



AGENDA ITEM

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**Alterations to Existing Frontage,
Installation of Glazed Splash
Screen and Washing Booms.
Change of Use from Car Sales to
Vehicle Repair Workshop
(Including Tyre Sales and MOT
Test Centre) at 7A & 7C High
Station Road, Falkirk, FK1 5LP for
Mr Abdul Rehman - P/16/0768/FUL
(Continuation)**

FALKIRK COUNCIL

Subject: ALTERATIONS TO EXISTING CAR WASH FRONTAGE,
INSTALLATION OF GLAZED SPLASH SCREEN AND
WASHING BOOMS. CHANGE OF USE FROM CAR SALES
TO VEHICLE REPAIR WORKSHOP (INCLUDING TYRE
SALES AND MOT TEST CENTRE) AT 7A & 7C HIGH
STATION ROAD, FALKIRK, FK1 5LP FOR MR ABDUL
REHMAN - P/16/0768/FUL
Meeting: PLANNING COMMITTEE
Date: 22 March 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

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

Community Council: No Community Council

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 23 February 2017 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 6 March 2017.
2. Following a summary of the proposal by the case officer, one supporter of the proposal, who had not previously made representation, addressed the Committee and expressed his desire to see the current empty and degraded units being brought back into use. Reference was made to the unsightly appearance of the existing buildings and the history of garage uses at the site.
3. Objectors were then given an opportunity to address the Committee, and many reiterated the content of their objection letters. A number of questions focused on the proposed operating hours of the MOT centre. The applicant clarified that opening hours are intended to be 09:00 hours to 18:00 hours Monday - Saturday. Concerns were expressed over the accuracy of the drawings and how realistic the proposed parking arrangements are. Officers confirmed that the drawings are accurate and sufficiently detailed to allow a full assessment. Roads have confirmed that proposed parking arrangements are sufficient and realistic. A number of points were raised in respect of non-planning matters such as parking enforcement, fire regulations and the Building Warrant process. Likewise, a number of comments were raised in relation to the operations of the existing car wash facility. Officers clarified that the existing car wash facility is not the subject of this application and that many of the points raised were not relevant to the assessment of the current application.

4. Objectors raised the fact that the residents of 1 Glen Brae were not able to attend the meeting and requested that their objection be circulated to Committee. Whilst the report to Committee on 23 February summarised points of objection, the specific points raised by the residents of 1 Glen Brae can be further clarified as follows:
- Noise issues associated with the behaviour of staff within the premises, revving engines, shouting, hoovering and hydraulic tools. Concern that the splash screens will make noise issues worse;
 - Poor condition and unsightly / untidy nature of existing building;
 - Existing downpipe discharging onto public footway on Glen Brae;
 - Fire safety issues;
 - Fire escape door being opened (not for evacuation purposes);
 - Previous unauthorised access of garden area;
 - Traffic, parking and access concerns;
 - Impact on property value.
5. Members then took the opportunity to ask questions directly to the applicant and Council officers. Of note were questions relating to noise complaints, to which the Environmental Health Officer confirmed that a complaint was made around 18 months ago, but that the operator had taken measures to address the noise issue. Since then no further noise complaints have been received. Members were interested to establish what the busiest operating times were for the existing car wash at the site. The operator advised that this was difficult to confirm, as the use of the car wash is often linked closely to the weather at any given time. The applicant confirmed that the current car wash operates from 09:00 hours - 18:00 hours, 7 days a week. Members queried how regularly there was a managerial presence at the site in order to address any complaints or concerns from neighbours. The applicant confirmed that he is regularly on site and that he had never before been approached by neighbour with concerns over the operation of the existing facility.
6. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to grant planning permission. The previous recommendation is reiterated as follows:-

7. RECOMMENDATION

7.1 It is therefore recommended that 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.**

2. The parking spaces shown on approved plan 03, titled 'Proposed Floor Plans and Front Elevation' (drawing reference FL2016-03/2 Revision B), shall be kept free from obstruction and made available for use by customers and employees at all times.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that adequate car parking is provided.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03 and 04.
2. 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

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pp Director of Development Services

Date: 13 March 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Objection received from Mr William Lindsay, 106 High Station Road, Falkirk, FK1 5LN on 20 December 2016.
3. Objection received from Mr William Lindsay, 106 High Station Road, Falkirk, FK1 5LN on 14 December 2016.
4. Objection received from Mrs Aileen Mullen, 1 Glen Brae, Falkirk, FK1 5LH on 20 December 2016.
5. Objection received from Mrs Walter Clarkson, 112 High Station Road, Falkirk, FK1 5LN on 19 December 2016.
6. Objection received from John (Iain) Coulter, 104 High Station Road, Falkirk, FK1 5LN on 4 January 2017.
7. Objection received from Mr William Lindsay, 106 High Station Road, Falkirk, FK1 5LN on 1 February 2017.

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

FALKIRK COUNCIL

Subject: ALTERATIONS TO EXISTING CAR WASH FRONTAGE, INSTALLATION OF GLAZED SPLASH SCREEN AND WASHING BOOMS. CHANGE OF USE FROM CAR SALES TO VEHICLE REPAIR WORKSHOP (INCLUDING TYRE SALES AND MOT TEST CENTRE) AT 7A & 7C HIGH STATION ROAD, FALKIRK, FK1 5LP FOR MR ABDUL REHMAN - P/16/0768/FUL

Meeting: PLANNING COMMITTEE

Date: 23 February 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

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

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the part change of use of premises used for car sales, car wash and valeting to form a vehicle repair workshop (including tyre sales and MOT test centre). The existing car wash and valeting areas would remain. The proposal also includes alterations to the frontage of the building and the installation of splash screens and wash booms to the existing car wash area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by the Depute Provost for the following reasons:-

- Traffic and parking issues, local amenity loss, etc., including noise.

and also by Councillor Chalmers for the following reasons:-

- Concerns raised by local residents over impact on car parking, amenity and inconsistency with previous decisions on use of the site. To allow these concerns to be assessed by the Committee.

3. SITE HISTORY

- 3.1 P/16/0373/FUL Application Withdrawn 12.August 2016 Alterations to Frontage, Installation of Glazed Splash Screen and Washing Booms, Part Use of Premises for Vehicle Repair Workshop and MOT Test Centre in Addition to Previously Permitted Car Sales.
- 3.2 F/2002/0270 Detailed Granted 30.October 2002 Change of Use of Premises from Retail (Class 1) to Car Sales and Valeting (Detailed).
- 3.3 F/2002/0078 Withdrawn 15 April 2002 Change of Use of Retail Premises (Class 1) to Car Sales, Repair and Valeting.
- 3.4 F/99/0207 Detailed Granted 24 November1999, Change of Use of Car Sales/Petrol Station Area to Form Retail Unit and Storage Area and Alterations to Building.
- 3.5 F/95/0765 Outline Granted, Development of Land for Housing Purposes - Now lapsed.
- 3.6 ENF/2013/0002 15.01.2013 Enforcement Enquiry.

4. CONSULTATIONS

- 4.1 Roads Development Unit have no objections to the proposal.
- 4.2 Scottish Water have not responded to the consultation.
- 4.3 Environmental Protection Unit have no objections to the proposal.

5. COMMUNITY COUNCIL

- 5.1 No community council active in this area.

6. PUBLIC REPRESENTATION

In the course of the application, 6 objections from 4 individuals were submitted. The salient issues are summarised below:

- Concerns over the timing of the neighbour notification procedure;
- Parking, congestion and pedestrian safety concerns;
- Concerns that the parking proposed within the site is unrealistic;
- Traffic speeds and history of accidents at this location;
- Drainage concerns;
- Wash booms may use more water and may create more noise nuisance;
- Noise concerns;
- Poor management of existing business causing overly noisy working conditions;
- Impact on property value;
- Poor appearance of the existing property;
- Privacy concerns;
- Fire escape being opened onto private property at times not for the purpose of evacuation.

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 Local Development Plan

7a.1 Policy BUS04 - Business Development outwith Designated Business Areas States:-

Proposals for business development within the Urban/Village Limits, but outwith designated business areas, will be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation.

7a.2 The application site is located within the urban limits of the Falkirk Local Development Plan and within an area characterised by a mix of residential and commercial land uses. The application site was previously used as a petrol filling station, car sales and vehicle repair garage. More recently it has been mostly used as a vehicle car wash and valeting centre. The proposed use is considered consistent with the historic land uses of the site and is compatible with the mixed use character of this area. The presence of residential properties within close proximity to the premises is noted and consideration has been given to possible residential amenity concerns as a result of noise and disturbance associated with the proposed use. The applicant submitted a noise survey in support of the proposal and the Environmental Protection Unit are satisfied with the conclusions of this noise survey and have no adverse comments to make on the proposal.

7a.3 The proposal accommodates sufficient onsite parking provision to adequately serve the proposed uses and would not raise any specific concerns in respect of traffic generation or access difficulties. The appearance of the proposed splash screens and wash booms are considered to be consistent with structures that would ordinarily be expected within such premises and the external alterations to the unit would result in an improvement to its appearance. The proposal accords with the terms of the Falkirk Local Development Plan.

7b Material Considerations

The material considerations to be assessed are consideration of the site in relation to coal mining legacy and assessment of public representations.

Assessment of Public Representation

7b.1 Neighbour notification has been carried out in line with the relevant legislation and additional time has been afforded to neighbouring residents to submit representations.

- 7b.2 Parking, congestion and pedestrian safety concerns are noted, however the proposed development is not considered to adversely impact to an unacceptable degree. The Roads Development Unit has assessed the proposal and is satisfied that parking requirements would be met within the site and that the internal parking spaces proposed are acceptable. Confirmation has also been provided that there have been no recorded personal injury accidents at this location within the last 10 years.
- 7b.3 Suitable drainage is in place for existing car wash use at the site. The proposed development is not considered to generate a need for additional drainage provision. Management and maintenance of the existing drainage is a matter for the owner of the property to consider and cannot be addressed by this application.
- 7b.4 Details of the proposed wash booms have been provided and it is confirmed that they are solely for the purpose of lifting the existing hoses off the wash bay floor and above the cars being washed. They do not contain any additional water carrying machinery and are not considered to contribute to noise or disturbance concerns.
- 7b.5 Noise concerns have been considered and the applicant has submitted a noise survey for the proposed use of the premises. The Environmental Protection Unit has confirmed that there are no specific noise concerns outstanding. Any future noise complaints can be dealt with using Statutory Nuisance Legislation.
- 7b.6 The adequacy of the management of the existing business is not a material planning consideration. Impact on property value is not a material planning consideration.
- 7b.7 Privacy concerns are noted however this unit has been occupied by a variety of commercial uses in the past and is well established as a business use in this location. The proposed use is not considered to adversely increase any existing privacy concerns at the site. Issues surrounding the opening of the fire escape other than for evacuations are not material planning considerations and cannot be controlled by the planning application process. Fire safety standards are not material planning considerations.

Coal Mining Legacy

- 7b.8 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.9 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and accords with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is therefore recommended that 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.**
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pp Director of Development Services

Date: 14 February 2017

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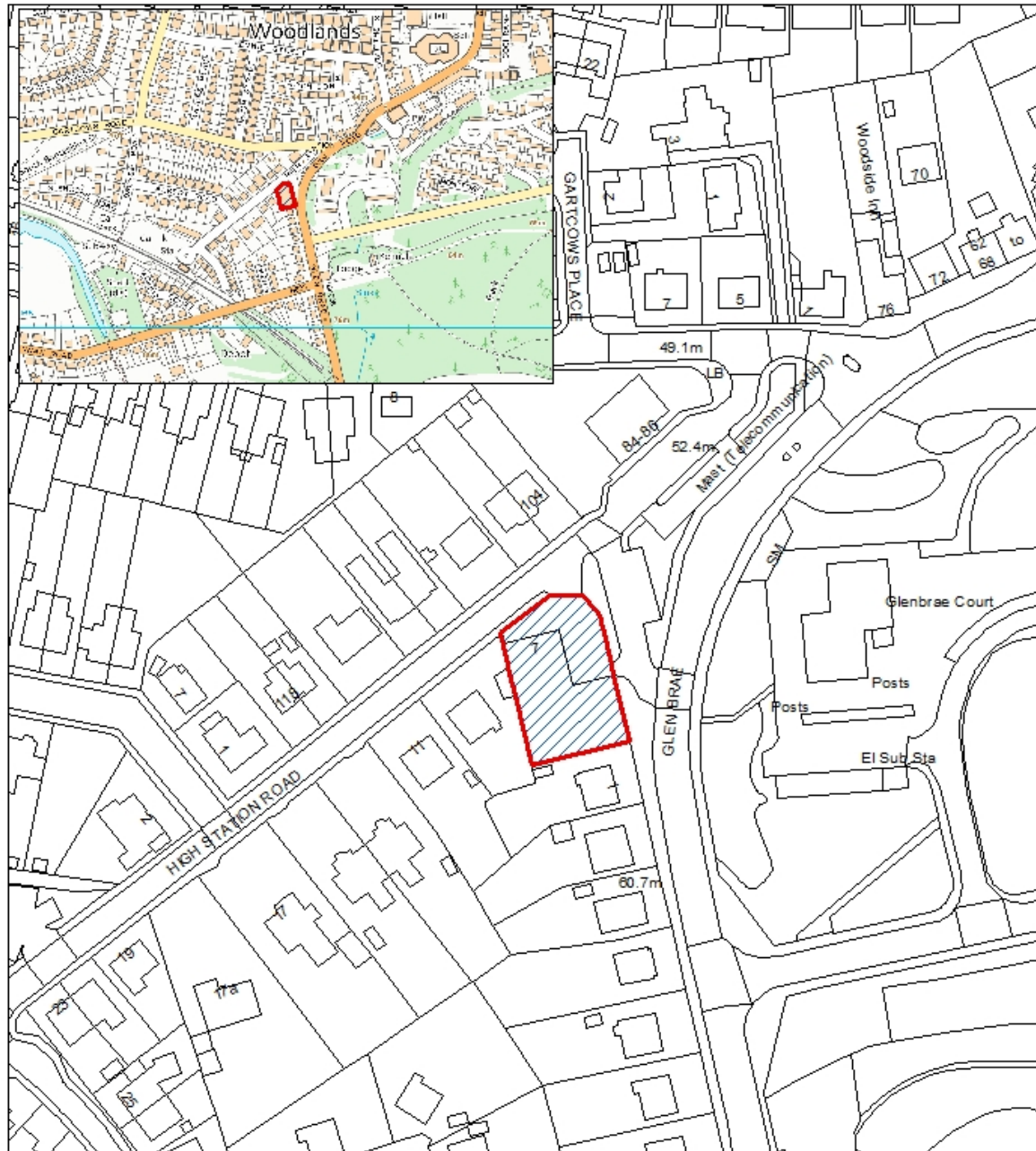
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0768/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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