



## **Agenda Item 9**

**ERECTION OF CLASS 5 GENERAL  
INDUSTRIAL BUILDING  
(RETROSPECTIVE) AT LAND TO THE  
SOUTH EAST OF YONDERHAUGH,  
FALKIRK, FOR ALL TRUCK  
COMMERCIAL VEHICLE REPAIRS -  
P/19/0748/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF CLASS 5 GENERAL INDUSTRIAL BUILDING (RETROSPECTIVE) AT LAND TO THE SOUTH EAST OF YONDERHAUGH, FALKIRK, FOR ALL TRUCK COMMERCIAL VEHICLE REPAIRS - P/19/0748/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 26 August 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** Grangemouth Community Council

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

[View this Application on Public Access](#)

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

- 1.1 This retrospective application seeks planning permission for the construction of a Class 5 General Industrial building and yard area on land within the countryside and Greenbelt at land to the south east of Yonderhaugh, Falkirk. The building measures 30m x 16.5m and is occupied by a commercial vehicle service, repair and lease business specialising in commercial vehicle crane repair, sales and manufacturing. The proposals include the formation of a new vehicular access onto the A905 and associated drainage, boundary fencing and landscaping works.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires to be considered by the Planning Committee as the recommendation is to grant planning permission contrary to the terms of the Falkirk Local Development Plan.

**3. SITE HISTORY**

- 3.1 P/09/0543/FUL - Detail - Granted 1 October 2009 - Erection of Agricultural Building.
- 3.2 P/12/0462/FUL - Detail - Granted 21 September 2012 - Erection of Agricultural Building (Renewal of Planning Permission P/09/0543/FUL).

- 3.3 P/16/0741/FUL- Detail - Granted 03 March 2017 - Erection of Agricultural Building.
- 3.4 P/18/0497/FUL - Application Withdrawn 21 September 2018 - Change of Use from Agricultural Building to Class 5 General Industry Building.
- 3.5 P/18/0665/FUL - Application Withdrawn 11 September 2019 - Erection of Class 5 General Industrial Building (Retrospective).

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have no objection to the proposed development.
- 4.2 The Council's Environmental Protection Unit have not offered comment on this proposal.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have no objection to the proposed development.
- 4.4 The Health and Safety Executive do not advise against the proposed development on safety grounds.
- 4.5 Scottish Water have no objection to the proposed development.

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

- 5.1 The Grangemouth Community Council has not commented on this application.

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

- 6.1 In the course of the application, three letters of objection have been received from two individuals and raise the following issues:-
- Concern that Falkirk Council is not listening to public concerns.
  - The retrospective nature of the application is a deliberate attempt to circumnavigate the planning process.
  - Lack of justification for this development in a countryside and greenbelt location.
  - 'Urban style' of building not appropriate.
  - There are other available industrial sites within the local area which could have been used.
  - No support for the proposal within the Falkirk Local Development Plan and therefore the application should be refused.

#### **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.

7a.2 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.3 The application site is located within an area defined as countryside by the Falkirk Local Development Plan. A countryside location has not been demonstrated as being necessary and the proposal does not take the form of agricultural diversification. The development undertaken on the site does not meet any of the criteria set out within Supplementary Guidance SG01 'Development in the Countryside' for suitable forms of new development in the countryside. The proposal is therefore contrary to the terms of Policy CG01 .

7a.4 Policy CG02 - 'Greenbelt' states:-

1. *The following areas, as indicated generally on Map 3.1 and detailed on the Proposals Map, are designated as Green Belt:  
Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor  
Polmont/Grangemouth/Bo'ness/Linlithgow Corridor  
Falkirk/Larbert/Denny/Bonnybridge Corridor  
Callendar Park/Woods*
2. *The purpose of the Green Belt is:  
To maintain the separate identity and visual separation of settlements  
To protect the landscape setting of settlements; and  
To protect and give access to greenspace for recreation*
3. *Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the strategic purposes of the Green Belt as set out in sub section (2) above.*

7a.5 The application site is located within the Greenbelt as defined by the Falkirk Local Development Plan. The proposed development does result in the erosion of visual separation between settlements in this location however only to a relatively small degree. When considering that an agricultural building was already granted in this location, the impact on visual separation between settlements will be minimal. The application also proposes a good degree of landscaping such that the landscape setting of adjacent settlements will be protected. Given the planning history of the site and the existence of permission to site an agricultural shed of a similar scale in this location, the strategic purposes of the greenbelt are not considered to be undermined in this instance.

7a.6 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.7 The application site is located within an area defined as countryside by the Falkirk Local Development Plan and is not within an area identified for business development. A countryside location has not been demonstrated as being essential and the proposal does not take the form of tourism development or agricultural diversification. The proposal does represent an extension to an established business use in the countryside however the existing adjacent use is currently unauthorised and is the subject of a separate application for planning permission. Whilst the applicants have made an effort to provide appropriate landscaping to help aid integration into the landscape, the extension is of a scale and nature where there is some visual impact on the rural character of the area at this location. The proposal is therefore contrary to the terms of Policy CG04 .

7a.8 Policy BUS05 - 'Major Hazards and Pipelines' states:-

1. *Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
  - *The increase in the number of people exposed to risk in the area;*
  - *The existing permitted use of the site or buildings;*
  - *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
  - *The potential impact on existing chemical and petrochemical sites and pipelines.*

2. *The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off-site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
3. *The revocation of HSC consents where the use on the site has ceased will be pursued.*
4. *The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.9 The application site is located within the outer zone of Calachem. It is not considered that the proposed development would significantly increase the number of people exposed to risk in the area. It is not considered that the proposed development would impact existing chemical and petrochemical sites and pipelines. The application accords with policy BUS05 'Major Hazards and Pipelines'. The Health and Safety Executive do not advise against the proposed development on safety grounds

7a.10 Accordingly, the application fails to accord with the Falkirk Local Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the planning history of the site, assessment of public representations, current economic climate and the Proposed Falkirk Local Development Plan 2 (LDP2).

### **Planning History**

7b.2 The planning history of this site includes the grant of planning permission P/16/0741/FUL on 3<sup>rd</sup> March 2017 for the erection of an agricultural unit and yard area in this location. Whilst the development subject of the current application differs slightly from the previous approval in terms of height and elevational treatment, the general scale of building and overall footprint of the incursion into the greenbelt at this location was broadly the same as the current proposal. The visual impact of the current building is considered to be broadly similar to that previously accepted by the granting of planning permission P/16/0741/FUL.

### **Assessment of Public Representations**

7b.3 Concerns that Falkirk Council is not listening to public concerns are noted. However the process of assessing this application to date has been carried out in line with legislative requirements. Adequate opportunity has been given for third parties to make representation on this application and representations received to date have been considered in full.

7b.4 Whether the retrospective nature of the current application is a deliberate attempt to circumnavigate the planning process or not is not a material planning consideration. The application is assessed upon its own merits.

- 7b.5 Assessment of the Local Plan position is outlined within paragraphs 7a.1-7a.10 of this report.
- 7b.6 The visual impact of the proposed building is noted. However, as highlighted in paragraph 7b.2, the design of the building is very similar to that of an agricultural building previously granted planning permission in this location. The applicants also propose a good degree of landscaping on the site boundaries. The proposal is not considered to be unacceptable in visual amenity terms.
- 7b.7 It is accepted that the applicant could well have sited this development in an alternative location. The applicants feel that they were advised poorly by a previous agent in this regard and are attempting to regularise the situation that they now find themselves in. The availability of alternative sites is not in itself grounds to refuse planning permission.
- 7b.8 A development proposal being contrary to the Development Plan does not automatically require a refusal of planning permission. Material considerations require to be taken into account. In this instance the planning history of the site and the economic position are both material in the assessment of this application.

### **Current Economic Climate**

- 7b.9 As a result of the recent Covid 19 pandemic many businesses have found themselves in a difficult financial position. The applicants in this instance are no different and have indicated that they currently employ over 75 employees from Falkirk District. They have advised that they are required to vacate their existing premises at Bonnybridge within the next few months. This has put pressure on the capacity of their business to cope with current social distancing demands. The development which is the subject of this application will help to prevent the loss of some 25 jobs which would otherwise be necessary due to social distancing measures currently in place. In addition to operational constraints, the wider economic position is one where additional support for businesses is now required. The position of the Scottish Government is clear in seeking to support economic development where possible at this time. The applicants in this instance are a local employer who are seeking to grow their business based within the Falkirk District. At a time when job losses are increasing nationally, it is considered that the benefits to the local economy of granting this application are a significant material consideration in the assessment of this application at this time.

### **Proposed Falkirk Local Development Plan 2**

- 7b.10 The Proposed Falkirk Local Development Plan 2 (LDP2) was submitted to Scottish Ministers in July 2019. Unresolved representations to the Proposed LDP2 were considered through the LDP Examination which took place between October 2019 and March 2020. The Examination Report, containing the reporters' recommendations in relation to each of the representations, was published on 31 March 2020, and these recommendations were approved by the Council on 30 June 2020. The next step is for the Council to publish notification of its intention to adopt the plan as modified, and to submit the Modified Plan to Scottish Ministers prior to adopting it. Adoption is scheduled for early August 2020. Pending adoption of the new plan, the Proposed LDP2, read in conjunction with the Examination Report, constitutes a material consideration and should be given significant weight in the determination of planning applications. The relevant policies contained within the Proposed Falkirk LDP2 and the approved changes from the Examination Report are not considered to be materially different from those within the current adopted plan and, in this instance, would not result in the proposal being assessed differently.

## **7c Conclusion**

- 7c.1 The application is assessed as being contrary to the Falkirk Local Development Plan and the emerging Falkirk Local Development Plan 2. On balance however, the benefits of the proposed development to the local economy and the visual similarities between this development and that previously approved under application P/16/0741/FUL are considered to outweigh the Local Development Plan in this instance.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Committee grant planning permission subject to the following condition(s):-**

- 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. Notwithstanding the details on the approved plans, and within 6 months of the date of this permission, the proposed access gates shall be repositioned so that they are no closer than 13m from the edge of the A905.**
- 3. Notwithstanding the details on the approved plans, and within 6 months of the date of this permission, full details of the height, positioning, design and finishing materials for all proposed boundary treatments shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these approved details unless otherwise agreed in writing with the Planning Authority.**
- 4. All approved landscaping works shall be implemented to the satisfaction of the Planning Authority by the end of the first planting and seeding season following the grant of this permission and all subsequent maintenance shall be carried out in accordance with the details on the approved landscaping plan.**

### **Reason(s):-**

- 1. As these drawings and details constitute the approved development.**
- 2. To safeguard the interests of the users of the highway.**
- 3-4. To safeguard the visual amenity of the area.**



**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03A, 04A and 05.

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**pp Director of Development Services**

**Date: 17 August 2020**

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan.
2. The Draft Falkirk Local Development Plan 2.
3. Supplementary Guidance SG01 'Development in the Countryside'.
4. Objection received from Alastair Bell on 11 February 2020.
5. Objection received from Mr R Mackie, 68 Woodburn Road, Falkirk, FK2 9BS on 21 January 2020.
6. Objection received from Mr Alastair Bell on 3 March 2020.

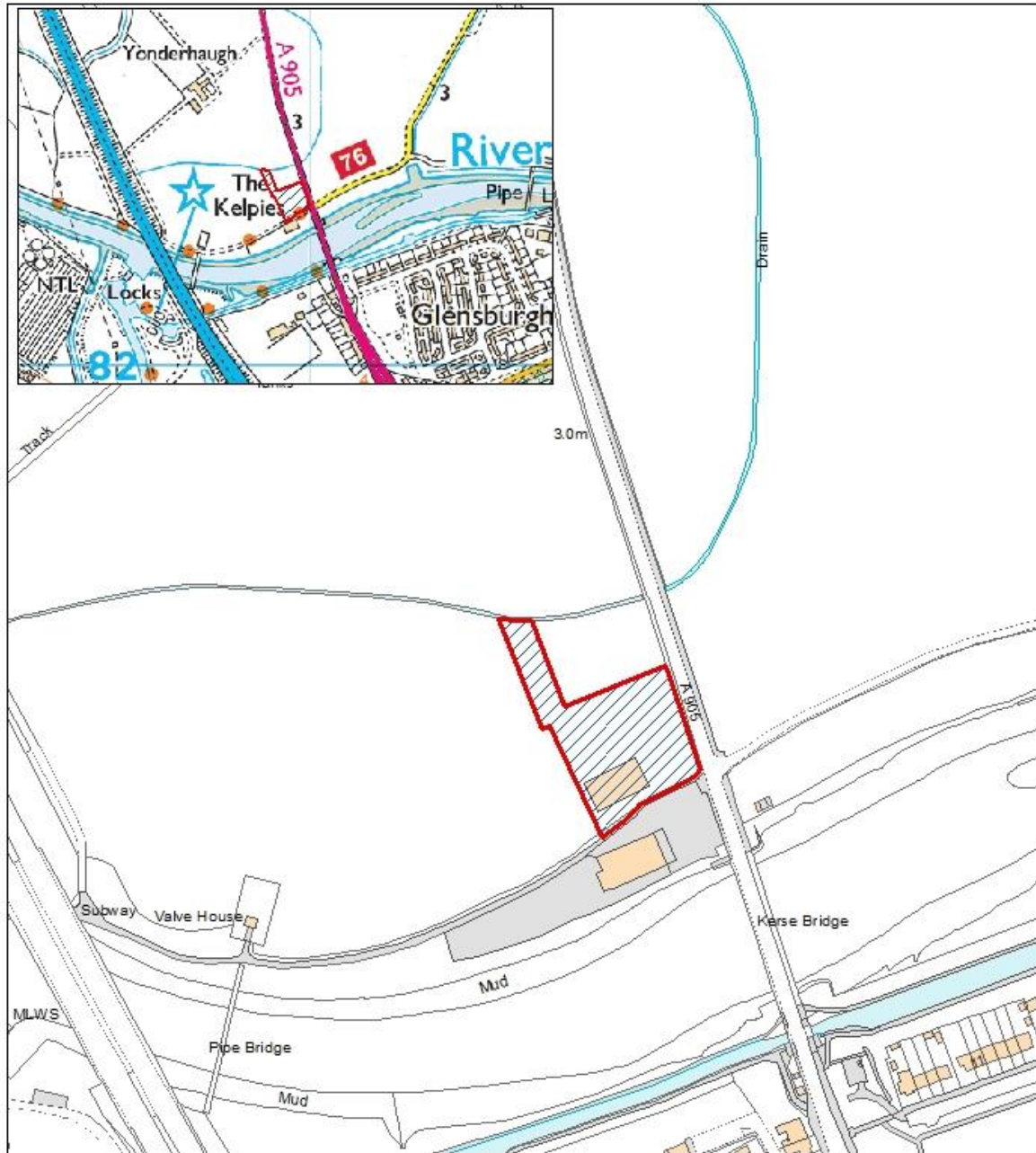
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0748/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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