

FALKIRK COUNCIL

Subject: ERECTION OF 2 RETAIL UNITS, 4 FLATTED DWELLINGS AND ASSOCIATED PARKING AT LAND TO THE EAST OF 320 MAIN STREET, CAMELON, FALKIRK FOR GEORGIAN FINANCE CO. LTD. – P/08/0999/FUL
Meeting: PLANNING COMMITTEE
Date: 20 May 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Patrick
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor Georgie Thomson

Community Council: Camelon and District

Case Officer: David Paterson (Planning Officer), ext 4757

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the Planning Committee on 22 April 2009 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This took place on 5 May 2009.
2. The applicant spoke in support of the proposal, and advised that in her view the proposal was acceptable and would benefit the Camelon area. In addition, the public use of the car park was allowed only by the goodwill of the owner.
3. At the site meeting, objectors to the proposed development raised the following concerns which have been addressed previously in the report of 22 April 2009: loss of the car parking area, impact on on-street car parking in Camelon; impact on traffic and the use of a fire exit at the adjacent building at Main Street, Camelon.
4. Objectors raised the following issues which had not previously been raised:
 - 4.1. The impact on the storage of wheelie bins in respect of adjacent premises. It is noted that the adjacent premises at Main Street, Camelon store refuse bins at the site. It was highlighted that these bins are at present stored on land over which the owners of bins have no control. The proposed development would not alter this situation. The applicant advised that access to the application site for this purpose would continue. This is not considered to be a significant issue.

- 4.2 Access arrangements to adjacent properties at Main Street, Camelon, particularly access for emergency vehicles. It was highlighted that such access is being taken via land over which no adjacent property has any control. In any case, such access would at present be restricted by parked vehicles and a locked gate. It is not considered that this issue is significant.
- 4.3 Access for construction traffic. It was highlighted that access for construction traffic would be no more limited than that for most development sites. In any case, control of construction sites is regulated by other legislation and is not a material planning consideration.
- 4.4 The proposed retail units may be used for the sale of hot food. Planning officers confirmed that the use of a retail unit for the sale of hot food requires planning permission for change of use and that such an application would be treated on its own merits.
- 4.5 Security risk from the congregation of youths at the application site. It was noted by the applicant that access to the application site would be restricted and therefore there is no significant change in relation to present circumstances. In any case it is considered that a residential presence is a deterrent to anti social behavior. It is not considered that this is a significant issue.
5. Councillors Georgie Thompson and John Patrick, as Local Members, were also heard in relation to the proposal.
6. **It is recommended that planning permission be granted subject to the following conditions:**
- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
 - (2) Notwithstanding any details previously submitted and prior to the occupation of any of the retail units or flats, the access over the existing footway on Union Road shall be formed as a dropped kerb and the remainder of the existing footway crossing shall be reinstated to a standard footway construction. All construction shall be in accordance with "The Design Guidelines and Construction Standards For Roads In The Falkirk Council Area".**
 - (3) Prior to the commencement of works on site, the applicant shall undertake and submit to the planning authority for written approval, a site investigation to establish if contamination (or defined by Part 11a of the Environmental Protection Act 1990) is present on site. Where contamination has been identified the site investigation shall include a scheme of identification and mitigation measures to include: -**
 - (a) The nature, extent and type(s) of contamination on the site.**
 - (b) Measures to treat / remove contamination to ensure the site is fit for the proposed use. Measures to be taken shall include timescales.**
 - (c) Measures to deal with contamination during the construction works.**
 - (d) Condition of the site on completion of decontamination measures.**
 - (e) Details of a monitoring programme following site redemption.**

- (4) Where contamination has been identified on site, no retail unit or flat shall be occupied until such time as the applicant has demonstrated to the planning authority, and with the written agreement of the planning authority, that measures approved in writing by the planning authority to decontaminate the site have been fully implemented.
- (5) No work shall commence on site until such time as a noise survey to determine the impact of transport noise on the development has been approved in writing by the planning authority. The noise survey shall be conducted in terms of Planning Advice Note (PAN) 56 "Planning for Noise" and shall include details of noise mitigation measures to be undertaken.
- (6) Notwithstanding any details previously submitted, no work shall commence on site until such time as details of the new retaining wall to be erected at the north and west side of the parking and turning area have been approved in writing by the planning authority.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the planning authority.

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the interests of the users of the highway.
- (3-4) To safeguard the environmental amenity of the area.
- (5) To ensure that there will be detrimental impact on the proposed development from transportation noise.
- (6) To ensure the safety of persons accessing the site on foot and by vehicle.
- (7) To ensure that the development is carried out to the satisfaction and approval of the Planning authority.

R Geisler

.....
For Director of Development Services

Date: 13 May 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Supplementary Planning Guidance “Housing Layout and Design”.
4. Supplementary Planning Guidance “Shopfronts”.
5. Letter of objection from Mr. Mohammad Iqbal, Camelon Newsagent, 336 Main Street, Camelon.
6. Letter of objection from Nelsons Solicitors and Notaries, 326 Main Street, Camelon of 24 December 2008.
7. Letter of objection from Mr. G. Gow and Ms. C. Anderson, Gordon’s Newsagents, 306 Main Street, Camelon of 23 December 2008.
8. Letter of objection from George Stevenson, Managing Director, Mathieson’s Bakeries Ltd, 2 Central Park Avenue, Larbert, FK5 4RX on 21 April 2009.
9. Letter of objection from Kevin Russell, Bites and PC’s, 344 Main Street, Camelon, FK1 4EG on 20 April 2009.
10. Letter of objection from Mr Harmai Singh Gill, Indianos, 342 Main Street, Camelon on 1 May 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

FALKIRK COUNCIL

Subject: ERECTION OF 2 RETAIL UNITS, 4 FLATTED DWELLINGS AND ASSOCIATED PARKING AT LAND TO THE EAST OF 320 MAIN STREET, CAMELON, FALKIRK FOR GEORGIAN FINANCE CO. LTD. – P/08/0999/FUL
Meeting: PLANNING COMMITTEE
Date: 22 April 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor John Patrick
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor Georgie Thomson

Community Council: Camelon and District

Case Officer: David Paterson (Planning Officer), ext 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises land at the corner of Union Road and Main Street, Camelon, currently used as a car park, and land to the rear of 320-334 Main Street which is currently enclosed vacant land. It is noted that the car parking area is surfaced with a bituminous material and marked out with white lining. It is also noted that the car parking area is privately owned and that parking is allowed on an informal basis. The car parking area can accommodate 10 vehicles.
- 1.2 It is proposed to develop the land currently used as a car park to erect a 3 storey building comprising two retail units on the ground floor with four 2 bedroom flats above. It is proposed that the currently enclosed vacant land to the rear of 320–334 Main Street is proposed to be used as a vehicle access, parking and turning area in respect of the proposed development.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Joe Lemetti.

3. SITE HISTORY

- 3.1 There is no relevant planning site history.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has raised no objections. It is advised that details of the retaining wall at the north side of the car parking area be approved in writing prior to the commencement of work on site. It is also advised that the access over the footway on Union Road should be shown as a new 6 metre wide dropped kerb footway crossing and the remainder of the footway reinstated.
- 4.2 The Environmental Protection Unit has advised that the applicant should undertake: -
- 4.3 A noise survey to determine the impact of transportation noise on the development which should be conducted in Terms of Planning Advice Note (PAN) 56 "Planning For Noise."
- 4.4 A site investigation to establish if contamination (as defined by Part 11a of the Environmental Protection Act 1990) is present on site.
- 4.5 Scottish Water has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 No representation received.

6. PUBLIC REPRESENTATION

- 6.1 Three letters of objection have been received. Concerns raised are: -
- 6.2 The application site is not a gap site. The site is an existing car parking facility.
- 6.3 The loss of the existing car parking site could result in fewer people using the shops and other businesses in the local area. There is already insufficient parking provision in the Camelon area.
- 6.4 The junction of Union Road and Main Street, Camelon is a very busy junction. The proposal to erect an additional two retail units will increase the number of vehicles servicing retail units close to the junction. The proposed development is therefore a hazard to pedestrians and road users.
- 6.5 There has never been a three storey development at the site.
- 6.6 The existing building gable overlooking the site on the west side has an advertisement sign in respect of a local business displayed on it. The advertisement sign incorporates a clock. The clock is well known and relied upon in the area. The clock would be lost as a result of the proposed development which would be detrimental to the amenity of the local people.
- 6.7 There is no demand for retail units and flats in the area which are vacant.
- 6.8 There would be a noise nuisance caused as a result of the building works should the site be developed.

- 6.9 A local business has a fire exit which leads into the enclosed vacant land to the rear of 320 – 334 Main Street. The proposed development would compromise the safety of persons visiting the fire exit.
- 6.10 An adjacent 1st floor business to the application site consists of the conversion of two former flats. Should the property be subdivided again at a future date, one part would only have access from land at the rear which forms part of the application site. The proposed development would compromise the use of this access.
- 6.11 The proposed development is not acceptable as the land at the rear of 320 – 334 Main Street is narrow and cannot be accessed by vehicle other than possibly via the Health Centre car park adjacent to the South.
- 6.12 The sewer infrastructure in the area is not capable of servicing the proposed development.
- 6.13 The proposed development will block light to adjacent properties and interrupt view from such properties.
- 6.14 The proposed development will result in an unacceptable level of overlooking with respect to adjacent properties.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly: -

7a The Development Plan

Falkirk Council Structure Plan 2007

- 7a.1 The proposed development raises no strategic issues.

Falkirk Local Plan

- 7a.2 Policy FAL 5.6 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or function of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*

- (v) *the proposed houses would have a direct street frontage; and*
- (vi) *the proposed vehicular access and other infrastructure is of an adequate standard.”*

- 7a.3 It is considered that the scale, density, disposition and design of the flats reflects the architectural and townscape character of the building form at the east side corner of Union Road and Main Street, and the townscape beyond.
- 7a.4 Adequate privacy will be afforded to the proposed flats and to surrounding properties.
- 7a.5 There is no significant impact on the functioning of any adjacent properties.
- 7a.6 There is no proposed loss of trees or walls.
- 7a.7 The proposed development accords with Policy FAL 5.6.
- 7a.8 Policy FAL 7.2 ‘Retail Development in Existing Centres’ states:
- “The Council will generally support new retail development which is located in, or adjacent to, Falkirk Town Centre or the Local Centres, provided that it is of a scale appropriate to the centre's catchment, and will help to reinforce the centre's role in the shopping hierarchy.”*
- 7a.9 It is considered that the scale and design of the proposed retail units is proportionate and appropriate to the Camelon catchment.
- 7a.10 The proposal accords with Policy FAL7.2.
- 7a.11 Accordingly the proposed development accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Supplementary Planning Guidance (SPG) “Housing Layout and Design, SPG “Shopfronts”, consultation responses from the Roads and Development Unit and the Environmental Protection Unit and the public representations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) *the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) *adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) *adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) *the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) *the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) *the proposal complies with other Local Plan policies.”*

- 7b.3 Sections 7a.1 – 7a.6 of this report are noted as relevant.
- 7b.4 It is noted that the Roads and Development Unit has raised no objections.
- 7b.5 The proposal accords with Policy SC8.
- 7b.6 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.”*
- 7b.7 The design of the new shopfronts are proportionate with, and sympathetic to, the character and streetscape of the buildings adjacent.
- 7b.8 The proposal accords with Policy EQ11.
- 7b.9 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.”*
- 7b.10 The proposed development respects and complements the application site’s environs. The design of the new building reflects the surrounding urban fabric in terms of scale, height massing and building line.
- 7b.11 The proposal accords with Policy EQ3.
- 7b.12 Accordingly, the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance (SPG) “Housing Layout and Design”

- 7b.13 The SPG states that “where there is a gap site, whether in an urban terrace or within a looser group of buildings, it is important to achieve a harmonious “fit” of new with existing”. This should pay attention to the adjacent building line, height, scale, window and other arrangements, proportions and detailed decoration and materials.
- 7b.14 The proposed flats achieve a “harmonious” fit into the streetscape in terms of building line, height, scale and fenestration arrangement.
- 7b.15 The proposed development accords with the SPG in terms of infill development.

Supplementary Planning Guidelines (SPG) “Shopfronts”

- 7b.16 The SPG provides design guidance for new shopfronts in relation to design elements of shopfront form including facias, stall risers and doorways.
- 7b.17 The proposed shopfronts accord with the SPG in terms of the formation of facias and stall risers. The proposed development does not include recessed doorways. In terms of this issue the proposed development does not accord with the SPG.
- 7b.18 Accordingly the proposed development does not fully accord with the SPG.

Consultation Responses from the Roads and Development Unit and the Environmental Protection Unit

- 7b.19 The issues raised in sections 4.1 - 4.4 of this report are noted. It is considered that these issues can be addressed by condition.

Public Representations

- 7b.20 Concerns relating to the loss of an existing car parking area are noted. It is noted however that there is no record of any requirement for a parking area as an ancillary or essential facility in association with any development in the area. The application site is not in the ownership of the Council. The application site is in private ownership. The owner allows car parking at the site as an informal gesture of goodwill, even though the site may be hard surfaced and white lined. The owner could at any time clear the site and deny access for parking. In such circumstances, the Council would have no power to compel the owner of the site to retain its use as a car parking area. A developer contribution towards the provision of car parking in the area is not appropriate in this case.
- 7b.21 In terms of road safety it is noted that the Roads and Development Unit has raised no objections.
- 7b.22 The issue of property demand is not a material planning consideration.
- 7b.23 It is not considered that the proposed development raises any significant privacy, daylighting or overlooking issue.

- 7b.24 It is noted that there are existing doorway accesses on to land at the rear of 320 – 334 Main Street which comprises part of the application site. It is noted that the Roads and Development Unit has raised no objection in respect of such access arrangements. It is presumed that the owner of the site would have to respect any right of access of any occupier of the adjacent buildings. This issue is not, however, a material planning consideration. Planning permission, should it be granted, would not override any rights of any adjacent occupier.
- 7b.25 It is not considered that the obscuring of the advertisement sign and clock at the existing gable wall to the site is reason to refuse planning permission. If this issue raises any legal issues whereby the applicant may not achieve authorisation to carry out the proposed development, this is a civil matter between the parties concerned.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 The proposed development achieves a harmonious fit into the streetscape. The scale, density, disposition and design of the flats reflects the architectural and townscape character of the building form at the east side corner of Union Road and Main Street and the townscape beyond.
- 7c.3 It is noted that the proposed development does not fully accord with the terms of the Supplementary Planning Guidance “Shopfronts”. It is also noted, however, that the proposed development reflects the streetscape in which the site is located and achieves a harmonious fit. On balance the proposal is considered to be acceptable.
- 7c.4 It is also noted that the proposed development would result in the loss of a car parking area for 10 vehicles. The car parking area is, however, privately owned and parking is allowed by the owner on an informal basis as a gesture of goodwill. The use of the site as a car park has no formal status and the Council has no power to secure the future use of the site as a car park should the owner cease to allow the site to be used for this purpose.
- 7c.5 Issues raised by consultees can be addressed by condition.
- 7c.6 There are no material considerations which would justify refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following conditions: -
- (1) The development to which this permission relates must be begun within five years from the date of this permission.

- (2) Notwithstanding any details previously submitted and prior to the occupation of any of the retail units or flats, the access over the existing footway on Union Road shall be formed as a dropped kerb and the remainder of the existing footway crossing shall be reinstated to a standard footway construction. All construction shall be in accordance with "The Design Guidelines and Construction Standards For Roads In The Falkirk Council Area".
- (3) Prior to the commencement of works on site, the applicant shall undertake and submit to the Planning authority for written approval, a site investigation to establish if contamination (or defined by Part 11a of the Environmental Protection Act 1990) is present on site. Where contamination has been identified the site investigation shall include a scheme of identification and mitigation measures to include: -

 - (a) The nature, extent and type(s) of contamination on the site.
 - (b) Measures to treat / remove contamination to ensure the site is fit for the proposed use. Measures to be taken shall include timescales.
 - (c) Measures to deal with contamination during the construction works.
 - (d) Condition of the site on completion of decontamination measures.
 - (e) Details of a monitoring programme following site redemption.
- (4) Where contamination has been identified on site, no retail unit or flat shall be occupied until such time as the applicant has demonstrated to the Planning authority, and with the written agreement of the Planning authority, that measures approved in writing by the Planning authority to decontaminate the site have been fully implemented.
- (5) Notwithstanding any details previously submitted, no work shall commence on site until such time as a structural survey in respect of the existing stone wall at the south boundary of the site has been submitted to, and approved in writing by, the Planning authority. Should the wall be found to be unstable in any way, the survey shall include a scheme of mitigation measures. In the case that the wall is found to be unstable, any remedial measures approved in writing by the Planning authority shall be implemented prior to the commencement of work on site.
- (6) Notwithstanding any details previously submitted, no work shall commence on site until such time as details of the new retaining wall to be erected at the north and west side of the parking and turning area have been approved in writing by the Planning authority.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning authority.

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the interests of the users of the highway.
- (3-4) To safeguard the environmental amenity of the area.
- (5) To ensure the structural integrity of the existing stone wall at the south boundary of the site and the safety of persons accessing the site on foot and by vehicle.
- (6) To ensure the safety of persons accessing the site on foot and by vehicle.
- (7) To ensure that the development is carried out to the satisfaction and approval of the Planning authority.

.....
For Director of Development Services

Date: 15 April 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Supplementary Planning Guidance "Housing Layout and Design".
4. Supplementary Planning Guidance "Shopfronts".
5. Letter of objection from Mr. Mohammad Iqbal, Camelon Newsagent, 336 Main Street, Camelon.
6. Letter of objection from Nelsons Solicitors and Notaries, 326 Main Street, Camelon of 24 December 2008.
7. Letter of objection from Mr. G. Gow and Ms. C. Anderson, Gordon's Newsagents, 306 Main Street, Camelon of 23 December 2008.

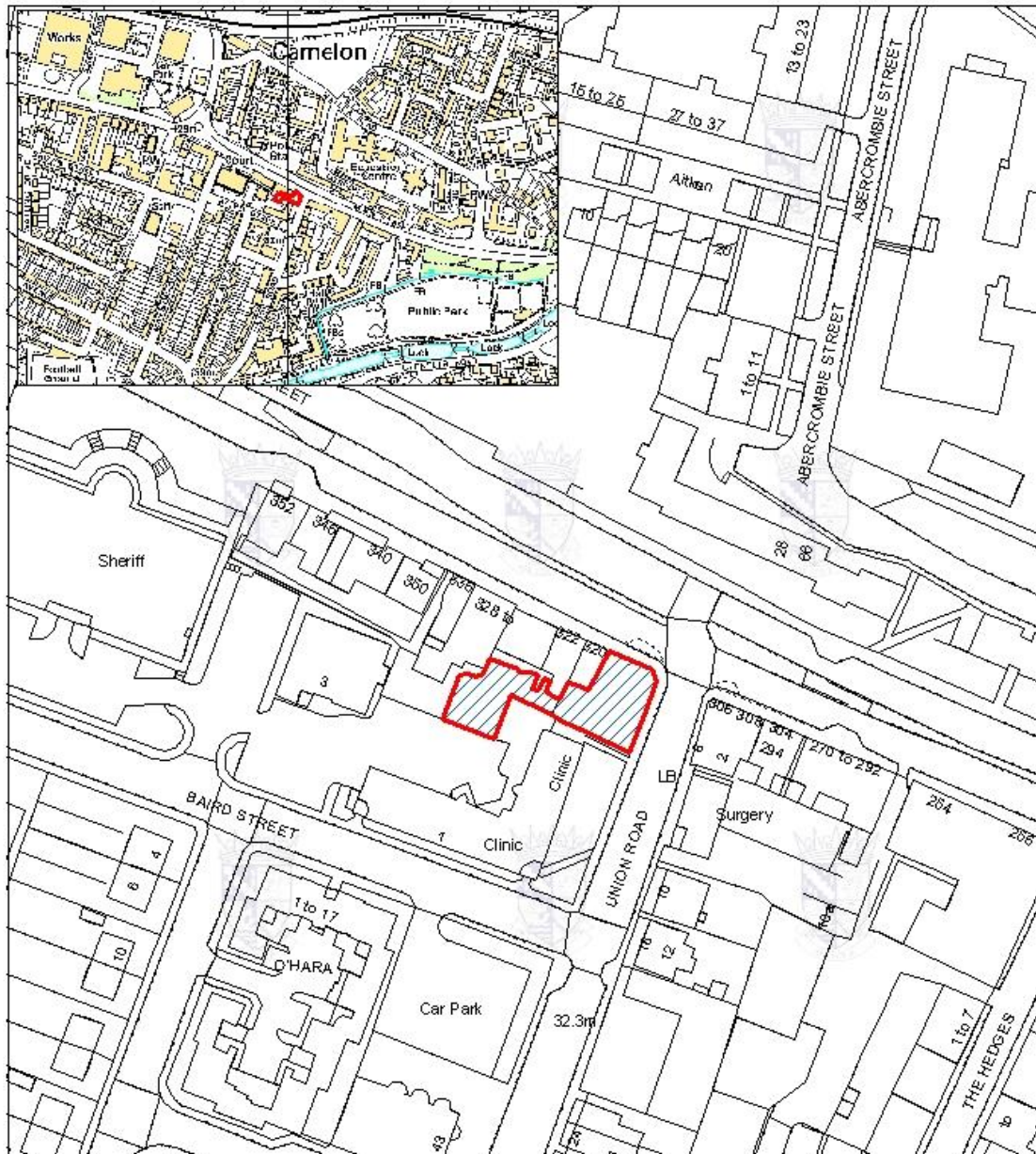
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0999/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Based upon Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (HMSO) (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright Falkirk Council 100023384 (2009)