

The proposed development was assessed against the following policy or policies:

EP09 - Food and Drink

## **5A. MATERIAL CONSIDERATIONS**

Responses to Consultation

Assessment of Public Representations

## **6. PLANNING ASSESSMENT**

### **The Development Plan**

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

### **Local Plan Policies**

Policy EP9 - The unit proposed for the partial change of use is located within a group of commercial and shop units, although is adjacent to residential units. It is considered that the proposal to operate a section of the unit as a full hot food takeaway would impact adversely on the amenity of the adjacent residential properties and surrounding area generally, by virtue of noise, disturbance, litter and odours. Parking, access and traffic generation requirements cannot be satisfied at the location. There is currently no satisfactory off-street parking available at the unit, and given the location at the junction, on-street parking is not an option. It is therefore considered that the proposal does not accord with Policy EP9.

Responses to Consultation

Roads Development Unit - The unit is located at a main traffic controlled junction and an uncontrolled traffic junction. The traffic controlled junction is the primary service route for the Central Retail Park, and as such, traffic must be kept flowing at all times. The roads are subject of traffic orders restricting parking, and any broken down or illegally parked vehicles at this location cause major disruption. The traffic controlled junction is also a primary local crossing point for pedestrians, who have in the past experienced difficulties in using the crossing due to indiscriminate parking and traffic congestion. There are no parking facilities in the immediate vicinity of the unit, and no satisfactory parking provision can be offered. The use of a partial area of the unit for full hot food takeaway use, would encourage passing trade to stop and try to park, which would result in congestion of the junction. It was therefore considered by the Roads Development Unit that the proposal would effect road safety and exacerbate existing problems at this particular junction, and therefore would not be supported by the Roads Development Unit.

### **Assessment of Public Representations**

- The Roads Development Unit have highlighted that there would be an issue with parking at the unit in relation to the traffic controlled junction.
- The current fan unit is not part of this application and is therefore not under assessment. However, noise issues should be reported to the Environmental Protection Unit.
- The number of members of the public who linger at a shop unit is not a material planning consideration.
- It has been considered that the partial use of the unit as a full hot food takeaway may increase the litter at this location.
- As stated previously, members of the public who congregate in-front of the shop, would not be a material planning consideration.
- It has been considered how the partial change of use of the unit to a hot food takeaway would affect adjacent residential properties in terms of noise/disturbance.
- Although there are many residential properties, the area cannot be considered wholly residential, due to the businesses also located adjacent to the unit.

## **7. CONCLUSION**

It is considered that the proposal is not acceptable development and is not in accordance with Policy EP9 of the Falkirk Council Local Plan.

## **8. RECOMMENDATION**

Refuse Planning Permission

**Refusal is recommended for the following ;**

Reason(s):

1. The proposal does not accord with the terms of Policy EP9 - Food and Drink of the Falkirk Council Local Plan. It is considered the hot food takeaway would have an adverse impact on adjacent residential properties and the surrounding area generally by virtue of noise, disturbance, litter and odours. Parking, access and traffic generation requirements are also unable to be satisfied at this particular location, and the proposed use would not be in the interests of road safety.

Informative:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

  
**Director of Development Services**2/12/11  
**Date**

**Contact Officer : Stephen McClure**  
**(Planning Officer) 01324 504702**

Reference No. P/11/0606/FUL



Please note: this permission does not carry with it any necessary consent or approval for the proposed development under any other statutory enactments.

**Falkirk Council**

**Town and Country Planning (Scotland) Acts as Amended  
Issued under a Statutory Scheme of Delegation.**

**Refusal of Planning Permission**

**Agent**

T-Square  
F.A.O. Stuart Banks  
70 Bellsburn Avenue  
Linlithgow  
EH49 7LB

**Applicant**

Mr Mike Fanning  
10-12 Grangemouth Road  
Falkirk  
FK2 9DA

This Notice refers to your application registered on 22 September 2011 for permission in respect of the following development:-

**Development** Partial Change of Use of Existing Shop (Class1) to Allow Hot Food Takeaway Sales and Installation of External Flue at

**Location** 10 - 12 Grangemouth Road, Falkirk, FK2 9DA

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to request a review of the decision.

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online at <http://eplanning.falkirk.gov.uk/online/applicationDetails.do?action=showSummary&caseNo=P/11/0606/FUL>. In accordance with the plans docketted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

**Refuses Detailed Planning Permission**

The Council has made this decision for the following

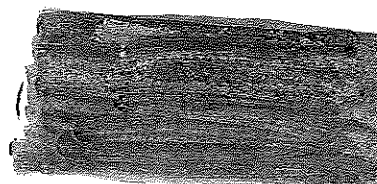
**Reason(s):**

1. The proposal does not accord with the terms of Policy EP9 - Food and Drink of the Falkirk Council Local Plan. It is considered the hot food takeaway would have an adverse impact on adjacent residential properties and the surrounding area generally by virtue of noise, disturbance, litter and odours. Parking, access and traffic generation requirements are also unable to be satisfied at this particular location, and the proposed use would not be in the interests of road safety.

**Informatives:-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

14 December 2011



Services

### Food and Drink

- 5.26 Pubs, restaurants, cafes, hot food takeaways, and other Class 3 uses have formed a significant growth area in the local economy. They contribute to the life and diversity of Town Centres and provide an important facility for visitors. However, they can create amenity problems where located adjacent to residential properties. Policy EP9 provides criteria for judging their acceptability. Mobile snack bar vans raise additional issues of visual amenity, particularly as they are often located on highly visible road corridors. Policy EP10 provides guidance in relation to this form of temporary development.

5.27

#### EP9 FOOD AND DRINK

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.

5.28

#### EP10 MOBILE SNACK BAR OUTLETS

Proposals for mobile snack bar vans will not be permitted as permanent uses. Temporary consent may be granted within the Urban or Village Limits where:

- (1) A specific need is demonstrated, which cannot be met by existing permanent facilities;
- (2) There is no adverse affect on local amenity or the visual quality of the area, particularly as viewed from major transport routes; and
- (3) Parking and access requirements are satisfied.

### Other Forms of Retailing

- 5.29 Policies EP11-13 relate to other forms of retailing which raise their own specific issues. Motor vehicle showrooms require locations where access and servicing can be accommodated, associated industrial processes do not detract from residential amenity and outdoor sales areas do not adversely affect visual amenity. Specific provision has been made at the Falkirk Gateway for such uses. Control must be exercised over open air markets in relation to amenity, access and parking, and retail impact. Factory outlets involve the selling of goods at discounted prices in shops linked to a production facility. Whilst these may be seen as an accepted spin-off from a manufacturing activity, they must be carefully controlled to ensure that they are not used as a means of introducing general out-of-centre retailing which would detract from Town Centres.

5.30

#### EP11 MOTOR VEHICLE SHOWROOMS

Proposals for motor vehicle showrooms will be encouraged to locate within Site ED.FAL06 (Falkirk Gateway) or other business and industrial areas where access, servicing and any associated industrial processes can be accommodated without detriment to residential amenity, the functioning of the local road network or the operation of adjacent businesses. When granting consent for a new motor vehicle showroom, the Council may apply planning conditions preventing changes of use to Class 1 retail use.

5.31

#### EP12 OPEN AIR MARKETS

Proposals for open air markets and car boot sales will only be permitted where it can be demonstrated that the vitality and viability of any centre will not be adversely affected, there will be no adverse effect on local amenity, and parking and access requirements are satisfied.

5.32

#### EP13 FACTORY OUTLETS

Proposals for factory outlets directly linked to manufacturing facilities will be permitted provided that the sale of the goods is clearly ancillary to the manufacturing operation, its scale is limited, and access and parking requirements can be met.

5.33

### Maintaining Vital and Viable Town, District and Local Centres - Actions and Indicators

#### Actions:

- Continue to progress regeneration projects in District Centres through Town Centres Strategy
- Develop regeneration strategy for Falkirk Town Centre
- Continue to promote the vitality and viability of centres through Town Centre Management

#### Indicators:

- Indicators of vitality and viability for Town, District and Local Centres (floorspace/new development, expenditure leakage/retention, property rental/yields, pedestrian flows etc.)