

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE AND EXTENSION TO SHOP (CLASS 1) TO HOT FOOD SHOP (AMENDMENT TO PLANNING PERMISSION P/07/1132/FUL) AT 168A ALMOND STREET, GRANGEMOUTH FK3 8PS FOR MR ABDUL KHALIQ - P/12/0055/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 22 August 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward – Grangemouth  
Councillor David Balfour  
Councillor Allyson Black  
Councillor Joan Paterson  
Councillor Robert Spears

**Community Council:** Grangemouth

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Following consideration of the application by the Planning Committee on 19 June 2012 (copy of previous report appended), it was agreed to continue the planning application for a site visit. This took place on 6 August 2012.
2. During the site visit a number of local residents were heard in objection to the proposal on the grounds of road safety, litter and anti-social behaviour. Specific concerns were also raised regarding the proposed bin store location to the rear of the premises.
3. The Falkirk Council Roads representative confirmed that the proposal raised no road safety concerns and the representative from the Environmental Protection Unit clarified that conditions could be attached to any licence regarding the tidying up of litter in the area should this be deemed necessary. It was also advised that Falkirk's community safety officers could target the area should litter become problematic.
4. The applicant advised that litter bins would be provided and that refuse bins could be located within the existing yard area to the rear of the shop rather than in view of 9 Larch Street. The applicant also advised that the refuse bins would be locked and kept tidy.
5. Councillor Spears, as a local Member, was heard in relation to the proposal.

6. Following a number of questions relating to the status of the application, Committee were advised that this application relates to an amendment to an extant planning permission. The applicant confirmed that should Committee refuse this planning application, it would be his intention to implement the original planning permission for a hot food takeaway.
7. No issues were raised which would change the recommendation to grant planning permission subject to conditions as detailed below.

## **8. RECOMMENDATION**

### **8.1 It is therefore recommended that the 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) Details of a ventilation system capable of dispersing cooking odours and minimising odour nuisance shall be submitted to and approved by the Planning Authority in writing prior to the commencement of the use. Thereafter the approved ventilation system shall be installed and operational before the shop commences trading.
- (3) Before works start on site, details of facilities to be placed in the area in front of the shop for the disposal of litter shall be submitted to and approved in writing by the Planning Authority. The facilities shall be provided before use of the hot food shop commences and thereafter shall be retained and maintained in perpetuity.

#### **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.
- (3) To safeguard the residential amenity of the area and prevent litter.

#### **Informative(s):-**

- (1) For the avoidance of doubt, the plans to which this decision refers bear our on line reference numbers 01 and 02.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected party 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.

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**Director of Development Services**

**Date:** 14 August 2012

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection from Mrs Mary Forsyth, 9 Larch Street, Grangemouth FK3 8PG on 6 March 2012.
4. Letter of Objection from Mr and Mrs Baird, 6 Larch Street, Grangemouth FK3 8PG on 8 March 2012.
5. Letter of Objection from Miss Amanda Bullard, 2 Larch Street, Grangemouth FK3 8PG on 8 March 2012.
6. Letter of Objection from Mr and Mrs Sandy S Forsyth, 9 Larch Street, Grangemouth FK3 8PG on 6 March 2012.
7. Letter of Objection from Mrs Sheena Turnbull, 172 Almond Street, Grangemouth FK3 8PS on 20 February 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

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**Meeting:** PLANNING COMMITTEE

**Date:** 19 June 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Grangemouth  
Councillor Allyson Black  
Councillor David Balfour  
Councillor Joan Paterson  
Councillor Robert Spears

**Community Council:** Grangemouth

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

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

- 1.1 This detailed application proposes an amendment to a previously approved (and as yet un-built) hot food takeaway unit within a predominantly residential area of Grangemouth. The site occupies a corner plot at the junction of Larch Street and Almond Street in Grangemouth and is currently enclosed by a 1 metre high brick wall. The proposal includes an extension of the previously approved structure by approximately 2 metres in length to the south, installation of a window in the west elevation and an increase in ridge height by approximately 0.5 metres.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application has been called to Committee by Councillor Robert Spears.

**3. SITE HISTORY**

- 3.1 P/07/1132/FUL was granted detailed planning consent on 26 March 2009 for the change of use and extension of shop (Class 1) to form hot food shop. This detailed consent is still live and expires on 26 March 2014.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have no objections.
- 4.2 The Environmental Protection Unit have no objections, but a request has been made for the provision of odour extraction details.

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

- 5.1 Grangemouth Community Council has not commented on the proposal.

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

- 6.1 In the course of the application, 5 contributors submitted letters of objection to the Council. The salient issues are summarised below:-

- Road safety and parking concerns.
- Anti-social behaviour concerns.
- No need for another takeaway in the area.
- Location of the refuse area would impact on residential amenity.

#### **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 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.”*

7a.3 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.4 The proposed shopfront and window in the west elevation are considered to be well proportioned and sympathetic to the character of the existing shop unit. The proposal does not cause overlooking to any private property and the increased height of the extension is considered to be acceptable in terms of design, scale and character. The proposal would not cause any adverse overshadowing of neighbouring property.

7a.5 The applicant has previously demonstrated that the unit is capable of being adequately ventilated to minimise cooking odour and noise nuisance. It is considered appropriate to attach a condition to any permission given requesting a fresh copy of ventilation proposals to be submitted. The orientation of the unit fronting onto Almond Street means that the main pedestrian movements would be limited to a large pedestrian area to the front of the existing shop unit and away from the main residential units in the area. Adequate on street parking is available adjacent to the shop unit and around the park area opposite the site. It is considered that littering is not a determining factor in the assessment of this application but it is considered appropriate to place a condition on any permission given requiring the provision of a litter bin at the front of the property.

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

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the public representations.

### ***Assessment of Public Representations***

7b.2 This proposal relates to an amendment to a previously approved development. The current design does not alter bin store arrangements, road layout or parking requirements for this development and these issues are not therefore considered to be determining factors in the assessment of this application. The proposed bin store location is considered to be appropriate given that it is adjacent to the existing yard area for the existing shop and is set back from the main road. There is ample on street parking available within the vicinity of the application site to accommodate these proposals.

7b.3 Anti-social behaviour issues and issues regarding market viability are not material planning considerations.

**7c Conclusion**

7c.1 The proposal is an acceptable form of development and accords with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

**8. RECOMMENDATION**

**8.1 It is therefore recommended that Planning 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) Details of a ventilation system capable of dispersing cooking odours and minimising odour nuisance shall be submitted to and approved by the Planning Authority in writing prior to the commencement of the use. Thereafter the approved ventilation system shall be installed and operational before the shop commences trading.**
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**Reason(s):**

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**Informative(s):**

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Director of Development Services

Date: 12 June, 2012

#### **LIST OF BACKGROUND PAPERS**

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# Planning Committee

## Planning Application Location Plan

**P/12/0055/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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