

FALKIRK COUNCIL

Subject: ALTERATIONS TO SHOPFRONT AND INSTALLATION OF AIR CONDITIONING UNITS AT 332 MAIN STREET, CAMELON, FALKIRK FK1 4EG FOR GREGGS PLC – P/12/0822/FUL

Meeting: PLANNING COMMITTEE

Date: 1 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Depute Provost John Patrick
Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie

Community Council: No Community Council

Case Officer: Katherine Chorley (Assistant Planning Officer), Ext. 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site consists of the ground floor unit of a two storey building, located within the Camelon Local Retail Centre. The building is stone built with a slate roof and the ground floor was previously occupied by a pharmacy. The first floor appears to be in commercial use.
- 1.2 The applicant seeks planning permission to alter the shopfront, erect air conditioning units on the roof of the existing rear extension and secure the frontage with shutters.
- 1.3 A separate application was recently submitted for advertisement consent and this was granted in February 2013.
- 1.4 The property was previously in use as a pharmacy which is a Class 1 shop use. This class encompasses uses which are based on the retail sale of goods. This class also covers a variety of other similar uses where a service is provided principally to visiting members of the public e.g. post offices, travel agents, retail sale of goods, hairdressing and pharmacies. Shops selling cold food, such as sandwiches, for consumption off the premises also fall within Class 1.

- 1.5 A sandwich bar/bakers shop does not necessarily cease to be in the shops class merely because, for example, it also sells a limited amount of hot drinks, hot soup or food that is heated up. The proposed occupants have confirmed that the hot food sales are to be ancillary to the main use as a Class 1 shop unit. At this time no change of use has occurred. The assessment of this application is therefore limited to the proposed alterations to the frontage, including the roller shutter and air conditioning units.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The property is owned by Falkirk Council and the Council are therefore considered to have an interest in the land.

3. SITE HISTORY

- 3.1 P/12/0823/ADV - Advertisement consent was granted on 8 February 2013 for the display of illuminated advertisements.
- 3.2 P/09/0753/ADV - Advertisement consent was granted on 5 November 2009 for the display of illuminated and non-illuminated advertisements.
- 3.3 F/98/0354 - Conditional temporary consent was granted on 16 July 1998 for the display of illuminated advertisements.
- 3.4 F/92/0638 - Conditional temporary consent was granted on 14 August 1992 for the display of illuminated advertisements.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections to the proposed development, advising that the scheme would generally be acceptable and there are no roads related conditions proposed.
- 4.2 The Environmental Protection Unit has no objections to the proposal but requests an informative relating to hours of work on the alterations.

5. PUBLIC REPRESENTATION

- 5.1 In the course of the application, 5 contributors submitted letters to the Council. The salient issues are summarised below;
- Concerns over type of use proposed, including questions over how a change of use is determined.
 - Increased litter and parking problems.
 - Concerns in relation to competition for other retailers and loss of jobs.

- Concerns in relation to obesity problems.
- Position of air conditioning units on roof is acceptable.

6. 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,

6a The Development Plan

Falkirk Council Structure Plan.

6a.1 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

6a.2 The main policy under consideration is policy EQ11 'Shopfronts' and 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 be a presumption in favour of perforated shutters and grilles, as opposed to solid roller shutters."*

6a.3 This policy requires that the design of shopfronts should be well-proportioned and sympathetic to the character of the building. The retention and restoration of existing features is required. External security measures should not detract from the character of the building or the area generally. Further guidance on appropriate works is provided in detail in the Council's 'Supplementary Guidance Note on Shop Fronts' (SGN).

6a.4 There are a wide variety of shopfronts on Main Street and there is no distinct character. The proposal would relocate the entrance door to the centre of the shopfront and create double doors. The stall riser is also proposed to be replaced with a smaller stall riser. The new shopfront would be constructed of aluminum with a timber effect film across the fascia.

6a.5 The wide variety of shopfronts on this street allows more flexibility with the design of the new shop front. The retention of the stall riser ensures that some of the original style is retained. For the above reasons the alterations to the shopfront are considered acceptable.

- 6a.6 Policy EQ11 requires that, where security measures are necessary, there will be a presumption in favour of perforated shutters and grilles, as opposed to solid roller shutters. The proposed development includes micro perforated lath roller shutters which would allow limited views in to the shop when closed. Shutter housings can often be bulky and unattractive, in this case the housing would be hidden behind the approved fascia sign and not therefore impact on street views. The roller shutters are considered to comply with policy EQ11.
- 6a.7 The proposed air conditioning units would be located to the rear of the site and would not therefore be highly visible from public viewpoints. The units would be located next to existing extraction equipment and are acceptable in design terms. The Council's Environmental Protection Team have advised that noise need not be a determining factor in the assessment of the application. However, if over time, complaints regarding noise levels are received then they would be investigated under Environmental Protection legislation.
- 6a.8 Accordingly, the proposal accords with the Development Plan.

6b Material Considerations

- 6b.1 The material considerations to be assessed are consultation responses and the assessment of public representations.

Consultation Responses

- 6b.2 The Roads Development Unit and Environmental Protection Unit have raised no objections to the alterations. The Environmental Protection Unit have however recommended an informative on hours of work.

Assessment of Public Representations

- 6b.3 Concerns over the type of use proposed have been discussed in the report. The application is for alterations to the shop front and air conditioning units, therefore possible litter, parking, competition issues, loss of jobs and obesity problems cannot be considered in relation to the determination of this application.

6c Conclusion

- 6c.1 The proposed alterations are considered sympathetic to the original building and the varied style of the area. The air conditioning units would be located to the rear of the property and would not have a detrimental impact on the appearance of the area. The proposal therefore complies with policy EQ11 of the Falkirk Local Plan and the associated SPG.

7. RECOMMENDATION

- 7.1 It is therefore recommended that the Committee grant planning permission subject to the following conditions:-**

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

Reason(s):

- (1) As these drawings and details constitute the approved development.

Informative(s):

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and 03B.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:
Monday to Friday 08:00 - 18:00 Hours
Saturday 09:00 - 17:00 Hours
Sunday / Bank Holidays 10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

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Director of Development Services

Date: 23 April 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Council Supplementary Planning Guidance Note: Shop Fronts.
3. Letter of objection from Mr Michael Lemetti, 338 Main Street, Falkirk FK1 4EG on 7 January 2013.
4. Letter of objection from Mathiesons Bakery Ltd, 2 Central Park Avenue, Larbert FK5 4RX on 11 January 2013.
5. Letter of objection from Kevin Russell, Bites and PC's, 344 Main Street, Camelon FK1 4EG on 8 January 2013.
6. Letter of objection from Mr Robert Faulds, Unit 3, 350 Main Street, Camelon FK1 4EG on 8 January 2013 and 14 February 2013.
7. Letter of representation from Mr Robert Patrick, on 14 February 2013.

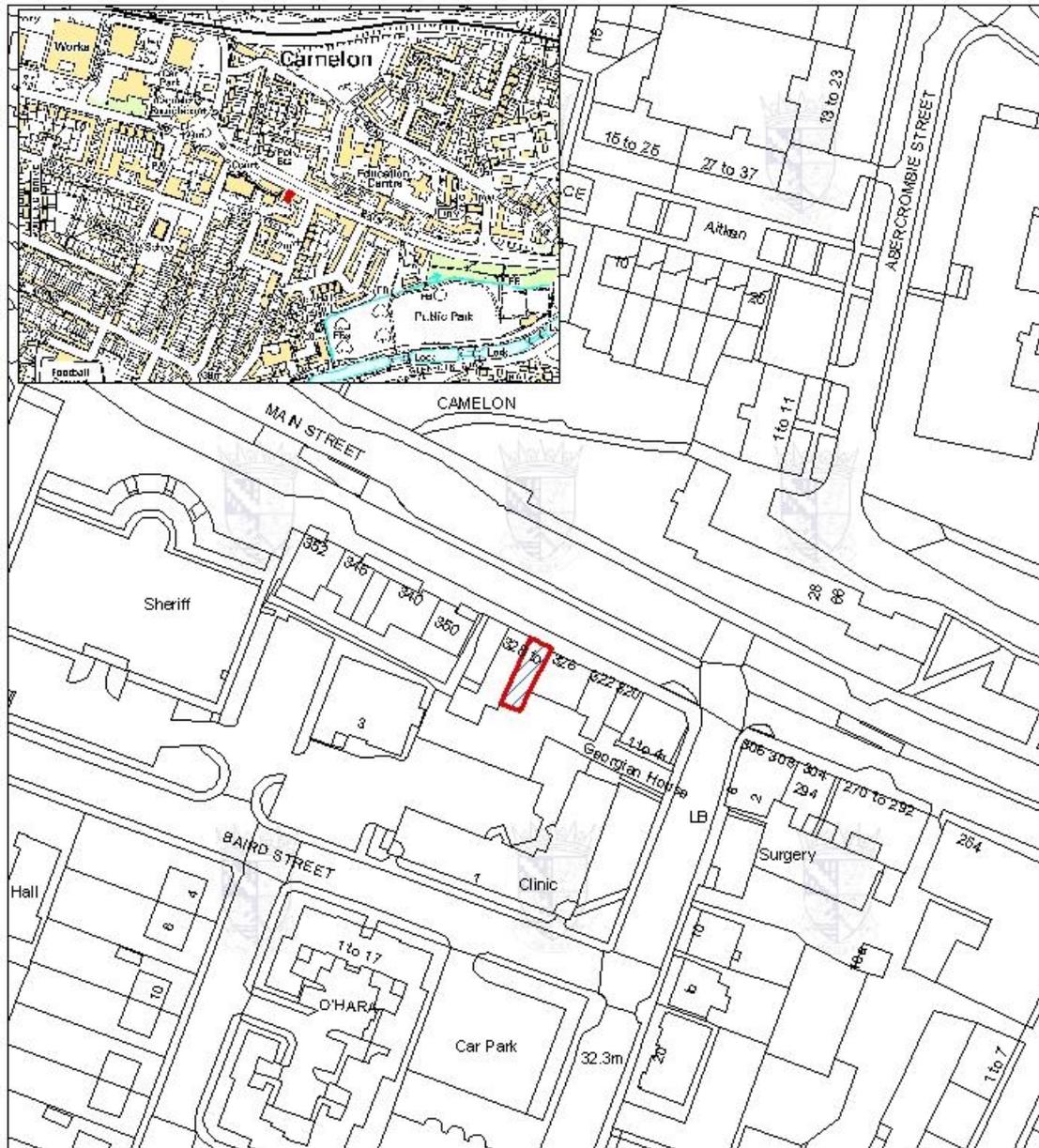
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0822/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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