

FALKIRK COUNCIL

**Subject: CHANGE OF USE FROM DWELLINGHOUSE TO DAY CARE CENTRE
AT 6 MUIRHEAD ROAD, STENHOUSEMUIR, LARBERT, FK5 4HZ FOR
ALANMART LTD – P/10/0002/FUL**

Meeting: PLANNING COMMITTEE

Date: 25 August 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer) ext, 4706

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 16 June 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 16 August 2010.
2. Members viewed the application site, the surrounding area, the applicant's existing business premises and the existing site access and turning arrangements.
3. Concerns of local residents were heard in relation to residential amenity, business operation and access / parking.
4. In support of the application the applicant's agent referred to the existing business use and the benefits of extending the use. Concerns of amenity and access / parking were addressed.
5. Committee members raised questions of the business operation in terms of staff numbers, client numbers and available car parking.
6. No matters were raised which would amend the original recommendation to refuse planning permission.

7. RECOMMENDATION

7.1 It is recommended that the Planning Committee refuse the application for the following reasons:-

- (1) The proposed development is contrary to Policy LAR 10 of the Larbert and Stenhousemuir Local Plan in that the residential amenity of the surrounding residential area is likely to be adversely affected by means of noise, traffic generation and the proposed development could introduce these impacts within a residential cul-de-sac to an unacceptable extent.**
- (2) The proposed development is contrary to Policy LAR 32 of the Larbert and Stenhousemuir Local Plan in that the likely increase in vehicular traffic and conflict with existing residential use is not considered suitable for a private access cul-de-sac with limited parking and turning areas.**

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.**

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Director of Development Services

Date: 18 August 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Larbert & Stenhousemuir Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of Objection from Mr & Mrs S Laird, 4 Muirhead Road Stenhousemuir Larbert FK5 4HZ on 5 February 2010
5. Letter of Objection from Mr & Mrs P Moodie, 2 Muirhead Road Stenhousemuir Larbert FK5 4HZ on 2 February 2010
6. Letter of Objection from Mr & Mrs A Watson, 523 King Street Stenhousemuir Larbert FK5 4JT on 2 February 2010
7. Letter of Objection from Mrs Laurie Lee Moodie, 2 Muirhead Road Stenhousemuir FK5 4HZ on 1 February 2010
8. Letter of Objection from Gair & Gibson, Hope Street Falkirk FK1 5AS on 5 February 2010
9. Letter of Objection from Mr Steven Mitchell, 5 Lochaber Drive Stenhousemuir Larbert FK5 4LX on 5 February 2010
10. Letter of Objection from Muirhead Buchanan Solicitors, 8 Allan Park Stirling FK8 2QE on 3 February 2010

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM DWELLINGHOUSE TO DAY CARE CENTRE
AT 6 MUIRHEAD ROAD, STENHOUSEMUIR, LARBERT, FK5 4HZ FOR
ALANMART LTD – P/10/0002/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Carleschi
Councillor Lynda Kenna
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer) ext, 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks permission to change the use of an existing dwellinghouse at 6 Muirhead Road, Stenhousemuir, to a day care centre.
- 1.2 The application site lies within the south east corner of a residential cul-de-sac accessed from Muirhead Road. The site is surrounded to the north, south, east and west by housing. An existing day care centre lies to the north west, it is this day centre which seeks to expand to the site under consideration.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Called in by Councillor Craig Martin.

3. SITE HISTORY

- 3.1 F/2004/1225 – Erection of day care centre now in operation to the north west of the application site.
- 3.2 F/2004/1226 – Erection of four dwellinghouses, one of which is the subject of the current application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised of concerns in relation to car parking, access and vehicle turning.
- 4.2 The Environmental Protection Unit has no objections.

5. COMMUNITY COUNCIL

- 5.1 The local Community Council did not comment.

6. PUBLIC REPRESENTATION

- 6.1 Seven objections have been received in relation to the proposed development. The grounds of objection relate to adverse impact on residential amenity with regards to noise, privacy, incompatibility of commercial use in a residential area, access suitability, traffic generation and inadequate parking.

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 Council Structure Plan

- 7a.1 The proposed development is not of a strategic nature. There are no policies of the Falkirk Council Structure Plan that apply.

Larbert and Stenhousemuir Local Plan

- 7a.2 Policy LAR 10 - 'Non Housing Uses in Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."

- 7a.3 The application site lies within the urban limit as defined in the Larbert and Stenhousemuir Local Plan. Policy LAR 10 'Non Residential Uses in Housing Areas' seeks to prevent uses incompatible with residential character and amenity. This application raises concerns with regard to the close proximity of adjacent residential uses within a restricted cul-de-sac arrangement. The proposal is considered likely to have an adverse impact on residential

amenity with regards privacy, noise and traffic generation and does not, therefore, accord with Policy LAR 10.

7a.4 Policy LAR 32 - 'Roads and New Development' states:

"Road layout, access and parking provision in new developments should generally conform with the Council's standards entitled "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area". In the case of major development proposals likely to generate significant volumes of additional traffic, a Transport Impact Assessment will be required."

7a.5 LAR 32 'Roads and New Development' requires parking provision commensurate with development proposals. The applicant's agent had indicated that the required number of spaces could be accommodated within the site area. The arrangement of these spaces is, however, convoluted and would occupy all of the existing front garden area. The potential introduction of commercial traffic and associated parking overspill with pedestrian/vehicle conflict within a small residential cul-de-sac are considered to be contrary to Policy LAR 32.

7a.6 Accordingly, the proposal does not accord with the development plan.

7b Material Considerations

7b.1 The material considerations to be considered are the Falkirk Council Local Plan Finalised Draft (Deposit Version), responses to consultation and the assessment of submitted objectors.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC7 - 'Established Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."

7b.3 Policy SC7 'Established Residential Areas' affirms the policy position expressed in Policy LAR 10 of the adopted Local Plan. The proposed development is considered to be contrary to Policy SC7 on the grounds that the installation of a commercial use would be incompatible with the residential cul-de-sac in which the site is located. Satisfactory parking, access and vehicle turning cannot be provided and whilst the proposal would extend on existing community facility, the quality of the existing residential environment could not be safeguarded.

Responses to Consultation

7b.4 The Roads Development Unit has advised that the site access road was approved as an access to a small residential development. The access is of a shared surface arrangement with no defined boundaries. The impacts of commercial traffic movement within this residential area is not considered to be in the interests of road safety.

Assessment of Public Representation

- 7b.5 Concerns over the impact of the proposed development on surrounding amenity have, in part, been demonstrated. The existing day care centre to the north west of the site has operated without significant impact on the residential amenity of surrounding housing. The existing day care centre benefits, however, from a direct access from Muirhead Road and dedicated parking, acceptably arranged in a courtyard with dedicated car parking spaces.
- 7b.6 The application under consideration seeks to extend the existing day care use into a small cul-de-sac directly serving two dwellinghouses with the vehicular access passing the rear garden area of another dwellinghouse. The cul-de-sac entrance is directly adjacent to the driveways of existing housing on Muirhead Road.
- 7b.7 The internal arrangement of the cul-de-sac is predominantly hard landscaping with a limited vehicle turning area. An increase in the amount of traffic and parked cars would have an adverse impact on residential amenity within the cul-de-sac and adversely affect the visual appearance of the private residential space. In addition, the operation of a commercial use within a small residential cul-de-sac setting is considered likely to result in adverse impacts on existing residential amenity by means of noise and privacy.
- 7b.8 The applicant's agent has advised that no commercial traffic would use the site access, instead using the car parking of the existing day care centre. This, however, could not be successfully controlled by planning condition.
- 7b.9 The Roads Development Unit shares the concerns of objectors with regards to increased traffic generation, parking and restricted site access.

7c Conclusion

- 7c.1 The proposed development is not considered to accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report. The points raised through consultation and representation are addressed in this report. There are no material considerations to justify setting aside the terms of the Development Plan and the application is therefore recommended for refusal.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee refuse the application for the following reasons:-

- (1) The proposed development is contrary to Policy LAR 10 of the Larbert and Stenhousemuir Local Plan in that the residential amenity of the surrounding residential area is likely to be adversely affected by means of noise, traffic generation and the proposed development could introduce these impacts within a residential cul-de-sac to an unacceptable extent.**
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Informative(s)

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Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

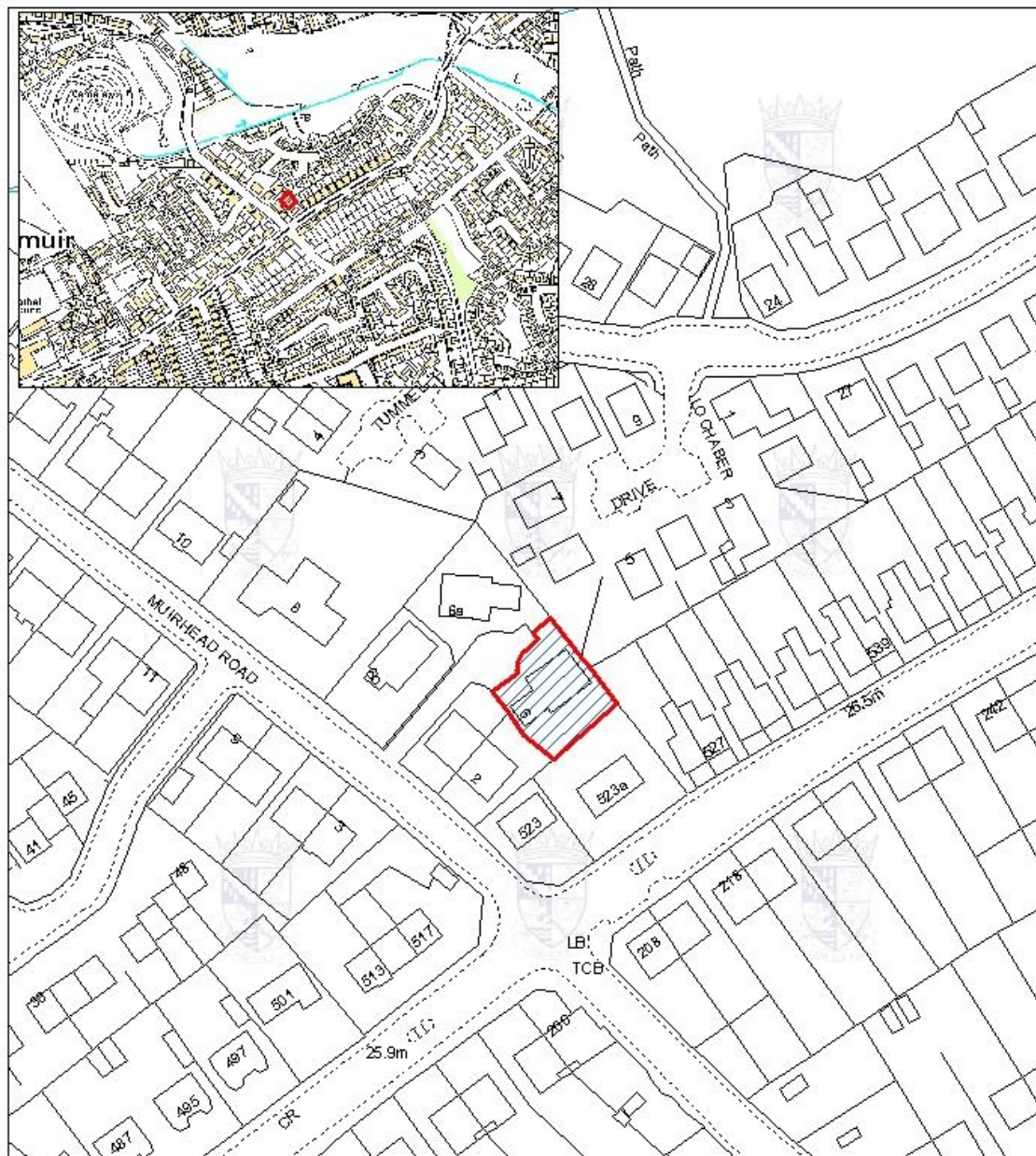
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Planning Committee

Planning Application Location Plan **P/10/0002/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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