

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

PLANNING APPLICATION – OLD STATION YARD, STATION ROAD, FRIOCKHEIM

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

<p>Abstract: This report deals with planning application No. 01/00813/FUL for the erection of workshop/offices and new access for F. Cook at Old Station Yard, Station Road, Friockheim. This application is recommended for refusal.</p>
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1 INTRODUCTION

- 1.1 This application proposes the erection of a building measuring 8 metres x 12.5 metres for use as a workshop/office in connection with the applicant's light haulage business which currently operates from the site. A new access is proposed utilising a strip of the agricultural field situated to the north-east of the site linking to an existing track which currently serves three dwellings.
- 1.2 The site forms part of a larger industrial area which has an existing access off the A933 Friockheim to Arbroath road. The new access road which is three metres in width is proposed to link the site with the existing unmade access track off the B965 road which currently serves three residential properties including the applicant's house.
- 1.3 The proposed building has blockwork rendered walls to match the adjacent industrial building and a dark blue corrugated steel sheeting roof.

2 APPLICANT'S CASE

- 2.1 The applicant's agent has submitted a letter which contains the following information in support. The applicant resides at 'Jeneve', Station Road, which is located immediately to the north of the application site. He is a self-employed light haulier and for the past ten years has rented the application site from Screen Manufacturing Scotland Limited. The applicant has recently purchased the site, however, Screen Manufacturing Scotland Limited who retain most of the site will not allow access over their land for security reasons. The farmer, who owns the adjoining field, has agreed to sell a strip of land to allow access from Station Road, past Mr. Cook's private garage to the site making a new access. The agent states that the applicant's business is strictly a light haulage operation. He uses two vehicles, one weighs 1.8 tonnes and a Ford Transit pickup which he already often parks outside his house. The applicant also owns a private 4 x 4 car which also weighs 1.8 tonnes and a private motor car which weighs 1.5 tonnes, both of which he parks outside his house. At present the neighbours also use the existing road for one private motor car and one van which weighs 1.8 tonnes. The use the road approximately three/four times daily.

- 2.2 The agent states that the applicant's vehicles leave in the morning and return in the evening. No storage or distribution is conducted on the site and the proposed building is for servicing and garaging only. The office is for the sole use of the applicant. There are no service or delivery vans visiting the site. The Director of Roads does not appear to object to the proposal.

3 CONSULTATIONS

- 3.1 No adverse comments have been received from any statutory consultees.
- 3.2 The Director of Roads recommends that the footway crossing at the existing access should be upgraded in accordance with the standards of Angus Council.

4 LETTERS OF REPRESENTATION

- 4.1 Two letters have been received and are copied at the end of this report. In summary the representations concern:-

- the proposed access route currently serves residential properties only, industrial and residential traffic having been segregated in the past;
- inappropriate introduction of commercial vehicles into residential access routes;
- inadequate access for commercial vehicles;
- existing industrial access onto Station Road is adequate and should be maintained;
- alternative access route through the field to the south-east of the site is suggested. This would involve land not within the ownership/control of the applicant and is not relevant to this application;
- access would be detrimental to the character and residential amenity.

- 4.2 The above issues are address in Section 5 below.

5 PLANNING CONSIDERATIONS

- 5.1 The determining issues to be considered are whether the proposal:-

- is consistent with Structure Plan and Local Plan policy;
- would be detrimental to highway safety;
- would have an adverse impact on the character and residential amenity of the area.

- 5.2 The proposal lies outwith the scope of the Tayside Structure Plan.

- 5.3 Policy ENV1 : Environmental Quality of the Angus Local Plan requires all development to have regard to opportunities for maintaining and/or improving the environmental quality.

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- 5.4 Policy ENV7 : Industrial and Business Use states that proposals for industrial and business use, requiring the development of land, will normally be directed to allocated employment land. Outwith allocated areas such development may be permitted within settlements where the proposal:-
- (a) can be accommodated within existing or proposed infrastructure and services capacity;
 - (b) does not have an unacceptable impact on amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, dust, ash or grit; and
 - (c) accords with other relevant policies in the Local Plan.
- 5.5 The site lies outwith and immediately adjacent to the southern boundary of the development boundary of Friockheim as defined by the Angus Local Plan. The site is not allocated for any particular use in the Local Plan. In respect of the use of the site, given the history of the site as a station yard and its recent industrial use, in particular that the applicant has operated from this site for the past ten years, I do not consider the use to be an issue in this instance. The proposed building would appear industrial in character and is in keeping with the industrial uses on the site and adjacent land. The main issues of concern are considered to be the proposed access which seeks to create a new link between the existing industrial area and the existing, relatively quiet access track which currently serves three dwellings. Whilst the Director of Roads raises no objection to the proposed access, subject to the upgrading of the footway crossing at the existing access, the impact of the use of the track for commercial vehicles needs to be considered.
- 5.6 The access track currently serves three residential properties and has the appearance of a quiet lane which is purely residential in character. In Section 2 above, the applicant's agent emphasises that the use of the application site is strictly light haulage and currently involves the use of only two vehicles. Whilst I appreciate that this may currently represent a relatively low key activity for an industrial use, I have reservations about introducing the vehicles of a commercial nature into the residential area, particularly when this could be avoided by maintaining the existing access via the adjacent industrial area. The applicant currently gains access via the adjacent industrial area. I do not consider it appropriate to introduce commercial vehicles into the residential area where there is an acceptable alternative, i.e. the retention of the existing access route through the industrial area. The proposed use of the access by commercial vehicles would increase the level of activity and associated noise and disturbance and change the nature of vehicles using the lane and would have an adverse impact on the character and residential amenity of the area. If approved the intensity of use of the access could not be reasonably controlled and even more serious amenity problems would arise should the business be successful and expand its operations.
- 5.7 It is my view that the proposed access would conflict with Local Plan Policies ENV1 and ENV7 as it would not maintain/improve environmental quality and would have an unacceptable impact on the residential amenity of the area.

6 HUMAN RIGHTS IMPLICATIONS

- 6.1 The recommendation in this report for refusal of this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

7 RECOMMENDATION

- 7.1 It is recommended that the application be refused for the following reason.
- That the proposal conflicts with Policies ENV1 and ENV7 of the Angus Local Plan as the proposed access would result in an introduction of commercial vehicles into a residential area to the detriment of the character and residential amenity of the area by reason of vehicular activity, noise and associated disturbance.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JF/IAL
9 October 2001

Alex Anderson
Director of Planning and Transport