

Comments received from L Gibb, 1 Queen Margaret's Gait, Forfar, DD8 1BS.

PLANNING REF 19/00077/FULL: Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) at Units 4A – 9, Craig O'Loch Road, Forfar DD8 1BU.

"Firstly I would like to strongly object to retrospective planning to upgrade or change to Class 5. The residents of Queen Margaret's Gait have been plagued with noise disruption sometimes into the early hours of the morning (cutting and hammering), this very much restricts opening of windows or use of gardens. We have no issue with correct usage or storage of safe materials or cars, but not active business usage 24 hrs a day.

It states that the lock-ups are over 40 metres from our properties which is incorrect, it is far less to my property boundary. The area around the lock-ups have been turned into a scrapyard with many wrecked vehicles including caravans (some being occupied overnight). The state and mess of area is encouraging fly tipping across from Car Wash and at sub-station on Manor Street. Great concerns over hazardous materials being stored/used within this area ie. paints/thinners, gas, petrol, oil. Has this area been checked and registered? Can you please let me know what enforcement and findings regarding the contravening of planning for this area by the Council as complaints have been made previously by owners.

This is a partially residential area, noise restrictions and work practices must be adhered to especially the premium rates you enforce on us. I disagree with changing usage just to suit the work now taking place there when the units have no planning to do so. Lastly we the residents try to keep this area tidy and feel in this instance the council is letting us down again."

LINDSAY GIBB
COUNCIL EMPLOYEE

Mark Melnyk
4 Queen Margaret's Gait
Forfar
DD81BS

19th March 2019

Dear Ms Porter

**Planning Application Ref: 19/00077/FULL
Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) At Units
4A - 9 Craig O'Loch Road Forfar DD8 1BU**

I object to the above planning application on the following grounds:

- ➔ The unauthorised use of the premises at Units 4A-9 Craig O'Loch Road for purposes within Class 5 (General Industrial) of the Town and Country Planning (Use Classes)(Scotland) Order 1997 adversely impact on the amenity and environmental quality of the residential premises at Queen Margaret's Gait. Current use of the premises (vehicle servicing / tuning and modifications) generates significant noise including banging, revving of engines, backfiring from exhausts and tyre screeching from vehicles arriving and departing from site all of which occurring late into the night, well beyond our kids bedtime. These incidents are a particular nuisance as we are unable to open windows without increasing the already unsociable noise generated from these premises i.e. noise can be heard during unsociable hours with all double glazed windows / doors shut.
On an environmental aspect concerns arise regarding the storage of approximately twenty cars in various states of neglect, this poses both an environmental issue due to the lack of spillage control and the visual appearance and compatibility with surroundings. As the area has evolved over the past months providing both retail and food outlets combined with a car wash facility, only to be marred by an unsightly array of neglected vehicles.
- ➔ The Planning Statement submitted in support of planning application ref: 19/00077/FULL makes reference to the application property being 40m from the nearest residential properties. 4 Queen Margaret's Gait rear garden is less than 40m from the site submitted for planning and question the red boundary marker on the map is out of line with current boundary in use.

I trust this clarifies our concerns regarding the planning application

Regards,

M Melnyk

Mr and Mrs Macari
2 Queen Margaret's Gait
Forfar
DD81BS

13 March 2019

Dear Ms Porter

**Planning Application Ref: 19/00077/FULL
Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) At Units
4A - 9 Craig O'Loch Road Forfar DD8 1BU**

I object to the above planning application on the following grounds:

- The unauthorised use of the premises at Units 4A-9 Craig O'Loch Road for purposes within Class 5 (General Industrial) of the Town and Country Planning (Use Classes)(Scotland) Order 1997 adversely impacts on the amenity and environmental quality of the residential premises at Queen Margaret's Gait. This is because through out the daytime and night, Monday to Sunday the current unauthorised use of the premises for Class 5 purposes (vehicle repair and maintenance) generates significant levels of noise and disturbance. The banging and grinding, of metal and revving of engines is so loud that it renders our private gardens unusable. We are unable to watch television during the day or night with our windows open due to the noise and disturbance and at times exhaust fumes. During night time hours there are floodlights that illuminate the fore-court area of the units which spill light into the rear facing windows of our house serving our living room, kitchen and bedrooms. This adversely impacts on the enjoyment of our home and our amenity. This is a particular nuisance when the units are in operation until late night and in some instances until 01:00am. Taking cognisance of the reasons above I have clearly evidenced that the use of the application premises for vehicle maintenance and repair (Class 5 General Industrial purposes) is contrary to Policies DS1 Development Boundaries and Priorities and DS4 Amenity of the adopted Angus Local Development Plan.
- The application premises currently has planning permission to operate within Class 4 (Business) of the Town and Country Planning (Use Classes)(Scotland) Order 1997. Premises operating within Class 4 can be used:
 - (a) as an office, other than a use within class 2 (financial, professional and other services);
 - (b) for research and development of products or processes; or
 - (c) for any industrial process;

Each of the above purposes is restricted by the Order to being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class 5 (General Industrial) of the Town and Country Planning (Use Classes)(Scotland) Order 1997 is defined as:

Use for the carrying on of an industrial process other than one falling within class 4 (business).

In failing to satisfy the requirements of Policies DS1 and DS4 of the adopted Local Development Plan the unauthorised use of the application premises for Class 5 purposes has been demonstrated to detrimentally impact on the amenity of the surrounding residential area. In this instance there is clear and irrefutable evidence that the application premises is suitable for Class 4 purposes and not Class 5 purposes.

- The Planning Statement submitted in support of planning application ref: 19/00077/FULL makes reference to the application property being 40m from the nearest residential properties. The application property is 15m from the dwellinghouse at 1 Queen Margaret's Gait and 8m from the rear garden of this property. Similarly the application property is 22m from the houses at 2 and 3 Queen Margaret's Gait and 13m from the respective rear gardens. The proximity of the application property to neighbouring residential premises makes the application site an inappropriate location for a Class 5 (General Industrial) use due to the adverse impact that such uses have on the amenity of neighbouring residential properties. This is evidenced by the proposal's failure to satisfy Policies DS1 and DS4.
- In failing to satisfy Policies DS1 and DS4 the proposal is also contrary to Policy TC15 Employment Development. Policy TC15 directs development proposals falling within Use Classes 4,5 or 6 to Employment Areas designated by the adopted Local Development Plan. Outwith designated Employment Areas, Policy TC15 will only support proposals for Class 4,5 or 6 Uses where:
 - there are no suitable or viable sites available within an employment land allocation or existing employment area; or
 - the use is considered to be acceptable in that location; and
 - there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

The Planning Statement fails to demonstrate the proposal's compliance with the above criteria and as such fails to satisfy Policy TC15. For the avoidance of doubt the application site is zoned as white land and is not zoned as employment land by the adopted Local Development Plan.

- The Planning Statement draws on the Scottish Planning Policy's support for proposals that promote sustainable economic development citing planning application ref: 19/00077/FULL as an example of sustainable economic development. However, the Scottish Planning Policy clarifies that while sustainable economic development is to be promoted, the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. In this regard by failing to comply with the requirements of the Local Development Plan the application site has been demonstrated to be inappropriate for the type of development being proposed. Therefore as well as being contrary to the requirements of the Local Development Plan the proposal is also contrary to the requirements of the Scottish Planning Policy.
- The Planning Statement makes reference to the use of Planning Conditions to make what would otherwise be an unacceptable development acceptable. The proposed conditions would restrict the hours of operation and noise generated from the applica-

tion site. However, I would contend that such conditions would fail the reasonable test contained within Circular 4/1998: The Use of Conditions in Planning Permissions. This is because such conditions would nullify the benefit of the permission being sought by effectively restricting the use of the premises for purposes within Class 4.

- Although outwith the application site for the proposed development, the land surrounding Units 4A -9 Craig O'Loch Road is utilised for a variety of unauthorised purposes. The land between the application site and our rear garden is being used for the storage and breaking of motor vehicles. There are 3 caravans stored on the premises one of which appears to be occupied. The Council was previously notified of this.

I trust this clarifies our concerns regarding planning application ref: 19/00077/FULL.

Regards

Mr and Mrs Macari

Craig Beaton
3 Queen Margaret's Gait
Forfar
DD8 1BS
22nd March 2019

Dear Ms Porter,

**Planning Application Ref: 19/00077/FULL
Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) At Units 4A – 9 Craig O'Loch
Road Forfar DD8 1BU**

I hereby give notification to our objection to the above planning application on the following grounds:

The unauthorised use of these premises at Units 4A-9 Craig O'Loch Road for purposes within Class 5 (General Industrial) of the Town and County Planning (Use Classes)(Scotland) Order 1997 adversely impacts on the amenity and environment quality of the residential premises at Queen Margaret's Gait.

We have been residing in this address now for what will be 8 years in July and the ongoing noise and disturbance has been a constant worry and concern for us. On numerous occasions we have discussed the idea to sell and move away from our dream family home.

The current use of the premises in some of the lockups (vehicle servicing / tuning and modifications) generate significant noise including banging, revving of engines, backfiring from exhausts and tyre screeching from vehicles arriving and departing from the site all of which occurring late into the night and into the early hours of the morning. We have contacted the police on multiple occasions over the years and have had visits from the local police officers and local councillors to discuss the issue and to hear and see for themselves.

The noise renders our private gardens unusable at times and in the evening we are unable to leave the windows ajar due to the noise generated from the lockups. With all double glazing units closed we are still disturbed while sitting in the comfort of our lounge due to noise. This has on occasion woken up not only our young family in the evening, but also ourselves in the early hours of the morning.

The area around the lockups has become an unsightly tipping ground for dozens of scrap vehicles in various forms of neglect, with environmental concerns due to lack of proper storage or spillage control. On occasions stored caravans have been seen to be occupied, which again local police and councillors have been alerted to.

The Planning Statement submitted in support of planning application ref: 19/00077/FULL makes reference to the application property being 40m from the nearest residential properties. 3 Queen Margaret's Gait rear garden is considerably less than this distance from the site submitted for planning.

I believe all of these issues contravene the application premises current planning permission to operate within Class 4 (Business) of the Town and Country Planning (Use Classes)(Scotland) Order 1997, whereby the premises use is restricted by the Order to being of use which can be carried on in any residential area without the detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

I trust this clarifies our concerns regarding the planning application.

Regards,

Craig Beaton

Dear Miss Porter,

I refer to the above planning application.

I note the comments from the Council's Environmental Health Service and the suggested conditions. The comments and suggested restrictions are of great concern in that they will not address the existing impact on amenity generated by the unauthorised use of the application premises for Class 5 purposes. Firstly, a difference in ground level does not prevent noise generated from Class 5 operations from intruding on the amenity and enjoyment of neighbouring residential premises. Although the door openings of the units are west facing the noise generated from within the buildings is excessive and can be heard within the surrounding houses when the doors and windows are shut. Secondly, the conditions restricting operating hours would not address the impact on amenity by virtue of noise and disturbance. In this instance the levels of noise and disturbance generated by Class 5 uses cannot be overcome by the use of planning conditions. This is due to the application site adjoining residential properties and the close proximity of the buildings on site to houses. Taking these matters into consideration there is clear evidence to conclude that the application site is an inappropriate location for Class 5 (General Industrial) uses. Had the application site been an appropriate location for such uses it would have been zoned as such by the Angus Local Development Plan.

I would be grateful if you could confirm if planning application is to be determined using delegated powers or if it is to be reported to committee?

Regards

Paul

Comments for Planning Application 19/00077/FULL

Application Summary

Application Number: 19/00077/FULL

Address: Units 4A - 9 Craig O'Loch Road Forfar DD8 1BU

Proposal: Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) and Class 6 (Storage and Distribution)

Case Officer: Stephanie Porter

Customer Details

Name: Ms Eleanor Feltham

Address: 92 St. Ninians Road Padanaram Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to retrospective request for Change of Use to Class 5 and 6 within the fabric of lock ups 4A to 9 at Craig O'Loch Road DD8 1BU. Lock ups were designed with inferior building material and sole use and only purpose of storing a vehicle. Requesting a change of use could impact on the whole of Angus and set a precedent of and deviating away from buildings solely designed for the purposes of general industrial works. These premises are in close proximity to residential properties that would affect their privacy and amenity. Noise, nuisance and smell cannot be discounted. I lodge this objection in consideration of this application.

Comments for Planning Application 19/00077/FULL

Application Summary

Application Number: 19/00077/FULL

Address: Units 4A - 9 Craig O'Loch Road Forfar DD8 1BU

Proposal: Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) and Class 6 (Storage and Distribution)

Case Officer: Stephanie Porter

Customer Details

Name: Mr Craig Beaton

Address: 3 Queen Margarets Gait Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Ms Porter,

I have added a further comment due the recent neighbour notification.

My original objection letter dated 22nd March (uploaded 25th March) is still valid and all concerns detailed in that letter remain.

Regards,

Craig

Comments for Planning Application 19/00077/FULL

Application Summary

Application Number: 19/00077/FULL

Address: Units 4A - 9 Craig O'Loch Road Forfar DD8 1BU

Proposal: Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) and Class 6 (Storage and Distribution)

Case Officer: Stephanie Porter

Customer Details

Name: Mr Paul Robertson

Address: 5 Queen Margarets Gait Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Ms Porter,

Planning Application Ref: 19/00077/FULL

Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) and Class 6 (Storage and Distribution).

I hereby give objection to the above planning application due to continuing levels of noise and disturbances, sometimes into the early hours of the morning inflicted on the neighbouring dwellings. Loud banging, grinding, car horns, loud exhausts, wheel spinning / screeching. This is not the sort of behaviour you would associate with a common lockup. In no uncertain terms do I agree to allow this change in use which would allow free rein to this area.

These lockups have become a blight on the surrounding area. I have health and safety concerns regarding the storage of multiple vehicles in various states of repair. Caravan being stored, at times occupied. The local authorities have allowed these practices to go on long enough, with our concerns and complaints to local authorities and police falling on deaf ears.

I hope the use of these units may return to a more traditional interpretation of the term 'lockups', and not the continued inconsiderate, near 24hrs, industrial use of the premises. If not, I fear for my and our neighbours' privacy and amenity at Queen Margarets Gait.

Regards,

Paul Robertson

Hello,

I am writing in response to the amended planning application - 19/00077.

Our objection still stands firmly as previous - as reminded by the revving of engines tonight 21:05 acted as a kindly reminder.

Again to emphasise;

- Noise nuisance during sociable and unsociable hours
- Environmental concerns relating to storage of ~20 cars, neglected in various states of disrepair
- Image of the area in contrast to restaurant and garden furniture shop

In addition, under Class 5 storage of cars for sale and breaking of vehicles is not permitted. Whilst these are not openly evident storage of these cars (plus 4 caravans) appears to be the prelude to sale of or breaking of vehicles.

Regards.

Mark