

FALKIRK COUNCIL

Subject: FORMATION OF RAISED DECKING AREA AND DISABLED ACCESS RAMP TO FORM EXTERNAL SEATING AREA (RETROSPECTIVE) AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DP FOR MRS MHARI FRENCH P/12/0410/FUL

Meeting: PLANNING COMMITTEE

Date: 30 January 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Reddingmuirhead and Wallacestone

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This retrospective application covers the erection of a raised timber decking area to the front of an established public house and function suite in a predominantly residential area of Reddingmuirhead. The decking area has been formed for use as an external seating area for patrons of the adjacent pub and measures 13 metres x 2.5 metres. The surrounding residential area is characterised by a mixture of detached and semi detached residential properties of varying designs but predominantly finished in natural stone or render. Boundary finishes along this stretch of road are a mixture of natural stone wall and hedging and brick or render walls.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called to Committee by Councillor Malcolm Nicol.

3. SITE HISTORY

- 3.1 The decking area has been considered by the Licensing Board who have granted a license for the use of the decking as an external drinking area subject to planning approval.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit have no objections. However, it has been commented that noise complaints may arise as a result of patrons using the seated decking area late at night. A recommendation has therefore been made that the use of the area be restricted to no later than 2200 hours.

5. COMMUNITY COUNCIL

- 5.1 The Reddingmuirhead and Wallacestone Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

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

- Potential increase in noise levels and impact on residential amenity;
- Increase in parking problems at the site.

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 Local Plan

- 7a.1 Policy EQ3 ‘Townscape Design’ states:

“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*

- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.2 The decking is sited on the prominent and principal elevation of the existing public house which fronts a busy main through route for the surrounding area. Whilst the existing property is of limited architectural character, the decking which has been constructed is not considered to be a high quality architectural treatment and the timber materials used are not considered to complement those which are prominent in the surrounding area. The decking is not considered to respect and complement the site’s environs.

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 The existing public house is located within an established residential area. The new decking essentially represents an extension to the public house and introduces land use compatibility issues associated with increased noise and disturbance that are often associated with beer gardens. The location of the decking to the front of the existing premises places the structure within close proximity of neighbouring private garden ground. The open air nature of the structure means that noise and disturbance would inevitably travel uninterrupted towards these neighbouring gardens and would have an adverse impact on residential amenity levels as a result. The proposed development is considered to be incompatible with neighbouring residential land uses.

7a.5 Policy EP9 - ‘Food And Drink ‘ states:

“Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) *There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) *In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre’s retail function; and*
- (3) *Parking, access and traffic generation requirements are satisfied.”*

7a.6 The proposal is considered to have an adverse impact on the amenity of adjacent residential properties by virtue of noise and disturbance.

7a.7 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the public representations and responses to consultation.

Assessment of Representations

- 7b.2 It is accepted that the decking area would have a detrimental impact on the residential amenity enjoyed by neighbouring residents by virtue of the decking's proximity to private garden ground areas and residential properties.
- 7b.3 The decking itself is not considered to exacerbate existing parking issues in the vicinity of the site and is not therefore considered to be a determining factor in the assessment of this application.

Consultation Responses

- 7b.4 The Environmental Protection Unit has suggested that the use of the decking be restricted to no later than 2200 hours in order to minimise noise complaints. It is considered that a planning condition to this effect would be difficult to enforce and, whilst the Environmental Protection Unit can use statutory nuisance legislation to control this usage, the fact that noise complaints are anticipated raises land use compatibility issues. The restriction on operating times may reduce noise complaints to within acceptable statutory nuisance levels during the night but this restriction would not reduce potential adverse residential amenity impacts caused by the use of the decking at other times of the day.

7c Conclusion

- 7c.1 The proposal is an unacceptable form of development by virtue of its impact on visual and residential amenity levels and is not in accordance with the terms of the Development Plan. There are no material planning considerations that warrant a granting of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse planning permission for to the following reasons:-

- (1) The proposed decking structure fails to respect or complement the site's environs or utilise a high quality architectural treatment in terms of design and materials. The timber materials proposed are not considered to complement those prominent in the surrounding area and as such have an adverse impact on the visual amenity of the area. The decking fails to accord with the terms of Policy EQ3 - Townscape Design of the Falkirk Council Local Plan.
- (2) By virtue of anticipated noise and disturbance concerns, the decking introduces an incompatible land use into an established residential area and as a result has an adverse impact on residential amenity levels. The decking fails to accord with the terms of Policies SC7 - Established Residential Areas and EP9 - Food and Drink of the Falkirk Council Local Plan.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02A, 03, 04, 05, 06A, 07B and 08A.

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of objection received from Mrs Karen Fusco Craiglee Flat, Redding Road, Reddingmuirhead, FK2 0DP on 18 October 2012.
3. Letter of objection received from Mr Kenny Bairduirrigg, Redding Road, Reddingmuirhead, FK2 0DP on 27 September 2012.
4. Letter of objection received from Mr C P Wood, Glenbogie, Redding Road, Reddingmuirhead, Falkirk, FK2 0DP on 15 October 2012.
5. Letter of objection received from Mrs Maureen Buchanan, Hillend, Redding Road, Reddingmuirhead, Falkirk, FK2 0DP on 22 October 2012.

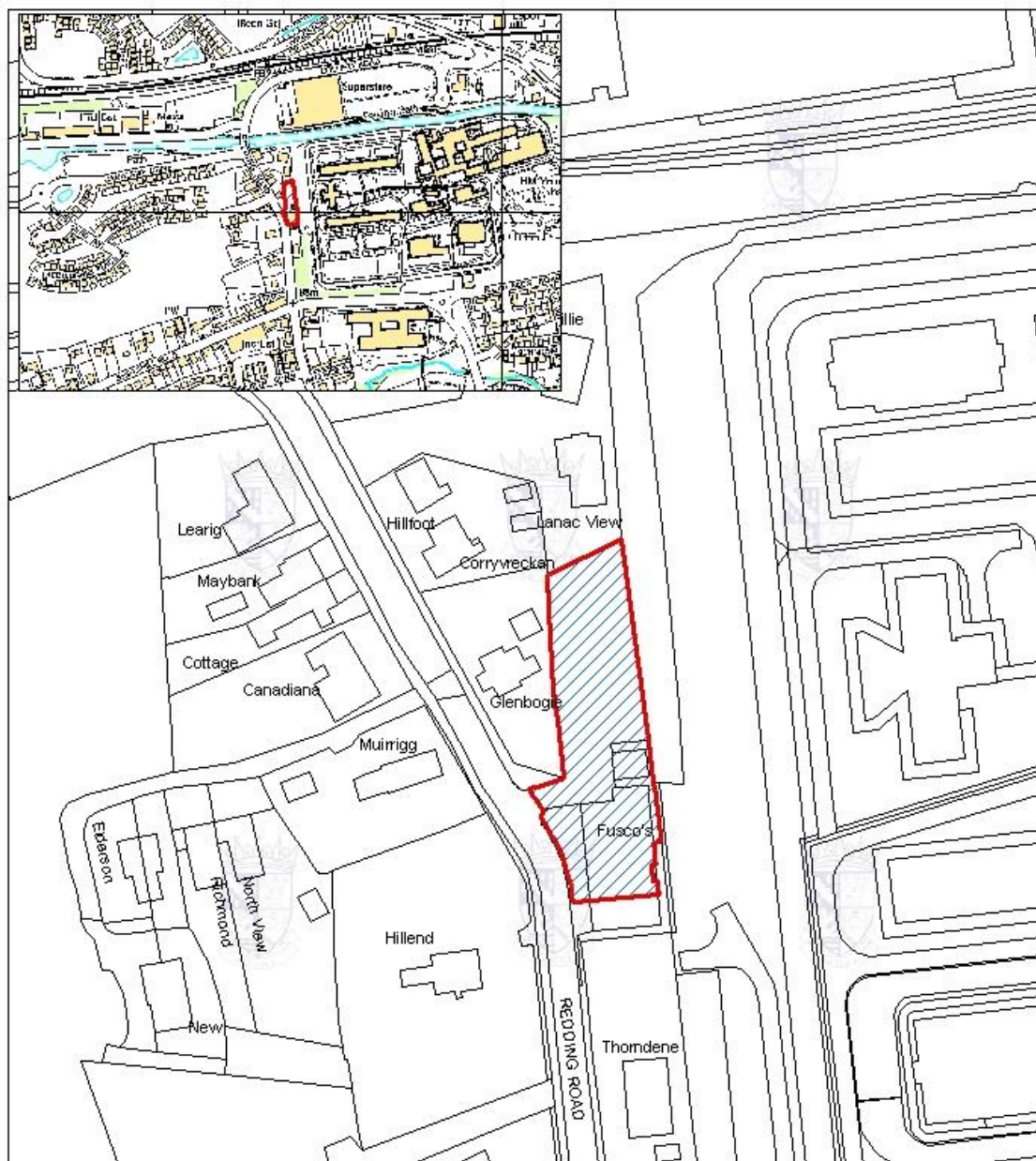
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0410/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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