
Report to Planning Committee

Date of Meeting: 25th November 2010

Subject: Planning Application 10/00257/FULL - Change of Use of Vacant Store to Taxi Business including Office and Parking Facilities at Site Accessed between 9 and 9a Abercromby Place, Tullibody - Report of Handling

Applicant: Richard Watson, Watson Property Services, 16 Fenton Street, Alloa

Prepared by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire West

1.0 Purpose

- 1.1. This is a report of handling of the above planning application. The report assesses the proposed development in the context of the Clackmannanshire Development Plan and other material considerations, including consultation responses and one objection. The recommendation to Committee is based on this assessment.
- 1.2. The Council has an interest in the planning application since it sold the site to the applicant and also owns the ground which provides access to the site from the public road at Abercromby Place. This is the reason for the application being reported to Committee for a decision.

2.0 Recommendations

- 2.1. The application is recommended for **APPROVAL** subject to the following conditions;
 1. This permission shall cease on 30th November 2012. By that date, the use of the site for a taxi business shall cease and revert to its former use as storage and distribution as defined by Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order, 1997.
 2. The use of the site for the cleaning, maintenance and the dropping off and collection of vehicles shall only take place between the hours of;
 - (a) 0730 to 2200 daily for the collection and dropping off of vehicles,

- (b) 0730 - 1830 for the cleaning or maintenance of taxi vehicles,
unless otherwise agreed in writing by the Council as planning authority.
- 3. Before any works start on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority;
 - (a) the location, design and colour of any means of enclosure within the site
 - (b) the design and layout of external parking areas within the site. The parking provision shall be sufficient to accommodate the demand generated by the approved use within the site
 - (c) the location and design of any external lighting within the site including details of the measures to reduce the risk of light pollution to neighbouring residential properties.

Once approved, the above details shall be completed before the commencement of use of the site as a taxi business

- 4. This permission only permits the use of the site as a taxi office for receiving and coordinating bookings for taxi vehicles by telephone and for the parking, cleaning and maintenance of taxi vehicles. It does not approve or permit;
 - (a) any member of the public booking, waiting or being collected/dropped off by a taxi from the site.
 - (b) the use of the site by taxi vehicles awaiting hire

Reasons for Conditions

- 1. It is considered appropriate to approve the development on a temporary basis only in order to allow the Council to monitor the impact of the development on residential amenity in the surrounding area.
- 2. To retain effective control over the development in order to safeguard residential amenity.
- 3. To consider those details yet to be received in the interest of residential and visual amenity and road safety.
- 4. It is considered necessary to regulate the operation of the taxi business in order to safeguard residential amenity.

2.2 Reasons for Decision

- 1. Having regard to the juxtaposition of the site and its access with the nearest residential properties, it is considered necessary to approve the change of use for a temporary period only to allow the scale and effects of the potential impacts on residential amenity and road safety from traffic movements and the taxi business to be monitored before a decision is made to grant the use on a permanent basis.

2. Further to Reason 1 above and having regard to the concerns raised by the objector, there is insufficient evidence to demonstrate that the proposed use would result in an unacceptable impact on residential amenity or road safety to justify withholding permission having regard to; the previous commercial uses of the site; the provisions of Local Plan Policy JOB 3 (Small Business) which favours the retention of sites used for business purposes for this purpose; and the terms of the planning conditions.

2.3 Section 75 Obligations

2.3.1 None

3.0 Background to the Proposals

- 3.1. The site comprises a building with areas of hardstanding and grass (see location plan). The building was last used for storage and distribution purposes by the Council and the lawful use is considered to be Class 6 Storage and Distribution. The site is bounded to the east and west by the rear gardens/amenity spaces of residential properties, to the north by the parking area of a public house and to the south by a Council owned garage court. Vehicular access to the site is available from Abercromby Place via the private access between 9 and 9a Abercromby Place which serves the garage court.
- 3.2. The proposal is to operate a taxi business from the site which would comprise;
 - the use of part of the building as a taxi office where calls would be taken and taxis coordinated by one member of staff
 - a parking facility for taxi vehicles outwith operating hours. The proposed operating hours would be between 0730 and 12 midnight although the hours may be extended at weekends. Approximately 6 taxis would operate from the site
 - the cleaning and light maintenance of taxi vehicles, normally within the building
- 3.3 The applicant has advised that there would be no facilities for the public to book or await taxis at the site and taxis would not await hires directly from the site. Security fencing and security cameras would also be installed at the site.

4.0 Consultations

- 4.1. Roads and Transportation has advised that they would not object to the proposal on the basis that taxis would not collect or drop off customers at the site and there was sufficient parking available within the site to accommodate the demand from taxis or driver's private vehicles.
- 4.2. Environmental Health are concerned that the noise and activity from taxi vehicles leaving or returning, particularly late in the evening, could result in noise disturbance to the neighbouring residential properties. Comment The

applicant has clarified that the proposed use would not involve members of the public visiting the site or taxi vehicles waiting for hires. However, it is recognised that the traffic movements generated by the use could result in noise or disturbance particularly late in the evening, which may result in complaints from neighbouring residents. The site has previously been used for commercial purposes in the past and is located next to a public house and garage court. It is therefore reasonable to conclude that there is a degree of noise and activity established at the location which any proposed change of use should be assessed against. Local Plan Policy JOB 3 supports the retention of the site for business use but subject to adequate safeguards on amenity. While the site has been used for different commercial uses in the past, it is likely that these operated during normal working hours. Given the relationship of the site and its access to residential properties and the risk of nuisance that would exist from noise and activity from vehicles, it is considered that the operating hours should be restricted to 2200 and permission should be granted for a temporary period in order to safeguard residential amenity and to allow the impact of the use on the surrounding area to be monitored.

- 4.3. Property Asset Management has advised that it has no objections to the application.

5.0 Representations

- 5.1. A total of 29 neighbouring properties were notified of the application and a Neighbour Notification advertisement was placed in the local press on 13th October 2010. One objection has been received from the following party;
- Mr D Redmond, 9 Abercromby Place, Tullibody
- 5.2. The objectors concerns can be summarised as follows;
- (a) concern about noise nuisance from taxi vehicles travelling to and from the site particularly as their bedroom windows are at the rear of the house facing the site. Comment *The issue of potential nuisance from noise and activity generated by the proposed use has been discussed in Paragraph 4.2 above. It is proposed to restrict the hours of operation of the site and the duration of the permission to safeguard the residential amenity of the surrounding area.*
 - (b) concern about road and pedestrian safety especially for children due to traffic movements associated with the site. Comment *Roads and Transportation does not object to the application subject to the proposed conditions.*
 - (c) It would attract people to hang around the rear of the houses and possibly increase the levels of antisocial behaviour already experienced. Comment *There would be no public access to the site or pick-up facilities. The applicant has advised that additional security measures would be carried out including boundary fencing, lighting and CCTV. It is considered that these factors would demonstrate that that the development would not increase the risk of more people hanging around the area or more anti-social behaviour.*

6.0 Planning Considerations

- 6.1. The application requires to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.2. The site is within the settlement boundary of Tullibody as defined by the adopted Clackmannanshire Local Plan. The site is shown on the Proposals Map as white land and is not allocated for change by the Plan. The site is not within Tullibody Town Centre boundary although this boundary does include the public house to the north of the site.
- 6.3. The key issues in relation to the application are considered to be;
- the environmental impact from the proposed use and their effect on residential amenity
 - road safety considerations
- 6.4. Local Plan Policy JOB 3 (Small Business) states that where the previous use of a site has been business, its retention for business will be favoured, where the use is compatible with existing uses in terms of amenity and traffic. The principle of business use is considered to be acceptable but the determining issue is whether this particular use would be compatible with the amenity of the surrounding area which is principally residential in character. The rear elevations and gardens of a number of houses and flats adjoin and face towards the site, all of whom were notified of the application and have made no objections, nevertheless, the potential impact from vehicle movements early in the morning or late in the evening could adversely effect the amenity of neighbours. While the site has been used for commercial activities in the past, the available evidence suggests that these activities would have been unlikely to involve regular activity and disturbance outwith normal office hours. Consequently, while the environmental impact from the use of the building to coordinate calls would not raise any concerns, it is proposed to restrict the hours of operations for vehicle related activities to safeguard residential amenity. It is also considered appropriate to grant permission for a temporary period only to allow any impacts to be monitored. This approach would satisfactorily address the advice from Environmental Health and comply with the Local Plan Policy EN 15 (Planning and Environmental Protection).
- 6.5. Subject to the proposed conditions which would prevent taxis picking up/ dropping off customers at the site or awaiting hires at the site, and having regard to the traffic impact that could arise associated with the lawful use of the site for storage/distribution use and the fact the site access also serves a lock-up garage court, it is considered that the proposed use would not result in a significant increase in risk to road or pedestrian safety. Roads and Transportation have also advised that they would not object to the proposal subject to the conditions.
- 6.6. The concerns raised by the objector and in the consultation from Environmental Health have been examined in Paragraphs 4.2 and 5.2 above. It is considered that the effect of the proposed conditions would ensure that the use would not have an unacceptable impact on residential amenity. Taking account of these mitigatory measures, it is concluded that

- (a) the proposal would accord with the Development Plan and
- (b) there are not other material considerations which would outweigh the Development Plan position and justify withholding permission.

7.0 Sustainability Implications

None.

(1) Our Priorities 2008 - 2011 (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) Council Policies (Please detail)

Policy JOB 4, Clackmannanshire Local Plan

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None.

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

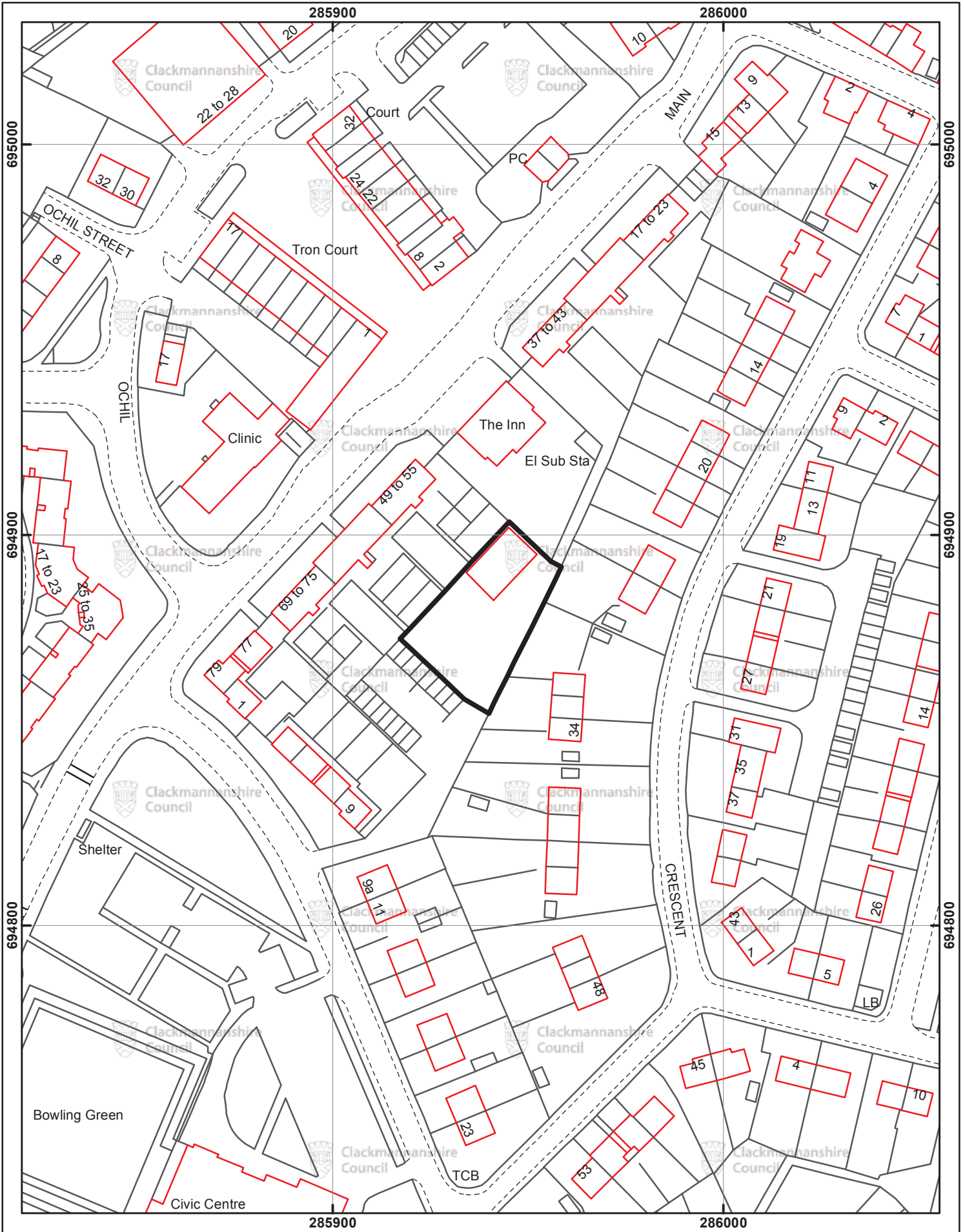
Yes (please list the documents below) No


Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	Signed: J Gillespie






Date:
11-Nov-2010

**10/00257/FULL - Site Accessed Between 9 And 9a,
Abercromby Place, Tullibody
Change Of Use Of Vacant Store To Taxi Office**

Ward: Clackmannanshire West OS Grid Ref: NS 85 94 NW

0 10 20 30 40 50 Meters Scale: 1:1,250



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