

**FALKIRK COUNCIL**

**Subject: PART CHANGE OF USE FROM AGRICULTURAL LAND TO OPERATE A FORESTRY/TREE SURGEON BUSINESS AND PROCESSING TIMBER AT 8 CAULDCOATS HOLDINGS, LINLITHGOW, EH49 7LX FOR MR SANDY CROOK – P/10/0130/FUL**

**Meeting: PLANNING COMMITTEE**

**Date: 22 September 2010**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Councillor John Constable  
Councillor Anne Ritchie  
Councillor Adrian Mahoney

**Community Council: Blackness Area**

**Case Officer:** David Paterson (Planning Officer), ext 4757

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site consists of the north east part of the agricultural holding at 8 Cauldcoats Holdings, on the north side of the A904 Linlithgow to South Queensferry Road. The agricultural holding measures 5 hectares in area. The application site measures 0.69 hectares in area including access road. It is proposed to take access via an existing access at the A904.
- 1.2 The applicant has to date operated a forestry/tree surgery business at the site in a manner ancillary to the enjoyment of the agricultural building.
- 1.3 This application is to change the use of part of the agricultural holding to formally operate the forestry/tree surgery business in conjunction with associated timber processing. The processing of timber comprises reducing the timber from tree trunk state to logs and shavings. It is proposed that timber processed would be attained through the forestry/tree surgery business.
- 1.4 The proposal consists of the external storage of the timber and the erection of a shed constructed of metallic sheeting. The proposed shed measures 20 metres x 20 metres x 8 metres, and would be used for the processing of timber. It is not proposed that any part of the machinery process would take place outwith the proposed shed.
- 1.5 It is not proposed that any sales take place on site. Delivery of the processed timber would be carried out by the applicant.
- 1.6 The application is supported by an operations statement.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposed development does not accord with the Development Plan and, under the Council's amended scheme of delegation, such applications require the consideration of the Planning Committee should it be recommended to grant planning permission.

## **3. SITE HISTORY**

- 3.1 There is no planning application history in respect of the application site.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that alterations be carried out to the access at the A904, consisting of widening and surfacing, and that it is demonstrated that visibility splays of 4.5 metres x 215 metres are achievable.
- 4.2 The Environmental Protection Unit has advised that contamination can be addressed by an informative. It has also been advised that noise and dust need not be considered significant on the basis that no machinery operations would be undertaken outwith the proposed shed and that hours of operation are sufficiently controlled to safeguard the amenity of nearby residents.
- 4.3 The Scottish Environmental Protection Agency has raised no objections.
- 4.4 Scottish Natural Heritage has raised no objections.

## **5. COMMUNITY COUNCIL**

- 5.1 The Blackness Area Community Council has raised the following concerns:-
- The height of the building would be detrimental to the visual amenity of the rural setting.
  - Would there be sufficient control to ensure the planting of adequate screen planting.
  - Would access arrangements be adequate.
  - Would the Council retain sufficient control of the proposed development should the applicant vacate the site at any time.

## **6. PUBLIC REPRESENTATION**

- 6.1 Four letters of objection have been received. Concerns raised are:-
- Noise levels would be excessive. This comment reflects concern regarding both noise from the timber processing operations and the noise from vehicles.

- The area is not solely a rural area. The area comprises of a residential area in a rural setting. The proposed development is not appropriate in close proximity to residential properties.
- The access is not adequate for the vehicles which would access the site.
- The proposed building is not appropriate in terms of scale and design for the rural setting.
- There are existing commercial/industrial premises in the area, and the additional use of a similar nature would put additional strain on the road network.
- It is not clear if the proposed development would comply with the Factories and Workshop Act.
- It is unlikely that the Planning Authority could sufficiently control the proposed development to adequately safeguard the amenity of residents nearby.
- The proposed development would result in the existence of brownfield site in the rural setting.

## 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.

### ***Falkirk Council Structure Plan***

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

*“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*

*(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 The proposal constitutes diversification of an agricultural holding unit. There are circumstances whereby it is considered that adequate controls would be applied to safeguard the amenity of the area. However, a rural location is not essential and a use such as the proposed development would be just as appropriate in an urban setting.

7a.3 The proposed development does not accord with Policy ENV.1.

## **Rural Local Plan**

7a.4 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 3. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 4. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 5. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”*

7a.5 It is not considered that there is an overriding national or local need for the proposed development, or that a rural site is the only suitable location.

7a.6 The proposed development does not accord with Policy Rural 1.

7a.7 Policy RURAL 2 ‘Village Limits’ states:

*“That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside.”*

7a.8 It is noted that the proposed development does not accord with Policy Rural 1. However, there are considerations which, on balance, would render the proposal acceptable, and would safeguard the amenity of the area (these considerations are detailed in section 7c of this report). It is not considered that the proposed development is “undesirable” in respect of the rural setting.

7a.9 The proposed development accords with Policy Rural 2.

7a.10 Policy RURAL 8 ‘Changes of Use in the Countryside’ states:

*“That proposals for changes of use relating to existing industrial, commercial and institutional uses within the countryside will generally be considered favourably, provided that they comply with the criteria outlined in POLICY RURAL 1.”*

7a.11 It is noted that the proposed development does not accord with Policy Rural 1.

7a.12 Accordingly, the proposed development does not accord with Policy Rural 8.

7a.13 Policy RURAL 10 ‘Agricultural Land’ states:

*“That development of prime quality agricultural land (Classes 1, 2 and 3.1) shall be restricted to that which is directly related to the pursuance of agriculture unless there are overriding national or local circumstances.”*

7a.14 The application site is Class 2 agricultural land. The application site comprises 15% of the area of the agricultural holding, and it is not considered that the impact on the holding would be significant. However, the proposal does not relate directly to the operation of the agricultural holding.

7a.15 The proposed development does not accord with policy Rural 10.

7a.16 Accordingly, the proposed development does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), consultation responses, Community Council representation, public representations, Scottish Planning Policy (SPP) and Planning Advice Note (PAN) 73 “Rural Diversification”.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)***

7b.2 Policy EP5 ‘Business and Industrial Development in the Countryside’ states:

*“New business and industrial development (Classes 4, 5 and 6) 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 existing 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; or*
- (5) Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites.*

*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)."*

7b.3 The proposed use of the application site to process timber constitutes a Class 5 use "General Industrial" under the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

7b.4 It is not considered that a specific need for a countryside location has been demonstrated. It is considered that the proposed development could just as appropriately be accommodated within an urban area.

7b.5 The proposed development does not accord with Policy EP 5.

7b.6 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 Council's '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."*

7b.7 It is not considered that the proposed development specifically requires a countryside location or that it constitutes an infill development. The proposal would not utilise suitable existing buildings.

7b.8 The proposed development does not accord with Policy EQ19.

7b.9 Policy EQ30 - 'Agricultural Land' states:

*"Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless there are overriding local or national circumstances."*

- 7b.10 The application site is Class 2 agricultural land. The application site comprises 15% of the area of the agricultural holding, and it is not considered that the impact on the holding would be significant. However, it is not considered that it has been demonstrated that there are overriding national or local circumstances to justify the loss of Class 2 agricultural land.
- 7b.11 The proposed development does not accord with Policy EQ30.
- 7b.12 Accordingly, the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

### ***Consultation Responses***

- 7b.13 The comments of the Roads Development Unit are noted. It is considered that appropriate visibility sightlines can be achieved by the removal of hedging which is partly within the application site, and partly at land adjacent to the west which is owned and controlled by the applicant. The removal of the hedging can be achieved by condition.
- 7b.14 It is also considered that the widening and reconfiguration of the access, including road frontage drainage, can be addressed by condition.
- 7b.15 It is not considered that the proposed development would generate additional vehicle movements in significant numbers. It is not considered appropriate, therefore, to require that the existing access be surfaced with a bituminous surface.
- 7b.16 It is noted that the Environment Protection Unit has advised that the proposed development should not generate excessive noise and that dust would be contained within the proposed building. This advice is given on the basis that conditions are attached limiting the processing of timber to areas within the proposed shed and that operation times are restricted.
- 7b.17 It is noted that no other comments or objections were received from consultees.

### ***Representation From The Blackness Area Community Council***

- 7b.18 It is not considered that the proposed building differs significantly from contemporary agricultural buildings which are common in rural areas. It is not considered that the design of the building would be significantly detrimental to the visual amenity of the area.
- 7b.19 It is considered that appropriate screen planting, and subsequent maintenance, can be addressed, and adequately secured, by condition.
- 7b.20 Paragraphs 7b.13-7b.15 of this report are noted with respect to access arrangements. It is noted that it is considered that an appropriate access arrangement can be achieved to serve the development proposed.
- 7b.21 Comments are noted regarding concern with respect to the means to control the proposed development should the applicant vacate the property. It is within the control of the Planning Authority to grant planning permission which is personal to the applicant, which would lapse should the applicant vacate the property.

***Public Representations (Additional to issues Addressed in Sections 7b.18-7b.21 of This Report Above)***

- 7b.22 It is noted that the Environmental Protection Unit has raised no concerns with respect to noise, either noise from the timber processing or from vehicular traffic.
- 7b.23 The rural character of the application site is noted. It is considered that the proposed development constitutes diversification of the agricultural holding unit. It is further considered that the Planning Authority could control the proposed development sufficiently to safeguard the amenity of the overall character of the area.
- 7b.24 It is noted that the Roads Development Unit has not raised concerns regarding the generation of traffic. On the basis of the operational statement supporting the application, it is not expected that the proposed development would generate significant numbers of additional vehicle movements.
- 7b.25 The existing uses in the area are noted. It is considered however that there should be no significant impact on the character of the area generally, provided that the planning authority is satisfied the proposed development is appropriate to the site, and that there would be no significant levels of traffic generated.
- 7b.26 Compliance with the Factories and Workshop Act is not a material planning consideration.
- 7b.27 It is noted that the Environmental Health Unit has raised no concerns regarding vehicle emissions. It is noted that the nearest residential unit is located 90 metres from the application site.
- 7b.28 Concerns regarding the creation of brownfield land is noted. Should the planning authority exercise its power to restrict planning permission to a personal permission, the site would revert back to agricultural holding land should the applicant vacate the property.

***Scottish Planning Policy (SPP)***

- 7b.29 In terms of rural development, the SPP acknowledges that the planning system has a significant role in supporting economic growth in rural areas. By taking a positive approach to new development, planning attitudes can help to create the right conditions for rural businesses and communities to flourish. The thrust of the SPP is that diversity, and the opportunity for employment opportunities, should be encouraged. The SPP also, however, stresses that development should be appropriate in terms of scale, and the character of the rural environment should be safeguarded.
- 7b.30 It is considered that the proposed development is in keeping with the rural setting in terms of scale, and that the planning authority can sufficiently control the development to restrict undesirable escalation. It is considered that the proposed building would be similar in scale and design to many contemporary agricultural buildings. Control of storage, method of operation and hours of operation can be controlled by the planning authority, and such control would be sufficient to protect the amenity of the rural setting.
- 7b.31 The proposed development accords with the SPP.



### ***Planning Advice Note (PAN) 73 “Rural Diversification”***

- 7b.32 PAN 73 defines that rural diversification means the establishment of new development in rural locations. This can mean existing businesses entering into new areas of activity, or the creation of entirely new enterprises. “Traditional sections like farming and forestry are essential in retaining this overall character, but these are changing too”.
- 7b.33 New enterprises could be completely unrelated to existing uses, but would be a wider part of rural diversification that enables people to continue living and working in the countryside, whilst providing jobs and opportunities for others. Whilst the rural character should be protected, when well planned, diversification and the development of new enterprises can contribute to the diversity of rural Scotland.
- 7b.34 It is considered that the countryside is a working environment as well as a residential environment, and that diversification of an agricultural holding can be acceptable where the amenity and character of the rural setting would be safeguarded. It is considered that the proposed development constitutes diversification associated with forestry and tree surgery and can be sufficiently controlled to safeguard the amenity and character of the area.
- 7b.35 The proposed development accords with PAN 73.

### **7c Conclusion**

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
- 7c.2 The proposed development accords with Scottish Planning Policy and Planning Advice Note 73 “Rural Diversification”.
- 7c.3 Furthermore, the countryside is, however, a working environment as well as a residential environment. The thrust of the SPP and PAN 73 is that diversification, whether consisting of extended existing enterprises or completely new enterprises, can be acceptable where the amenity and character of the rural area can be safeguarded.
- 7c.4 It is considered that the proposed development constitutes an appropriate diversification associated with forestry and tree surgery. The application defines the areas of the site where materials would be stored, the location of the building housing the timber processing machinery, details of the machinery to be used for the process and is supported by an operations statement.
- 7c.5 It is considered that, on the basis of the details submitted with the application, the proposed development would operate in a manner which would safeguard the amenity and character of the rural area. Furthermore, it is considered that the planning authority can apply sufficient control to ensure that the proposed development operates within the parameters proposed, and that permission could be granted personal to the applicant to ensure that the land reverts back to agricultural holding land should the applicant vacate the land.

- 7c.6 It is noted that the land is Class 2 agricultural land. However, it is also noted that the application site constitutes approximately 15% of the area of the agricultural holding. It is not considered that the proposed development would have a significant impact on the operation of the agricultural holding. Furthermore, planning permission granted personally to the applicant would ensure that the land reverts back to agricultural holding land should the applicant vacate the site.

## **8. RECOMMENDATION**

### **8.1 It is recommended that Committee grant permission subject to the following conditions**

- (1) The development to which this permission relates must be begun within three years from the date of this permission.**
- (2) Notwithstanding any details previously submitted, and prior to the commencement of development on site, all hedging at the site's frontage with the A904, and at the boundary of the adjacent land to the west where it fronts the A904 (as shown coloured green on the approved location plan, which for the avoidance of doubt bears the Council's reference 01A), shall be removed. Thereafter there shall be no obstruction above 1 metre in height within the area coloured yellow on the approved siteline plan, which for the avoidance of doubt bears the Council's reference 04.**
- (3) Prior to the proposed development being brought into use, the access to the site shall be reconfigured to form a 7 metre wide bellmouth, with the written approval of the Planning Authority. The reconfigured access shall incorporate measures to ensure that no surface water, or loose material, is discharged onto the public A904 road. Measures to prevent the discharge of surface water, or loose material, onto the public A904 road shall have the prior written approval of the Planning Authority.**
- (4) Notwithstanding any details previously submitted, a screen planting scheme shall be submitted to the Planning Authority, and shall be approved in writing by the Planning Authority. The landscaping scheme shall comprise predominantly of native broadleaf species and shall detail:-**
  - Dimensions of planting areas.**
  - Exact proportions of each species (%).**
  - Planting densities, separation to be no greater than 3 metres.**
  - Nursery stock sizes which shall consist of 40-60cm high transplants.**
  - Methods of protection.**
  - A maintenance schedule.**

Screen planting shall be carried out within the first planting season of the date that the proposed development is brought into use (for the avoidance of doubt, the planting season shall be considered to be October – March).

- (5) There shall not at any time be any timber, whether processed or non processed, stored outwith the areas identified for storage purposes on the approved site plan (which for the avoidance of doubt, bears the Planning Authority's reference 02).
- (6) Notwithstanding any details previously submitted, there shall not be any timber stored, whether processed or non processed, at a height greater than 4 metres.
- (7) There shall not at any time be any machinery operated for the chipping, shaving or any other treatment of timber outwith the confines of the proposed shed.
- (8) Notwithstanding any details previously submitted, hours of operation shall be limited to 08.00am – 18.00pm Monday – Friday and 09.00am – 13.00pm Saturday. There shall be no processing of timber, or movement of timber by mechanical means outwith these times.
- (9) There shall not at any time be any on-site sale of timber, whether processed or non processed, or timber products of any kind.
- (10) This permission shall enure for the benefit of the applicant only, and shall not be exercised by any other person.
- (11) The development shall be implemented in accordance with the approved drawings, and any other submitted details, which have been approved in writing by the Planning Authority.
- (12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the application site shall only be used for the operation of a forestry/tree surgery business and processing of timber, as hereby approved, and no other use shall be undertaken without the prior permission of the Planning Authority.
- (13) Notwithstanding any details previously submitted, details of finishing materials in respect of the proposed shed shall be approved in writing by the Planning Authority.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the interests of users of the A904 public road.
- (4,6,13) To safeguard the visual amenity of the area.

- (5) To safeguard the visual amenity of the area and to prevent escalation of the use of the land for the operation of a forestry/tree surgery business and processing of timber.
- (7-8) To ensure that occupants of dwellinghouses in the area, and adjacent land, are protected against excessive noise and dust intrusion.
- (9-10,12) To ensure that the Planning Authority can control the future use of the application site.
- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**Informative(s):**

- (1) For the avoidance of doubt the documents to which this consent refer are plans bearing our reference 01, 02 and 03 and supporting documents chipper details and supporting statement.
- (2) If contamination, as defined by Part 11a of the Environmental Protection Act 1990, is encountered during the development, the applicant should contact the Environmental Services Unit.

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**Director of Development Services**

**Date:** 15 September 2010

### **LIST OF BACKGROUND PAPERS**

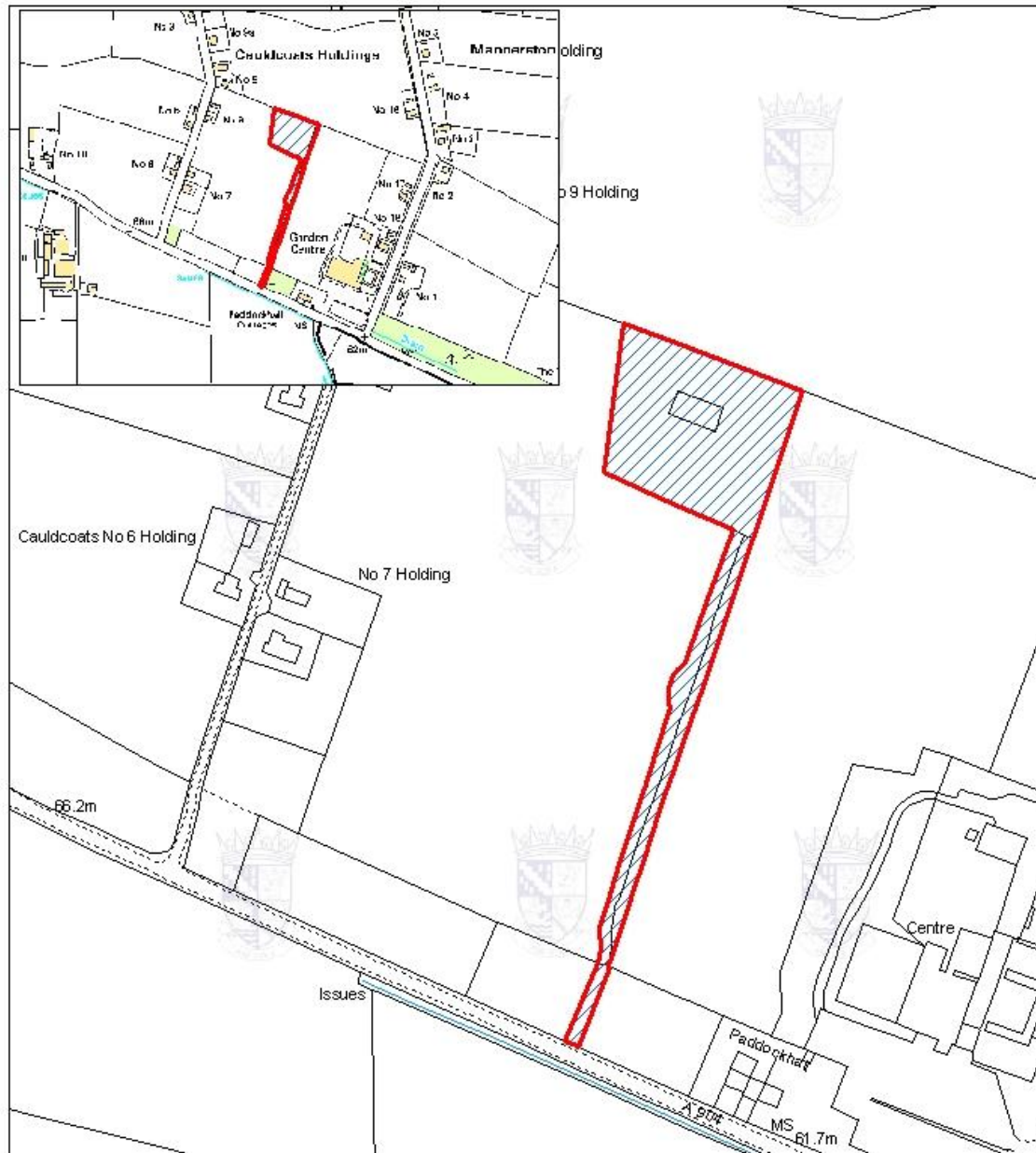
1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications) June 2010).
4. Scottish Planning Policy (SPP).
5. Planning Advice Note (PAN) 73 “Rural Diversification”.
6. Letter of Objection received from Mr Graeme Strachan, Edgewood, 7 Cauldcoats Holdings, Linlithgow, EH49 7LX on 8 April 2010
7. Letter of Objection received from Mrs Roz Coulman, 17 Cauldcoats Holdings, by Linlithgow, EH49 7LY on 4 April 2010
8. Letter of Objection received from Mr Gordon Rosevear, 4 Cauldcoats Holdings, By Blackness, Linlithgow, EH497LX on 29 April 2010
9. Letter of Objection received from Mrs Frances Rosevear, 4 Cauldcoats Holdings, by Blackness, EH49 7LX on 29 April 2010
10. Letter received from Blackness Area Community Council dated 7 April 2010

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

# Planning Committee

## Planning Application Location Plan **P/10/0130/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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