1 SUMMARY

1.1 This application has been brought to Planning Panel at the request of Councillor Danny Gibson in order to consider the potential issues in respect of traffic flow, vehicle capacity and pedestrian safety. The planning application seeks permission to have an area of external seating associated with the café/hot food takeaway use. The area is located to the side of the building towards the boundary with 151 Bannockburn Road.

2. OFFICER RECOMMENDATION(S)

The Panel agrees:

2.1 To approve the application subject to the following conditions listed in Appendix 1.

3. CONSIDERATIONS

The Site

3.1 The site lies on the north side of Bannockburn Road, approximately 160 metres from the vehicle access point to Bannockburn High School. The site is surrounded by residential properties though this site has been used for commercial purposes for in excess of a decade.

The Proposal

3.2 The proposal seeks planning permission for an area of external seating to be located between the existing unit and 151 Bannockburn Road. The area of external seating measures between 3.4 metres in width at its narrowest point and 6.3 metres in width at its widest point by 7 metres in depth. The proposal also includes a 1.8 metres high timber fence on the boundary with 151 Bannockburn Road.
Previous History

3.3 The site had previously been utilised as a car showroom. In 1993 planning permission was granted (Ref: 93/00733/DET) for a change of use from a car showroom to a garage retail outlet which included the installation of an additional pump island. This use would have resulted in considerable vehicle movements to and from the site. In 2014 planning permission was granted (14/00326/FUL) for a change of use on this site from a food preparation unit to a café/hot food takeaway. Given the commercial history of this site it was considered that the change of use was acceptable however a condition was placed on the hours of operation in recognition of the proximity of residential properties. This condition limited the hours of operation of the unit from 9am until 9pm. An application was then submitted in 2015 for the non-compliance with this condition (ref: 15/00079/FUL). That application sought to vary the hours of operation condition to allow the unit to operate from 8am until 11pm. That application was refused as it was considered that the condition was necessary to ensure the amenity of neighbouring residents was protected.

Development Plan Policy

3.4 The Stirling Council Local Development Plan, September 2014, policies of relevance include:

3.5 The Overarching Policy supports good quality development, in the right place, that meets the community’s needs, in order to contribute positively to the creation of vibrant, mixed and healthy communities. All developments will require to demonstrate the following:

(a) Compatibility with the Spatial Strategy and conformity with the relevant Sustainable Development Criteria.

(b) A design-led approach, including high standards of design, reinforcement of sense of place, integration with neighbouring areas and the wider community.

(c) Appropriate measures for mitigation of and adaption of climate change.

(d) Appropriate measures for safeguarding, conservation and enhancement of the historic and natural environment.

(e) Safeguarding and appropriate management and utilisation of natural resources.

(f) Adherence to the principles of the National Planning Framework proposal for a Central Scotland Green Network, with relevant contributions to local and national Green Network objectives.

3.6 Sustainable Development Criteria (relevant to this application) is set out as follows:

(a) Improve the overall quality of the built environment.

(b) Contribute to reduction in greenhouse gas emissions and the use of low and zero carbon power generation.

(c) Protect and enhance the natural environment (including biodiversity and landscape).
(d) Support healthy and safer lifestyles, by improving access to amenities, promoting access to open space and other recreation opportunities and by addressing environmental problems.

(e) Involve re-use and/or regeneration of previously used land and property, including derelict and contaminated land, and the re-cycling of construction materials.

(f) Make efficient use of existing and new infrastructure.

3.7 Primary Policy 1: Placemaking, states that in order to achieve the Council’s Placemaking objectives, development of all scales must:

(a) Be designed and sited, not only with reference to their own specifications and requirements, but also in relation to the character and amenity of the place, urban or rural, where they are located.

(b) Be of quality, having regard to relevant design guidance, landscape character guidance, and Settlement Statements.

(c) Be located so as to reduce the need to encroach onto greenfield sites and to maximise sustainability benefits. Developments should utilise vacant and under-used land and buildings within settlements at higher densities where appropriate.

(d) Safeguard and enhance built and natural heritage, contribute to the implementation of the Council’s Open Space Strategy and Green Network Objectives.

3.8 Policy 2.6 The Network of Centres states that proposals for all new retail and commercial leisure development within the identified Network of Centres will be assessed against Policy 2.7 Retail and Commercial Leisure Development. (b) (ii) states that Class 3 uses and hot-food takeaways will be supported only where they will not be to the detriment to occupiers of adjacent properties by virtue of noise, disturbance, or odour, and there will be a presumption against siting hot-food takeaways adjacent to residential properties.

3.9 Policy 2.7 Retail and Commercial Leisure Development sets out the policy approach to new retail and commercial leisure development both within and outwith Network Centres.

3.10 Policy 2.8 Sites Suitable for a Mix of Uses sets out the policy approach for development which incorporates a mix of uses on allocated sites, sites within the defined Network of Centres, on sites located close to major public transport routes and nodes within the Core Area or where it is demonstrated that a mix of uses is required to enable the development of the primary use on the site.

3.11 Scottish Planning Policy, June 2014, states that Plans should identify a network of centres. It goes on to state that the network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy.

Decisions on development proposals should have regard to the context provided by the network of centres identified in the Development Plan.
Assessment

3.12 This proposal seeks planning permission for the formation of an area of external seating associated with a café/hot food takeaway use. The area measures approximately 30 square metres and is located to the side and partly to the front of the unit. The majority of the area is located between the unit and the boundary with 151 Bannockburn Road with a small part of the area to the front of the unit but behind the bollards. Bollards run along the front of the unit approximately 1.7 metres from the front wall and this prevents pedestrians within the site from coming into contact with cars manoeuvring within the site. The applicant had originally included the area along the front wall of the unit behind the bollards within this application but deleted this from the proposal as it would mean that pedestrians would be required to walk within the area of the car park to access the unit.

3.13 In terms of assessing traffic flow, the site has two vehicle access points therefore vehicles can enter the site, drive along the front of the site parallel with Bannockburn Road and pull back out onto Bannockburn Road.

3.14 In terms of assessing vehicle capacity, the site plan indicated sufficient space for 5 cars to park along the front of the site and 6 cars to park to the side. It is noted that the other uses on the site comprise a hairdressers and car valeting bays. The issues raised by third parties with regard to parking were highlighted to Roads. As a result Roads colleagues undertook several site visits before responding and stated that there is sufficient parking capacity available to cater for any increase in demand that the proposal may generate.

3.15 In terms of assessing pedestrian safety, the external seating area previously included a small area to the front of the unit between the building and bollards. To have utilised this area for external seating would have resulted in pedestrians walking within the car park area. Roads requested that this area should be kept clear and the plans were duly amended. Pedestrians walking within this site would be able to utilise the walkway to the front of the building that is cordoned off from traffic within the site by the bollards.

3.16 Conditions have been recommended on the planning permission to ensure that the external seating area only operates during the same hours as the use to which it relates and that the 1.8 metre high proposed fence is close boarded so that the amenity of neighbouring residents is protected.

Objections

3.17 Four letters of comment have been received raising the following issues:

(a) Insufficient parking and parking on site has been allocated to separate uses on the site.

Response: Roads was consulted on this application and undertook several site visits to assess current parking levels. Roads were content that there was sufficient parking capacity available to cater for any increase in demand that the proposal may generate.

(b) The busy road, traffic island on the main road and external seating are likely to cause driver distraction and lead to accidents.
Response: Roads was consulted on this application and did not raise any objection. It is unlikely that the inclusion of external seating remote from Bannockburn Road, behind a low wall and parking, will lead to driver distraction.

(c) It will affect the wellbeing of residents/Privacy.

Response: The proposal will only affect one residential property (151 Bannockburn Road). These properties already front a busy road and a fence of 1.8 metres in height is to be erected between the site and 151 Bannockburn Road. Environmental Health has requested that the fence is solid construction which will act as an acoustic barrier.

(d) Inappropriate feature in the local area.

Response: Since this proposal relates to an established use, it is considered that this is an appropriate feature in association with this commercial use.

(e) Seating proposed between building and bollards will impede pedestrian movement.

Response: This aspect of the proposal has been deleted. Tables will no longer be located within the pedestrian walkway.

(f) Issues raised re the legitimacy of the car wash use.

Response: This aspect has already been referred to Enforcement and does not form part of the assessment of this planning application.

(g) Staff parking on Bannockburn Road causing traffic problems.

Response: This is not a planning matter and cannot be considered under this planning application.

(h) Applicant working outwith the hours stipulated under previous planning permission.

Response: This aspect has already been referred to Enforcement and does not form part of the assessment of this planning application.

(i) Query as to when the internal seating/alterations were approved by the Council since internal area has now changed.

Response: The previous planning application for a change of use from a food prep unit to a café and hot food takeaway included an internal layout on the plans submitted but this was for information only. Planning applications do not generally extend to include alterations to the internal layout.

(j) Noise, odour and litter which will have an impact on neighbouring properties.
Response: Environmental Health was consulted and did not raise any objection. A condition will be recommended for any forthcoming permission to ensure that the proposed fence will be of solid construction to minimise any noise to 151 Bannockburn Road. Since the seating will be external it is unlikely that there will be an odour issue. It is unlikely that litter will be an issue as it is in the interests of the operator to ensure that the site is kept clean and tidy.

(k) Alcohol consumed on premises under 'Bring your Own' with corkage charged.

Response: This is not a matter that can be assessed under planning.

### 4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

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<tr>
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<td>Strategic Environmental Assessment</td>
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<td>Single Outcome Agreement</td>
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<td>Diversity (age, disability, gender, race, religion, sexual orientation)</td>
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<td>Sustainability (community, economic, environmental)</td>
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<td>Internal or External Consultations</td>
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#### Equality Impact Assessment

4.1 The application has no implications for equality and therefore and equality impact assessment is not required.

#### Strategic Environmental Assessment

4.2 The application does not require a strategic environmental assessment.

#### Serving Stirling

4.3 Not applicable.

#### Single Outcome Agreement

4.4 The recommendation does not apply to any of the 7 objectives of the single outcome agreement.
Other Policy Implications

4.5 None.

Resource Implications

4.6 None.

Consultations

4.7 Service Manager (Environmental Health):

Roads Development Control: The proposed external seating area measures approximately 40m² in area. Supplementary Guidance SG14: Ensuring a Choice of Access for New Developments suggests that for restaurants and cafes, parking should be provided at a rate of 1 space per 10m², which would equate to an additional 4 spaces for this proposal.

There is clearly limited available space on site to provide additional parking bays however, having visited the site on more than one occasion to assess current parking levels, are content that there is sufficient parking capacity available to cater for any increase in demand that the proposal may generate.

One area of concern is the positioning of tables 1, 2 and 3, as highlighted on the submitted drawing 5464/01 - Planning Application Drawing. Placing tables at these locations will block the pedestrian walkway to the entrance of the restaurant and will likely result in pedestrians walking adjacent to the car parking spaces which may result in conflicts between pedestrians and vehicles. As such they would not favour these three tables being located here, and would suggest this area is kept clear.

As such Transport Development has no objection to the proposal but would not favour the tables numbered 1, 2 and 3 being positioned as shown on the submitted drawings.

5 BACKGROUND PAPERS

5.1 Planning Application file 15/00161/FUL. File can be viewed online at:
http://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLVAA5PI0CD00

6 APPENDICES

6.1 Appendix 1 - Conditions and Reasons.
## Author(s)

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<tr>
<th>Name</th>
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## Approved by

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<th>Name</th>
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<tr>
<td>Gerard O’Sullivan</td>
<td>Director, Corporate</td>
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Date 12 June 2015  Service Reference 15/00161/FUL
FORMATION OF EXTERNAL SEATING AREA AT UNIT 1 AND 3, 149 BANNOCKBURN ROAD, STIRLING, FK7 0EP - MRS NANCY VILLANOVA - 15/00161/FUL

Approve, subject to the following conditions:

1. **Compliance with Details**: All works shall be carried out and completed strictly in accordance with the approved details, to the satisfaction of the Planning Authority.

2. **Fence**: Notwithstanding condition 1, the proposed fence hereby approved shall be of a solid construction without gaps.

3. **Operating times**: The tables shall only be used in conjunction with the café/hot food takeaway during the times that the unit is operational. For the avoidance of doubt this is between 0900hrs and 2100hrs.

Reasons:

1. To ensure that the overall development is undertaken in accordance with the approved drawings.

2. So that the fence may act as an acoustic barrier to ensure that the neighbouring residents' amenity is not affected by the development.

3. To ensure that the amenity of neighbouring residents is protected during the hours when it is reasonable to expect this predominantly residential area to be quieter.