

Application No: N/05/01502/AMD
Date Registered: 7th September 2005
Applicant: Mrs Helen Sutherland
12 Old Gartloch Road
Gartcosh
Glasgow
G69 8EU
Development: Renewal of Existing Temporary Permission for Use of Rear
Yard for Van Sales
Location: 12 Old Gartloch Road
Gartcosh
G69 8EU
Ward: 68 Moodiesburn West and Gartcosh Councillor Joseph Shaw
Grid Reference: 269829 668081
File Reference: N/05/01502/AMD
Site History: 02/00675/FUL Change of Use of Yard to Vehicle Sales (In
Retrospect). Granted in October 2002.

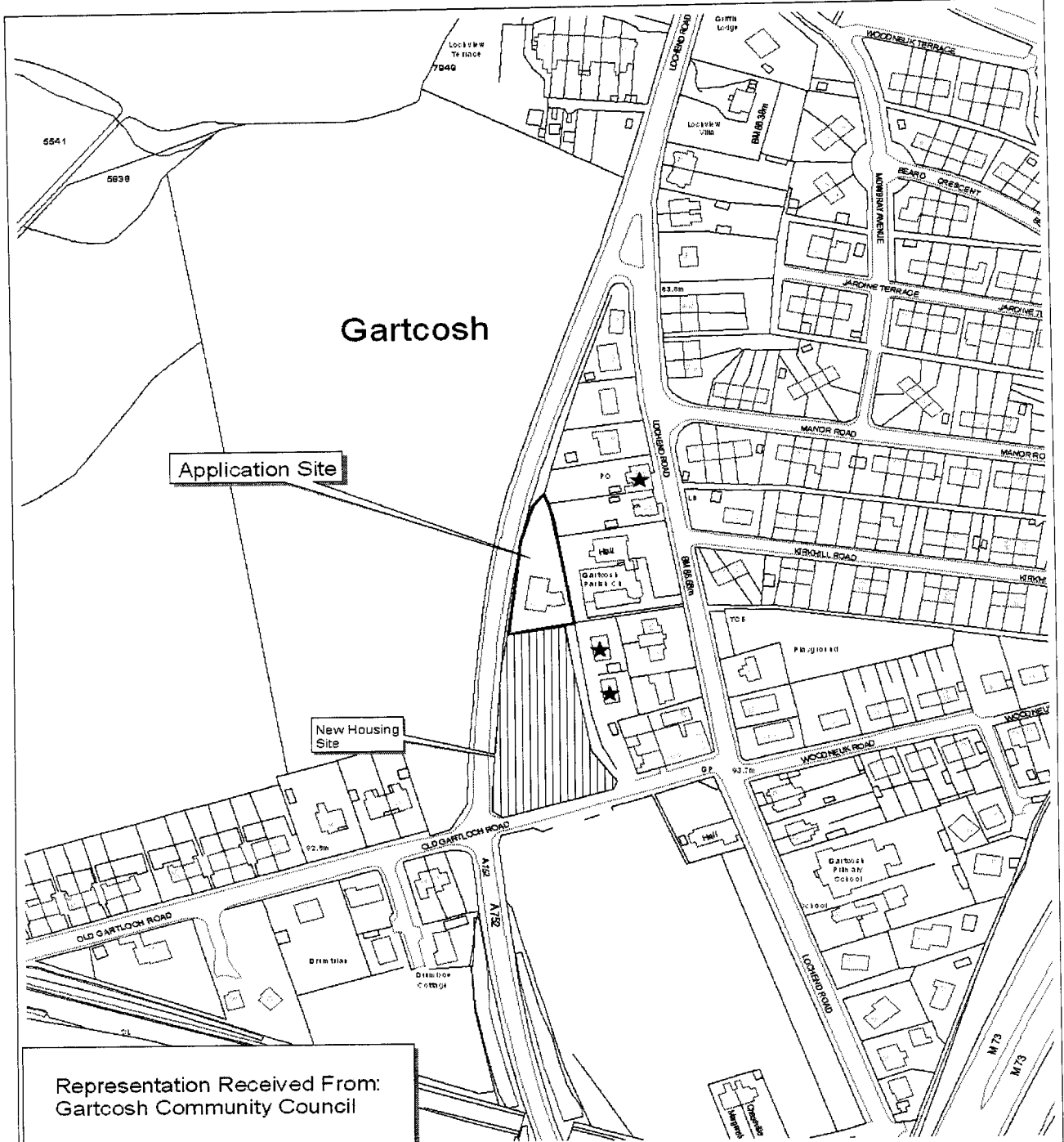
Development Plan: The property is covered by residential policies in the Strathkelvin
(Southern Area) Local Plan 1983 and the Northern Corridor
Finalised Draft Local Plan 2000.
Contrary to Development Plan: Yes
Consultations: Gartcosh Community Council (Objection)
Representations: 3 Representation Letters
Newspaper Advertisement: Advertised on 21st September 2005

Recommendation: Grant Subject to the Following Conditions:-

1. That the permission hereby granted is a personal permission rather than relating to the land and shall enure solely for the benefit of the applicant, Mrs H Sutherland.

Reason: To reflect the reasonable existing operation of the business, but the concern that other operating methods may cause unacceptable loss of residential amenity and may compromise road safety.

2. That the permission hereby granted is for a temporary period only and shall expire on 31st December 2007; thereafter (unless a further planning permission is granted) the



Gartcosh

Application Site

New Housing Site

Representation Received From:
Gartcosh Community Council

Produced by
Planning and Environment Department
Fleming House
2 Tryst Road
CUMBERNAULD
G67 1JW
Tel: 01238 816210 Fax: 01238 816232
OS Licence 100023359 2004

N/05/01502/AMD
Mrs Helen Sutherland
12 Old Gartloch Road Gartcosh
Renewal of Existing Temporary Permission
for Use of Rear Yard for Vehicle Sales
★ Representations
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business shall cease, vehicles for sale shall be removed and the site shall be returned to solely residential use.

Reason:To reflect the reasonable existing operation of the business, but the concern that future operating methods may cause unacceptable loss of residential amenity and may compromise road safety.

3. That commercial operations shall only take place on the site between the hours of 8.00 a.m to 8.00 p.m Mondays to Saturdays and 9.00 a.m to 6.00 p.m on Sundays.

Reason:In the interest of residential amenity by ensuring that commercial operations do not take place at night, in the early morning or in the late evening.

4. That the commercial operation shall be restricted as follows;
 - sale vehicles shall be solely small vans up to 35cwt carrying capacity (Transit type),
 - there shall be a maximum of 15 vehicles for sale at any one time,
 - vehicles for sale shall be displayed solely in the rear yard as shown on the approved plan,
 - no mechanical repairs or servicing shall take place on site;the above restrictions override the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Reason:In the interests of residential amenity by ensuring that future operations maintain current restrictions.

5. That customer parking shall be as shown on the approved plan, shall be clearly designated, and shall, thereafter, be maintained as parking and manoeuvring area.

Reason:In the interests of residential amenity and road safety.

6. That no fascia signs, adverts or projecting signs shall be erected on the premises; this is notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Reason:In the interests of residential amenity by ensuring that there is no inappropriate and obtrusive commercial signage.

7. That the existing screen planting around the rear yard shall be retained.

Reason:In the interests of residential amenity by ensuring that the sales area remains screened from general view.

Background Papers:

Application form and plans received 7th September 2005

Letter from G & J Kerr, 8 Old Gartloch Road, Gartcosh, G69 8EU received 15th September 2005.

Letter from L & G Love, 10 Old Gartloch Road, Gartcosh, G69 8EU received 15th September 2005.

Letter from Alexander W Ross & Mrs Marie Ross, 117 Lochend Road, Gartcosh, G69 8AH received 22nd September 2005.

Letter from Bryan Johnston, Secretary, Gartcosh Community Council, Griffin Lodge, Gartcosh, G69 8AY received 6th October 2005.

Any person wishing to inspect these documents should contact Mr Martin Dean at 01236 616459.

APPLICATION NO. N/05/01502/AMD

REPORT

1. Description of Site and Proposal

- 1.1 The application is for the renewal of the existing temporary permission granted in October 2002 for small van sales to the rear of 12 Old Gartloch Road, Gartcosh. The van sales take place from a triangular rear yard screened on two sides by mature trees and hedging and on the third side by the applicant's dwellinghouse.

2. Development Plan

- 2.1 Under the terms of the Northern Corridor Finalised Draft Local Plan 2000 the site is covered by the following policy

HG3: Retention of residential amenity – the Council will seek to protect the established character of existing and new housing areas by opposing development which is incompatible with the residential setting or adversely affects the amenity of established housing areas.

- 2.2. The application site is covered by the following policies in the Stathkelvin Southern Area Local Plan 1983

E.PRO6: Areas unaffected by specific proposals – Within residential areas no development of any significance will be acceptable other than general remedial works and small scale alterations and improvements consistent with the existing pattern of land uses and building types.

E.PRO7: Development Control in Residential Areas – The operation of commercial enterprises from residential properties will be opposed.

3. Consultations and Representations

- 3.1 My Transportation Section have no objections to the application subject to there being satisfactory on-site customer parking. There are no objections from the Pollution Control Team Leader.
- 3.2 Three letters of objection have been received, including an objection from Gartcosh Community Council. Points of objection and comments are as follows:

- The van sales business is inappropriately located in a residential area and particularly in an area where eight new houses have recently been constructed in a shared cul-de-sac. The operation caused congestion, noise nuisance and invasion of residential privacy. Customer cars are parked on the public road, vans are test driven on the local road and around Gartcosh, and there is a roads danger from extra related traffic. The van centre should be run from more appropriate premises.

Comments: When planning permission was granted in October 2002 it was in the knowledge that the premises were located in a residential area and that there would be a housing development on adjacent land to the south of the application site. It was considered that the discreet form of operations did not cause any over-riding loss of residential amenity. The principle of the commercial development in the residential area has, therefore, been established, subject to there being no over-riding nuisance conditions. It is noted that no objections have been received concerning the business activities except during the processing of the original and current planning applications. There have been a number of unannounced site visits and no nuisance conditions or parking congestion have been noted. On only one site visit was on street

parking (two cars) noted near to the application site although there was no reason to assume that this was associated with the van sales business. Two customer parking spaces are available within the application site. It is accepted that there may be occasional nuisance to local residents but on the basis of regular monitoring these would appear to be rare and isolated occurrences and do not warrant a refusal of permission. It should be noted that the vans are not readily visible from outwith the site and there is no objection from my Transportation Section subject to continued provision of on-site customer parking.

- The business has grown since the original grant of permission with there being an increase in the size and quantity of vans on site. Mini buses and cars are being sold as well as vans and there have been contraventions of the temporary permission.

Comments: The existing temporary permission specifies that only the rear yard shall be used for van sales and specifies the type and maximum numbers of vans to be kept on site. It was noted on the unannounced site visit to the rear yard that the terms of the planning permission were being complied with.

- Two neighbours have not been served neighbour notifications.

Comments: A neighbour notification error has been identified and this has been rectified.

- If the recommendation is that planning permission be granted there should be a Committee site visit prior to a decision being reached.

Comments: This request should be noted by the Committee.

4. Planning Assessment and Conclusions

- 4.1 The principle of a well run discreet van sales operation at this location has already been established through the previous grant of planning permission. The key issue to be considered through the current the application is whether there are unacceptable levels of nuisance to local residents such that continued operations should not be allowed.
- 4.2 On the basis of regular monitoring on the local section of Old Gartloch Road it is considered that any nuisance, such as on street parking or test driving, is infrequent. No such occurrences have been noted by planning officers. The business would appear to be operated in an acceptable manner and, as such, it is concluded that planning permission should be granted for continued operations. It is however recognised that there is the potential for future nuisance to local residents if van sales take place in a more open manner and the terms of the planning permission are disregarded. It is therefore recommended that planning permission continues to be personal to the applicant and that it be for a temporary period of two years to allow for effective monitoring.
- 4.3 Please note that a site visit has been requested prior to the application being determined.