

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: 30 January 2013

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 31 October 2012 and thereafter on 28 November 2012 (copy of previous reports appended), when it was agreed to initially continue the application for a site visit and subsequently to consult Falkirk Town Centre Manager (Falkirk Delivers), further assess potential traffic impacts, receive further information on car park lining proposals and clarify the length of time for which temporary permission is sought.
2. Consultation with Falkirk Delivers has now taken place. Falkirk Delivers has objected to the proposed development on the grounds that the proposal would add to traffic congestion in Williamson Street and could impact on the operation of the Arnot Street/Williamson Street junction. Falkirk Delivers has also advised that it considers there to be sufficient paid car parking spaces within the Town Centre area to meet the demands of its users.
3. Assessment of the objections made by Falkirk Delivers is referred to later in this report.

4. Subsequent to the presentation to Planning Committee on 28 November 2012 the applicant has submitted a Traffic Analysis Supporting Statement prepared by the transport consultancy who previously submitted a Transport Assessment in relation to planning permission P/08/0799/FUL for the erection of 54 flats and retail units at the site. The Traffic Analysis now submitted assesses the proposed development in the context of potential traffic impacts and the capacity at the Williamson Street/Arnot Street junction. The conclusion of this assessment is that the Williamson Street/Arnot Street junction will operate within acceptable capacity even with the potential traffic impact resulting from the proposed development.
5. The Transport Planning Unit has advised that it generally concurs with the views expressed in the submitted transport report. It is considered, however, that additional traffic impact will result at the Arnot Street/Williamson Street junction. The conclusion of this assessment has, in addition, been reviewed by the Roads Development Unit, who have advised that no mitigation works are necessary in order to address additional traffic impact resulting from the proposed development.
6. The applicant has agreed, following intimation of the concerns of the Planning Committee, to line the proposed car parking spaces. A planning condition requiring details of the specification of proposed lining is now added to proposed conditions of approval.
7. The applicant has agreed to reduce the period for which permission is sought from his original request for 5 years to a 3 year maximum period. Members will recall that the applicant's lease to use the site could be terminated earlier if planning permission P/08/0799/FUL is implemented.

Objection Received

8. Subsequent to the last consideration by Planning Committee on 28 November 2012, objections have been received from Falkirk Delivers and the Asset Manager of the Howgate Shopping Centre. The objections are made on the grounds that the land should remain as employment land, that the proposed car park would create traffic congestion and the Town Centre already has sufficient car parking provision.
9. The site is vacant land, the former bakery building having been demolished more than 5 years previously. The proposed use has been demonstrated to be acceptable from a transport perspective, the Roads Development and Transport Planning Units having no objections subject to conditions.
10. The issues raised by Committee have been further evaluated subsequent to the Planning Committee meeting of 28 November 2012, and neither the Roads Development Unit nor the Transport Planning Unit object to the proposed development subject to conditions. Planning permission has previously been granted at the site for residential and retail development which provides for car parking on the site and which is considered likely to have a similar impact on the existing road network. The grounds of objection made by Falkirk Delivers and the representative of the Howgate Centre have not been substantiated in respect of traffic congestion. The proposed car parking business would be successful or otherwise depending on patronage and this is not considered to be a material planning consideration. The site no longer provides an employment use, although it is accepted that a small element of employment use could be generated if the extant planning permission for residential/retail development is implemented.

11. It is therefore considered that issues raised by the Planning Committee have been satisfactorily addressed. The views of the objector and Falkirk Delivers (Town Centre Manager) have either not been substantiated or are not material planning considerations. It is considered that the recommendation to grant planning permission remains appropriate.

12. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 30 January 2016 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.**
- (7) Prior to the commencement of the approved use details of car park lighting shall be submitted for the approval of Falkirk Council as Planning Authority and installed within 3 months of the car parking being opened for use.**
- (8) Prior to the commencement of the approved use details of car park lining shall be submitted for the approval of Falkirk Council as Planning Authority and completed within 3 months of the car parking being opened for use.**

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.
- (7) The ensure adequate lighting during hours of darkness in the interests of users of the site.
- (8) To ensure the capacity of the car park is maximised.

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.

Pp

.....

Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan.
- 2. Falkirk Council Local Plan.
- 3. Letter of objection received from Mr Alastair Bell acting on behalf of The Howgate Shopping Centre, 123 Cannon Street, London, EC4N 5AX on 20 December 2012.
- 4. E-mail of objection received from Falkirk Delivers on 9 January 2013.

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 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: 28 November 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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 31 October 2012 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 12 November 2012.
2. At the meeting on site the case officer provided a factual summary of the application and the applicant outlined his intentions to use the site for parking on a temporary basis until previously approved residential development was viable.
3. Members of the Committee raised questions in relation to the length of the permission sought by the applicant, the number of car parking spaces proposed, the number of spaces at the existing Williamson Street car park, the proposed method of car park surfacing and whether car park lighting was proposed.
4. The case officer explained that a maximum period for permission of 5 years was recommended. The applicant advised that his lease with the owner of the site would be terminated should the owner seek to implement planning permission P/08/0799/FUL for the erection of 54 flats and retail units on the site.

5. The case officer advised that 113 spaces were proposed. 12 of these spaces would be available for disabled use. Further investigation following the site visit has confirmed that the existing Williamson Street car park has 115 car parking spaces and of these 8 are available for disabled use.
6. The applicant confirmed that the proposed car park would be surfaced with compressed asphalt to provide a hard even surface. A representative from the Roads Development Unit advised Committee that this type of surface was considered to be acceptable but noted that it would not allow for the lining of individual spaces. In this respect it is considered that the proposed number of spaces is a theoretical maximum of 113 spaces. It is likely that the actual number of spaces on the site would be less than 100 when allowing for less than perfect customer parking.
7. At the time of the meeting the applicant was not proposing to light the car park. This subject has subsequently been discussed with the applicant, given the concerns of Committee. The applicant has agreed to provide car park lighting and an additional planning condition is now proposed in relation to this matter.
8. Provost Reid, a local Member, advised Committee of his concerns in relation to congestion in the immediately surrounding area of the site and in particular at the junction of Williamson Street with Arnot Street. Concerns of road safety were also held. Provost Reid requested that Committee consider these concerns in their assessment of the proposed car park use.
9. Subsequent to the site visit further evaluation of the proposed has been undertaken in consultation with the Roads Development Unit of Falkirk Council. Whilst the Roads Development had no objection to the proposal, subject to planning conditions, it is agreed that the provision of car park lighting would be an improvement. A review of the parking details proposed in planning permission P/08/0799/FUL for 54 flats and retail units (approved by Planning Committee on 22 April 2009) has confirmed that 54 car parking spaces were approved on the site for the development. The nature of parking movements for this development are considered to have the potential for a similar impact on road capacity in the surrounding area. The reason for this being that unrestricted movement to the site has been approved. The applicant considers that users of the proposed temporary car park will leave their cars on the site for the duration of the working day as he is proposing a fixed day charging system.
10. The issues raised by Committee and Provost Reid have been evaluated subsequent to the site visit meeting. It is considered that the Roads Development Unit has no objection to the development proposed and that previous planning permission has been granted which provides for car parking on the site which is considered likely to have a similar impact on the existing road network. In addition the applicant now proposes to provide car parking lighting in recognition of the concerns of Committee members.
11. It is therefore considered that the issues raised by Committee and Provost Reid have been addressed and would not change the recommendation to grant planning permission.

12. RECOMMENDATION

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

- (1) This permission shall be valid for a limited period until 30 November 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.
- (7) Prior to the commencement of the approved use details of car park lighting shall be submitted for the approval of Falkirk Council as 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.
- (7) To ensure adequate lighting during hours of darkness in the interests of users of the site.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refers 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.

.....
Pp Director of Development Services

Date: 20 November 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.

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.

Pp

.....

Director of Development Services

Date: 23 October 2012

LIST OF BACKGROUND PAPERS

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

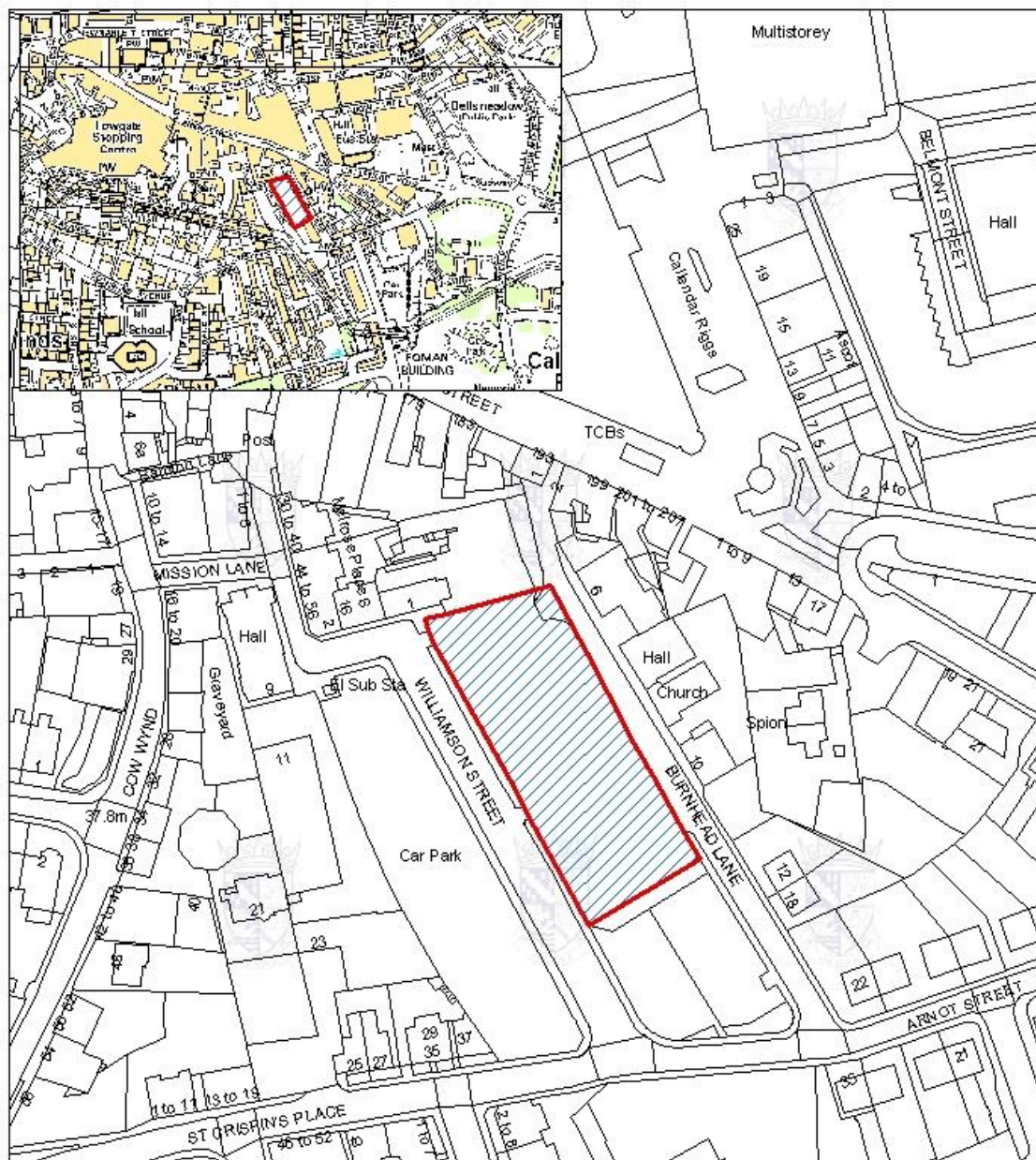
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0328/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2012. All rights reserved.
Ordnance Survey Licence number 100023384