



# **AGENDA ITEM**

## **10**

**CHANGE OF USE OF OPEN SPACE  
TO EXTEND CAR COMPOUND AT  
ADJACENT (CLASS 6) STORAGE  
AND DISTRIBUTION BUSINESS, AND  
ERECTION OF 2.1M BOUNDARY  
FENCE AT D J MANNING  
AUCTIONEERS, BRIDGENESS  
ROAD, BO'NESS, EH51 9SF FOR  
JOHN PYE AUCTIONEER LTD -  
P/16/0127/FUL**

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE OF OPEN SPACE TO EXTEND CAR COMPOUND AT ADJACENT (CLASS 6) STORAGE AND DISTRIBUTION BUSINESS, AND ERECTION OF 2.1M BOUNDARY FENCE AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS, EH51 9SF FOR JOHN PYE AUCTIONEER LTD - P/16/0127/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 17 August 2016

**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 The application site is located on the north side of Bridgeness Road, at the junction with Carriden Brae. The application site comprises approximately 748 square metres of open space, forming part of a larger area of open space.
- 1.2 The proposal relates to a car park extension (for existing commercial premises) and includes a 2.1 metre high boundary fence.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Ritchie for the following reason:
  - Loss of amenity.

**3. SITE HISTORY**

- 3.1 F/92/0764 - Extension to form workshop and showroom - Granted on 2 October 1992.
- 3.2 F/94/0511 - Extension to workshop - Granted on 29 July 1994.
- 3.3 F/98/0873 - Change of use of warehouse and workshop to form auction rooms - Granted on 08 March 1999.

- 3.4 F/2002/0684 - Erection of industrial storage building - Granted on 18 November 2002.
- 3.5 F/2004/0216 - Alterations to provide office accommodation - Granted on 30 April 2004.
- 3.6 P/11/0477/FUL - Change of Use of Open Space to Extend Car Compound at Adjacent Class 6 Storage and Distribution Business, and Erection of 2.1m Boundary Fence - granted on 7 October 2011.

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit advise that there are no road safety issues as a result of the proposed development. They request confirmation from SEPA and Scottish Water in relation to drainage discharge from the site.
- 4.2 The Council's Environmental Protection Unit have no objection to the proposal and advise of an informative in relation to ground contamination.

#### **5. COMMUNITY COUNCIL**

- 5.1 Bo'ness Community Council have not made any representations in respect of the application.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, three contributors submitted objections to the Council. The salient issues are summarised below.
- There is existing noise nuisance from traffic in the area and the proposed development would allow additional vehicles, including HGVs.
  - The road was never designed to cope with the large volume of traffic associated with surrounding industrial and commercial uses.
  - There have been a number of accidents on Bridgeness Road, at the junction of the application site.
  - The double yellow lines are ignored and the police do not monitor the area.
  - The adjacent commercial premises affect the residential amenity of surrounding residents, who are being pushed out of the area.
  - The proposed development would impact the visual amenity of the area.
  - One objection was received from a Member of Parliament who made comment in relation to traffic generation and road safety.

## 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

7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policies:

7a.2 Policy BUS02 – ‘Core Business Areas’ states:

*“The core business areas identified on the Proposals Map will be retained primarily in business and industrial use. Class 4, 5 and 6 uses will be supported in principle within these areas, apart from Callendar Business Park, and Gateway Business Park, Grangemouth, where only Class 4 uses will be appropriate. Other employment uses will be permitted where they are compatible with the business/industrial character of the area and comply with other LDP policies.”*

7a.3 The site lies within a core business area identified in the Local Development Plan. The proposal would not prejudice the future use of the site for Class 4, 5 or 6 use, in accordance with Policy BUS02.

7a.4 Policy INF03 – ‘Protection of 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. Accordingly:*

*1. Development involving the loss of urban open space will only be permitted where:*

- There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- There will be no significant adverse effect on the overall recreational amenity of the local area, taking account of the Council's open space standards (defined within the Open Space Strategy) and its release for development will be compensated for by qualitative improvements to other parts of the green network in the local area;*
- The area is not of significant ecological value (this can include areas that are not specifically designated for ecological features, but which are important in supporting the qualifying features of Natura 2000 sites); and*
- Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*

2. *Where development would also involve the loss of playing fields or sports pitches, it must additionally be demonstrated that:*

*- The proposed development is ancillary to the principal use of the site as a playing field; or*

*- The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; or*

*- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or*

*- The Council's pitch strategy has shown that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision."*

7a.5 The application site, although being an area of open space, forms part of a larger core business area, as identified in the Local Development Plan. Within such areas, business and industry is the primary use and it is noted that the site is not identified as being an area of open space. As such it is considered that the loss of some of the open space area, to allow an extension to the car park, is acceptable.

7a.6 It is noted that a section of open space to the front of the site would be retained to maintain a 'green edge' to the established commercial / industrial area. As such it is considered that there would not be a significant, adverse impact on the character or appearance of the area, that being characterised by commercial / industrial development on the north side of Bridgeness Road.

7a.7 The site is not identified as having ecological value, does not provide connectivity within the wider green network and has no recreational value. It is noted that the Council's Open Space Strategy identifies the area as amenity greenspace and it is not identified as an area of open space for improvement or enhancement. The loss of the area is therefore considered acceptable in accordance with policy INF03 and the wider aims of the Local Development Plan.

### ***Supplementary Guidance forming Part of Local Development Plan***

7a.8 Supplementary Guidance SG13 advises that where the loss of open space is considered acceptable, its release for development needs to be compensated for by qualitative improvements to other parts of the green network. The Bo'ness Foreshore East (directly to the north of the site) has been identified for qualitative improvement in the draft Open Space Strategy.

7a.9 SG13 gives advice on how compensatory planning gain is calculated. In this instance £15,708 (£21 x 748 metre squares of lost amenity space) is sought. The applicant has accepted the commuted payment.

7a.10 Accordingly, the application accords with the Falkirk Local Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the representations received, site history, consultation responses and the consideration of the site in relation to coal mining legacy.

### ***Site History***

- 7b.2 This application is a renewal of P/11/0477/FUL, granted on 7 October 2011. It is considered that the previous approval of the same scheme although not extant, supports the application. It is noted that there has been no significant change in circumstances since the previous planning application was assessed and granted.

### ***Assessment of Public Representations***

- 7b.3 It is accepted that there is an existing backdrop of commercial / industrial and traffic noise in the area. It is not considered that the proposed car park extension would cause a significant increase in either noise or traffic generation in the area.
- 7b.4 Bridgeness Road is historically a mixed use area, with industrial and commercial premises on the north side of the road, fronting the foreshore and residential properties on the south side of the road. It is acknowledged that there is traffic and HGV's using Bridgeness Road, however this proposed development to extend the car park of an existing commercial premises, would not lead to a significant increase in the number of vehicles in the area or significantly affect the character or appearance of the area. Further it is noted that the Roads Development Unit have no concerns in relation to road safety.
- 7b.5 The policing of traffic restrictions in the area is not a material planning consideration.
- 7b.6 At the time of writing this report accident data for the period from January 1981 to 11 July 2016 (the most recently recorded data) show there are no personal injury accidents within 25 metres of the application site access.

### ***Consultation Responses***

- 7b.7 The Roads Development Unit advise that there are no road safety issues with the proposed development
- 7b.8 The Roads Development Unit make comment in relation to drainage and this can be addressed by condition. The Environmental Protection Unit advise of an informative in relation to ground contamination.

### ***Information Submitted in Support of the Application***

- 7b.9 The applicant has submitted information to support their application including investment in the site, job generation and benefit to the local economy.
- 7b.10 The applicant, although accepting the commuted payment, has expressed disappointment in relation to sum requested, viewing it as unreasonable in relation to the type of development proposed (car park) and commercial character of the area.

## ***Consideration of the Site in relation to Coal Mining Legacy***

- 7b.11 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.12 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.13 If planning permission is granted, an appropriate informative note would appear on the Decision Notice.

### **7c Conclusion**

- 7c.1 The proposal is assessed as being in accordance with the Falkirk Local Development Plan. The comments received by third parties and consultees are addressed in the body of this report. There are no material planning considerations to warrant refusal of the application and it is recommended for approval subject to condition.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee indicate that it is minded to Grant Planning Permission subject to:-**

- (a) The satisfactory completion, within 6 months, of a Planning Obligation within the terms of section 75 of the Town and Country Planning (Scotland) Act 1997 or legal agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 in terms satisfactory to the Director of Development Services in respect of:-**
  - (i) The payment of a financial contribution towards qualitative improvements in other parts of the green network, to offset the loss of an area of open space, in the sum of £15,708; and**
- (b) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions.**
  - 1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
  - 2) No work shall commence on site until written communication from SEPA and Scottish Water, confirming acceptance of drainage discharge from the site, are submitted to and approved in writing by the Planning Authority.**

- 3) Unless otherwise agreed in writing by the Planning Authority, all approved landscaping works shall be implemented by the end of the first planting and seeding season following the commencement of development on site.

**Reason(s):-**

- 1) As these drawings and details constitute the approved development.
- 2) To ensure the extended car park can be adequately drained.
- 3) To safeguard the visual amenity of the area.

**Informative(s):-**

- 1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- 2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.
- 3) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

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**pp Director of Development Services**

**Date: 8 August 2016**

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan
2. Objection received from Mr John Mullen, 4 Carriden Glade, Bo'ness, EH51 9LU on 9 March 2016.
3. Objection received from James Hunt, 5 Carriden Glade, Bo'ness, EH51 9LU on 31 March 2016.
4. Objection received from Mr Martyn Day (Member of Parliament), 62 Hopetoun Street, Bathgate, EH48 4PD on 13 April 2016.

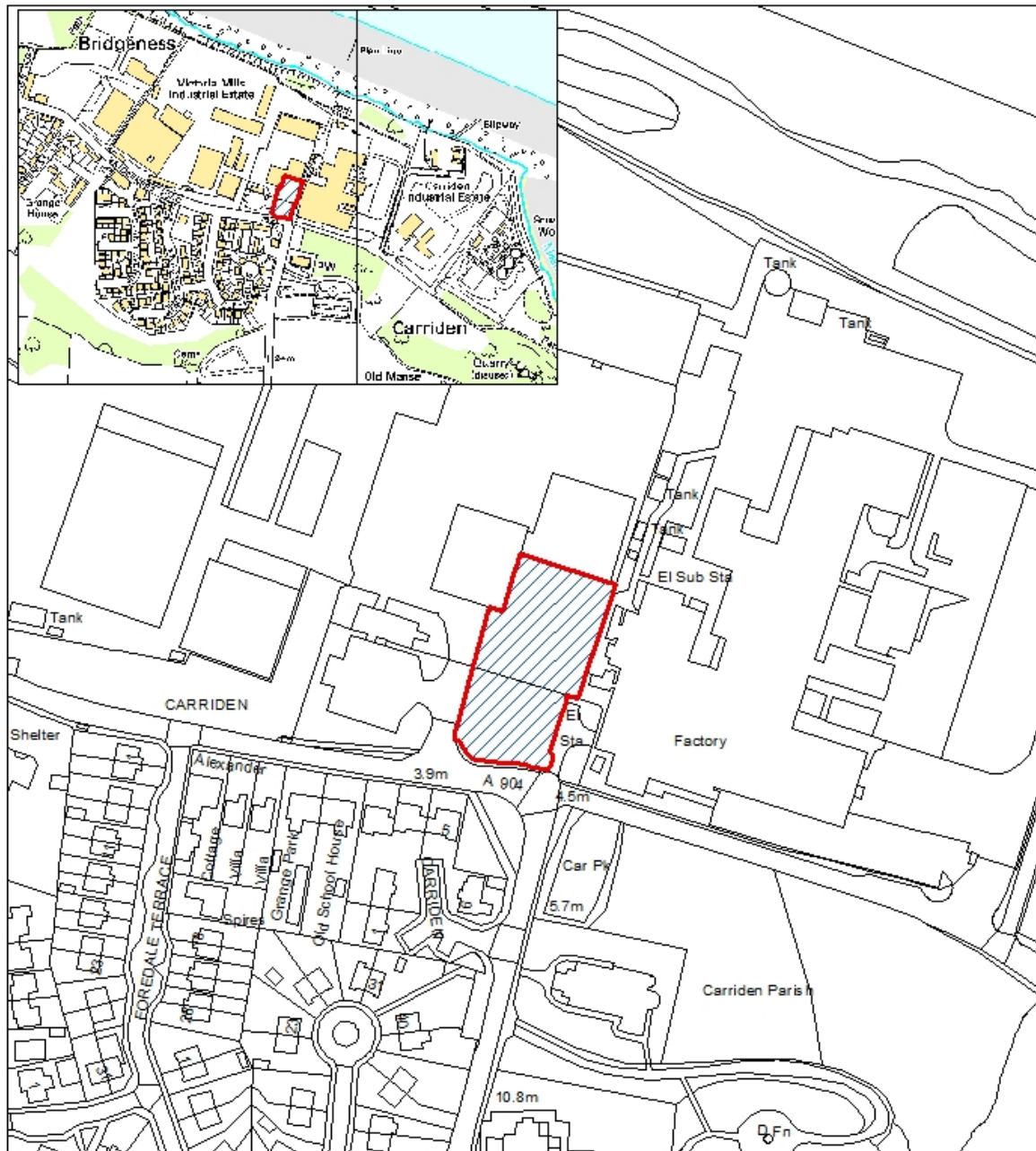
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/16/0127/FUL**

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



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