



Agenda Item 6

**VARIATION OF CONDITION 2 OF
PLANNING PERMISSION P/14/0094/FUL
TO ALLOW FOR THE STORAGE OF
ADDITIONAL SCRAP METAL IN THE
NORTH WEST PART OF THE YARD
AND REMOVAL OF CONDITION 3 OF
PLANNING PERMISSION P/14/0094/FUL
TO ALLOW FOR STORAGE WITHIN
THE NORTH WEST PART OF THE
YARD ON A PERMANENT BASIS AT
ALL PARTS AUTO SALVAGE,
HILLVIEW ROAD, HIGH
BONNYBRIDGE, BONNYBRIDGE, FK4
2BD FOR A-BRAIDWOOD & SON LTD -
P/17/0064/VRC**

FALKIRK COUNCIL

Subject: VARIATION OF CONDITION 2 OF PLANNING PERMISSION P/14/0094/FUL TO ALLOW FOR THE STORAGE OF ADDITIONAL SCRAP METAL IN THE NORTH WEST PART OF THE YARD AND REMOVAL OF CONDITION 3 OF PLANNING PERMISSION P/14/0094/FUL TO ALLOW FOR STORAGE WITHIN THE NORTH WEST PART OF THE YARD ON A PERMANENT BASIS AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE, FK4 2BD FOR A-BRAIDWOOD & SON LTD - P/17/0064/VRC

Meeting: PLANNING COMMITTEE

Date: 25 October 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 27 June 2017 when it was agreed to continue the application for a site visit. The site visit took place on Monday 7 August 2017.
2. The application was further considered by the Planning Committee on 16 August 2017 when it was agreed to continue the application to allow:-
 - Officers and the applicant to enter into discussion to investigate and better understand the methods and outcomes of noise testing including the locations at which such testing can take place;
 - Representatives from SEPA to be invited to attend the Committee to clarify and explain (a) their regulatory role and remit in relation to sites such as the application site, (b) their view on the application as a statutory consultee, and (c) their decision to modify the Waste Management Licence on 17 March 2016 to increase the maximum tonnage per year and amend the site boundary to include the north-west area;
 - Officers to report more fully on the planning history of the site, the consequences and outcomes of that planning history and the current position with the site.

3. The previous reports are all attached to this report as Appendix 1.
4. In response to these three matters, the following comments are made:-

Noise Issues

5. The application is accompanied by two noise reports. The applicant's noise consultant originally used a methodology for assessing noise generated from construction sites. Using this methodology the consultant advised that noise produced from the activity would have no adverse impact on local residents. The Environmental Protection Unit advised that the methodology used was not appropriate as it related to temporary operations associated with construction sites. At the request of the Environmental Protection Unit, the applicant's noise consultant reassessed the potential noise impact using the British Standard methodology for assessing noise associated with industrial / commercial activity (BS 4142 : 2014). This is the appropriate standard given the nature of the activities on the site. Using this methodology, the second report showed that noise generated by the activity would have a significant adverse impact on local residents. As previously reported, the noise level indicated in the report was 17dB above the background level (even with mitigation), which is almost double the level stated within BS 4142 : 2014 as causing a significant adverse impact.
6. The nearest noise sensitive receptors to the site are located in an established housing area, approximately 70 metres to the north of the site, across a dual track railway (Reilly Gardens). A test load of scrap metal was imported to the site and the noise measurements before and after the test load were compared with those during the test load. As previously reported, the test load resulted in a rating level of 27dB above the background noise level, which could be reduced to 17dB above background noise level with mitigation (see paragraph 5 above).
7. The noise measurements were undertaken outdoors at a location representative of the curtilage of the nearest noise sensitive receptor (dwellinghouse). The carrying out of the measurements externally is a requirement of BS 4142 : 2014. The standards or methods for assessing noise will vary according to the type of noise and the criteria and legislation being applied. In some cases the noise measurements are carried out indoors.
8. From a residential amenity point of view, the outdoor garden area should be considered. The Scottish Government's Planning Advice Note (PAN) 1/2011 : 'Planning and Noise ' states that sound levels in gardens and amenity spaces may also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents.
9. The assessment excluded the noise of passing trains but considered train noise to be a contextual factor to be taken into account. The report indicated that the overall noise levels of the activity would be generally consistent with the overall noise levels without the activity i.e. owing to the noise associated with passing trains. However, this fails to acknowledge that the noise associated with passing trains is very transitory, lasting a matter of seconds, such that the background noise level is much lower for the majority of the time.

10. Following the Committee meeting on 16 August, the applicant was invited to submit further information in relation to noise impacts. It was suggested that this could include:-
- Noise measurements of test scrap loads being dropped at other locations within the wider Allparts site; and
 - Noise levels that would be experienced at other locations within Reilly Gardens.
- The applicant took further advice in relation to this matter and decided not to submit any further noise information as they did not see that it would change the results of the previous assessment.
11. As previously reported, the Environmental Protection Unit had suggested that the applicant may wish to consider relocating this particular operation to another area of their site which is not as close to dwellinghouses. At the Committee site visit, the applicant asserted that the lower portion of the north-west area of the site is preferable for the operation in both visual and noise terms. However, in terms of noise, this would have to be demonstrated by a proper assessment to be reviewed by the Environmental Protection Unit. It remains the case that the advantages of the lower portion of the north-west area, in terms of noise, have not been demonstrated.
12. The applicant seeks to vary the planning permission (P/14/0094/FUL) to allow for the storage of additional scrap material within the north-west area and the permanent use of this area for storage. As previously reported, if this is approved there would be the potential for on-going import and export of material to and from this part of the site, with the potential for on-going and significant noise impacts.

SEPA

13. SEPA were invited to attend the Planning Committee (25 October) meeting. Unfortunately they advised that they would be unable to attend the meeting, but have provided written comments in response to the Committee's queries. These comments can be summarised as follows:-
- The waste activities in the area of land that this planning application refers to are authorised under Waste Management License WML/E/0020151. This was issued on 21 August 1998 and was subsequently modified at the request of the license holder and through a SEPA initiated modification. The modification to the license in March 2016 increased the site boundary and the tonnage authorised by the site license. SEPA's decision making process in authorising these modifications included consideration of the status of the planning permission for the site [planning permission P/14/0094/FUL was granted on 29 June 2015];
 - The Waste Management License sets conditions including the waste permitted on the site (type and quantities), site infrastructure, management and reporting required by SEPA. It also sets out conditions on pollution control, such as dust mitigation, pest control, burning and litter. The license does not contain conditions regarding noise. As noise is not specified in the license, they cannot enforce or require action to be taken in that regard;
 - They would advise anyone concerned about noise at this site to contact the local authority who may be able to take action using, for example, its powers under 'statutory nuisance';

- SEPA's position on the current application is as stated in their consultation response dated 9 March 2017. In summary they have no objection to the planning application.

Planning History

14. The planning history for the site extends back to the early 1990's when proposals were put forward to rehabilitate the abandoned brickwork use of the site.
15. In January 1997, temporary planning permission was granted to establish a scrap yard at the site (reference F/96/0528). In January 2003, temporary planning permission for the scrap yard was renewed (reference F/2002/0415). This permission expired on 31 January 2008.
16. In addition, in May 2003, temporary planning permission was granted to extend the scrap yard (reference F/2003/0150). This permission also expired on 31 January 2008.
17. The reason that these planning permissions were temporary was in order to monitor the site for a temporary period to assess any implications for road safety and visual amenity.
18. From the period of 31 January 2008 to the grant of planning permission on 29 June 2015 (reference P/14/0094/FUL) the scrap yard operation was unauthorised in planning terms.
19. The north-west area of the site was not part of the scrap yard until the application in 2014 (reference P/14/0094/FUL). Prior to that the site had operated as a waste transfer station. In January 1998, temporary planning permission was granted for a change of use of industrial land to form a transfer station (reference F/97/0320). This permission expired on 30 November 2001. In October 2010 an application to regularise the use of the site as a transfer station was refused (reference P/09/0397/FUL).
20. The planning permission granted on 29 June 2015 (reference P/14/0094/FUL) regularised the unauthorised use of the site as a scrap yard (described in the application as an end-of-life vehicle decontamination and deliquidising facility). The permission also allowed for the temporary storage of the scrap metal existing within the north-west part of the site at the time of grant of the planning permission. This material had been brought onto the site in August 2014 without planning permission and resulted in complaints to the Council about noise and disturbance.
21. In October 2016, planning permission (reference P/16/0592/VRC) was granted to amend the visibility splays at the secondary entrance required by condition 9 of planning permission P/14/0094/FUL. The visibility splay requirement was able to be reduced as a result of the findings of a speed survey carried out by the Council. The survey found that traffic speeds past this site entrance are less than the speed limit at this location and the visibility splay requirements were adjusted accordingly.

22. The current situation is as follows:-

- The end-of-life vehicle decontamination and deliquidising facility is permitted on a permanent basis. This means that scrap material can be imported to, processed, stored and exported from the site on a permanent basis (apart from the north-west area). The SEPA Waste Management License controls the type and quantities of waste as explained in paragraph 13.
- The north-west area of the site was permitted to be used for a temporary period (up until 25 June 2017) either for the continued storage of the scrap metal existing on that part of the site at 29 June 2015, or the storage of vehicles associated with the end-of-life vehicle decontaminated and deliquidising facility. There is therefore a breach of condition as 25 June 2017 has passed and scrap metal remains stored within this area. If the current application is refused, the Committee is advised to consider whether enforcement action should be pursued;
- The entire site, including the north-west area, is subject to a maximum storage height of 5 metres.

23. It is considered that no new issues have been raised that would alter the previous recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follow:-

24. RECOMMENDATION

24.1 It is therefore recommended that the Committee refuse planning permission for the following reason:-

- 1. The proposal has a strong likelihood of causing a significant adverse impact on noise sensitive residential properties in the area, to the detriment of residential amenity, potentially on an on-going basis, and it has not been demonstrated that such impacts could be mitigated to an acceptable level.**

Informative(s):-

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

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pp Director of Development

Services Date: October 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG01 'Development in the Countryside'.
3. Objection received from Miss Gloria Graham, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 20 March 2017.
4. Objection received from Mr Douglas Fleming, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 20 March 2017.
5. Representation received from Alfred Hargreaves, V60ach@blueyonder.co.uk on 17 March 2017.
6. Objection received from Mrs Linda Stewart, 42 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 10 March 2017.
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40. Objection received from Mr David Colvan, 38 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 7 March 2017.
41. Objection received from Mrs Elizabeth Colvan, 38 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 7 March 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

FALKIRK COUNCIL

Subject: VARIATION OF CONDITION 2 OF PLANNING PERMISSION P/14/0094/FUL TO ALLOW FOR THE STORAGE OF ADDITIONAL SCRAP METAL IN THE NORTH WEST PART OF THE YARD AND REMOVAL OF CONDITION 3 OF PLANNING PERMISSION P/14/0094/FUL TO ALLOW FOR STORAGE WITHIN THE NORTH WEST PART OF THE YARD ON A PERMANENT BASIS AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE, FK4 2BD FOR A-BRAIDWOOD & SON LTD - P/17/0064/VRC

Meeting: PLANNING COMMITTEE

Date: 16 August 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 27 June 2017 (copy of previous report appended) when it was agreed to continue the application for a site visit. This visit took place on Monday 7 August 2017.
2. At the site visit, the case officer summarised his report, the applicant spoke in support of the application and objectors to the application were heard. In addition, Members of the Planning Committee and local Members commented/raised questions.
3. The applicant had noted the case officer's summary and that the outstanding issue appears to relate to noise. He advised that the reason that no further information had been submitted was because it would not be possible to achieve a noise level of not more than 5dB above background level. He advised that there were no planning controls on storing additional scrap within the main part of the site provided it was not stored at a height exceeding 5 metres. However, the applicant considered the lower position of the north-west area to be preferred in both visual and noise terms than more elevated parts of the overall site.
4. The objectors reiterated and expanded on the concerns raised in their objections. These included the unsuitability of Bonnyhill Road for additional heavy vehicle traffic and the noise disturbance created by the previous movement of scrap metal to the north-west area in 2014.

5. The Roads Officer advised that Bonnyhill Road is a B classified road and is available for use for all types of vehicles and would similarly be used if additional material was brought onto the site.
6. The Committee requested further information in relation to noise. An update in relation to this matter will be provided at the meeting.
7. Councillor Coleman as local Member spoke in support of the recommendation to refuse the application on the grounds that the required noise standard is not able to be met. Councillor Buchanan as local Member noted the historical industrial nature of the area, that further information on noise has been requested by the Committee, that the landscaped bund had been successful in effectively screening existing piles of metal and that noise and any other issues will need to be balanced against the proposed economic and employment benefits highlighted by the applicant.
8. The report to Committee dated 27 June 2017 summarised the comments of the Environmental Protection Unit at paragraph 4.2. This included a suggestion that the applicant may wish to consider relocating this particular operation to another area of the site which is not as close to dwellings as the current application is. As detailed in this report, the applicant considers the lower portion of the north-west area to be preferable in both visual and noise terms. However, in terms of noise, this would have to be demonstrated by a proper assessment by the applicant's acoustic consultant and reviewed by the Council's Environmental Health Officer before any conclusion could be drawn. With regard to visual impact, it can be noted that the entire site is subject to a height control of 5 metres on the storage of outdoor materials.
9. It is considered that no new issues were raised at the site visit that would alter the previous recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows:-

10. RECOMMENDATION

10.1 It is therefore recommended that the Committee refuse planning permission for the following reason:-

1. **The proposal has a strong likelihood of causing a significant adverse impact on noise sensitive residential properties in the area, to the detriment of residential amenity, potentially on an on-going basis, and it has not been demonstrated that such impacts could be mitigated to an acceptable level.**

Informative(s):-

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

.....
Pp Director of Development Services

Date: 10 August 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG01 'Development in the Countryside'.
3. Objection received from Miss Gloria Graham, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 20 March 2017.
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Meeting: PLANNING COMMITTEE

Date: 27 June 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Tom Coleman
Councillor Billy Buchanan
Councillor David Grant

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks to (a) vary condition 2 of planning permission P/14/0094/FUL to allow for the storage of additional scrap metal in the north-west part of the site and (b) remove condition 3 of planning permission P/14/0094/FUL to allow for storage within the north-west part of the site on a permanent basis. P/14/0094/FUL and conditions 2 and 3 of the permission are detailed and explained in paragraphs 3.1 to 3.3 of this report.
- 1.2 The application site lies within a longstanding industrial area at High Bonnybridge and is accessed, via two entrances, from Hillview Road. The site is adjoined to the north by industrial land and a railway line, beyond which there is housing. To the west and south of the site is mature planting. There are mature boundary trees along the road frontage.
- 1.3 The main part of the site is used for the decontamination, de-liquidising and dismantling of vehicles to source re-usable and recyclable parts, and for outdoor storage of the vehicles chassis and frames. The north-west portion of the site is used for the storage of another type of scrap metal.

1.4 The applicant has submitted the following information in support of the application:-

- Supporting Statement.
- Noise Report.
- Waste Management License issued by SEPA.

1.5 The Supporting Statement includes the following comments:-

- The additional scrap metal would be transported from the applicant's Bankside yard to allow for the continual upgrading of the yard at Bankside, with a view to expanding into all types of waste recycling at the Bankside facility.
- In doing so, the jobs of the existing employees would be safeguarded with the potential of creating further employment in the future within the Falkirk area.
- The recycling capacity and capability of the company would also be vastly
- improved within the Falkirk Council area.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application was called in by Councillor Buchanan to give consideration to the impact of the proposal on the visual amenity of the wider area.

3. SITE HISTORY

- 3.1 Planning application P/14/0094/FUL for the use of land for an end-of-life vehicle decontamination and de-liquidising facility and storage of scrap material (retrospective) was granted on 29 June 2015.
- 3.2 Condition 2 of P/14/0094/FUL restricts the use of the north-west area of the site to (a) the continued storage of the scrap metal existing on that part of the site at the date of grant of the planning permission or (b) the storage of vehicles. The reason for the condition was to ensure that the use of the land is suitably controlled, in the interests of the amenity of the area (the movement of the scrap metal into the north-west area had generated a number of complaints from local residents, notably in relation to noise).
- 3.3 Condition 3 of P/14/0094/FUL restricts the north-west area of the site to use for a temporary period until 25th June 2017. The reason for the condition was to provide a suitable trial period to monitor any additional impacts as a result of the extension to the yard area.
- 3.4 Planning application P/16/0592/VRC for variation of condition 9 of planning permission P/14/0094/FUL to amend the visibility splay requirements at the secondary entrance was granted on 24 October 2016.

4. CONSULTATIONS

- 4.1 The Roads Development Unit note that the additional scrap metal would be brought to the site via Bonnyhill Road, the established delivery route to the All Parts site, and that the northern access would be used to gain entry to the storage area. Planning permission P/14/0094/FUL approved the use of this access and secured improvements to its visibility and general condition. The improvements have been implemented and the required level of visibility has been achieved. They acknowledge that the importation of additional scrap metal and its eventual sale would generate vehicular movements. However, the northern access is well established and there are no restrictions on the proposed delivery route which would restrict its use. They advise that the access is controlled by palisade gates, positioned just under 15 metres from the edge of Hillview Road. The maximum length of a heavy goods vehicle is just under 19 metres, therefore, there is some concern that a vehicle could encroach onto Hillview Road either when entering or exiting the site. Accordingly, a condition should be attached to any grant of planning permission to require the gates to be positioned a minimum distance of 20 metres from the edge of Hillview Road.
- 4.2 The Environmental Protection Unit have reviewed the submitted (updated) noise report and made the following comments:-
- The updated report has now been carried out in accordance with the correct standard for this type of noise, namely BS 4142:2014 Methods for rating and assessing industrial and commercial sound.
 - Whilst they would agree in general with the methodology used, it could be argued that a further 3dB penalty should be added due to the likely intermittent nature of the noise as proposed.
 - An assumption has been made for the purposes of the assessment that only one load of material per hour would be deposited. In practice this may prove not to be the case and more than one load per hour may be deposited. This would have the consequence of raising the sound level even further.
 - The rating level was determined as being 66dB which, when compared to the background level as existing, results in an excess of +27dB above background level. As stated previously, an argument could be made for an additional 3dB penalty to be added which would give an excess of 30dB above background level. Given that the excess stated is so far over the background level, they would not make such an argument but consider this is worth noting.
 - The noise impact assessment does make several recommendations for mitigating the noise impact and suggests that these measures may result in reducing the noise level by up to 10dB. Even allowing for a reduction of up to 10dB, the noise level would still be 17dB above the background level, which is almost double the level stated within the standard as causing a significant adverse impact.
 - For these reasons, they object to this application unless further mitigation can be provided to bring the noise level to below +5dB above the background level.

- The applicant may also wish to consider relocating this particular operation to another area of the site which is not as close to dwellings as the current application is.

4.3 SEPA have no objection to the application and advise that the Waste Management License was modified on 17 March 2016 to increase the maximum tonnage/ year to 15,000 and amend the site boundary to match planning application P/14/0094/FUL to include the north-west area. They advise that storage of waste and drainage from the site should be in accordance with the Waste Management License and the site Working Plan.

5. COMMUNITY COUNCIL

5.1 Bonnybridge Community Council have not made any representation in respect of the application.

6. PUBLIC REPRESENTATION

6.1 Thirty nine objections have been received in respect of this application. The concerns raised in these objections can be summarised as follows:-

Previous Impacts

- Previously complained about noise and dust from this site.
- This company has caused serious issues in the past with no consideration for the local community and neighbours.
- Noise levels when the last increase in scrap took place were unacceptable.
- Past promises to keep noise levels to a minimum were not achieved.
- Impossible last time for shiftworkers to sleep.
- Unable to enjoy garden last time.

Noise

- Noise levels will increase.
- Noise levels will be unacceptable.
- This type of operation has been experienced before, so what will be different now regarding noise reduction?
- The noise levels are excessive when there is no monitoring as the scrap is dropped from a greater height.
- Noise levels for the railway line will have to be revised as electrification of the line will reduce the noise levels by 30%.
- The conclusions of the noise report that the area is already noisy due to passing trains, planes and helicopters is completely unacceptable.
- This is a quiet and peaceful residential area.
- There are numerous senior citizens around during the day when these activities take place.
- The work will be carried out in the summer months when impact on residents would be greatest.
- The resultant pile of scrap would not be left in perpetuity so there is certainty that noise will always be an issue.
- Noise levels would affect the sleep of shift workers.

Environmental

- Increase in pollution levels.
- Dust generation.
- Light pollution at night.
- Serious concerns with impacts on local environment.
- Spoil the countryside.
- There is currently a lot of rust polluted water which drains from the site.
- Need assurances that this pollution is not making its way into any public water supplies.
- The ground is already contaminated by asbestos, which will be disturbed due to the weight and amount of material being stored.

Transport / Road Safety

- Increase in heavy traffic on Bonnyhill Road.
- Unacceptable volume of traffic on a B road.
- The roads in the area are totally unsuited to an increase in heavy traffic.
- Issues with Bonnyhill Road/ Tamfourhill Road in terms of sharp bends, damage to grass verges and restricted width.
- The small back road is frequently used by local people.
- Heavy use by industrial vehicles would greatly increase the risk of accidents.
- The northern splay at the secondary entrance is poor.
- Under the 2014 application, the secondary access was solely to provide access for vehicles stored on a short term basis for insurance assessment.
- Need confirmation of the operating hours/ days and timescales.
- Is the material only coming from the Bankside premises?

Visual

- More unsightly high piles of scrap.
- Assume maximum height is still 5 metres?
- The bund does not reach the eastern boundary and reduces in height below 2.5 metres towards this point.
- The noise report states a 3 metre high bund with a 3 metre high fence. This is not correct.
- Visual impact is to the detriment of the area.
- There has been no regard to the area around the site, where roadside trees have been cut down and metal fencing topped with razor wire.

Other Matters

- Concerns regarding the information contained in the Application Form.
- Concerns regarding compliance with the conditions of the planning permission.
- No confidence that the scheduled 3 months would be adhered to as the company has not in the past complied with conditions.
- Is the condition of the bund and tree growth to be monitored?
- How much material is already on site?
- How is the tonnage on the site monitored so the maximum is not exceeded?
- What area of the site is to be used to store the material?
- This is just moving the problem from one site to another (Bankside to High Bonnybridge).
- Why is razor wire needed?
- So close to the railway line.
- Threatened by dogs when they get out.
- Object on health grounds.

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 (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the policies as detailed below:-

7a.2 The existing end-of-life vehicle facility lies within a Core Business Area as identified in the LDP, and is specifically designated in the LDP as a waste management facility. The north-west area of the site is not designated for any specific use under the LDP. The entire application site lies outwith the urban limits, within the countryside, as defined in the LDP.

7a.3 Policy CG01 - 'Countryside' states:

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

7a.4 This policy states that land outwith the urban limits is designated as countryside and development proposals will be assessed against the terms of the relevant supporting countryside policies and SG01 'Development in the Countryside'. The application site lies outwith the urban limits and the relevant countryside policy is Policy CG04 'Business Development in the Countryside'.

7a.5 Policy CG04 - 'Business Development in the Countryside' states:

Proposals for business development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Areas specifically identified for business development on the Proposals Map;*
- 2. Business development, including appropriate leisure and tourism uses, where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification;*
- 3. Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use; or*

4. Limited extensions to existing established business in the countryside;

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

7a.6 Business development in the countryside will be supported in areas specifically identified for business development. The main part of the site is identified in the LDP as a Core Business Area and specifically as a Waste Management Facility. The north-west area of the site is not identified for any specific use but limited extensions to existing established businesses in the countryside can be supported provided there is no unacceptable impact on the rural environment. It was accepted in granting planning permission P/14/0094/FUL that the north-west area represented an acceptable extension to the existing business subject to appropriate controls being attached as planning conditions or exercised under other statutory regimes such as waste management legislation. The principle of the use of the north-west area for storage of waste material is therefore established.

7a.7 The proposal is not considered to raise any issues in terms of scale, layout and design. The additional scrap would be stored at the lower part of the north-west area and would be effectively screened by an existing landscaped bund. There is a height control of 5 metres on the storage of material at the site.

7a.8 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.9 The core business areas are to be retained primarily for business and industrial uses. The existing operation is a Sui Generis use which is considered to be similar in terms of impacts to many industrial uses and appropriate in principle to a general industrial area. The north-west area of the site, where the additional material is proposed to be stored, is outwith the Core Business Area and was accepted under P/14/0094/FUL as an acceptable extension to the existing established business (subject to suitable controls).

7a.10 Policy RW08 - 'Waste Management Facilities' states

1. The preferred location for waste management facilities will be within or adjacent to existing waste management facilities or on land identified for employment or industrial uses. Mineral sites may also be acceptable locations for waste management facilities.

2. Proposals for waste management facilities must:

- comply with the Zero Waste Plan and address capacity and proximity requirements for the Falkirk Council area;*
- assess the impact on local amenity, and particularly on sensitive receptors nearby;*
- for thermal treatment plants seek to co-locate with other potential heat users;*
- promote sustainable transport and the proximity principle; and*
- comply with other LDP policies.*

3. All operational waste management facilities will be safeguarded for sustainable waste management use. Proposals for other development must consider the potential impact on adjacent or nearby waste management facilities and what impact such facilities could have on the proposed development.

7a.11 As stated in this report, the main part of the site is specifically designated in the LDP as a Waste Management Facility. The north-west extension area, where the additional material is to be stored, lies outwith the defined area of the Waste Management Facility. As stated in this report, the north-west area has been accepted as an extension to the existing established business (subject to suitable controls).

Supplementary Guidance forming part of Local Development Plan

7a.12 SG01 'Development in the Countryside' is relevant to this application. The proposal is not considered to raise any issues in principle or in design terms under SG01 having regard to the planning history of the site, the previous acceptance of the north-west area of the site as an extension to the existing established business, and given the existing industrial character of this area.

7a.13 The principle of the current application, to store additional scrap within the north-west area, potentially on an on-going basis, would not appear to raise any issues in principle in terms of LDP policy. Furthermore, there are not considered to any fundamental issues in terms of scale, layout and design.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the consultation responses, the representations received and noise impacts.

Consultation Responses

7b.2 The consultation responses are summarised in section 4 of this report. The matter raised by the Roads Development Unit regarding the location of the entrance gates could be the subject of a condition of any grant of planning permission. The objection by the Environmental Protection Unit is detailed in full in paragraph 4.2. The comments of SEPA are noted.

Representations Received

7b.3 The concerns raised in the 39 objections to the application are summarised in section 6 of this report. The following comments are considered to be relevant to those concerns: -

- The concerns in relation to noise impacts, both in relation to the previous activity and the proposed additional import of scrap metal, are noted. The Environmental Protection Unit have reviewed the submitted noise report and objected to the application on the grounds that the proposal is likely to cause a significant adverse noise impact as detailed in this report.
- The site is required to operate in accordance with the Waste Management License (WML) issued by SEPA and the site Working Plan. The WML covers such matters as waste types and quantities, hours of operation, lighting, dust and polluting discharges.
- SEPA monitor the site with respect to the WML including the waste types and quantities imported and stored on the site.
- The applicant has advised that the additional material would be transported to the site via the established delivery route i.e. via Bonnyhill Road. The Roads Development Unit have advised that there are no existing restrictions on the use of this route for this purpose.
- The applicant has advised that the scrap metal would be transported from their Bankside site over a three month period, with around 6 loads arriving each day (i.e. on average less than one per hour). However, the application appears to seek use of the north-west area for additional storage on an on-going basis.
- It is acknowledged that the previous application (P/14/0094/FUL) proposed the primary use of the secondary access as being associated with the storage of vehicles on a short term basis for insurance assessment. The current proposals seek further use of the secondary access reflecting a change of circumstances in terms of the applicant's future business plans.
- The existing height control of 5 metres would apply to any additional scrap material stored on-site.
- It is confirmed that the approved height for the landscaped bund is 2.49 metres topped by a 2 metre high screen fence. The landscape planting at the site is subject to monitoring as considered necessary.
- Trees along the site frontage were removed and the embankment cut back in order to improve the visibility south of the secondary entrance.
- It is acknowledged that conditions compliance occurred over a lengthy period of time. Progress in respect of compliance with the planning conditions was fully reported to the Planning Committee.
- It is confirmed that the proposed location for additional scrap metal storage is at the lower part of the north-west area, between the existing landscape bund and the higher portion of the north-west area where scrap metal is currently stored.
- Some of the concerns raised e.g. intimidation by dogs are not material planning considerations.

Noise Impacts

- 7b.4 Noise is considered to be a significant material planning consideration in this instance. As detailed in this report, the Environmental Protection Unit have objected to the application as the noise level predicted in the Noise Report associated with import of material to the north-west area, is, even with mitigation, 17dB above background noise. This is almost double the level stated within the standard as causing a significant adverse impact.
- 7b.5 The noise report does refer to some contextual factors. Those factors are: -
- that the overall noise levels with the activity taking place would be generally consistent with those without the activity i.e. owing to the noise associated with passing trains.
 - that the applicant currently has planning permission for the storage of scrap metals that permits similar activities to those which are the subject of the current application.
 - the duration of the proposed activities would be limited to 3 months.
- 7b.6 However, in respect of these factors, the following considerations are taken into account:-
- The noise associated with passing trains is present for a matter of seconds. The relocation of the material from the Bankside site would be likely to be ongoing over the course of the day, albeit for a limited period of time (the applicant has stated 3 months). Noise impacts arising from any removal of the material from the site is also a consideration.
 - If the similar activities referred to are the storage of vehicle chassis and frames, the Council's Development Management Unit is not aware of any noise complaints having been received in association with those activities. In contrast, the similar activity of the scrap metal currently stockpiled within the north-west area attracted noise complaints when the material was brought onto the site in August 2014.
 - The application appears to seek the use of the north-west area for scrap metal storage on an on-going basis, and therefore there is the potential for ongoing cycles of large scale import and export of material to and from the north-west area of the site.
- 7b.7 Whilst the area is a longstanding industrial area and, in principle, the use of the land for the intended purpose is acceptable, this has to be carefully balanced against potential noise impacts on nearby residential properties. As detailed in this report, there is an established residential area nearby to the north and a substantial body of objection has been received to the current application which raise legitimate concerns in relation to noise. Indeed, the movement of the existing scrap metal to the north-west area generated complaints in 2014. Potential noise and disturbance also have to be weighed against the potential benefits of the proposals as put forward in the applicant's submissions.

7c Conclusion

- 7c.1 The principle of the current application, to store additional scrap metal within the north-west area of the site, potentially on an on-going basis, would not appear to raise any issues in principle in terms of LDP policy. However, noise impact is a significant material consideration in this instance. As advised by the Environmental Protection Unit, the storage of additional scrap material is likely to cause a significant adverse noise impact to nearby sensitive residential uses, notwithstanding the presence of a railway line between the site and the residential area. The applicant was invited to submit further information, including additional proposals for mitigation, but no response was received within the specified timescale. Whilst the applicant's reasons for the proposal, the potential benefits as detailed in this supporting statement and the established industrial use of this area are acknowledged, these factors are not considered to outweigh the potential significant detriment to residential amenity arising from noise and disturbance. Accordingly the application is recommended for refusal.
- 7c.2 It is considered, however, that use of the north-west area for continued storage of the existing scrap metal on the site could be supported (i.e. deletion of condition 3 of P/14/0094/FUL). However, as the application also seeks to allow for the storage of additional scrap metal within the north-west area (i.e. variation of condition 2 of P/14/0094/FUL), the application is recommended for refusal.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee refuse planning permission for the following reason:-
1. The proposal has a strong likelihood of causing a significant adverse impact on noise sensitive residential properties in the area, to the detriment of residential amenity, potentially on an on-going basis, and it has not been demonstrated that such impacts could be mitigated to an acceptable level.

Informative(s):-

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

.....
Pp Director of Development Services

Date: 16 June 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG01 'Development in the Countryside'.
3. Objection received from Miss Gloria Graham, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 20 March 2017.
4. Objection received from Mr Douglas Fleming, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 20 March 2017.
5. Representation received from Alfred Hargreaves, V60ach@blueyonder.co.uk on 17 March 2017.
6. Objection received from Mrs Linda Stewart, 42 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 10 March 2017.
7. Objection received from Miss Michelle McCourt, 64 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 31 March 2017.
8. Objection received from Mr Steven McCaughey, 64 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 31 March 2017.
9. Objection received from Mr Craig Mcwilton, 86 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 29 March 2017.
10. Objection received from Mrs Jean Brown, 54 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 23 March 2017.
11. Objection received from Mr Jamie McCaughey, 64 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 31 March 2017.
12. Objection received from Mr Adam Baird, 17 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 22 March 2017.
13. Objection received from Mr Andrew McCaughey, 64 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 31 March 2017.
14. Objection received from Mrs Alison Tortora, Reilly Gardens, High Bonnybridge, FK4 2BB on 10 March 2017.
15. Objection received from Mrs Jacqueline Valentine, 82 Reilly Gardens, High Bonnybridge, FK4 2BB on 29 March 2017.
16. Objection received from Mr David Stewart, 42 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 9 March 2017.
17. Representation received from Alfred Hargreaves, 40 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 13 March 2017.
18. Representation received from Alfred Hargreaves, 40 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 13 March 2017.
19. Objection received from Mrs Christine Stuart, 29 Reilly Gardens, High Bonnybridge, Stirlingshire, FK4 2BB on 22 March 2017.
20. Objection received from Mrs Moira Boyd, 46 Reilly Gardens, High Bonnybridge, FK4 2BB on 29 March 2017.
21. Objection received from Mr William Boyd, 46 Reilly Gardens, High Bonnybridge, FK4 2BB on 29 March 2017.
22. Objection received from Mr Craig Mcwilton, 86 Reilly Gardens, Bonnybridge, FK4 2BB on 12 March 2017.
23. Representation received from Mr Alfred Hargreaves, V60ach@blueyonder.co.uk on 15 March 2017.
24. Objection received from Mr John Adams, 8 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 26 March 2017.
25. Objection received from Mrs Dorothy Adams, 8 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 26 March 2017.
26. Objection received from Dr Eileen Hood, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 29 March 2017.

27. Objection received from Mr Alfred Hargreaves, V60ach@blueyonder.co.uk on 28 March 2017.
28. Objection received from Mr Stephen Deans, 27 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 26 March 2017.
29. Objection received from Mr Thomas Fitzpatrick, 23 Reilly Gardens, Bonnybridge, FK4 2AN on 26 March 2017.
30. Objection received from Mrs Margaret Fitzpatrick, 23 Reilly Gardens, Bonnybridge, FK4 2AN received on 26 March 2017.
31. Objection received from Mr Hugh Brown, 54 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 23 March 2017.
32. Objection received from Mrs Marjory Ross, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 30 March 2017.
33. Objection received from Mrs Margaret MacKenzie, 19 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 11 March 2017.
34. Objection received from Mrs Janet Mclelland, 80 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 26 March 2017.
35. Objection received from Mrs Davina Baird, 17 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 22 March 2017.
36. Objection received from Mr John Lees, 76, Reilly Gardens, High Bonnybridge, FK4 2BB on 27 March 2017.
37. Objection received from Mr John O'Connell, 34 Reilly Gardens, High Bonnybridge, FALKIRK, FK4 2BB on 9 March 2017.
38. Objection received from Mr Alfred Hargreaves, 40 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 2 March 2017.
39. Objection received from Mrs Agnes Hargreaves, 40 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 2 March 2017.
40. Objection received from Mr David Colvan, 38 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 7 March 2017.
41. Objection received from Mrs Elizabeth Colvan, 38 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 7 March 2017.

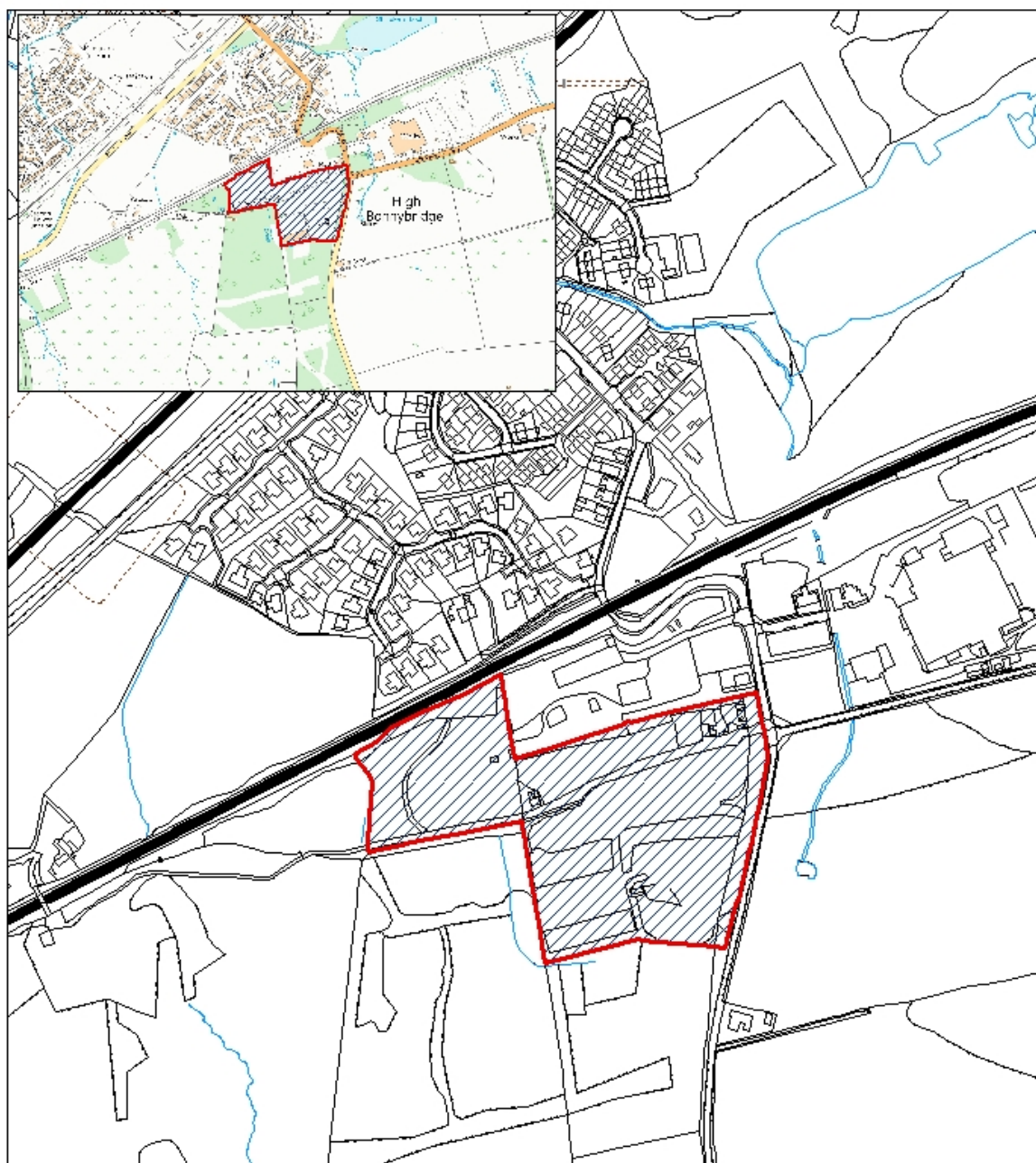
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0064/VRC

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



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