



Agenda Item 4

USE OF LAND FOR SALE OF MOTOR VEHICLES, INCLUDING SITING OF NO. 2 CONTAINERS AND CONSTRUCTION OF FENCE (RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF TANNERY GARAGE, GRANGEMOUTH ROAD, FALKIRK FOR MR SOARIH UMED - P/23/0067/FUL

FALKIRK COUNCIL

Subject: USE OF LAND FOR SALE OF MOTOR VEHICLES, INCLUDING SITING OF NO. 2 CONTAINERS AND CONSTRUCTION OF FENCE (RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF TANNERY GARAGE, GRANGEMOUTH ROAD, FALKIRK FOR MR SOARIH UMED - P/23/0067/FUL

Meeting: PLANNING COMMITTEE

Date: 18 October 2023

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Falkirk North

Provost Robert Bissett
Councillor James Bundy
Councillor Cecil Meiklejohn
Councillor Iain Sinclair

Community Council: No Community Council

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

[View this Application on Public Access](#)

1. UPDATE REPORT

1. Members will recall that the Planning Committee considered this application on 23 August 2023 (copy of previous reports appended), when it was agreed to continue consideration of the application to allow the Committee to carry out a site visit to view the physical characteristics of the site.
2. The site inspection took place on 4 September 2023 and the application was referred back to Planning Committee on 20 September 2023. Members were not able to gain full access to the site and decided to carry out a further site visit.
3. The second inspection took place on 2 October 2023. Members viewed the application site and surrounding area, including the relationship with adjacent residential properties and adjoining petrol filling station and car repair garage. At the site visit Members noted that the applicant has commenced construction on a privacy fence to the eastern boundary.

4. No matters were arising at the site inspection which would alter the recommendation to grant planning permission. Planning condition No.2 in relation to the privacy fence has been updated to reflect the current site circumstances.

5. RECOMMENDATION

5.1 It is therefore recommended that the Committee indicate that it grants 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. Unless otherwise agreed in writing with the Planning Authority a privacy fence shall be maintained on the eastern boundary of the site in perpetuity. The fence shall be 2 metres in height and shall be of solid closed board construction.
3. The use hereby permitted shall not take place outwith the following hours:

08:00 to 19:00 Monday to Friday

10:00 to 16:00 Saturday, Sunday and Public Holidays

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To safeguard the privacy of the occupants of adjacent properties.
3. To safeguard the residential amenity of adjacent residents.

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 and 03A.

.....
pp Director of Place Services

Date: 6 October 2023

LIST OF BACKGROUND PAPERS

1. National Planning Framework 4.
2. Falkirk Local Development Plan 2.

LIST OF REPRESENTATIONS

1. Objection received from Amanda Hughes on 3 April 2023.
2. Objection received from Alan Moffat on 3 April 2023.

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

FALKIRK COUNCIL

Subject: USE OF LAND FOR SALE OF MOTOR VEHICLES,
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CONSTRUCTION OF FENCE (RETROSPECTIVE) AT
LAND TO THE SOUTH EAST OF TANNERY GARAGE,
GRANGEMOUTH ROAD, FALKIRK FOR MR SOARIH
UMED - P/23/0067/FUL

Meeting: PLANNING COMMITTEE

Date: 20 September 2023

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Falkirk North

Provost Robert Bissett
Councillor James Bundy
Councillor Cecil Meiklejohn
Councillor Iain Sinclair

Community Council: No Community Council

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

[View this Application on Public Access](#)

1. UPDATE REPORT

1. Members will recall that the Planning Committee considered this application on 23 August 2023 (copy of the report appended), when it was agreed to continue consideration of the application to allow the committee to carry out a site visit to view the physical characteristics of the site.
2. The site inspection took place on 4 September 2023. Members viewed the application site and surrounding area, including the relationship with adjacent residential properties and adjoining petrol filling station and car repair garage.
3. No matters were arising at the site inspection which would alter the recommendation to grant planning permission.

4. RECOMMENDATION

4.1 It is therefore recommended that the Committee indicate that it grants 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. Within 1 month of the date of this planning permission a privacy fence shall be constructed on the eastern boundary of the site. The fence shall be 2 meters in height and shall be of solid closed board construction. The fence shall be maintained in perpetuity.**
- 3. The use hereby permitted shall not take place outwith the following hours:**

**08:00 to 19:00 Monday to Friday
10:00 to 16:00 Saturday, Sunday and Public Holidays**

Reason(s):-

- 1. As these drawings and details constitute the approved development.**
- 2. To safeguard the privacy of the occupants of adjacent properties.**
- 3. To safeguard the residential amenity of adjacent residents.**

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 and 03A.**

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pp Director of Place Services

Date: 8 September 2023

LIST OF BACKGROUND PAPERS

1. National Planning Framework 4.
2. Falkirk Local Development Plan 2.

LIST OF REPRESENTATIONS

1. Objection received from Amanda Hughes on 3 April 2023.
2. Objection received from Alan Moffat on 3 April 2023.

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

FALKIRK COUNCIL

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LAND TO THE SOUTH EAST OF TANNERY GARAGE,
GRANGEMOUTH ROAD, FALKIRK FOR MR SOARIH
UMED - P/23/0067/FUL

Meeting: PLANNING COMMITTEE

Date: 23 August 2023

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Falkirk North

Provost Robert Bissett
Councillor James Bundy
Councillor Cecil Meiklejohn
Councillor Iain Sinclair

Community Council: No Community Council

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

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the use of a former car wash and valet centre for car sales, at land to the rear of the Tannery Garage, Falkirk. The site is a mixed-use area with residential properties to the south and east, a former college to the north and a petrol filling station and car repair garage to the west and partial north.
- 1.2 This application is retrospective as car sales are in operation from the site.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application was called in for the determination of the Planning Committee by Councillor Cecil Meiklejohn for the following reason:

- To ask the Planning Committee the opportunity to consider the noise and privacy impacts of this retrospective application on nearby residents.

3. SITE HISTORY

3.1 A planning application (F/2004/0785) for the erection of 2 No. jet wash bays was granted on 12 November 2004.

3.2 A planning application (F/2003/0103) for the siting of a storage container unit was granted on 21 March 2003.

3.3 A planning application (P/17/0044/FUL) for the formation of a car wash and valet centre, including the siting of No. 2 containers, erection of shelter, 2.2 metre high acoustic fence and 3 metre high polycarbonate screen (partially retrospective) was refused on 22 August 2017.

3.4 A planning application (P/18/0064/FUL) for the formation of a car wash and valet centre, including the siting of No. 2 containers, erection of shelter, 2.2 metre, high acoustic fence and 3 metre high polycarbonate screen (partially retrospective) was refused on 25 June 2018.

3.5 A planning appeal (AP/18/004/PPA) in relation to P/18/0064/FUL was allowed by Scottish Ministers on 8 November 2011.

4. CONSULTATIONS

4.1 The Council's Roads Development Unit do not object to the application. Advice is given in relation to parking requirements and an amended layout plan meeting these requirements was submitted by the applicant.

4.2 The Council's Environmental Protection Unit do not object to the application.

5. COMMUNITY COUNCIL

5.1 The Grahamston, Middlefield and Westfield Community Council is not currently active.

6. PUBLIC REPRESENTATION

6.1 In the course of the application, 2 contributor(s) submitted letter(s) to the Council. The salient issues are summarised as follows:-

- No toilets are provided. Staff have been seen to urinate in public view.
- Car alarms go off during the night and cars are revved, causing disruption for residents. Staff members talk loudly on their mobile phones and shout which also causes disruption.
- Lights at the site cause light nuisance as they are left on.
- Too many cars are stored on site – up to 40.
- Customers and staff can look over the wall to the east of the site, impacting the privacy of neighbouring residents.
- Employees and customers go on test drives without using trade plates which is illegal.
- Nothing has been done by the council to rectify missing screens at the car wash area.
- Car washing is not done above a drain which contaminates the area and spray goes into neighbouring gardens.

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 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.

7a.2 [The National Planning Framework 4 \(NPF4\)](#) was adopted by Scottish Ministers on 13 February 2023. The statutory Development Plan now consists of NPF4 and the [Falkirk Local Development Plan 2 \(LDP2\)](#).

7a.3 The proposed development was assessed against the following policy or policies: Accordingly -

Development Plan Policies

Policy 1 - Tackling the Climate and Nature Crises

- 7a.4 This policy seeks to address the global climate emergency and nature crisis by ensuring that Local Development Plans prioritise the reduction of emissions and adapt to current and future risks of climate change, by promoting nature recovery and restoration. Significant weight is given to the climate emergency, and it is recognised to be a priority for all planning decisions.
- 7a.5 It is considered that the principle of this development is supported by policy 1. This proposal relates to the reuse of an existing commercial site within an urban area, which promotes NPF4 aims in relation to recycling assets, local living and compact urban growth. There are no equivalent LDP2 policies and therefore there are no compatibility issues which require to be addressed.

Policy 2 - Climate Mitigation and Adaptation

- 7a.6 It is considered that this development would minimise greenhouse gas emissions by reusing an existing commercial site, within an urban area where there is an established cluster of commercial uses. There is no conflict with policy 2 or LDP2 policy PE01(6) 'Placemaking', as the development would conserve and recycle assets, would result in local living and compact urban growth. There are no compatibility issues which require to be addressed.

Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings

- 7a.7 This policy seeks to encourage and promote the reuse of brownfield, vacant and derelict land, to help reduce the need for greenfield development. This development results in the sustainable reuse of existing commercially established brownfield land in an urban area, which is supported in principle by policy 9 and LDP2 policy PE27 'Vacant, Derelict and Contaminated Land'. There are no compatibility issues which require to be addressed.

Policy 14 - Design Quality and Place

- 7a.8 It is considered that the proposed use of the site for car sales is comparable in land use character and function to the former use of the site as a car wash, albeit it does result in a change of use which requires the benefit of planning permission. It is also considered that the car sales use complements the adjoining car repair garage and petrol filling station. It is considered that the development is not significantly detrimental to the amenity of the area, in cognisance of the established commercial use of the site, and there is no direct conflict with the six qualities of successful places. The development supports compact urban growth and the conserving and recycling of assets. There is no conflict with policy 14 or LDP2 policy PE01 (1-5) 'Placemaking'. There are no compatibility issues which require to be addressed.

Policy 23 - Health and Safety

- 7a.9 It is considered that the development does not have a significant impact on the health of adjoining and nearby residents, as the use is similar in character and function to the established car wash. The Environmental Protection Unit have been dealing with noise complaints about car alarms being sounded overnight which appears to have been resolved. At the time of various visits to the site, there was only one member of staff present, with low customer numbers and no noise generating activities (i.e. playing music or using industrial equipment). It is considered that with appropriate management of the site, any noise emanating from the site would be less than the car wash and valet centre. There is no conflict with policy 23. There are no directly comparable LDP2 policies which require to be addressed in this case.

Policy 26 - Business and Industry

- 7a.10 It is considered that the nature and scale of the car sales use is comparable with the surrounding area, noting particularly the previous use of the site and the adjoining car repair garage and petrol filling station. It is considered that the concerns raised by adjoining residents (where material to the assessment of this application), could be addressed by the construction of a fence on the mutual eastern boundary and a condition in relation to the permitted hours of operation. The application accords with policy 26 and LDP2 policy JE04 'Business Development outwith Designated Business Areas'. There are no compatibility issues which require to be addressed.

- 7a.11 Accordingly, the application accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the planning history of the site and the assessment of public representations.

Planning History

- 7b.2 It is noted that this is a long-established commercial site, having been used as a car wash and valet centre in excess of 6 years. It is noted that the car wash was deemed acceptable by Scottish Ministers at appeal. It is considered that the use of the site for car sales should be no more likely to impact the residential amenity and privacy of adjoining residents than the established use. Two residents have expressed concerns about the behaviour of staff, which is not a matter for the Planning Authority to control (discussed in detail at Section 7b.4 - 5 below). It is considered that the established car wash and valet centre and the current use of the site for the sale of motor vehicles are similar in land use planning character and function and there is no tangible impact or change which would provide justification to refuse this application.

- 7b.3 In relation to privacy issues raised, it is accepted that there is a degree of overlooking on the partial eastern boundary. Adjoining residents are within their power to construct new boundary enclosures within their property to a height of 2 metres, which in this case would overcome any direct overlooking. Notwithstanding this, it is considered reasonable to expect the operator to construct a privacy screen and this can be addressed by condition.
- 7b.4 In relation to noise, the issue of overnight car alarms going off has been raised with the operator and there have been no further complaints. Issues in relation to persons shouting or behaving inappropriately at the site would be a matter for the police. In this case, it is considered reasonable to impose opening time restrictions, to protect the residential amenity of the area. This is noting the character of the area and the noise and general activity from other adjoining commercial uses and road network.

Assessment of Public Representations

- 7b.5 The allegation in relation to public urination is a matter for the police. There are no planning policies or other legislation to require this particular use to have on-site toilet facilities. At the time of the last site inspection, there was a portable toilet on site and the site was clean and tidy.
- 7b.6 The Environmental Protection Unit do not object. The issue of car alarms sounding overnight was raised with the operator and to our knowledge at the time of writing this report has not reoccurred.
- 7b.7 The size of the site would dictate the number of cars which could physically be stored. There is no restriction on the number of vehicles and this is not considered reasonable to be restricted by condition.
- 7b.8 There was no obvious source of light visible at several site visits. Any complaint in relation to unacceptable light intrusion would be investigated by the Environmental Protection Unit.
- 7b.9 It is noted that there is a privacy issue at the partial eastern boundary. This could be resolved by the introduction of a suitable privacy screen.
- 7b.10 The use of trade plates and road tax violations are not a material planning consideration.
- 7b.11 The application site is no longer used as a commercial car wash. It is noted that there is an existing car wash area which is being used to wash sale vehicles. There was no evidence of car washing taking place outwith this area at the time of various visits to the site.

7c Conclusion

- 7c.1 The application is assessed as being in accordance with the Development Plan. NPF4 gives significant weight to the global climate and nature crisis in the consideration of this application. It is noted that the application site is a long-established commercial site (car wash and valet centre) and the use for car sales is considered to be similar in character and function to the previous authorised use. It is considered that the concerns of adjoining residents could be mitigated to an acceptable standard by condition (requiring the construction of a fence on the eastern boundary and the restriction of hours of operation). There are no valid planning reasons to warrant refusing this application.

8. HUMAN RIGHTS AND EQUALITY ASSESSMENT

- 8.1 Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

9. RECOMMENDATION

- 9.1 **It is therefore recommended that the Committee indicate that it grants 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.**
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Reason(s):-

- 1. As these drawings and details constitute the approved development.**

2. To safeguard the privacy of the occupants of adjacent properties.
3. To safeguard the residential amenity of adjacent residents.

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 and 03A.

.....
pp Director of Place Services

Date: 11 August 2023

LIST OF BACKGROUND PAPERS

1. National Planning Framework 4.
2. Falkirk Local Development Plan 2.

LIST OF REPRESENTATIONS

1. Objection received from Amanda Hughes on 3 April 2023.
2. Objection received from Alan Moffat on 3 April 2023.

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

Planning Committee

Planning Application Location Plan **P/23/0067/FUL**

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

