

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM OPEN SPACE/LANDSCAPE AREA TO FORM VEHICULAR ACCESS AND PARKING AREA IN ASSOCIATION WITH COMMERCIAL GARAGE/TAXI BUSINESS INCLUDING DROPPED KERB AT LAND TO THE WEST OF 6 MILLER CRESCENT, LITTLE CARRIDEN, BO'NESS FOR MR & MRS G MCBAIN - P/13/0163/FUL

Meeting: PLANNING COMMITTEE

Date: 25 June 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner

Community Council: Bo'ness

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was considered at the meeting of the Planning Committee on 29 May 2013 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 10 June 2013.
2. At the site visit the Development Management case officer summarised the report of recommendation, the applicant and their agent spoke in support of the application and the Planning Committee asked questions. Two objectors were present at the meeting and spoke, setting out their objections to the proposed development.
3. The applicant and his agent responded to third party objections making the following comments:
 - The proposed development would alleviate safety issues on the A904 by slowing vehicles down and could result in the 30MPH sign being moved to a better position;
 - Any noise from the proposed development would be drowned out by the backdrop of traffic noise from the A904;
 - The woodland between the proposed development and adjacent residential properties would buffer noise and obstruct the view of commercial vehicles;

- The overgrown historic road is an eyesore;
 - The proposed development is for the parking of mini buses and is not related to the applicant's MOT or taxi business;
 - The monument built by the residents of the Muirhouses was constructed without the landowner's consent;
 - Boundary planting would form a complete visual screen of the commercial vehicles from the adjacent public footpath and road;
 - The applicant's mini buses have been vandalised when parked on the public road; and
 - The applicant employs 6 drivers to run the mini buses and it may not be economically viable to find an alternative site for the commercial vehicles.
4. Objectors raised concerns that other people/vehicles may use the site, the proposed development would spoil the visual amenity of the countryside area and the applicant should access the site adjacent to his property and not from the main road. Objectors also raised concerns that the applicant runs a 24 hour taxi service and the proposed development would result in noise and disturbance to surrounding residents. The applicant responded by advising the taxi service was not 24 hours and gave hours of operation and general arrangements for the mini bus business.
 5. Members asked questions in relation to the width and position of the proposed road and the location of the monument. Councillor Ann Ritchie spoke in support of the application as the proposed development would alleviate congestion at the access into Little Carriden and the proposed development would get cars off the public road.
 6. The Roads Development Officer confirmed that the junction into Little Carriden is not highlighted as an accident hot spot. The roads officer also confirmed that the historic road is no longer classed as a 'road' and is not adopted. As the A904 is an 'A' Class road a Traffic Regulation Order would have to be promoted for any amendment to the position of the 30MPH sign. The roads officer advised that the proposed development would not be a justification for the sign being moved and that the sign was in the correct position. Crossing the footway to access the site (as the applicant is doing at present) is a police matter.
 7. The Planning Committee took time to view the application site, the location of the proposed access and the adjacent monument.
 8. Members asked questions about the ownership of the application site and maintenance of the wider open space area. Property Services have provided a plan which shows Falkirk Council ownership hatched pink (copy of plan appended). Members will note that a small area of the application site adjacent to the A904 is owned by Falkirk Council. It is likely that this area forms part of the 'road' being pavement and verge and as such the applicant would have a right of access across the area. Property Services also advise that Falkirk Council maintain the wider area of open space area.
 10. It is considered that no matters were raised at the site visit that alter the recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows:-

11. RECOMMENDATION

It is therefore recommended that planning permission be refused for the following reason(s):-

1. The proposed development would result in an unacceptable visual impact on the character and appearance of an area of established open space considered to have landscape and amenity value, as a result of the cutting of a road through the area and the parking of commercial vehicles, contrary to policy SC12 'Urban Open Space' of the Falkirk Council Local Plan and policy INF03 'Protected Open Space' and policy GN01 'Falkirk Green Network' of the Falkirk Local Development Plan, Proposed Plan (April 2013).
2. The proposed development would fail to preserve or enhance the character of the adjacent Muirhouses Conservation Area, as the proposed development would result in an unacceptable impact on the visual amenity and landscape quality of an area of open space that forms an important entrance feature to the conservation area and the main eastern entrance into Bo'ness. It is considered that the proposed development would erode the setting and special character of the conservation area, contrary to policy EQ12 'Conservation Areas' of the Falkirk Council Local Plan and D10 'Conservation Areas' of the Falkirk Local Development Plan, Proposed Plan (April 2013).
3. The proposed development does not demonstrate the need for a countryside location and would be more appropriately located within the urban limit. The proposal does not relate to the re-use of vacant commercial land or constitute an extension to an existing use, contrary to policy EQ19 'Countryside' and policy EP5 'Business and Industrial Development in the Countryside' of the Falkirk Council Local Plan and policy CG01 'Countryside' and policy CG04 'Business Development in the Countryside' of the Falkirk Local Development Plan, Proposed Plan (April 2013).

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 03.

Pp

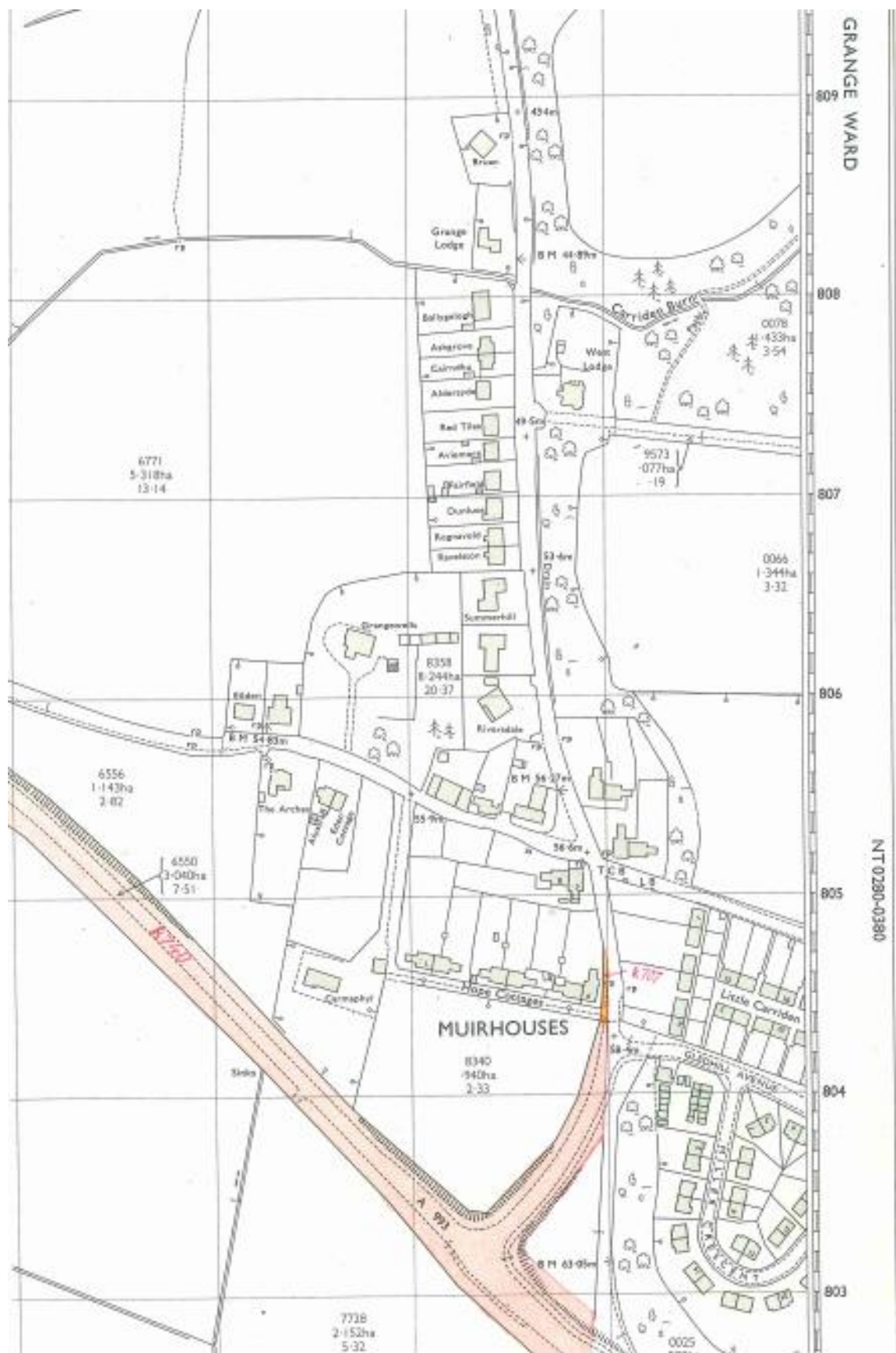
.....
Director of Development Services

Date: 17 June 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan (Proposed Plan, April 2013).
3. Letter of objection received from Mary Niven, 6 Miller Crescent, Boness EH51 9SR on 6 April 2013.
4. Letter of objection received from Mary A Hendry, 10 Miller Crescent, Bo'ness, EH51 9SR on 15 March 2013.
5. Letter of objection received from Mrs Elizabeth Paterson, 8 Miller Crescent, Bo'ness, EH51 9SR on 18 March 2013.

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



FALKIRK COUNCIL

Subject: CHANGE OF USE FROM OPEN SPACE/LANDSCAPE AREA TO FORM VEHICULAR ACCESS AND PARKING AREA IN ASSOCIATION WITH COMMERCIAL GARAGE/TAXI BUSINESS INCLUDING DROPPED KERB AT LAND TO THE WEST OF 6 MILLER CRESCENT, LITTLE CARRIDEN, BO'NESS FOR MR & MRS G MCBAIN - P/13/0163/FUL

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor Adrian Mahoney
Councillor Ann Ritchie
Councillor Sandy Turner

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use from an open space/landscaped area to form a vehicular access and parking area (in association with a commercial garage/taxi business). The proposed vehicular access would be cut through an area of open space to allow access to and the parking of vehicles on an overgrown disused road, the historic eastern entrance road into Bo'ness.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Ann Ritchie.

3. SITE HISTORY

- 3.1 There is no planning history that relates directly to the application site. The planning history for the applicant's dwellinghouse, Tranmore Villa, is of relevance as follows:
- F/90/0606 - change of use of shop to domestic garage and erection of boundary wall - granted on 23 July 1990.

- F/98/0319 - extension to dwellinghouse (detailed) - granted on 12 June 1998.
- P/09/0082/FUL - alterations and extension to garage/workshop - granted on 2 April 2009.
- P/09/0306/FUL - extension to dwellinghouse (sun room on south elevation) - granted on 4 June 2009.
- P/11/0338/FUL - alterations and extension to commercial garage to replace existing mono pitch roof with dual pitch roof - granted on 11 July 2011.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit do not object to the proposed development. The Unit advise that the proposal should accord with the relevant design guidelines and the white lining at the location of the proposed access must be amended.
- 4.2 The Council's Environmental Protection Unit do not object to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 Bo'ness Community Council has not made representation in relation to the proposed development.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 contributors submitted letters of objection to the Council. The salient issues are summarised below.
- The proposed access would lead to a road safety hazard as a result of the busy road and junction and large trucks accessing Carriden Industrial Area;
 - The proposed development would result in noise and pollution for adjacent residents. The applicant runs a taxi business and there would be noise late at night with cars coming and going;
 - The view from adjacent residential properties would be obstructed;
 - The applicant has a taxi business and M.O.T station increasing noise in the quiet area;
 - The proposed development could lower the value of houses in the local area;
 - The appearance of the area would be unacceptably affected as mini buses could be seen from the main road;

- The residents of the Muirhouses paid for a monument and plants on land adjacent to the application site, the monument and flora enhances the entrance to Bo'ness;
- The applicant is already using the application site to park buses;
- The applicant should use industrial premises, more appropriate to their business;
- The proposed development would be an eyesore at the attractive eastern entrance to Bo'ness; and
- Garage overspill is not acceptable within beautiful countryside.

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

Falkirk Council Structure Plan

7a.1 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.2 The proposal would be located within a wide expansive area of open space / landscaped area at the eastern entrance to Bo'ness and the Muirhouses Conservation Area. The application site is located in the countryside as identified in the Falkirk Council Local Plan. The proposed parking area would be on the 'old road' into Bo'ness, still partially visible to the northern part of the application site. To the south the road is completely overgrown by vegetation and impassable. The proposal would involve cutting a new vehicular access across the grassed / landscaped area and the formation of a dropped kerb. The vehicular access would join the A904 within a 40MPH zone. The applicant is using the northern part of the application site to park mini-buses at present and is accessing the site by 'bumping up' onto the pavement adjacent to the junction with Gledhill Avenue and the A904.

7a.3 Policy EQ26 "Trees, Woodland And Hedgerows" states:

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*

- (2) *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.4 The area of woodland to the immediate east of the application site is covered by a Tree Preservation Order (TPO). The proposed development should not result in the removal of any overhanging branches or trees within this area. It is recommended that no other trees within the area of open space are removed or no work impacting on the root protection area of trees should be permitted within this area. It is acknowledged that the proposed development would not impact on the adjacent TPO and as such it is considered that the proposed development does not offend the terms of policy EQ26 'Trees, Woodland and Hedgerows'.

7a.5 Policy SC12 - 'Urban Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) *There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) *In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) *The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) *Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."*

7a.6 The application site is located within a larger area of landscaped open space forming the main eastern entrance into Bo'ness. It is considered that the wider area of open space has landscape and amenity value, as the area is read in conjunction with the adjacent woodland and fields on the other side of the A904. The application site forms part of an attractive green entrance and buffer between the residential properties of the Muirhouses and Bo'ness and adjacent countryside. It is considered that the cutting of a road through the area of open space, clearing of the overgrown and disused 'old road' and the parking of commercial vehicles would have an unacceptable impact on the character and appearance of the area, contrary to policy SC12 'Urban Open Space'.

7a.7 Policy EQ12 "Conservation Areas" states:

The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, or affecting their setting, including extensions and alterations to existing buildings, will only be +particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in the relevant Historic Scotland guidance note should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials.*

7a.8 The application site is adjacent to the southern entrance to the Muirhouses Conservation Area. Policy EQ12 'Conservation Areas' seeks to protect the historic character and visual amenity of each conservation area. It is considered that the area of open space, including the application site, provides an attractive landscaped entrance into the conservation area and adds to its setting. The proposed development would result in a road being cut through the area of open space and a commercial use, including the parking of vehicles visible from the conservation area and main road. It is considered that the proposed development would have an unacceptable impact on the setting of the conservation area. The open space/landscaped area provides a natural green defensible buffer between the built development of Little Carriden and in particular the commercial activity taking place at Tranmore Villa. The application is considered contrary to the terms of policy EQ12.

7a.9 Policy EQ19 "Countryside" states:

- (1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:
it can be demonstrated that they require a countryside location;
they constitute appropriate infill development; or
they utilise suitable existing buildings.*

- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;
building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Councils Design Guide for Buildings in the Rural Areas; and
boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.

7a.10 The application site is located in the countryside. It is considered that the proposed development does not require a countryside location and the parking of vehicles would be more appropriate within an industrial area or similar. There is no justification for the proposed development to be located within a countryside location and this application has arisen through an opportunity for the applicant to purchase the neighbouring disused road. It is noted that the applicant is already using part of the application site to park mini buses and other vehicles, where a section of the disused road has already been cleared by the applicant. Policy EP5 'Business and Industrial Development in the Countryside' is also of relevance. It is considered that the application is contrary to policy EQ19 'Countryside'.

7a.11 Policy EP5 "Business And Industrial Development In The Countryside" states: -

New business and industrial development in the countryside will only be permitted in the following circumstances:

- (1) *Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) *Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) *Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) *Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment;*
- (5) *Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites; or*
- (6) *Appropriate leisure and tourism development that accords with Policy EP16.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18).

7a.12 The proposed development would result in a change of use from open space to a commercial use. Policy EP5 'Business and Industrial Development in the Countryside' is considered relevant. The application site has not been identified for business or industrial use on the policy and proposals map. It is considered that the proposed development does not require a countryside location and could more suitably be located within an existing industrial area or similar. The proposal does not relate to the re-use of vacant commercial land, or constitute an extension to an existing use. The proposal does not relate to a leisure use and is considered contrary to policy EP5.

7a.13 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the consultation responses, the public representations received and the Falkirk Local Development Plan, Proposed Plan (April 2013).

Consultation Responses

7b.2 The Roads Development Unit have not raised any road safety concerns in relation to the proposed development. It should be noted that Roads Maintenance have raised concerns in relation to the applicant accessing a section of the application site by 'bumping up' at the junction with Gledhill Avenue and the A904. Should Members be minded to grant planning permission the Roads Development Unit request conditions in relation to the vehicular access, footway crossing according with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000". The white line in front of the proposed vehicular access would also require to be amended to meet road standards.

7b.3 Should Members be minded to grant planning permission, it is recommended that the existing hedgerow at the outer edge of the proposed parking area is 'gapped up', to achieve a dense tall native shrub planting along the full length of the parking area, to screen vehicles within the parking area. Details of the proposed road levels would also be required.

Assessment of Public Representations

7b.4 It is accepted that the use of the application site for the parking of commercial vehicles in an area that was previously landscaped amenity space, could lead to a certain degree of noise and disturbance for adjacent residents. It is however considered unlikely that the proposal would result in pollution from car fumes reaching adjacent residential properties.

7b.5 The right to a view is not a material planning consideration, however it is considered that vehicles would be generally obscured from the view of residential properties at Little Carriden by the intervening woodland and wall. It should be noted that vehicles would be visible from the surrounding road network and residential properties at Hope Cottages.

7b.6 The applicant runs a commercial business from his house, a garage and taxi business and both uses are established at the site. The garage business is authorised as is evident from the planning history for the applicant's property, Tranmore Villa. There is no record of the taxi business within the recent planning history.

7b.7 House prices within the area is not a material planning consideration.

7b.8 It is accepted that mini-buses could be seen from the main road as a result of the proposed development. Further it is a concern that the proposed development could lead to cars parking on the proposed access road in addition to the parking area.

7b.9 It is noted that the residents of the Muirhouses paid for a monument and plants on land adjacent to the application site. It is considered that the proposed development would not result in the removal of the monument, however its setting may be affected by the proposals.

7b.10 It is noted that the applicant is already using the application site to park commercial vehicles.

7b.11 Comments made in relation to the visual impact of the proposed development are noted.

Falkirk Local Development Plan, Proposed Plan (April 2013)

7b.12 The policies in the Falkirk Local Development Plan, Proposed Plan (April 2013) reinforce the policies of the Development Plan, namely policies CG01 'Countryside', CG04 'Business Development in the Countryside', GN04 'Trees, Woodland and Hedgerows' and D10 'Conservation Areas'. The application site is identified on the policies and proposals map as being within an area of protected open space, policy INF03, and the Falkirk Green Network, policy GN01, in the Falkirk Local Development Plan, Proposed Plan (April 2013). The application site is identified as being within a principal area of open space in the Emerging Local Plan and should be protected as such, adding weight to concerns raised in relation to the proposed development's unacceptable impact on the amenity and landscape value of the site.

7b.13 Accordingly the application fails to accord with the Falkirk Local Development Plan, Proposed Plan (April 2013).

7c Conclusion

7c.1 The application has been assessed as being contrary to the terms of the Development Plan and the Falkirk Local Development Plan, Proposed Plan (April 2013). The comments received through consultation and third party representation are noted. The application is recommended for refusal of planning permission.

8. RECOMMENDATION

8.1 It is therefore recommended that planning permission be refused for the following reason(s):-

1. The proposed development would result in an unacceptable visual impact on the character and appearance of an area of established open space considered to have landscape and amenity value, as a result of the cutting of a road through the area and the parking of commercial vehicles, contrary to policy SC12 'Urban Open Space' of the Falkirk Council Local Plan and policy INF03 'Protected Open Space' and policy GN01 'Falkirk Green Network' of the Falkirk Local Development Plan, Proposed Plan (April 2013).
2. The proposed development would fail to preserve or enhance the character of the adjacent Muirhouses Conservation Area, as the proposed development would result in an unacceptable impact on the visual amenity and landscape quality of an area of open space that forms an important entrance feature to the conservation area and the main eastern entrance into Bo'ness. It is considered that the proposed development would erode the setting and special character of the conservation area, contrary to policy EQ12 'Conservation Areas' of the Falkirk Council Local Plan and D10 'Conservation Areas' of the Falkirk Local Development Plan, Proposed Plan (April 2013).

3. The proposed development does not demonstrate the need for a countryside location and would be more appropriately located within the urban limit. The proposal does not relate to the re-use of vacant commercial land or constitute an extension to an existing use, contrary to policy EQ19 'Countryside' and policy EP5 'Business and Industrial Development in the Countryside' of the Falkirk Council Local Plan and policy CG01 'Countryside' and policy CG04 'Business Development in the Countryside' of the Falkirk Local Development Plan, Proposed Plan (April 2013).

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 03.

.....
Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

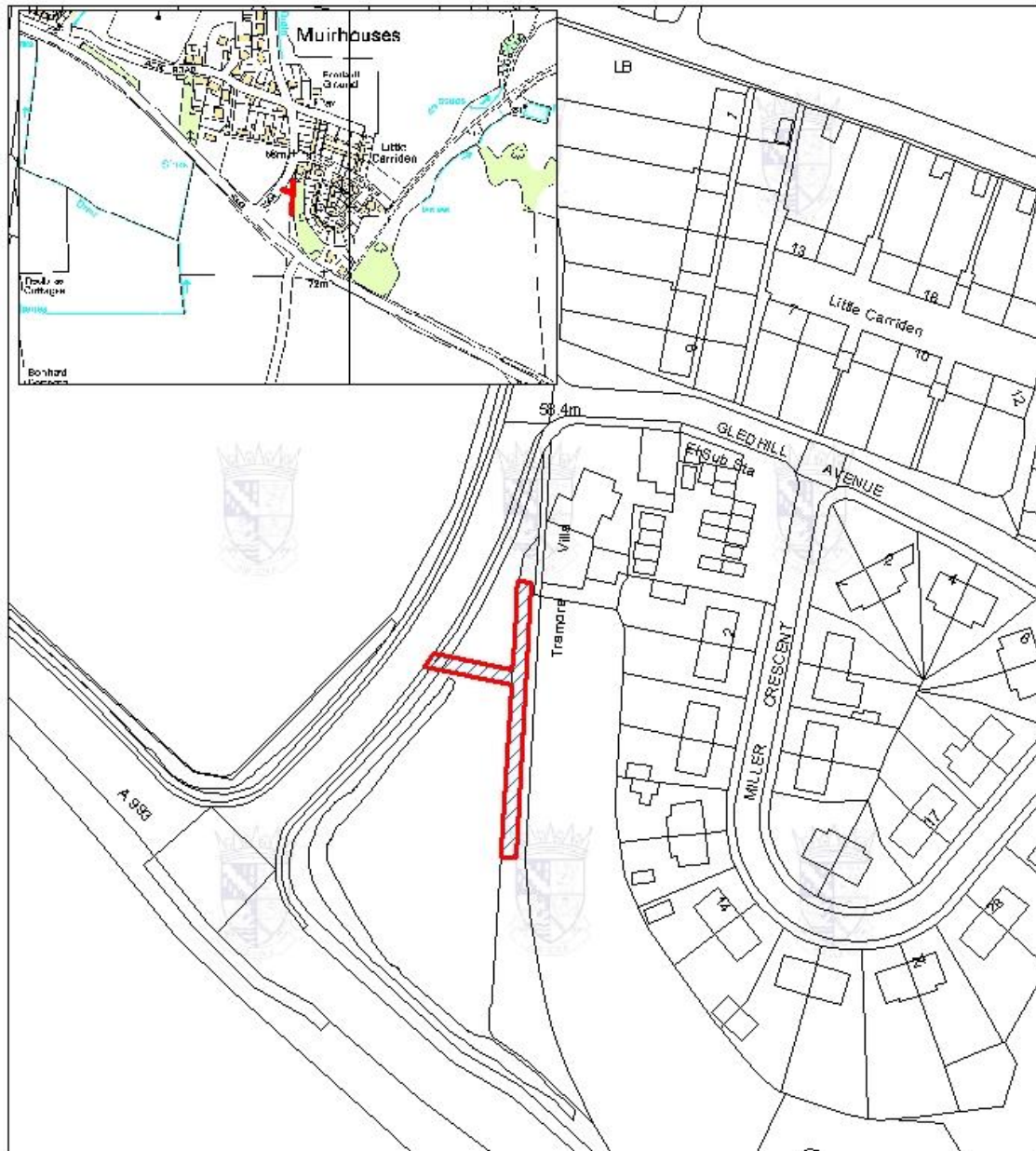
3. Falkirk Council Local Plan.
4. Falkirk Local Development Plan (Proposed Plan, April 2013).
3. Letter of objection received from Mary Niven, 6 Miller Crescent, Boness EH51 9SR on 6 April 2013.
4. Letter of objection received from Mary A Hendry, 10 Miller Crescent, Bo'ness, EH51 9SR on 15 March 2013.
5. Letter of objection received from Mrs Elizabeth Paterson, 8 Miller Crescent, Bo'ness, EH51 9SR on 18 March 2013.

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

Planning Committee

Planning Application Location Plan **P/13/0163/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2013. All rights reserved.
Ordnance Survey Licence number 100023384