

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM VACANT LAND TO RETAIL CAR SALES AREA (PART RETROSPECTIVE) AT LAND TO THE SOUTH OF 2 HIGH STATION ROAD, HIGH STATION ROAD, FALKIRK, FOR MS CLAIRE STEVENSON - P/15/0475/FUL

Meeting: PLANNING COMMITTEE

Date: 1 February 2016

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: Allan Finlayson (Senior Planning Officer), Ext. 4706

UPDATE REPORT

1. Members will recall that this application was considered by the Planning Committee on 25 November 2015 (copy of previous report attached), when it was agreed to continue the application for site visit. The site visit took place on 7 December 2015 and at a subsequent meeting that day the Planning Committee determined to further continue the application so that the applicant could amend the proposed development to address concerns relating to amenity and road safety.
2. The Planning Committee sought amendments to the proposed development, seeking the deletion of proposals for car sales or storage of vehicles in the southern area of the site as it was considered that these proposed uses would be incompatible with an acceptable level of established residential amenity in the adjacent area of Woodside Court, Falkirk.
3. The applicant's agent submitted amended drawings on 11 January 2016. The amended drawings continue to propose the use of the southern part of the site for car sales only. The southern area of the site is now proposed to be enclosed by a two metre high close boarded timber fence to protect established residential amenity. A reduced number of vehicles is now indicated in this area, with the remaining area left vacant to facilitate the turning and manoeuvring of cars within the site and removing the need to take cars onto the public road to access all vehicles for sale. In addition, the amended plans now detail a maximum number of 34 cars for sale and 12 visitor parking spaces, a reduction of 11 cars on the site.

4. The amendments now contained in the proposed plans are considered to satisfactorily address the issues raised by the Planning Committee and further lessen any potential impacts on residential amenity or road safety.

5. The original recommendation is therefore reiterated as follows:-

6. RECOMMENDATION

6.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-

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. Access and egress to and from the site shall be from and to High Station Road only, and no access shall be taken from James Short Park.
3. Within 3 months of the date of this permission a 2m high screen fence as indicated on the approved plans shall be erected and maintained in perpetuity along the southern boundary with Woodside Court to the satisfaction of the Planning Authority.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To protect road safety interests.
3. In the interests of amenity.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-04.
2. Any alterations or excavations affecting the public road or footway will require Minor Roadworks Consent from Falkirk Council, Roads Services, Roads Depot, Earl's Road, Grangemouth (01324) 504600.

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Director of Development Services

Date: 20 January 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan (July 2015).
2. Letter of objection received from James Cameron Stuart, Flat 6, 62 Cow Wynd, Falkirk, FK1 5EA, on 25 August 2015.
3. Letter of objection received from Gerard Kerr, Flat 4, 5 James Short Park, Falkirk, FK1 5EB, on 19 August 2015.
4. Letter of support received from Mr Lee Sinclair, 2 High Station Road, Falkirk, FK1 5QZ, on 14 August 2015.
5. Letter of objection received from Louise Noon, Flat 5, 11 James Short Park, Falkirk, FK1 5EB, on 11 August 2015.
6. Letter of objection received from Mr Alan Hodge on 10 August 2015.
7. Letter of objection received from Mr Alistair McAllister, 15 Woodside Court, Falkirk, FK1 5AN on 7 August 2015.
8. Letter of objection received from Blackadders Solicitors on behalf of The Salvation Army, 5 Rutland Square, Edinburgh, EH1 2AX on 1 September 2015.
9. Letter of objection received from Miss Lyn Armstrong, 16 Woodside Court, Falkirk, FK1 5AN on 14 August 2015.
10. Letter of objection received from Mr Darren Cook, 15 Woodside Court, Falkirk, FK1 5AN on 3 September 2015.
11. Letter of objection received from Miss Justine Davidson, 2/11 James Short Park, Falkirk, FK1 5EB on 26 August 2015.
12. Letter of objection received from Mr Gordon Grant, 2/11 James Short Park, Falkirk, FK1 5EB on 26 August 2015.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504707 and ask for Donald Campbell, Development Management Co-ordinator.

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM VACANT LAND TO RETAIL CAR SALES AREA (PART RETROSPECTIVE) AT LAND TO THE SOUTH OF 2 HIGH STATION ROAD, HIGH STATION ROAD, FALKIRK, FOR MS CLAIRE STEVENSON - P/15/0475/FUL

Meeting: PLANNING COMMITTEE

Date: 25 November 2015

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: Allan Finlayson (Senior Planning Officer), Ext. 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is formerly vacant ground that lies at an increased height of around half a metre above footpath level to the south of 2 High Station Road, Falkirk. The site is enclosed by a brick boundary wall and security fence and has been used for the storage of cars for sale by an adjacent established car sales use (Formula 1 cars).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to Committee by Councillor Chalmers and Depute Provost Patrick.

3. SITE HISTORY

- 3.1 No recent planning history. The adjacent car sales use was granted planning permission prior to 1990.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objection, however it is requested that a condition preventing access from the private parking court at James Short Park be applied if planning permission were to be granted.

5. COMMUNITY COUNCIL

- 5.1 No Community Council exists for this area.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 11 contributors submitted letters to the Council. The salient issues are summarised below:

- overspill parking from site in surrounding area particularly Comely Park School and Salvation Army;
- impact on visual amenity from car storage;
- impact on privacy from customers viewing cars and CCTV cameras;
- road safety impacts on busy High Station Road;
- access to sub-station being restricted;
- potential fire risk arising from petrol;
- one letter of support submitted on no grounds.

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

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

- 7a.2 Policy HSG06 – ‘Non-Residential Uses in Residential Areas’ states:

“Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. 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.”

- 7a.3 Although there are a number of other uses in the vicinity, it is considered that the area surrounding the site is predominantly of well-established residential character. The development relates to the expansion of an existing commercial use on land which was previously vacant. The storage and sale of cars on the site has been operational for over a year with the potential to consider impacts on amenity, access and parking. Whilst the site is not a land use that could be considered to complement the character of the surrounding area there have been no impacts identified which would support the view that the development is contrary to Policy HSG06 of the Falkirk Local Development Plan.
- 7a.4 The development is therefore considered to accord with the provisions of the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are consideration of the site in relation to coal mining legacy, responses to Consultation and assessment of Public Representations.

Responses to Consultation

- 7b.2 The Roads Development Unit of Falkirk Council have no objection subject to the imposition of a planning condition restricting access to the site to preclude access from James Short Park, and an informative advising of the potential requirement for Minor Roadworks Consent for works affecting the public road. It is considered appropriate that these be included if planning permission were to be granted.

Assessment of Public Representations

- 7b.3 The overspill of cars from the site onto public or private car parking is a police enforcement or civil enforcement issue. The visual impact of parked cars is slightly incongruous with the character of the surrounding area but not considered to result in significant visual impact. Overlooking of an adjacent front garden in Woodside Court is a valid concern that can be addressed by the erection of a screening fence along the northern site boundary. No CCTV installation is proposed. The Roads Development Unit of Falkirk Council has had the opportunity to consider impacts on road safety from a use that has been in operation for over a year and has no objections subject to access conditions that would address the concerns of residents in James Short Park.
- 7b.4 Scottish Power has advised of access rights of the applicant over their land. The Salvation Army has objected to the application on the basis of access rights afforded to them but does not qualify how these rights would be affected by the proposal. This is a civil matter between land owners. The use would not have an impact on the existing sewage system as no additional foul or surface water changes are proposed. The potential risk of fire from stored vehicles is considered no different to vehicles being parked in the surrounding area and is not a material planning consideration. Impact on property prices is not a material planning consideration.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.5 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. There is no requirement for a coal mining risk assessment to be undertaken in relation to applications for change of use.

7c Conclusion

- 7c.1 The development accords with the Development Plan. There are no material considerations which would justify refusal of planning permission and matters raised in relation to amenity and access can be addressed by means of planning conditions.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-

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. Access and egress to and from the site shall be from and to High Station Road only, and no access shall be taken from James Short Park.
3. Within 3 months of the date of this permission, an opaque mesh fence, of a height and design to be approved in writing by Falkirk Council as Planning Authority, shall be erected along the southern site boundary with Woodside Court.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To protect road safety interests.
3. In the interests of amenity.

Informative(s):-

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

2. Any alterations or excavations affecting the public road or footway will require Minor Roadworks Consent from Falkirk Council, Roads Services, Roads Depot, Earl's Road, Grangemouth (01324) 504600.

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Director of Development Services

Date: 24 November 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan (July 2015).
2. Letter of objection received from James Cameron Stuart, Flat 6, 62 Cow Wynd, Falkirk, FK1 5EA, on 25 August 2015.
3. Letter of objection received from Gerard Kerr, Flat 4, 5 James Short Park, Falkirk, FK1 5EB, on 19 August 2015.
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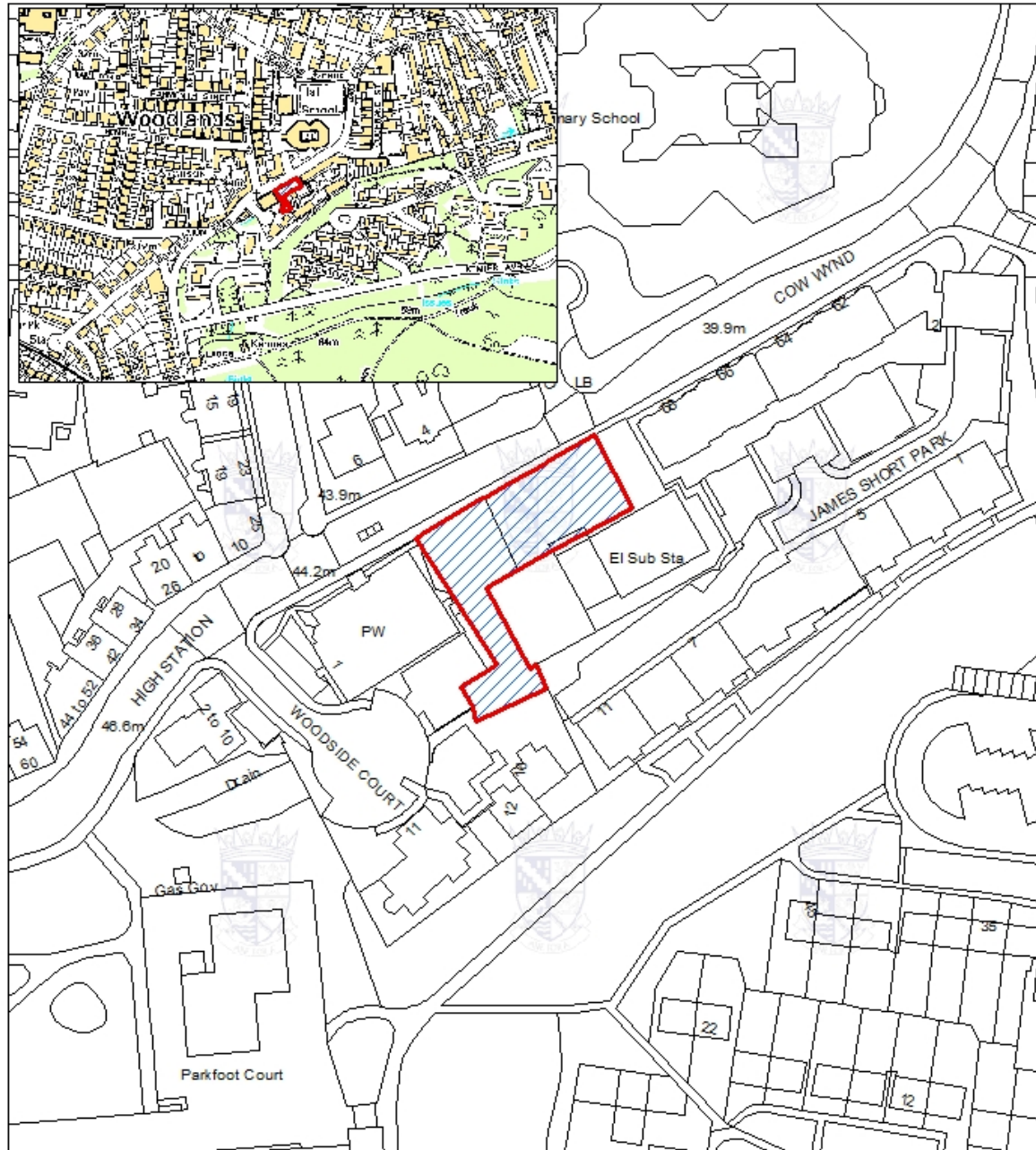
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/15/0475/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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