



Agenda Item 7

**FORMATION OF CAR WASH AND VALET
CENTRE, INCLUDING SITING OF NO. 2
CONTAINERS, ERECTION OF SHELTER,
2.2 METRE, HIGH ACOUSTIC FENCE
AND 3 METRE HIGH POLYCARBONATE
SCREEN (PARTIALLY RETROSPECTIVE)
AT LAND TO THE SOUTH EAST OF
TANNERY GARAGE, GRANGEMOUTH
ROAD, FALKIRK FOR WASH & VALET
NORTH LTD - P/18/0064/FUL**

FALKIRK COUNCIL

Subject: FORMATION OF CAR WASH AND VALET CENTRE,
INCLUDING SITING OF NO. 2 CONTAINERS, ERECTION OF
SHELTER, 2.2 METRE, HIGH ACOUSTIC FENCE AND 3
METRE HIGH POLYCARBONATE SCREEN (PARTIALLY
RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF
TANNERY GARAGE, GRANGEMOUTH ROAD, FALKIRK
FOR WASH & VALET NORTH LTD - P/18/0064/FUL

Meeting: PLANNING COMMITTEE

Date: 19 June 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Councillor David Alexander
Councillor Robert Bissett
Councillor Dennis Goldie
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

Update Report

1. Members will recall that this application has previously been considered by the Planning Committee (copies of reports appended). At the meeting of the Committee on 25 April 2018 it was agreed that it be continued to allow a site visit, and this took place on 8 May 2018. It was considered again at the meeting of the Committee on 30 May 2018 and it was agreed to continue consideration to allow outstanding matters relating to potential noise impacts to be addressed.
2. At the time of writing no response in relation to outstanding matters has been received from the applicant or his agent. A verbal update will be provided at the meeting of the Planning Committee.
3. Notwithstanding the lack of response to date, no issues have been raised which would alter the officer recommendation to grant planning permission.

4. RECOMMENDATION

4.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following conditions and informative(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. The development hereby approved, shall ensure that externally generated noise does not exceed 4dB above the background level when measured at any noise sensitive receptor in accordance with BS4142:2014.**
- 3. The site shall not commence operation as a car wash and/or valet centre until the development is completed in accordance with the approved plans, including the erection of the acoustic fence, sound insulation and polycarbonate screen.**

Reasons for the conditions above:-

- 1. As these drawings and details constitute the approved development.**
- 2-3. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.**

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 - 07 and Supporting Documents.**
- 3. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**

4. The applicant 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

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pp Director of Development Services

Date: 11 June 2018

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Ms Amanda Hughes, 7, Midthorn Crescent, Falkirk, FK2 9DW on 24 February 2018.
3. Objection received from Mrs Sandra Brown, 16 Blinkbonny Road, Bantaskin, Falkirk, FK1 5DA on 7 March 2018.
4. Objection received from Mr Charles Brown, 16 Blinkbonny Road, Falkirk, FK1 5DA on 10 March 2018.
5. Objection received from Mr Callum Brown, 134 Benview, Bannockburn, Stirling, FK7 0HJ on 7 March 2018.
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12. Objection received from Miss Sam McVickers, 68 Old Redding Road, Laurieston, Falkirk, FK2 9JU on 7 March 2018.
13. Objection received from Mr Steven Maley, 61 Randyford Street, Falkirk, FK2 9DG on 6 March 2018.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

FALKIRK COUNCIL

Subject: FORMATION OF CAR WASH AND VALET CENTRE, INCLUDING SITING OF NO. 2 CONTAINERS, ERECTION OF SHELTER, 2.2 METRE, HIGH ACOUSTIC FENCE AND 3 METRE HIGH POLYCARBONATE SCREEN (PARTIALLY RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF TANNERY GARAGE, GRANGEMOUTH ROAD, FALKIRK, FOR WASH & VALET NORTH LTD - P/18/0064/FUL

Meeting: PLANNING COMMITTEE

Date: 30 May 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Councillor David Alexander
Councillor Robert Bissett
Councillor Dennis Goldie
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

Update Report Following Committee Site Visit

1. Members will recall that this application was considered at the meeting of the Planning Committee on 25 April 2018. (copy of previous report appended), when it was agreed that it be continued to allow a site visit to take place. This visit took place on the 8 May 2018.
2. The applicant and his agent advised that they had taken concerns previously expressed, and the refusal reasons for planning application P/17/0044/FUL, into account in the current application. This included amendments to the direction of travel through the site and relocation of the car wash area further away from the dwellinghouses adjacent to the site boundary. It was also confirmed that the applicant has similar operations in Glasgow and Cumbernauld and that he would be willing to accept a condition restricting opening hours, and, if required the landscaping proposed along the boundary with properties on Midthorn Crescent could be removed from the proposal.
3. Objectors were heard in relation to their concerns. In particular noise and disturbance caused by vehicles / machinery, with resultant adverse impact on residential amenity and road safety concerns were referred to.

4. Following questions from Members it was agreed that further explanation / detail in relation to noise reports be provided at the next meeting of the Planning Committee. At the time of writing, discussions are ongoing between the Environmental Protection Unit and the applicant's agent. A verbal update will be provided at the Planning Committee.
5. No issues were raised at the site visit which would alter the officer recommendation to grant planning permission.

7. RECOMMENDATION

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

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 development hereby approved, shall ensure that externally generated noise does not exceed 4dB above the background level when measured at any noise sensitive receptor in accordance with BS4142:2014.
3. The site shall not commence operation as a car wash and/or valet centre until the development is completed in accordance with the approved plans, including the erection of the acoustic fence, sound insulation and polycarbonate screen.

Reasons for the conditions above:-

1. As these drawings and details constitute the approved development.
- 2-3. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

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 - 07 and Supporting Documents.
3. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

4. The applicant 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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pp Director of Development Services

Date: 21 May 2018

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Ms Amanda Hughes, 7, Midthorn Crescent, Falkirk, FK2 9DW on 24 February 2018.
3. Objection received from Mrs Sandra Brown, 16 Blinkbonny Road, Bantaskin, Falkirk, FK1 5DA on 7 March 2018.
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

FALKIRK COUNCIL

Subject: FORMATION OF CAR WASH AND VALET CENTRE, INCLUDING SITING OF NO. 2 CONTAINERS, ERECTION OF SHELTER, 2.2 METRE, HIGH ACOUSTIC FENCE AND 3 METRE HIGH POLYCARBONATE SCREEN (PARTIALLY RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF TANNERY GARAGE, GRANGEMOUTH ROAD, FALKIRK FOR WASH & VALET NORTH LTD - P/18/0064/FUL

Meeting: PLANNING COMMITTEE

Date: 25 April 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Councillor David Alexander
Councillor Robert Bissett
Councillor Dennis Goldie
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the formation of a car wash and valet centre on land to the rear of the New Tannery Garage, Falkirk. Access is proposed from the car repair garage on Randyford Road, with exit being taken via the petrol filling station garage forecourt onto Grangemouth Road.
- 1.2 The development is partially retrospective, as a hard standing has been formed and a container is already on site.
- 1.3 The direction of travel through the site and the location of the car wash area has been amended following refusal of an earlier planning application (Ref P/17/0044/FUL).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is called in by Councillor Cecil Meiklejohn for the following reason:
 - Noise disturbance to neighbours, loss of amenity, traffic congestion in residential area.

3. SITE HISTORY

- 3.1 Planning application for the formation of car wash and valet centre (Partially Retrospective) (Ref: P/16/0372/FUL) was withdrawn on 1 August 2016.
- 3.2 Planning application for the formation of car wash and valet centre (Partially Retrospective) (Ref: P/16/0527/FUL) was withdrawn on 5 October 2016.
- 3.3 Planning application for the formation of car wash and valet centre (Partially Retrospective) (Ref: P/16/0664/FUL) was withdrawn on 5 January 2017.
- 3.4 Planning application for the formation of car wash and valet centre, including siting of No. 2 containers, erection of shelter, 2.2 metre high acoustic fence and 3 metre high polycarbonate screen (partially retrospective) (Ref: P/17/0044/FUL) was refused at the meeting of the Planning Committee on 16 August 2017 on the grounds that the car wash and valet centre as then proposed would be incompatible with the established residential character and amenity of the area, contrary to policy HSG06 'Non-Residential Uses in Residential Areas' of the Falkirk Local Development Plan.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit has not objected to the proposed development.
- 4.2 Scottish Water has not objected to the proposed development.
- 4.3 The Council's Environmental Protection Unit has not objected to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Grahamston, Middlefield and Westfield Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 12 contributors submitted objection letters to the Council. The salient issues are summarised as follows:
 - The proposed car wash would be too close to adjacent residential properties and would cause nuisance by way of noise, light pollution and increased traffic (vehicular and pedestrian);
 - Even although the noise would be low level, there would be a constant drone;
 - The proposed development would have an unacceptable impact on parking and traffic generation in an already busy area;
 - Impact on the safety of school children;
 - Spray and hazardous material would come into adjacent gardens;
 - Existing drainage is inadequate;
 - The application states that no connection to water supply would be required;

- The residential amenity of adjoining properties would be unacceptably affected;
- Adjacent gardens could not be used;
- Loss of privacy and amenity;
- No hours of operation are specified;
- Impact on wildlife; and
- The proposed trees would cut out daylight from neighbouring properties.

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. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. 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 Prior to the formation of the hardstanding the application site was rough undeveloped land to the rear of the New Tannery Petrol Filling Station. The site is directly bounded to the south and east by residential properties, in the form of terraced blocks. The dwellinghouses are approximately 12 metres from the mutual boundary.

7a.4 Policy HSG06 seeks to ensure that changes in residential areas are managed to maintain residential amenity. It is considered that the proposed change to the direction of travel through the site and the relocation of the car wash area address concerns about the previously proposed development which was refused planning permission. It is considered that the application is now in accordance with policy HSG06 'Non-Residential Uses in Residential Areas'.

7a.5 Accordingly, the application accords with the Falkirk Local Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the assessment of public representations and consideration of the site in relation to coal mining legacy.

Assessment of Public Representations

- 7b.2 The applicant has submitted a supporting Noise Impact Assessment which concludes that the proposed development would be unlikely to have an adverse impact on surrounding residential properties, when assessed within context of the existing noise environment. The Environmental Protection Unit advise that the conclusions of the Noise Impact Assessment are satisfactory and advise of a condition to ensure that noise levels do not exceed 4db above background noise levels.
- 7b.3 The application site lies within a built up area, and there are a number of commercial, educational and residential properties nearby. It is considered that the proposed development would have a negligible impact in relation to the safety of pedestrians, parking and traffic generation within the surrounding area.
- 7b.4 It is considered that the location of the car wash area and the proposed screen would address the potential for spray and discharge into surrounding properties.
- 7b.5 The application states that no new connection to water supply would be required. The applicant has submitted a letter from Scottish Water approving discharge from the site.
- 7b.6 It is accepted that there may be some impact on the amenity of surrounding properties as a result of the proposed development. The site has been vacant for some time and a car wash and valet would introduce new activity to the area. However, it is considered that any impacts resulting from this proposal would not justify the refusal of planning permission. The current proposal has been amended following the previous refusal and it is considered that the reasons for refusal have now been addressed. It is also considered that the application site, although undeveloped, forms part of a larger commercial unit.
- 7b.7 It is noted that no hours of operation are specified.
- 7b.8 It is not considered that the application would impact wildlife, the site being within a highly developed mixed use area.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.9 The application site falls within or is partially within the Development Low 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. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.
- 7b.10 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The application is assessed as being in accordance with the Falkirk Local Development Plan. The issues raised by third party representation are assessed and addressed in the body of this report. There are no material considerations which would warrant refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning 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: 16 April 2018

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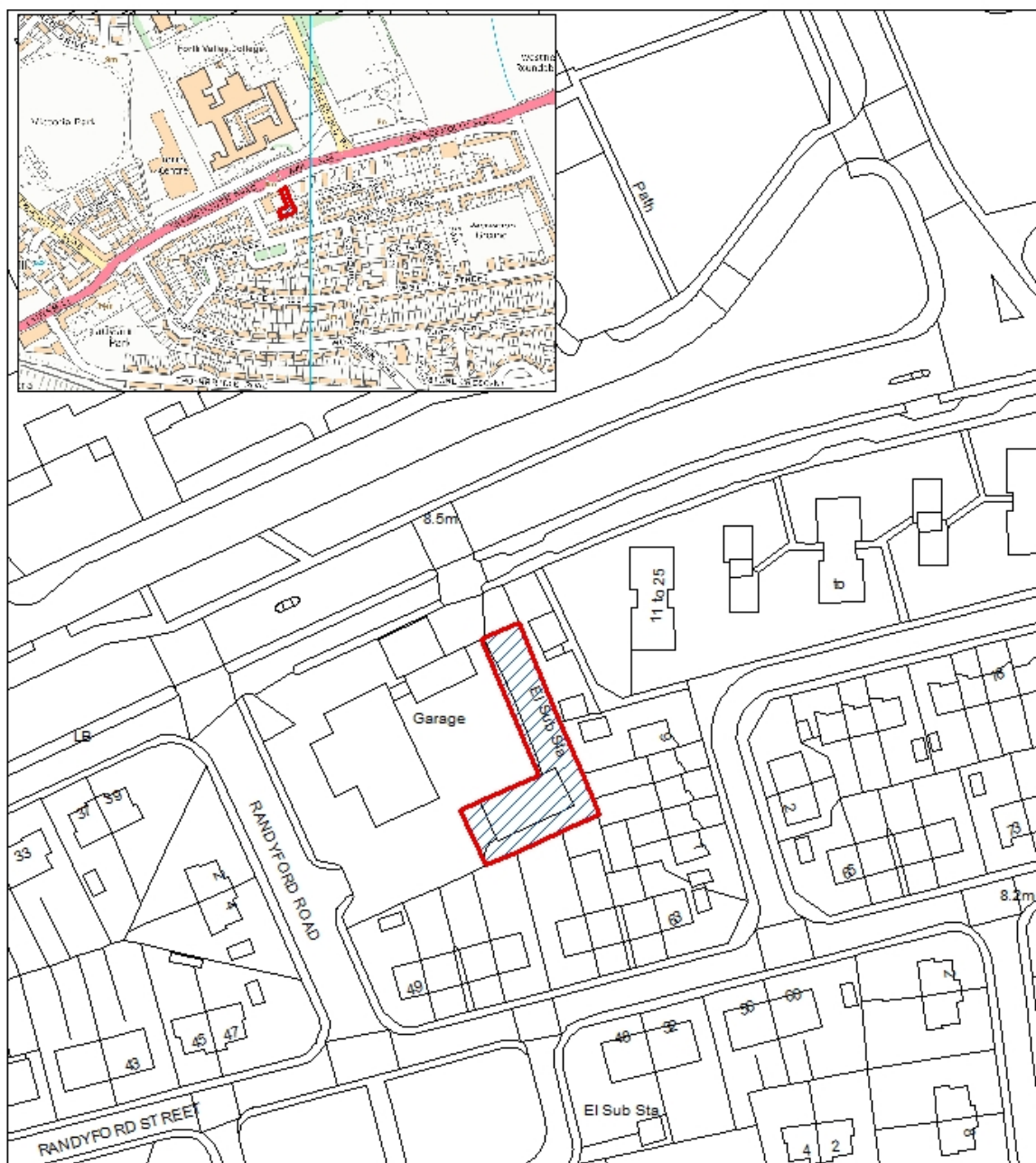
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0064/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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