

FALKIRK COUNCIL

Subject: USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD - P/10/0848/FUL

Meeting: PLANNING COMMITTEE

Date: 15 June 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

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

UPDATE REPORT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 23 March 2011 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This site visit took place on 4 April 2011 and an update report was provided to Committee on 20 April 2011. The application was at this point continued further to allow submission and analysis of a noise survey.
2. The applicant has since provided a noise assessment which has been analysed by our Environmental Protection Unit. The Environmental Protection Unit has confirmed that they agree with the conclusions of this noise assessment in that the operations on the site should not cause any disturbance to the neighbours opposite in Bridgeness Road. The assessment does note that, due to the low traffic flow at night, there will be a small statistical rise in noise levels on Bridgeness Road. This small rise would, however, be similar to noise level increases caused by any vehicle travelling on Bridgeness Road at night when background noise levels are at their lowest.
3. Since this application was last heard by Committee, two further letters of representation have been received in relation to road safety concerns in the area. The comments received generally reiterate comments previously reported to Committee and are not considered to alter the officer assessment or recommendation on this application. The Transport Planning Unit will give a verbal update on general traffic flows in the area as was previously reported to Committee.

4. The applicants have also advised that they would be willing to erect a 'no left turn' sign at the exit of the site onto Bridgeness Road and to inform all staff of these requirements. However it is considered unenforceable to attach a condition requiring no left turn (right turn only) only as this is an access shared by other businesses where vehicle movements are not restricted. Moreover, Roads Officials have raised no objections to the proposal in terms of road safety. A general informative attached to any consent given would be more appropriate.

5. RECOMMENDATION

5.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) Development shall not begin until a scheme for protecting residential properties from noise from the proposed development and associated plant and machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.**

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.**

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 to 04 inclusive.**
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**
- (3) The applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. Mitigation in the form of the recently constructed Bo'ness flood prevention scheme should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicants' responsibility.**

- (4) It is advised that the applicant prepares an operational plan for all staff at the site advising that all vehicles leaving the site do not undertake a left turn maneuver. The erection of an appropriate sign to reflect this is also strongly advised.

LIST OF BACKGROUND PAPERS

	Name	Address	Received
1.	Falkirk Council Structure Plan.		
2.	Falkirk Council Local Plan.		
3.	Letter of Representation from Mr Jim Wadell	Session Clerk, Carriden Parish Church C/o Robert_stuart@btopenworld.com	16 March 2011
4.	Letter of Objection from Verity & Ian Smith	7 Hope Cottages Bo'ness EH51 9SU	7 March 2011
5.	Letter of Objection from Mrs P Lyon	Riversdale Carriden Brae Bo'ness EH51 9SL	7 March 2011
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12.	Letter of Objection from Joyce Hastie	Aviemore Carriden Brae Bo'ness West Lothian	2 March 2011
13.	Letter of Objection from Owner/Occupier	No Address Given	2 March 2011
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15.	Letter of Objection from Mrs Pamela Mullen	4 Carriden Glade Carriden Bo'ness EH51 9LU	12 February 2011
16.	Letter of Support from Miss Marie McDonald	25 Stevenson Court Falkirk FK2 7PX	1 April 2011
17.	Letter of Objection from Mrs Elaine Allan	1 Foredale Terrace Boness EH51 9LW	27 February 2011
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19.	Letter of Objection from Mr Rob Hill	3a Links Road boness eh519aN	29 March 2011
20.	Letter of Objection from Miss Nicola Rhind-Mullen	4 Carriden Glade Bo'ness EH51 9LU	29 March 2011
21.	Letter of Objection from Yvonne McBlaine	Old Schoolhouse Bridgeness Road Bo'ness EH51 9LR	

22.	Letter of Objection from R W Christie	No Address Given	
23.	Letter of Objection from Pamela & Stuart Millar and Reid	Flat 5 2 Birdland Avenue Bo'ness EH51 9LX	31 March 2011
24.	Letter of Support from Miss Lisa Alexander	2c Grangemouth Road Bo'ness EH51 0PT	1 April 2011
25.	Letter of Objection from Lt. Col. I. B. Lauder	Bridgeness Cottage 13 Bridgeness Lane Bo'ness EH51 9LQ	
26.	Letter of Objection from Bo'ness Community Council	FAO: Tom Sargent, Secretary Darrach Mohr 16 Grahamsdyke Road Bo'ness	29 March 2011
27.	Letter of Objection from Miss Dawn Murray	19 Glenburn Way Bo'ness EH51 0NJ	28 March 2011
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32.	Letter of Objection from Mr Peter Cunningham	6 gauze place bo'ness eh51 9jq	30 March 2011
33.	Letter of Objection from Mandy McDonald	West Villa Bridgeness Road Bo'ness EH51 9LR	31 March 2011
34.	Letter of Support from Mr David Morgan	C/O DJ Manning Bo'ness EH51 9SF	1 April 2011
35.	Letter of Objection from Mrs Lisa Stewart	8 Drumacre Road Bo'ness EH51 9QR	28 March 2011
36.	Letter of Objection from Mrs. Madelene Hunt	28 Crosshill Drive Bo'ness EH51 9JB	28 March 2011
37.	Letter of Objection from Mr and Mrs R & N Caie	Cairndhu Carriden Brae Bo'ness EH51 9SL	4 March 2011
38.	Letter of Objection from Mr E Tooley	Muirhouses Amenity Association Red Tiles Carriden Brae Bo'ness	
39.	D G Pryede	Bridgeness Road Bo'ness EH51 9SF	12 April 2011
40.	Mrs Esther Reid	32 Lyon Court Bo'ness West Lothian EH51 0HR	28 April 2011

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

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Director of Development Services

Date: 7 June 2011

FALKIRK COUNCIL

Subject: USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD - P/10/0848/FUL

Meeting: PLANNING COMMITTEE

Date: 20 April 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 23 March 2011 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This site visit took place on 4 April 2011.
2. At the site meeting the applicants confirmed that there would be a maximum of 42 traffic movements to and from the site in any one 24 hour period and that all buses exiting the site would turn right onto the A904 Bridgeness Road instead of using Carriden Brae. The applicants also confirmed that the earliest and latest traffic movements at the site would be at approximately 05.30 am and 12.30am and that there would be one fuel delivery per week during daytime hours.
3. Contributors were heard in objection to the proposed development. It is worth noting that the number of representations received has now increased to 35 as opposed to the 19 detailed in the previous report. This increase was reflected in a large attendance from concerned residents on site. The concerns expressed reiterated those outlined in the previous report and focused on the issues of potential noise and traffic volumes likely to be generated. A number of contributors offered anecdotal evidence of congestion issues and noise concerns and many expressed that they felt the area has already been overdeveloped by business and industrial uses.
4. It can be advised that Transport Planning have been monitoring traffic flows in this area for some time. A verbal update on the results of this work will be given to the Planning Committee.

5. Members of the Committee requested clarification on the possibility of restricting hours of operation and direction of traffic movements from the site by way of planning conditions. It is considered that a condition relating to hours of operation is possible and indeed the applicant is agreeable to a condition limiting operating hours. However, in limiting the hours of operation, First Bus have confirmed that this would have a knock-on effect for bus services in the area. It is also advised that a condition restricting traffic movements outwith the site are not enforceable and are therefore advised against in this instance.
6. With regard to noise issues raised by objectors, members of the Planning Committee and local members, the applicant has confirmed that they are currently undertaking noise survey work. It has been confirmed that this work will not be completed until after the committee meeting on 20 April 2011. The applicant has therefore requested that the application be continued to allow noise issues to be considered. It is anticipated that this information should be available to enable an update report being brought back to the Planning Committee in May. Given the fundamental nature of this issue, it is recommended that this is an appropriate request.

7. RECOMMENDATION

- 7.1 **This planning application is continued pending the submission and analysis of a noise survey assessment.**

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Pp Director of Development Services

Date: 2011

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2. Falkirk Council Local Plan.

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

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Meeting: PLANNING COMMITTEE

Date: 23 March 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness
Councillor John Constable
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application for full planning permission proposes the use of an existing industrial yard for bus parking including the erection of plant and machinery for refueling and washing. The site is located on the north side of Bridgeness Road, Bo'ness within the established DJ Manning auctioneers site and is located behind an existing office building and car park.
- 2.2 The limited size of the site means an approximate capacity of around 15 buses can be stored at any one time. The proposal includes the installation of new gates on the existing security fencing and installation of 3 no 10 metre high lighting columns and 4 no 6 metre high CCTV columns.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor John Constable.

3. SITE HISTORY

- 3.1 The application site has historically always been part of the yard area for wider uses within the DJ Manning site and has recently been used for caravan storage. It is not considered that there is any planning history on the site relevant to the assessment of this application.

4. CONSULTATIONS

- 4.1 SEPA has no objection to the proposal in terms of flooding or surface water drainage.
- 4.2 The Environmental Protection Unit has no objection to the proposed development but a request for a noise survey has been made to establish the effect of the development on residential properties within the vicinity of the site. Given the existing industrial nature of the site, distance to residential properties and the limited scale of the proposals, it is considered that this can be adequately covered by way of a condition attached to any consent given.
- 4.3 The Roads Development Unit has no objection to the proposal in terms of road safety and access design. The applicants have submitted supporting information demonstrating that the site will operate with vehicles entering and exiting the site in a forward gear negating the need for difficult reversing manoeuvres to be carried out.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council has not commented on this proposal.

6. PUBLIC REPRESENTATION

- 6.1 At the time of writing this report 19 letters of representation have been received objecting to the proposed development. Issues raised include:-
- Traffic noise
 - Traffic volume
 - Better sites elsewhere in Bo'ness
 - Diesel spills
 - Existing parking problems
 - Historically a residential area
 - Traffic movements during the night

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 There are no policies in the Structure Plan that relate to the proposal and therefore no strategic issues require to be assessed.

Falkirk Council Local Plan

7a.2 Policy EP2 - 'Land For Business And Industrial Use' states:

"In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only.*

Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business / industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies."

7a.3 The proposed development is located within an area safeguarded for business and industrial use. Whilst the proposed development does not fit neatly into one specific use class and is therefore considered to be a sui generis use, the proposed use of the site is closely related to use class 6 – Storage and Distribution and use class 5 – General Industrial, by virtue of the proposed washing and refueling installations at the site. The proposals are considered to be broadly compatible with the principal business and industrial use of the wider area and would not result in a significant loss of business land. The proposal complies with Policy EP2.

7a.4 The proposal is considered to accord with the terms of the Falkirk Council Local Plan.

7a.5 Accordingly, the proposal accords with the terms of the Development Plan.

7b Material Considerations

7b.1 The material planning considerations to be addressed are the representations received in so far as they relate to material planning considerations.

Representations Received

7b.2 As outlined in section 4.3 of this report, the Roads Development Unit has assessed the proposals and is satisfied that no adverse road safety impacts would come about as a result of this proposal.

7b.3 Parking for employees would be accommodated within the site boundaries and would therefore not exacerbate existing parking issues in the surrounding area.

- 7b.4 The staggered nature of bus operating times and the limited site capacity in terms of bus numbers is considered to ensure that impact on residential amenity would be minimal. The site is within an established industrial area where traffic movements, including HGVs, could intensify at any given time without the need for planning permission. It is not considered that concerns in relation to traffic movements, both during the day and during the night, are significant enough to warrant a refusal of planning permission in this instance.
- 7b.5 Diesel spills are not material planning considerations.
- 7b.6 Concerns relating to the historical residential nature of the area are noted. However, the industrial use of this site is now well established and is protected within the recently adopted Falkirk Council Local Plan.
- 7b.7 References to suggested better sites elsewhere in Bo'ness are noted, but these cannot be assessed as part of this application.

7c Conclusion

- 7c.1 The proposed development is considered to be in accordance with the terms of the Development Plan and there are no material considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Development shall not begin until a scheme for protecting residential properties from noise from the proposed development and associated plant and machinery has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 to 04 inclusive.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
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Pp Director of Development Services

Date: 15 March 2011

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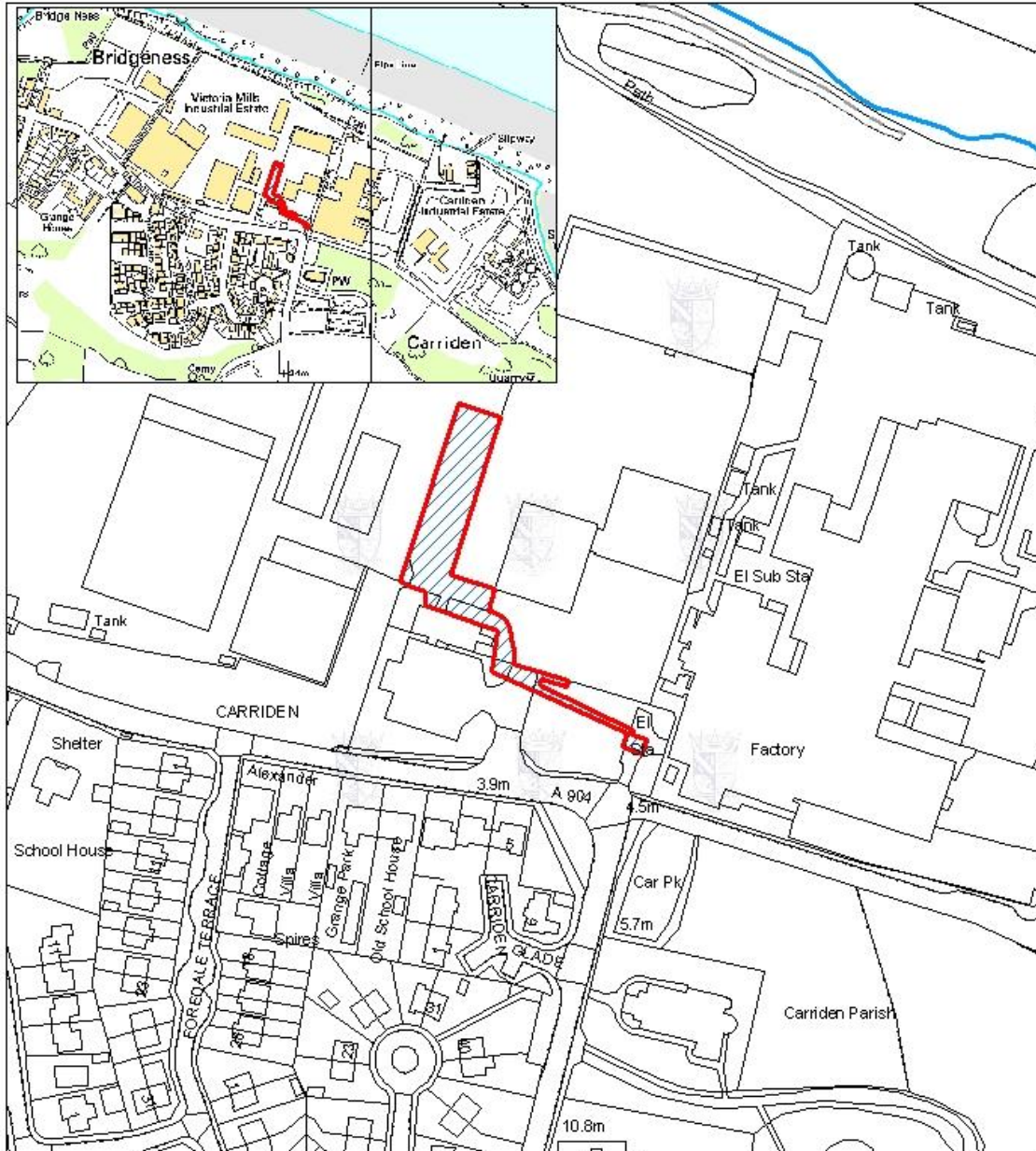
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan P/10/0848/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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