

FALKIRK COUNCIL

Subject: **ERECTION OF CLASS 1 SHOP UNIT WITH ASSOCIATED ACCESS, CAR PARKING, SERVICE YARD AND EXTERNAL WORK AT LAND TO THE NORTH OF ALDI FOODSTORE LTD, REDBRAE ROAD, FALKIRK FOR TJ MORRIS LIMITED/ BRUCE WEIR HOLDINGS LTD - P/13/0766/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 March 2014**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk South**

Depute Provost John Patrick
Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie

Community Council: **No Community Council**

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal consists of a freestanding retail store on the northern part of the cleared site of the former Riley Dunn and Wilson factory - a bookbinding business - at the eastern end of the Glasgow Road Industrial Area. The new Aldi foodstore now occupies the southern part of the former factory site. The bowling centre lies to the east and the new Tesco Camelon store to the west. A railway line bounds the site to the north, beyond which there are residential properties.
- 1.2 The proposed building would be rectangular in shape, of contemporary design and orientated perpendicular to the Aldi store. The site would incorporate hard and soft landscaping, delivery provision and car parking.
- 1.3 Vehicular access would be taken from the established road network (Redbrae Road) and no additional works are proposed on Glasgow Road.
- 1.4 The proposed occupant is Home Bargains, a national discount store selling a mix of food and non-food items. The gross floorspace is 1,939 sq.m, of which 1,580sq.m is sales floorspace. The goods to be sold would be 70% non-food and 30% food.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is considered contrary to the policies contained within the Development Plan.

3. SITE HISTORY

- 3.1 There are no previous planning applications pertaining to the development of the site post 1990. There are, however, planning approvals for retail developments in close proximity to the application site (Tesco and Aldi).

4. CONSULTATIONS

- 4.1 The Roads Development Unit advise that further details should be submitted to address the following:-
- Street lighting may be required to be upgraded on Redbrae Road along the frontage of the store;
 - A 2.0 metre wide adoptable footway should be formed along the full frontage of the site on Redbrae Road;
 - 110 car parking spaces are required. While 88 spaces are provided, this is not acceptable;
 - All car parking spaces must be a minimum of 5 metres long and 2.5 metres wide, with a maximum of 6m manoeuvring area behind each space;
 - The vehicular exit/entrance nearest to the Aldi store should be closed;
 - Each vehicular exit/entrance should have clear visibility splays of 2.4 metres x 30 metres;
 - No surface water run-off from the site onto the public road will be permitted;
 - Acceptable service vehicle manoeuvring will require to be demonstrated.
- 4.2 Falkirk Community Trust's Keeper of Archaeology and Local History requests a suspensive planning condition to be imposed regarding a programme of archaeological works.
- 4.3 Scottish Water has no objections.
- 4.4 Falkirk Council's Environmental Protection Unit requests suspensive planning conditions to be imposed regarding air quality, contaminated land and potential for noisy working.
- 4.5 The Coal Authority does not object to the application.
- 4.6 Network Rail does not object to the application.

5. COMMUNITY COUNCIL

- 5.1 No Community Council covers the area in which the site is located.

6. PUBLIC REPRESENTATION

- 6.1 One comment has been received, that the proposed boundary fence seems inadequate. The proposal is very near residential property and a fence similar, if not exactly alike, to the Tesco boundary fence would be more suited. This would hopefully prevent any issues of noise from delivery vehicles. The height of the fence should also prevent visual impact.

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 Policy ECON. 5 - 'Location of New Retail and Commercial Leisure Development' states:

"The scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres shown in Schedule ECON 5 and enhancing them. Proposals for significant new retail and commercial leisure development should accord with the following principles:

- 1. non food retailing will be directed to Falkirk Town Centre and the District Centres. In addition, provision will be made for bulky household goods retailing at Middlefield/Westfield Strategic Development Opportunity (up to 25,000 sq m gross), and for limited specialist retailing at the Falkirk Canal Interchange Strategic Development Opportunity, as set out in Schedule ECON.1 and subject to the criteria in Policy ECON.2;*
- 2. priority will be given to the provision of new food retail floorspace in Grangemouth, Larbert/Stenhousemuir, the Polmont area, Denny and Bonnybridge/Banknock, of a scale commensurate with the local catchment. New food retail floorspace will be directed to the District Centres and other established local centres, and only to new local centres where they meet the criteria set out in Policy ECON.6;*
- 3. new food retail floorspace in Falkirk will be restricted to existing commitments, neighbourhood stores of less than 1,000 sq. m. gross floorspace, and limited extensions to existing stores; and*
- 4. commercial leisure developments will be directed to Falkirk Town Centre, the District Centres and those other Strategic Development Opportunities for which such uses are specified in Schedule ECON.1."*

7a.2 This policy sets the locational framework for new food retailing, highlighting settlements where new food floorspace is a priority and indicating that such floorspace should be directed to centres in the hierarchy. The policy states explicitly that new food retail floorspace in Falkirk will be restricted to existing commitments, neighbourhood stores of less than 1,000sqm gross floorspace and limited extensions to existing stores. In terms of retail policy, the site is off centre and, being 1,939 sq.m in size, considered contrary to policy ECON 5.

7a.3 Policy ECON.6 - 'Out-of-Centre Retail and Leisure Development' states:

"Proposals for significant retail or commercial leisure development not within or adjacent to Falkirk Town Centre, or the District Centres or not provided for within a Strategic Development Opportunity as specified in Schedule ECON 1, will be assessed in relation to the following:

- (1) the impact on the vitality and viability of Falkirk Town Centre, the District Centres, and any other Strategic Development Opportunity;*
- (2) the need for the development;*
- (3) the proposal's ability to meet the sequential approach;*
- (4) the accessibility of the proposal by a choice of means of transport;*
- (5) the impact on the number and length of car trips; and*
- (6) whether the proposal lies within the existing or proposed urban area as defined in the Local Plan.*

A Retail/Leisure Impact Assessment addressing these factors will be required for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances."

7a.4 A Planning and Retail Statement has been submitted by the applicant which seeks to address the terms of the above policy. In assessment, the following comments are relevant:

Retail Impact

- The proposal is for a store with an estimated turnover of £7.6 million, with a local catchment. Impact on large stores in Falkirk Town Centre is likely to be limited, as with the district centres of Denny and Stenhousemuir. However, there is a possibility of some trade diversion from Newcarron village, where there is already a discount store, but the magnitude is not likely to be significant and the adjacent Tesco and Aldi may be the stores that suffer most trade diversion. Overall, therefore, it is considered that there will be no significant impact on the vitality and viability of existing centres as a consequence of the proposals.

Need

- With the presence of existing Tesco and Aldi stores, there is no quantitative need for additional retail foodstores in Camelon, although a discount store of this nature would add a degree of choice for consumers.

Sequential Approach

- The applicant's Planning and Retail Statement carries out a sequential approach - including an assessment of potential sites in both Falkirk Town Centre and Camelon Local Centre - and concludes that there are no realistic opportunities for a store of this size in, or adjacent to, either centre.

Accessibility/Car Trips

- The site offers a high level of accessibility by various modes of transport and, given its localised catchment, may be concluded to have a positive impact on the number and length of car trips.

Urban Limit

- The site is within the urban limit as defined in the Development Plan.

Falkirk Council Local Plan

7a.5 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 and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

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.6 While there is provision within the Glasgow Road Camelon Industrial area for a food retail element to meet local needs, this provision would be considered to be fulfilled through the recently approved Tesco and Aldi retail stores. The application site is reserved for Class 4, 5 and 6 uses. Consequently, any additional foodstores would be considered to offend the above policy.

7a.7 Policy EP7 - 'New Retail Development' states:

- (1) New retail development in excess of 500 m² gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 500 m² serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*

- (3) *Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part.*

7a.8 The policy reflects that all retail proposals of over 500sqm should be assessed against Structure Plan policies ECON.5 and ECON.6 as above. The policy also refers to compatibility with adjacent land uses and the ability to integrate functionally and visually to any centre which it is to form part.

7a.9 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

"The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged."

7a.10 The site has been vacant since 2008 and the site's capacity for re-development is unlikely to be hindered by the presence of any land contamination.

7a.11 Policy EQ9 - 'Public Art' states:

"The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt 'Percent for Art' schemes in respect of major commercial development schemes."

7a.12 While not a 'major' planning application in terms of hierarchy of development, the applicant is aware of the accumulating fund to erect a bust of Thomas Clement Douglas. However, the group leading the project considers that sufficient funds have been raised, and no additional contribution is required.

7a.13 Policy EQ16 - 'Sites of Archaeological Interest' states:

- (1) *Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) *all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) *Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development."*

7a.14 The site has been assessed and a planning condition imposed to address archaeological concerns.

7a.15 Policy ST10 - 'Parking' states:

"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

7a.16 The proposed level of car parking provision is not considered acceptable. This matter is expanded in para 7b.11.

7a.17 Policy ST11 - 'Sustainable Urban Drainage' states:

"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."

7a.18 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.19 The applicant will be required to submit additional information addressing drainage and flood provision. Ratification of these matters may be achieved through the imposition of suitable planning conditions.

7a.20 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the policies contained within the Falkirk Local Development Plan, the site history, consultation responses received during consideration of the application, comments received and the Council's Action Plan for the Economic Downturn.

Falkirk Local Development Plan

- 7b.2 The Proposed Falkirk Local Development Plan (LDP) was published in April 2013, and is a material consideration in the assessment of the application.
- 7b.3 The policy status of the site has changed in the Proposed LDP. The boundary of Camelon Local Centre has been extended westwards to encompass the site, Tesco, Aldi, the leisure/community uses around the Mariner Centre, and the rest of the Glasgow Road industrial area stretching out as far as the Three Bridges. This is reflective of the building of the large Tesco store and the recognition that the leisure/community uses are a legitimate part of the local centre.
- 7b.4 The site itself is part of Proposal ED11 (Redbrae Road, Camelon), which is identified for retail/business/leisure use.
- 7b.5 The relevant policies in the Proposed LDP are Policy TC01 - 'Network of Centres', Policy TC02 - 'Development and Changes of Use in Centres' and Policy TC03 - 'Retail and Commercial Leisure Development'.
- 7b.6 Policy TC01 defines the network of centres and their roles, including Camelon Local Centre. Policy TC02 promotes a mix of retail, business, leisure, community and residential uses within centres, consistent with maintaining their vitality and viability and their role. Policy TC03 states that retail development in excess of 1,000sq.m should be located in the network of centres, and should be of a scale and type consistent with the role of the centre in the network, and commensurate with the local catchment.

Site History

- 7b.7 Members will be aware that the application site is part of a larger area, the front area being developed by Aldi as a foodstore. The site previously housed an industrial building with offices, which fronted Redbrae Road, used by Johnston Falkirk Ltd for newspaper production.
- 7b.8 Historically, the area to the north of Glasgow Road has experienced significant long term vacancies of buildings and sites, with owners unable to attract new occupiers. Of particular note is the adjoining Tesco site, which was unable to attract a use other than retail, despite it having been vacant and available for 10 years.
- 7b.9 The former owners of the application site, Johnston Press, participated in the early stages of an initiative in 2007 to market the site, but the initiative was later abandoned. Further marketing in 2008 secured Aldi as a preferred bidder, but Aldi withdrew interest in 2009. A revised marketing exercise showed interest expressed solely from retailers and developers with a retail focus, with Aldi as the preferred bidder for the site.
- 7b.10 Since that time, Tesco and Aldi have secured planning permission for the adjacent sites and the sites are now developed as retail foodstores.

Consultation Responses

- 7b.11 The Roads Development Unit notes the lack of parking provision on the site, with 88 car parking spaces falling short of the required 110 spaces. However, it should be noted that the adjoining Aldi site has an over-provision of 18 car parking spaces. This over-provision was expected to contribute to the development of the current proposal. In consideration, the application could be considered to have a shortfall of 4 parking spaces. Given the availability of car parking at Aldi, the adjacent Mariner Centre and Railway Station, along with the low probability of both the Aldi car park and the proposed car park reaching capacity, it is considered that the parking shortfall is acceptable. All other Roads concerns can be addressed through planning conditions. The applicant has also amended the layout of the site to address Roads concerns regarding exit provision and visibility splays.

Comments Received

- 7b.12 The comment regarding boundary fencing is noted, and a fence detail has been agreed with the applicant.

Falkirk Council's Action Plan for the Economic Downturn

- 7b.13 In December 2008 the Council adopted an Action Plan for the Economic Downturn, which highlighted the potential for the Council to be flexible in its application of planning policies to help secure development. The proposal would completely regenerate the site as well as bring some economic activity in the form of new jobs and investment.

7c Conclusion

- 7c.1 The proposal is contrary to the current Development Plan, but consistent with the Proposed LDP. In terms of the weight to be given to the Proposed LDP as a material consideration, it should be noted that there have been no representations specifically challenging the extension of the Camelon Local Centre to include the site, or to Proposal ED11. There is reasonable confidence that this aspect of the Proposed LDP will be carried forward into the adopted Plan.
- 7c.2 Clearly, the development of the Tesco and Aldi stores has created a cluster of retail use in this location, a situation which has been recognised in the Proposed LDP. The proposed store can be seen as a logical additional to this cluster.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning 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) Before the building is occupied, the car parking shown on the approved plan shall be completed.

- (3) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. existing and finished ground levels in relation to a fixed datum, preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations.
- (4) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the minimisation of light pollution from the premises.
- (5) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking and access arrangements shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (6) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hardsurfaces shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (7) Before the development commences, full details of the colour and specification of all proposed walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Notwithstanding the approved plans, before the development commences, a scheme of landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
- (i) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (ii) the location of all new trees, shrubs, hedges and grass areas;
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments.

The landscaping plan shall be implemented in accordance with an approved phasing plan.

- (9) Before occupation of the retail unit, exact details of any proposed ventilation system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by this Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (10) All proposed roads, cycleways, traffic signals, roadmarkings, street lighting, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (11) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by this Planning Authority.
- (12) 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.
- (13) For the avoidance of doubt, the proposed footway along the western side of Redbrae Road to the site access shall be constructed to adoptable standards and be at least 2 metres in width.
- (14) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the Travel Plan Framework.
- (15) Prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all works shall be carried out in accordance with the approved scheme.
- (16) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the finalised street lighting system to be employed.
- (17) No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. This should take the form of mitigation measures in the report by Tom Davis and Thomas Rees produced for James Barr as part of the site assessment.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,14) To ensure that adequate car parking is provided.
- (3,4,9) To safeguard the environmental amenity of the area.
- (7,22) To ensure that adequate traffic management provision is secured.
- (5-8) To safeguard the visual amenity of the area.
- (6) In the interests of residential amenity.
- (10-11, 13) To safeguard the users of the public highway.
- (12) To ensure the ground is suitable for the proposed development.
- (15) To ensure adequate protection of the water environment from surface water run-off.
- (16) The development would not be acceptable without these additional works.
- (17) To enable the Planning Authority to consider this/these aspect(s) in detail.

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, 03, 04, 05, 06, 07, 08 AND 09A.
- (2) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (3) Your attention is drawn to the provisions of the Disability Discrimination Act 1995. This permission does not imply that your proposals satisfy the requirements of that legislation.
- (4) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.
- (5) It is recommended that the applicant should consult with the Development Services' Environmental Health Division concerning this proposal, as legislation relating to the spread of dust is likely to affect this development.
- (6) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

- (7) The applicant is advised to contact Network Rail's Asset Protection Engineer for approval prior to any works on site.**

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Director of Development Services

Date: 14 March 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Economic Downturn Action Plan.
4. Falkirk Local Development Plan.
5. Letter of Representation from Ms Donna McFadden, Ochilview, 20 Centurion Way, Falkirk, FK2 7YH on 17 December 2013.

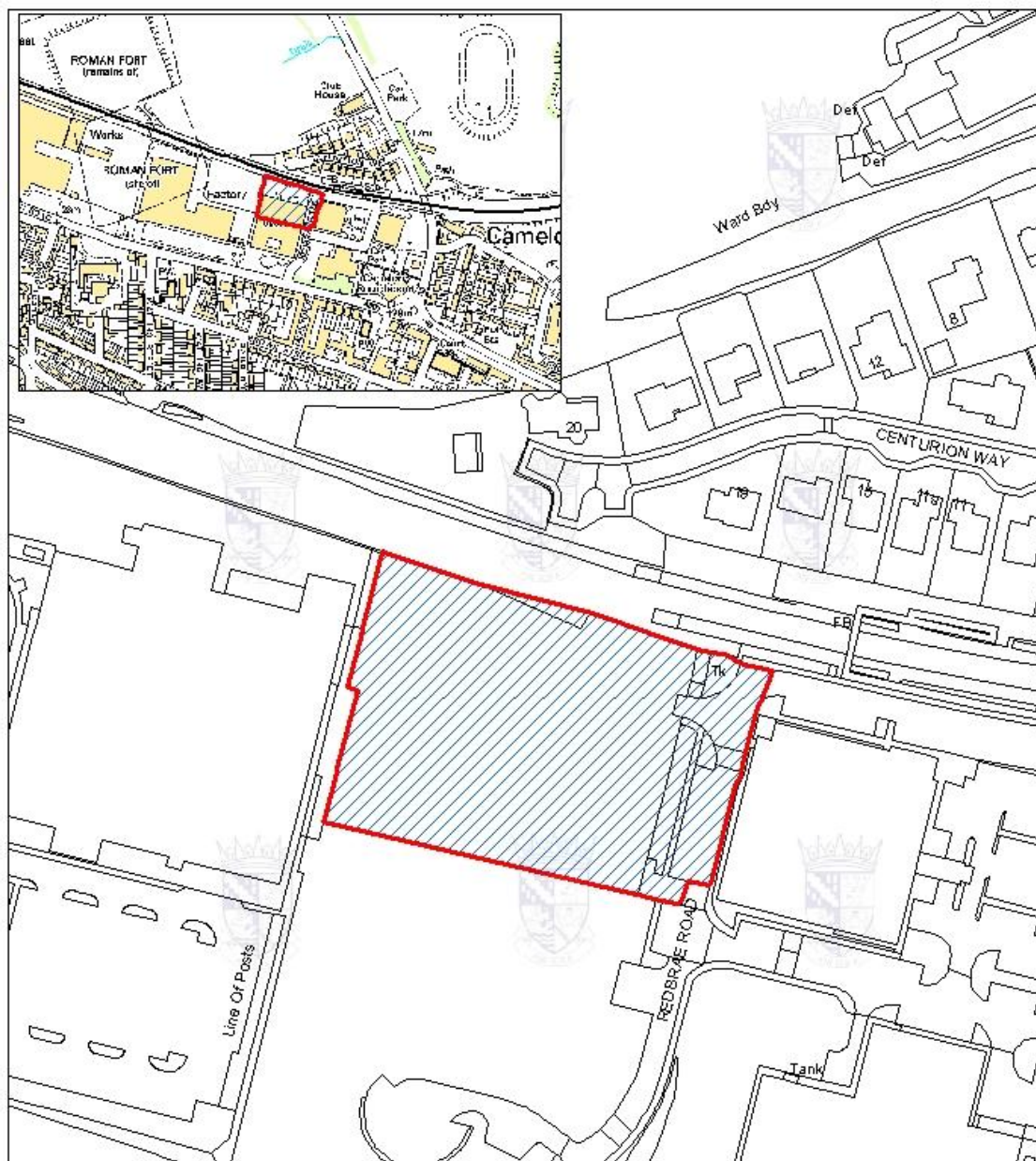
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0766/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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