

PLANNING APPLICATION: 10/00366/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- This application seeks full planning permission to allow an occasional outdoor market (to operate to a maximum 5 days a month no more than 2 Saturdays a month) at Car Park Leys Road Forres

The Site

- The Leys Road Car Park lies to the north east of the High Street within the centre of the retail area in Forres.

Policy / Objections-Representations / Consultations - See Appendix

History

None.

Advertisement

The application has been advertised for neighbour notification purposes and as development falling within Schedule 3 (hot food).

Observations

The proposal to use the car park as an occasional outdoor market would provide the town with additional retail choice.

Policy R1 presume to approve retail proposals in the Town Centre subject to adequate servicing and infrastructure being provided and sensitive siting in relation to the amenity of the surrounding area. The proposal sits in a prominent part of town and has the potential for pulling visitors and shoppers into the town centre contributing to its vitality as a community and tourism activity.

In relation to Policy T5 and T2, the Transportation Manager has not objected to the proposal. Prior to the occasional market, signs shall be erected within the Old Railway Station Car Park providing information to members of the public that the market will take place on a given day for a given period and that parking for the public will not be available.

Policy IMP1 requires new development to be sensitively sited, designed and serviced. In this case, and subject to conditions as recommended, there are no servicing/infrastructure objections following consultation. In terms of odours from hot food stalls a specific area has been set aside on the western boundary as acceptable. The proposal is not considered to result in a significant adverse impact upon the amenity of the surrounding area.

Recommendation

Approval

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Planning Officer

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DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

R1: Retail and Commercial Development in Town Centres

Retail and commercial development within town centres will be approved if:

- a. sensitive design solutions are applied on sites within or adjacent to designated conservation areas, or on high visibility landmark sites on main routes, and
- b. adequate servicing and infrastructure is available including road capacity, public transport, pedestrian links and car and cycling parking provision, where appropriate through the provision of a Transport Assessment; sewerage links; provision for water run-off and sustainable urban drainage systems (SUDS); and, provision to deal with any flood implications.

Policy R2: Town Centre Development

Within town centres there will be a presumption to approve development where the following provisions are satisfied:

- a. Core retail commercial areas will be identified on settlement plans, and within these areas approval will not be given for non-retail uses at frontage on ground floor level unless it is for a financial, professional or other service (as defined by use Class 2 or 3 of the Use Classes Order) that can demonstrate a requirement to provide a frontage principally for visiting members of the public.
- b. Rear service access to existing shops and commercial activities will be preserved unless an adequate alternative can be provided.
- c. Lanes or closes off the main shopping streets will be preserved unless an adequate alternative can be provided.
- d. Improvements to the shopping and leisure environment, including pedestrianisation, will normally be permitted if there is no adverse impact on the overall commercial viability of the area. For the avoidance of doubt, proposals for new retail developments within defined town centres will not have to be accompanied by a retail impact statement in support of the application.
- e. The conversion of upper floors to residential use will be encouraged where there are no adverse impacts from surrounding uses, in terms of amenity or noise.

TC Policy for Retailing in Forres Town Centre Area

The town centre area is defined on the Proposals map and includes potential development sites, for example in Caroline Street and at the Bus Depot. A detailed Flood Risk Assessment will be required for any planning application that is submitted for this site.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

BE3: Conservation Areas

Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if they adversely affect the character or appearance of the Conservation area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area.

Development proposals involving the demolition of buildings within a Conservation area will be refused unless the building is considered not to make a positive contribution to the character and appearance of the area. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the site. Conditions will be attached to any planning permission/conservation area consent prohibiting demolition until contracts have been let for the redevelopment of the site.

Boundary walls, fences and ground surfaces must relate to the individual building and to the established amenity of the Conservation area. Boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and safety unless the character of the area suggests otherwise.

Shop Fronts and Security Devices

Shops in conservation areas should retain original signs where possible. Where archive drawings and/or photography exists the Council will encourage the reinstatement of the original shop fronts which have been lost. New shop fronts must be designed in relation to the whole elevation of a building so that the new shop front relates to established doors and windows; floor height and vertical alignment of buildings. They should be constructed in materials appropriate to the original building and be of painted timber construction. Security devices in the form of removable and/or fold away grilles are preferred although perforated roller shutters will be permitted provided that box devices do not project beyond the building line.

Satellite Dishes and Other Fittings

The Council will approve in principle external fixtures to important buildings, which are deemed to be essential to the use of that building e.g. satellite equipment, TV aerials, telecommunication cables, security boxes, CCTV where they do not adversely affect the character or fabric of the building.

Advertisements

Advertising within Conservation Areas will be permitted where it is sensitive to the historic nature of the area. New signage should respect the historic fascia line and height on the adjoining properties and be finished in a matt non reflective finish.

Illumination will only be permitted where an appropriate discreet projecting light source can be provided. No internally illuminated signage will be permitted. Projecting hanging signs should be fixed at fascia level and if illuminated this should be provided with a discreet projecting light source. Projecting light sources and internal illuminated signs will not be permitted. Internal illuminated plastic fascias will only be permitted if no alternative solution can be found.

Article 4 Directions

The Council may apply to the Scottish Ministers for Article 4 Directions for its conservation areas which will permit the Council to require planning applications for matters otherwise classed as permitted development.

OBJECTIONS-REPRESENTATIONS

Letters of objection/representation have been received from: -

- Roderick Campbell McKay, 15 Croft Road, Forres, Moray
- Reg And Heather Stuart, 32 High Street, Forres, Moray, IV36 1DB
- Mr Graham Murdoch, Murdoch Brothers Butchers, 10-12 High Street, Forres, Moray, IV36 1DB
- Forres Community Council, Mr Colin Lipscomb, 12 Hilltop Road, Forres, Moray, IV36 1FW

Issues

1. A market would force sheltered housing residents to use the road as a footpath, in order that they may access the shops
2. Loss of the Leys car park will adversely impact on people accessing Grant Park and the sports field there.
3. The entrance to Leys Road is narrow and dangerous where cars have to swing out
4. Leys Road is one of the main routes to the large car park behind the Coop we believe that safety could be an issue as a result.
5. The area is the primary parking area that serves the East End of the High Street and as such is an important asset to businesses

Comments (PO)

- 1-4 The Transportation Manager was consulted in regard to access, parking and pedestrian safety issues and has recommended that application be approved subject to conditions covering access, safety barriers, signage and safeguarding of the surrounding footways.
- 5 The proposal should benefit the local economy by attracting visitors to the town centre

CONSULTATIONS

Environmental Health Manager, Development Services - No objection.

Contaminated Land, Development Services - No objection.

Transportation Manager, Direct Services - No objection subject to conditions.

Legal & Committee Services, Central Services - No comment.

Estates, Central Services - No objection.

Environmental Protection Manager, Direct Services - No response at time of writing report.