

FALKIRK COUNCIL

Subject: CHANGE OF USE OF VACANT INDUSTRIAL LAND TO FORM CAR PARK AND FOR THE OPERATION OF AN OPEN AIR MARKET (TEMPORARY) AT LAND TO THE SOUTH EAST OF 1 WILLIAMSON STREET, WILLIAMSON STREET, FALKIRK FOR MR THOMAS MORGAN - P/12/0328/FUL

Meeting: PLANNING COMMITTEE

Date: 31 October 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks temporary planning permission for a maximum period of 5 years for the provision of a private car park and the operation of an occasional open air market (car boot sales) on vacant land at Williamson Street, Falkirk.
- 1.2 The site is surrounded by commercial and residential development to the north, south and east. Falkirk Council's Williamson Street car park lies to the west.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Provost Reid.

3. SITE HISTORY

- 3.1 A bakery business formerly operated from the site. In July 2009 planning permission was granted for the erection of 54 flats and retail units (reference P/08/0799/FUL). It is understood that this permission is unlikely to be implemented in the short term.

3.2 On the basis that the permission is unlikely to be implemented in the short term, the site owner has investigated alternative temporary uses to use the site during this period. The applicant has provided details of his lease with the landowner and details confirming that the site is continually being marketed for the approved development. This documentation confirms that the lease will be terminated should the site be sold and that the proposed temporary arrangements will not therefore delay future development.

3.3 The former bakery buildings have now been demolished and the site has been cleared.

4. CONSULTATIONS

4.1 The Roads Development Unit has requested that the applicant amend the proposed site plan to accommodate adequate car parking space dimensions.

4.2 The Transport Planning Unit has advised of conditions to be attached to any grant of planning permission relating to car park design, access, signage and vehicle turning. Informatives relating to car park charges, refuse collection, market operating times and safety of design have also been requested.

5. COMMUNITY COUNCIL

5.1 No Community Council active in this area.

6. PUBLIC REPRESENTATION

6.1 During consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EP12 - 'Open Air Markets' states:

"Proposals for open air markets and car boot sales will only be permitted where it can be demonstrated that the vitality and viability of any centre will not be adversely affected, there will be no adverse effect on local amenity, and parking and access requirements are satisfied."

7a.3 Policy ST10 - 'Parking' states:

“The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation.”*

7a.4 The proposal was assessed against Policy EP12 – 'Open Air Markets' of the Falkirk Council Local Plan. The proposed car boot sale use at the site is not considered to adversely affect the vitality and viability of Falkirk Town Centre. Access arrangements have historically been acceptable for the site. It is considered the proposal will not adversely affect local amenity.

7a.5 The provision of additional parking at this location for a temporary period is not considered to adversely affect the implementation of Policy ST10 – Parking.

7a.6 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the consultation responses received during consideration of the application.

Consultation Responses

7b.2 The Roads Development Unit has not objected to the proposed car parking or the operation of an open air market at the site. Further information has, however, been requested in the form of a revised layout plan to maximise car parking areas. This information has been provided by the applicant.

7b.3 The request from the Transport Planning Unit seeking the imposition of relevant planning conditions and informatives relating to access, boundary control, signage and car boot sale operation times can be incorporated into the grant of planning permission. A request for the re-surfacing of the footways along the entire site frontage has not been pursued given the temporary nature of the development and that this will be provided for in the future residential development of the site if the extant permission is implemented. The applicant proposes to make good existing fencing. No additional lighting is proposed.

7c Conclusion

- 7c.1 In conclusion, the proposed use of the site for temporary car parking and an occasional open air market is considered to have no adverse impact on the vitality or amenity of the surrounding area and adequate access and parking exist to support the use.
- 7c.2 For these reasons the grant of planning permission for the temporary period of 5 years requested by the applicant is considered to be acceptable.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning Committee grant temporary planning permission subject to the following conditions:-

- (1) This permission shall be valid for a limited period until 31 October 2017 and at this date, unless further planning permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.**
- (2) Prior to the commencement of the approved use, the vehicular and pedestrian entrances to the site shall be upgraded to dropped kerb footway crossings in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Area.**
- (3) The approved open air market use shall be limited to Sunday operation only.**
- (4) Details of car parking signage shall be submitted for the written approval of the Planning Authority prior to the commencement of the approved use.**
- (5) The existing turning head on Burnhead Lane shall be retained.**
- (6) Prior to commencement of the approved use all existing access points not being used for access shall be closed off with adjacent footway and kerbing reinstated, all in accordance with details and specifications to be submitted to and approved in writing by this Planning Authority**

Reason(s):-

- (1) In order to allow the future control of the site.**
- (2) In the interests of road safety.**
- (3) To control the use of the site in relation to Town Centre uses.**
- (4) In the interests of road safety.**
- (5) To allow continued vehicle turning in Burnhead Lane.**
- (6) In the interests of pedestrian use.**

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A & 02.
- (2) The car park should be designed to meet the requirements of the 'Park Mark Safer Parking' standard to ensure the car park is safe, has good visibility of persons in the car park from outside and vice versa and that good management practices are in place (as per the existing Williamson Street car park).
- (3) Parking charges, penalties and restrictions should be set in line with the adjacent Council run Williamson Street car park to ensure a consistent parking strategy approach for users and to discourage long stay commuter parking.
- (4) Adequate service/refuse collection arrangements should be incorporated.

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Director of Development Services

Date: 23 October 2012

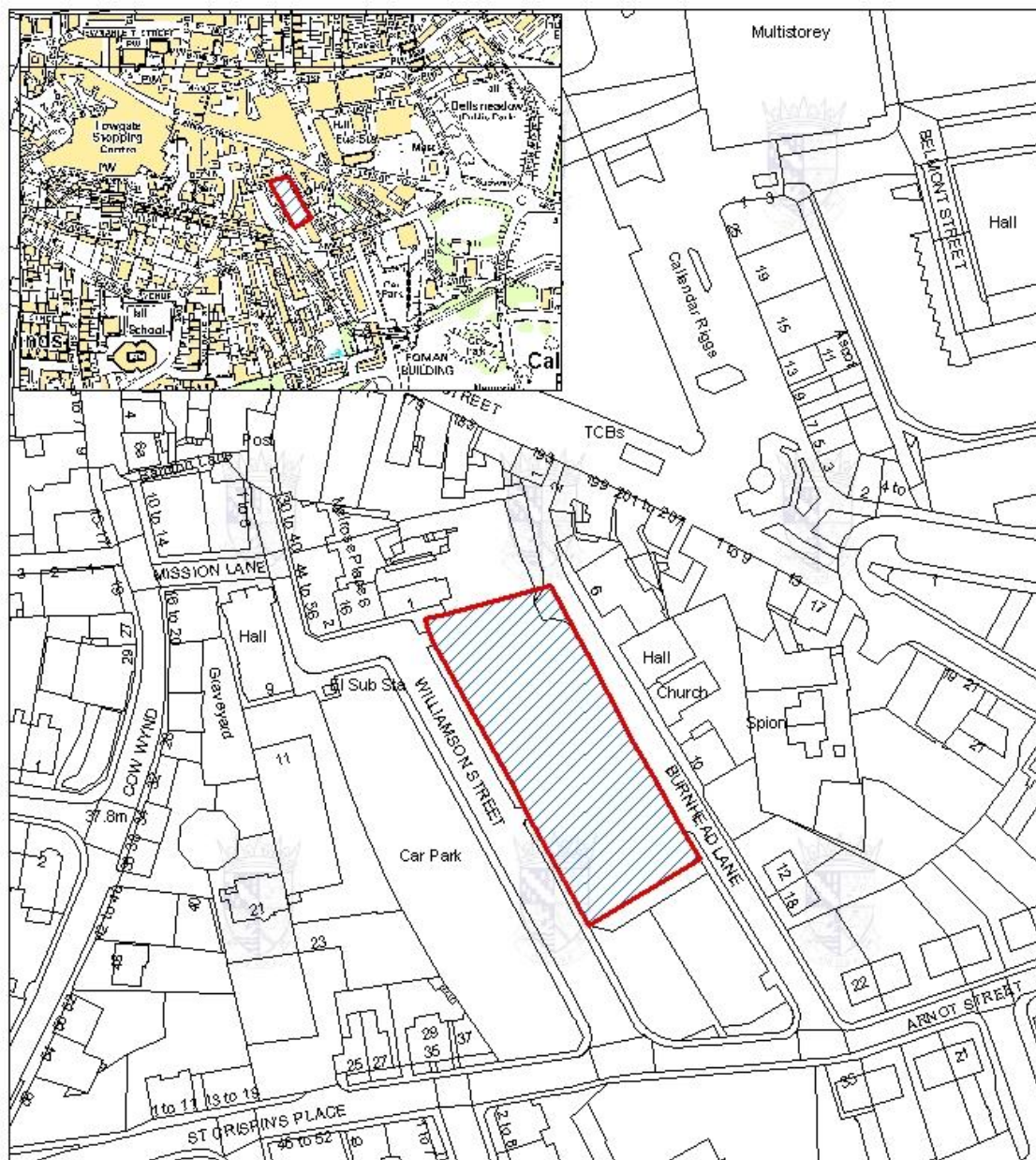
LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan

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

P/12/0328/FUL

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