
Report to Planning Committee of 21st December 2009

Subject: Report of Handling on Planning Application Ref: 09/00281/FULL - Alterations and Change of Use of Business Unit (Class 4) for the Storage, Distribution and Sale of Building Materials and the Formation of a Yard with Storage Bays, Lighting and Associated Boundary Treatment at Unit 1, Block 6, Dumyat Business Park, Bond Street, Tullibody (Ref: 09/00281/FULL)

Applicant: Hamilton and Brydie, Gaberston Farm, Whins Road, Alloa

Agent: Machin Associates, 30 Ludgate, Alloa

Prepared by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire West

1.0 Purpose

- 1.1. This is a report of the handling of the above planning application which has been submitted to enable the relocation of an existing builder supplies business from Whins Road, Alloa to the Dumyat Business Park, Tullibody. The planning application requires to be reported to Committee as the Council has an interest in the land which comprises the application site.
- 1.2. The report considers the application proposals in relation to the Development Plan position and other material considerations, namely consultation responses and the potential economic benefits to this local business from operating at a more purpose built site. The report makes a recommendation to Committee on determining the application.

2.0 Recommendations

- 2.1. The application is recommended for **APPROVAL** subject to the following conditions:-
 1. Before any works starts on site, a scheme of landscaping shall be submitted for the consideration and approval of the Council, as planning authority. The scheme shall include:-
 - (a) A plan showing all existing trees, shrubs or hedgerows within or adjacent to the site.
 - (b) The provision of landscaping between the public road and the security fence designed to mitigate the visual impact of the fence and enhance the biodiversity value of the site.

- (c) Details of the type, number, planting distances and location of trees, shrubs and other plants.
 - (d) Arrangements for implementation, establishment and future maintenance.
2. Before any works start on site, protective fencing shall be erected adjacent to the existing trees on the west boundary of the site in accordance with BS5837 (Trees in Relation to Construction). The fencing shall be inspected by a representative of the Council prior to construction work starting on site and shall remain in place for the duration of construction work on site.
 3. Before any works start on site, details of the measures to be employed to suppress airborne dust or debris being dragged onto the public road by vehicles leaving the yard hereby approved shall have been submitted to and approved in writing by the Council, as planning authority. This shall include details of the location of any areas of non-permeable surfacing within the yard. Thereafter, the developer shall operate the site in accordance with the approved measures unless otherwise agreed in writing by the Council.
 4. The palisade fencing hereby approved shall be coloured black unless otherwise agreed in writing by the Council.
 5. The surface water drainage system for the yard area hereby approved shall be designed and installed in accordance with the guidance constructed in the CIRIA Suds Manual (C967) unless otherwise agreed in writing by the Council, as planning authority.
 6. The external lighting on the building or within the yard shall be designed and installed in accordance with the Institution of Lighting Engineer's Guidance Note for the Reduction of Obtrusive Light (2005).
 7. At all times there shall be no obstruction to visibility over 1m in height above carriageway level within a visibility splay of 2.5m x 60m in both directions at the access onto Bond Street.
 8. This permission authorises the use of the site for the storage, distribution and sale of builders' materials, including minerals, only. It does not authorise the retail sale of other goods unless otherwise agreed in writing by the Council as planning authority.

Reasons

1. To consider these details yet to be submitted, in the interests of visual amenity.
2. In the interests of visual amenity.
3. To minimise the risk of pollution and nuisance in the surrounding area.
4. In the interests of visual amenity.

5. To minimise the risk of pollution to surface and ground water.
6. To minimise the risk of nuisance from light pollution.
7. In the interests of road safety.
8. Unrestricted retail use on the site would undermine the vitality and viability of existing shopping centres.

2.2. Reasons for the Decision

1. The proposed use complies with the Council's Development Plan and is an appropriate form of development in this business area.
2. It is concluded that the proposed use could be undertaken without any unacceptable adverse impact on the amenity of neighbouring uses or the visual amenity of the area.
3. There are no objections or other material considerations that would indicate that the application should otherwise be refused.
4. The proposed development would meet the economic needs of an existing local business, helping to sustain jobs.

2.3. Section 75 Obligations

None.

3.0 **Background to the Proposals**

- 3.1. The application relates to the northern half of a vacant business unit and an approximate 0.5 ha area of land to the north located within the Dumyat Business Park at Tullibody (see location plan). The area of land comprises an undeveloped development site within the business park. The existing access from Bond Street would be used to access the building and yard. The Council has an ownership interest in the site.
- 3.2. The lawful use of the existing building is business use (Class 4). The site is identified in the Clackmannanshire Local Plan as part of Proposal J22 (Dumyat Phase 1/2). The designation relates to the existing business park and undeveloped land to the west of the former railway line to Menstrie. The associated Development Guideline states that the site could be used for Class 4 business but also General Industrial (Class 5) or Storage and Distribution (Class 6) subject to adequate protection of the amenity of neighbouring uses and visual impact. This guidance reflects the fact that outline planning permission was granted for the development of the business park site for Business (Class 4), General Industry (Class 5) and Storage and Distribution (Class 6) uses in 1999 (Ref: C/99/014) to increase the range of business uses considered suitable at the business park.
- 3.3. The application seeks permission to change the use of the subjects to a building materials supplier and to create a yard on land to the north of the building which would include storage bays to store a range of chippings and

sand products. The proposed use is not considered to fall within a single use classification comprising as it does a combination of storage and distribution use (Class 6), retail (Class 1) and the sui generis use of storage and distribution of minerals. The applicant distributes and sells building materials and in particular roughcasting materials. The yard would be enclosed by a 1.8m high palisade fence painted black or the rear wall of the storage bays. Planting would be carried out between the proposed fence and the public road frontage on Bond Street.

- 3.4. The applicant currently operates their business from Gaberston Farm off Whins Road, Alloa but has been seeking alternative premises from which to operate to improve the efficiency and effectiveness of their business. This has included applying for permission for the former MCA Homes office and yard at The Harlands, Alloa (Ref: 09/00007/FULL). However, they were unsuccessful in purchasing the site and withdrew the application before it was determined.

4.0 Consultations

- 4.1. Roads and Transportation have no objections subject to adequate parking and manoeuvring facilities, dust suppression arrangements and visibility at the site entrance. *Comment: The applicant has provided information that demonstrates that adequate vehicle turning and parking facilities would be available. The arrangements to manage dust suppression and to maintain visibility splays at the access can be regulated by suitably worded planning conditions.*
- 4.2. Environmental Health do not object but recommend that; any external lighting is installed in a manner to prevent nuisance from light spillage on neighbouring land; suitable measures are employed to suppress dust at all times; and that the selection of the proposed roller shutter door on the building should ensure no noise nuisance to any neighbouring resident. *Comment: These matters can be regulated by planning conditions. However, the risks to the amenity of the surrounding area are not considered to be significant having regard to existing character of the area and the mitigation provided by the distance from the site to the nearest residential properties, the lower level of the site in relation to the nearest residential properties and the screening afforded by the existing and proposed landscaping.*

5.0 Representations

- 5.1. One neighbouring proprietor was notified of the application and the application was also advertised in the Alloa Advertiser on the 19th November, 2009. In response, no representations have been received.

6.0 Planning Considerations

- 6.1. The application must be determined in accordance with the terms of the Development Plan unless material considerations indicate otherwise.

6.2. The key Development Plan policies against which the application requires to be considered are as follows:-

* Clackmannanshire Local Plan Policies : JOB2 (Larger Sites), EN11 (Enhancing Environmental Quality), EN15 (Planning and Environmental Protection), INF4 (Development Standards) and Proposal J22 (Dumyat Phase 1/2)

6.3. In considering these policies, the key issues for consideration are as follows:-

- The principle of the development
- The suitability of the site
- The environmental and landscape impact
- Access and road safety

6.4. Principle of the Development and Suitability of the Site

The site is allocated for Class 4, 5 or 6 uses in the Local Plan. Although the proposed use would not strictly fall within the definition of one of these Classes, the principal character, nature and impacts of the proposed use would be comparable with those that may be generated by uses within either Classes 5 or 6. The proposed business and in particular the storage yard could be operated and regulated so that it would not result in any significant adverse impact on the amenity of neighbouring users or prejudice the operation of any existing businesses at the site. The Local Plan defines Dumyat Business Park as a Large Development Site and states in the text that these sites provide a good choice for new and expanding indigenous companies. The proposal would allow a local business to relocate to premises which they consider would be better suited to their business needs. The building and land are currently vacant. Consequently, it is concluded that the proposed use would be consistent with the guidance in Local Plan Proposal J22 and Policy JOB 2, would be suitable for the site and would not be contrary to the Development Plan.

6.5. Environmental and Landscape Impact

The proposed activities and use would be compatible with surrounding uses subject to compliance with the proposed conditions. Environmental Health has not objected to the application. The visual impact of the development would be satisfactorily mitigated by both the existing established landscaping which would be retained and the proposed landscaping adjacent to Bond Street. The proposed boundary fencing would have planting between it and the public road. Another unit within the site has a similar boundary fence. The proposal is considered to comply with Policies EN11 and EN15.

6.6. Access and Road Safety

The proposal would accord with the guidelines and advice from the Roads and Transportation Unit and therefore complies with Policy INF4.

6.7. As discussed in Paragraph 6.4 above, although the proposed use does not strictly fall within one of the Classes of use specified in the guideline relating to Proposal J22, the application is considered to accord with the objectives of

the Development Plan. The other material considerations, in the form of consultation responses, have been assessed and can be satisfactorily addressed. The proposal would also help an indigenous business to secure suitable premises within the Council area. There are no material considerations that would justify withholding permission. The application can therefore be recommended for approval subject to conditions.

7.0 Sustainability Implications

7.1. None

8.0 Resource Implications

8.1. *Financial Details*

8.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. ☐

8.3. *Staffing - None*

9.0 Exempt Reports Only - Reasons for Exemption

9.1. This report is not exempt.

10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick ☒)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

The Clackmannanshire Local Plan

11.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐

No ☒

9.0 Legality

- 9.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers

Yes ☒

APPROVAL/SIGNATURE	DATE
Head of Service: S Bell (Signed)	02.12.09

REPORT TO PLANNING COMMITTEE

To: Head of Administration and Legal Services, Greenfield, Alloa FK10 2AD

Report author: Keith Johnstone

Service: Development and Environmental Services

**Report title: Report of Handling on Planning Application Ref: 09/00281/FULL -
Alterations and Change of Use of Industrial Building (Class 4) for
the Storage, Distribution and Sale of Building materials and the
Formation of a Yard with Storage Bays, Lighting and Associated
Boundary Treatment at Unit 1, Block 6, Dumyat Business Park,
Bond Street, Tullibody (Ref: 09/00281/FULL)**

Date of meeting: 21st December 2009

It is recommended that the attached report be:

1. Given unrestricted circulation ☒
2. Taken in private by virtue of paragraph ___ of schedule 7A of the Local Government
(Scotland) Act 1973 ☐

List any appendices attached to this report (if there are no appendices, please state 'none')

1. Location Plan

**List the background papers used in compiling this report. If you have completed a
sustainability checklist please add this to your list (if there are no background papers please
state 'none')**

1. Clackmannanshire Local Plan
2. Consultation responses
- 3.
- 4.

**Nb. All documents listed must be kept available by the author for public inspection for four years from the date of
the meeting at which the report is considered.**



09/00281/FULL - Unit 1, Block 6, Dumyat Business Park, Bond Street, Tullibody
Alterations to Create New Yard with Storage
Bays and Associated Boundary Treatments

Ward: Clackmannanshire West

OS Grid Ref: NS8594NW

Scale: 1:1,250

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2009.
 All rights reserved. Ordnance Survey Licence number 100020783.


CLACKMANNANSHIRE
 COUNCIL
 Development & Environmental Services
 Kinross
 Greenside Street
 Alloa
 FK10 1EB

Tel: 01259 450 000 Fax: 01259 727 452
 development_services@dacks.gov.uk

