



AGENDA ITEM

6

**Erection Of Restaurant / Public
House, Associated
Infrastructure Including Roads,
Car Parking And Amenity
Spaces, Pedestrian Access And
Landscaping At 44 Tryst Road,
Stenhousemuir, Larbert, FK5
4QH For Ramoyle Group -
P/16/0114/PPP**

FALKIRK COUNCIL

Subject: ERECTION OF RESTAURANT / PUBLIC HOUSE,
ASSOCIATED INFRASTRUCTURE INCLUDING ROADS,
CAR PARKING AND AMENITY SPACES, PEDESTRIAN
ACCESS AND LANDSCAPING AT 44 TRYST ROAD,
STENHOUSEMUIR, LARBERT, FK5 4QH FOR RAMOYLE
GROUP - P/16/0114/PPP

Meeting: PLANNING COMMITTEE

Date: 23 November 2016

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

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

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 26 October 2016 (copy of previous report appended), when it was agreed that a site visit be undertaken. This site visit took place on Monday 7 November 2016.
2. At this meeting the applicant and objectors were heard and clarification on the issues raised is summarised below.
 - (a) The current application is for planning permission in principle and the aspiration of the applicant is to utilise car parking provision on an adjacent application site - currently pending. The applicant, through a submitted Transport Impact Assessment and Retail Impact Assessment, has aspirations for a 600m² floor-space restaurant/public house. The car parking provision expected from such a proposal has been commented on by the Roads and Development Unit. However, for the purposes of the planning application, this figure is indicative and no reliance has been placed on this in determining the principle of planning permission for the change of use of land.
 - (b) Should the above application be approved, a second application for detailed planning permission (FUL) or the Approved Matters Subject to Conditions (AMSC) will be required. The details of floor-space, design, car parking and servicing arrangements will be subject to review and consideration.

- (c) With regard to potential noise and nuisance from any restaurant/public house, it is considered that there are sufficient controls of these matters through Environmental Health legislation, Licensing Board controls and recourse to police services to address these matters.
- (d) The applicant has submitted a Retail Impact Assessment which contends that the restaurant/public house is not an incongruous element in the area and is likely to offer an attractive provision to existing facilities. There has been no objection from consultees to this assertion.
- (e) The commuted payment of £20,000 from 12 months of opening of both sites to address potential traffic impact issues has been agreed with the applicant. The applicant does not agree that a revised period of 24 months is appropriate.
- (f) Planning condition 3 requires the applicant to submit a Service Delivery and Parking Management Plan. This will be the assured method of further reviewing servicing and parking arrangement for the site.

3. The applicant has responded to matters raised at the site meeting and these are provided below for the Committee's information.

- (a) Whilst we were pleased to hear support for our redevelopment even from Objectors residing on Tryst Road it is clear that there are historic issues in the locale that are the main reason for complaint. The issues raised would appear to be long standing and emanating from other activities in the area. We believe our proposals do not exacerbate these issues and indeed the introduction of the MOVA to the King St/Kirk Avenue junction will indeed address at least one of the current problems.
- (b) It was also good to have the support of Stenhousemuir football club to the proposed development notwithstanding their reservations regarding the use of Gladstone Road for the proposed limited service vehicle delivery to the store. It is perhaps worth reminding the committee that whilst traffic and pedestrian activity seems to be what they are mainly concerned with, that it is the use of the stadium that generates both of these! Numerous cars dropping off children to use the club facilities at peak times to co-ordinate with sessions at the club seems to be being ignored. The use of Gladstone Road for service vehicles by highly qualified experienced HGV drivers can be managed unlike previously and the current situation described by the club and the neighbours.
- (c) The Audit Team have not raised any fundamental road safety concerns with the access proposals ie all private car access via King Street. No private car access relating to the development via Gladstone Road.
- (d) We are also introducing new drop kerbs at Tryst Road entrance to Gladstone Road. Gladstone Road and the footpath are to be resurfaced and the pavement kerb stones re-set to give better definition between road and footpath thereby encouraging use of the latter by pedestrians.

- (e) Access for Service Vehicles. We have spent considerable time exploring all avenues for site access and servicing including bringing service vehicles onto the site directly off King Street. In line with good practice we have designed out potential conflict between service vehicles and other site/road users. As you will appreciate the car park will be utilised fully during store opening hours when a service vehicle is likely to visit the Premises, this gives rise to a far greater potential conflict between HGV's and pedestrians than the historical servicing arrangements. Furthermore the site geometry with the access via a 4th leg of the King St junction does not lend itself to HGV's servicing the site without the removal of a large number of parking spaces to facilitate manoeuvring and turning. We did explore a situation whereby service vehicles entered via Jamieson Avenue and left by Gladstone Road but were concerned this could potentially lead to a rat run for all vehicles to avoid the King Street/Tryst Road junction. In summary Gladstone Road has historically been the service route for the site in significantly greater numbers of lorries, it will also remain as the service route for the football club servicing vehicles and club team bus. The proposed adjustments to the Tryst Road junction (which have been tested through vehicle tracking) will improve this route whilst making it physically impossible for a HGV to exit right up Tryst Road. We believe the limited potential conflict between service vehicles and other Gladstone Road users can be dealt with by way of good neighbour agreements.
- (f) Car parking management. We have consulted with and had advice from a specialist car parking management company who will install Automatic Number Plate Recognition cameras to monitor the car park 24/7/365 to deter football related traffic parking in the car park. Whilst the imposition of fines on errant motorists may be capable of challenge in Scotland, that is not clear, the operating company is confident that such management will be effective. We do not believe the Parking Management of the site will exacerbate the current situation as no Football Club users currently park on the site and essentially it is up to Stenhousemuir FC to review their current parking plans and provide alternative parking to alleviate any issues arising.
- (g) There was reference to what was covered by the Retail Impact Assessment professionally undertaken by consultants Jones Lang Lasalle. This was in accordance with the scope of assessment required by and agreed with Falkirk Council Policy Officials. It states that the proposed development can provide a positive contribution to a vibrant and viable development mix in Stenhousemuir, and further underpin the growth and success of the location. The Assessment refers to other retail outlets offering a comparable choice and level of goods which it summarises are currently not available in Stenhousemuir hence it concludes that the proposed Retail use will not present any significant risk to the ongoing performance of surrounding retail facilities. As I mentioned yesterday the provision of the proposed facility should also assist in minimising trade spillage from Stenhousemuir to other locations.
- (h) The Retail Impact Assessment referred to in item 7 also concludes after investigation that the proposed restaurant meets an a need identified by the professionals from a market perspective and is not considered to be in conflict with existing provision, in fact the opposite in seeking to provide a format and quality currently lacking in the area for example as was discussed at the site visit today which of the local establishments would a Parent be happy to take their Children to for lunch/dinner? The granting of a License and associated issues, is a matter for the Licensing Board to determine in due course.

- (i) There is no justification for the period of retention of the deposit referred to, to be increased from 12 months. In practice it will run for considerably longer than 12 months as it is expected that the B & M store will be trading for probably at least 6/9 months before the restaurant is delivered increasing the overall period that the traffic junction will be monitored.
- (j) On the topic of car parking whilst this can be looked at again when the full application for the restaurant is submitted it is perhaps worth mentioning now that the retail use and the pub/restaurant car parking requirements peak at different times of the day/evening and it is not competent to simply deduct the potential peak for the retail unit from the overall parking provision.
- (k) The National Roads Development Guide (NRDG) recognise that lower parking provision may be appropriate in town centre locations where there is good access to alternative forms of transport and existing car park facilities. This is considered to be particularly relevant to the application site, given its proximity to the main bus route in the town and nearby parking available at the existing retail opportunities within Stenhousemuir town centre.
- (l) The NRDG makes special mention of shared parking provision, especially in urban areas, with the example provided relating to sharing parking between food/drink and an adjoining retail area. This is directly comparable to the site. This shared use can result in a reduction in the number of parking spaces to be provided when compared with the parking standards appropriate for the separate land uses in isolation.
- (m) To provide further comfort on the parking provision proposed, an assessment of the accumulation of car parking for a weekday and Saturday taking account of the trips and parking demand for both the restaurant and retail unit was carried out by our consultants. This was provided to the Transport Planning Unit (TPU). It shows that the parking provision proposed would be able to accommodate the predicted parking demand throughout a weekday and Saturday.

4. The comments from the applicant are noted, however no issues have been raised which would change the previous recommendation.

5. RECOMMENDATION

5.1 It is therefore recommended that the Committee indicate that it is minded to Grant Planning Permission in principle subject to: -

- (a) **the satisfactory completion, within 6 months of a Legal Agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 or 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of: -**
 - (i) **the payment of a financial contribution towards potential traffic management mitigation amounting to £20,000 prior to the opening of the premises and retained by Falkirk Council for 12 months beyond the full opening of whichever is the later of this development or the proposed adjoining retail development. Any unspent monies to be returned to the applicant on request after this time period.**

- (b) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions: -
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. No development shall take place on site until details of on-site low and zero carbon-generating technologies (LZCGT) necessary to meet a proportion of the overall energy requirements of the development have been submitted to and approved in writing by Falkirk Council as planning authority.
 3. Prior to any works on site, a Service Delivery and Parking Management Plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt access and egress to Gladstone Road shall be via King Street only.
 4.
 - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.

- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
5. Prior to any works on site, a Final Travel Plan shall be submitted to and approved in writing by the planning authority.
6. Within 3 years of the date of this permission, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
7. Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
8. Prior to the commencement of development, further information shall be submitted, to include:
 - The submission of a scheme of intrusive site investigations for approval;
 - The undertaking of that scheme of intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works.

Reason(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 consent.

2. To ensure that full consideration is given to the achievement of Low and/or Zero Carbon Development in accordance with Falkirk Local Development Plan Policy D04 and Supplementary Guidance SG15, and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
3. To safeguard the interests of the users of the highway.
4. To ensure the ground is suitable for the proposed development.
5. To enable the Planning Authority to consider this/these aspect(s) in detail.
- 6-7. To safeguard the visual amenity of the area.
8. To ensure that ground conditions as relates to Coal Mining history have been addressed.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
2. It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.
3. Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.
4. Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
5. 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.

e-mail - envhealth@falkirk.gov.uk

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr William Bayne, 8 Jamieson Avenue, Stenhousemuir, Larbert, FK5 4TY on 11 March 2016
3. Objection received from Ms Alison Cooke, 159, Tryst Road, Stenhousemuir, FK5 4QJ on 29 March 2016
4. Objection received from Mrs Kim Grant, 54 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 29 March 2016
5. Representation received from Iain McMenemy, Stenhousemuir Football Club, Ochilview Park, Gladstone Road, Stenhousemuir, Larbert, FK5 4QL, on 7 April 2016
6. Objection received from Ms Lynda Irvine, 27 Tryst Rd, Stenhousemuir, Larbert, FK5 4QH on 15 March 2016
7. Representation received from Mr John Kennedy, 29 Ladeside Crescent, Stenhousemuir, FK5 3DG on 23 March 2016
8. Objection received from Mr Paul Serafini, 90 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 29 March 2016
9. Objection received from Mr Sam Thompson, 159 Tryst Road, Stenhousemuir, FK5 4GJ on 30 March 2016
10. Objection received from Boag Isabel, 88 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
11. Objection received from Karen Compton, 88 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
12. Objection received from Agnes Gray, 92 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
13. Objection received from Mr J Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 31 March 2016
14. Objection received from Mrs J Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 31 March 2016
15. Objection received from Mr Ross George, 112 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 30 March 2016
16. Objection received from Mr Ian Donaldson, 68 Tryst Road, Stenhousemuir, FK54QH on 30 March 2016
17. Objection received from Mr David Fargie, 50 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016
18. Support received from Mrs Frances Archibald, 47 Jamieson Avenue, Stenhousemuir, Larbert, FK5 4TX on 27 April 2016
19. Objection received from Mr Scott Wallace, 29 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016
20. Objection received from Mrs Brenda Blair, 66 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 30 March 2016
21. Objection received from Neil Hart (Electrical) Ltd, 33 - 35 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 5 April 2016
22. Objection received from Mr Colin Kennedy, 115 tryst road, Stenhousemuir, Larbert, Fk5 4QJ on 31 March 2016
23. Objection received from Mr Gordon Pirrit, 157 Tryst Road, Stenhousemuir, FK5 4QJ on 30 March 2016
24. Objection received from Ann Hamilton, Ash Cottage, 12 Stirling Road, Larbert, FK5 4AF, on 12 May 2016
25. Objection received from Mrs Julie Kennedy, 115 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 30 March 2016

26. Objection received from Mrs Eileen Butler, 56 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 30 March 2016
27. Objection received from Mr Luke Allan, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
28. Objection received from Laura Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
29. Objection received from May Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
30. Objection received from Allan Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
31. Objection received from David Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016

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

FALKIRK COUNCIL

Subject: ERECTION OF RESTAURANT / PUBLIC HOUSE,
ASSOCIATED INFRASTRUCTURE INCLUDING ROADS,
CAR PARKING AND AMENITY SPACES, PEDESTRIAN
ACCESS AND LANDSCAPING AT 44 TRYST ROAD,
STENHOUSEMUIR, LARBERT, FK5 4QH FOR RAMOYLE
GROUP - P/16/0114/PPP

Meeting: PLANNING COMMITTEE

Date: 26 October 2016

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks planning permission in principle for a change of use of land for the erection of a family restaurant / public house and associated infrastructure including roads, car parking and amenity spaces, pedestrian access and landscaping off Tryst Road / Gladstone Road, Stenhousemuir.
- 1.2 The application site consists of an area of land formerly occupied by a confectionery manufacturer. The previous use has ceased on the site and the previous structures have been demolished.
- 1.3 Access for service vehicles to serve the proposed development would be via Gladstone Road, while customer vehicle access and parking would be off King Street, at its junction with Kirk Avenue.
- 1.4 This would be a consequence of the application site utilising new access and parking arrangements proposed in an associated planning application reference P/16/0112/FUL [Demolition of Existing Buildings/Structures Erection of Shop (Class 1) (2040 sq.m) with Associated Landscaping, Car Parking, Servicing and Formation of Access (King Street)] if it is approved. This application is also currently under consideration.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Carleschi in order to consider the concerns raised by local residents in regard to increased traffic volumes, delivery vehicles and the impact on Tryst Road.

3. SITE HISTORY

- 3.1 P/09/0327/FUL - Erection of Sugar Silo - Granted 2 July 2009.

P/16/0112/FUL – Demolition of Existing Buildings/Structures Erection of Shop (Class 1) (2040 sq.m) with Associated Landscaping, Car Parking, Servicing and Formation of Access(King Street) - Pending Decision.

4. CONSULTATIONS

- 4.1 The Coal Authority has no objection to the proposed development subject to the imposition of conditions to secure the appropriateness of development works.
- 4.2 Falkirk Council's Environmental Protection Unit advise that, with regard to potential noise, planning conditions are imposed to restrict delivery and collection of goods and materials within the time period of 08.00 - 20.00 hours and to ensure any noise generated from musical entertainment shall be inaudible within nearby properties to the satisfaction of Falkirk Council Environmental Protection Unit. The Environmental Protection Unit also recommend a planning condition requiring submission and approval of a contaminated land assessment.
- 4.3 Falkirk Council's Roads Development Unit advises that parking provision for the site is a concern. However, should a further planning application be submitted addressing details of the proposal, car parking capacity and availability will be a material planning consideration and subject to further review.
- 4.4 Falkirk Council's Transport Planning Unit (TPU) advises that overall parking would be shared with the proposed retail store. A parking management strategy for the site should be considered, as well as servicing arrangements. Relevant HGV swept path analysis to and from the site has been assessed by an Independent Road Safety Audit and no concerns are raised.
- 4.5 The Road Safety Audit recommends that servicing arrangements are restricted when home matches are being played at Ochilview Stadium, owing to large numbers of pedestrians who use Gladstone Road to access the stadium. The routeing of service vehicles to and from the site should follow agreed HGV routes in the area in order to minimise the impact on the local community.
- 4.6 The main vehicular access to the site would be taken from a fourth arm onto the existing B905 King Street/Kirk Avenue signalled junction. The proposed access arrangement has been assessed by an independent Road Safety Audit and, subject to the detailed design incorporating adequate lighting, signage and road marking proposals, the Audit Team have not raised any fundamental road safety concerns with the access proposals.

- 4.7 In order to maximise the capacity at this junction, the applicant proposes to implement a Microprocessor Optimised Vehicle Activation (MOVA) system at the traffic signals. This would automatically allow the traffic signal timings to adapt to the changing traffic conditions throughout the day, which should improve the operation of this junction and minimise the traffic impact of the development.
- 4.8 However, TPU state that there remains a concern about the actual traffic impact this proposal could have on the adjacent King Street/Hallam Road signalised junction when the MOVA system is implemented and the traffic signal timings at the King Street/Kirk Avenue junction are continually altered. (The applicant is proposing to leave the King Street/Hallam Road signalised junction as it is).
- 4.9 The scenario is difficult to model/predict with any degree of certainty and, following further discussion with Roads Network, a sum of money would be set aside by the applicant to allow the Council to introduce wireless traffic detection at the King Street/Hallam Road junction in the future, should it be found necessary after the MOVA system is implemented at the King Street/Kirk Avenue junction. This money would be returned if there is no noticeable impact on the King Street/Hallam Road junction after a period of time. This precautionary approach is considered prudent due to the nature of this application for the principle of development.
- 4.10 A Travel Plan Framework was included in the submitted Transport Statement. More detail will be needed for the Final Travel Plan in order to support a future detailed or Matters Subject to Condition (MSC) application.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council advised that they have consulted with local residents on this application and application P/16/0112/FUL. As an overall observation, the Community Council and the residents have a strong desire for the site to be re-developed. There were mixed responses in relation to usage with a number of residents suggesting alternative uses such as soft play and leisure facilities for the site. There were some concerns and queries over the impact of the development on the road network, notably the junction from Tryst Road onto King Street which is a busy junction.
- 5.2 The concerns raised at the meeting and in the correspondence from the 3 residents can be summarised as follows:
- There is serious concern that the Tryst Road residents had not been consulted in relation to the application. It is understood that only the football club, Jamieson Avenue residents, the Community Council and Falkirk Council have been consulted by the developers. Some residents had only heard about the development through the Community Council's consultation and by word of mouth from neighbours.

- The volume of traffic on Tryst Road is currently very high and likely to increase further with the proposed retail unit and the pub/restaurant. Residents advised that there has been a significant increase in traffic on Tryst Road in the last 10 years.
- Concern was raised over the numbers of school children which use Tryst Road each day and that the pavements are already very tight.
- Concern was also raised over the speed of vehicles using Tryst Road.
- The traffic impact analysis was carried out in June last year. It had also not been undertaken at the weekend raising concerns over the quality of the assessment especially as most people would use the proposed facilities at the weekend.
- The Tryst Road T-Junction with King Street is already under pressure with the number of cars using the road. There are 2 sets of traffic lights at the moment and there are delays in exiting Tryst Road depending on the timings. It is acknowledged that the proposals are proposing a 4-way traffic light system (currently 3) at the King St/Kirk Avenue junction. The impact of this on cars exiting Tryst Road is not clear.
- Concern was raised over the impact on residents of noise, disturbance, litter and air pollution.
- There were questions raised over the value and requirement for another pub/restaurant. Research within the impact assessment is very poor and does not list some of the main restaurants in the area including the Stables and the Outside Inn. They also advised that the assessment does not recognise the existing licensed premises in the area.
- Concern was raised over the proposed location for the pub/restaurant given that there is a sheltered housing complex opposite the proposed development.
- Concern was raised over Gladstone Road being used by the retail unit for HGV access and questions over why HGV access was not coming from King Street. There was concern that HGV access could also be any time of the day or night. The area is already heavily used by the football grounds and a large number of people use Gladstone Road to access the grounds. It was noted that there is already heavy traffic from articulated lorries going to ASDA and B&M.
- There was concern that if the pub/restaurant goes ahead, this will also increase pedestrian traffic at a late hour.
- The site would be better suited to social housing.
- Concern was raised over the potential impact on house prices.
- In conclusion, therefore, the Community Council supports that there is a requirement for the redevelopment of the site which appears unanimous within the community. However, given the concerns raised by Tryst Road residents, it is requested that Falkirk Council, in considering the proposals submitted to it:

1. undertakes a full impact assessment of the proposals focussing on traffic impact and flows around the site and the wider implications the development will have on the road network
2. assesses the impact of the proposed uses of the site including the potential impact on residents and the wider retail/food/pub offering within the area
3. considers options for access to the site for HGVs
4. undertakes a full consultation with local residents on Tryst Road, Jamieson Avenue and surrounding streets.

6. PUBLIC REPRESENTATION

6.1 During the course of the application, 30 representations were received, comprising 27 objections, 1 letter of support and 2 letters neither supporting or objecting to the proposal.

6.2 The objections raised can be summarised as follows: -

- Increased volume of traffic/noise on Tryst Road to access restaurant / pub adding to current volume of traffic / parking on Tryst Road when football matches are held nearby.
- Vehicles servicing proposal causing noise during day.
- Another pub/restaurant is not needed. There are enough pubs in the area.
- Litter, noise and disturbance to residents.
- Neither residents nor commercial users consulted.
- Already high number of lorries and Heavy Goods Vehicles using Tryst Road.
- Lorries will mount pavement when accessing Gladstone Road.
- Property will be devalued.
- Gladstone Road too narrow for service vehicles.
- Existing on-street parking already an issue.
- HGV's should use new junction on King Street.
- Noise generation from people leaving the pub/restaurant.
- Proposal against development plan policy.
- Transport Statement is flawed.
- Adverse effect on character of the area.
- There are already 3 sets of traffic lights in the area.
- The football club already has parking problems.
- Gladstone Road is not owned by the Developer.

6.3 The letter of support from the Jamieson Avenue Community Group indicate that this would be a good use of the derelict site and would enhance the local community. The issue of Japanese Knotweed on the site should be addressed.

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 was adopted on 16 July 2015. It replaces the previous Falkirk Council Structure Plan and Falkirk Council Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.
- 7a.2 The site lies within the urban area of Larbert and Stenhousemuir, and lies to the north east of the District Centre of Stenhousemuir.
- 7a.3 As this application seeks the principle of development only, no detailed drawings are available at present. Applicable policies at this time can be considered as: -
- 7a.4 Policy "TC04 - Food and Drink" states: -

- "1. Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.*
- 2. Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirements are satisfied.*
- 3. Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality."*

- 7a.5 The Falkirk Local Development Plan (FLDP) acknowledges that restaurants and pubs can form an important part of the local economy and contribute to the vitality and viability of centres. Sub section 1 of TC04 encourages Class 3 uses within centres in association with other shops and services. Given that the proposal relates to an edge of centre site, the accompanying Retail Impact Assessment (RIA) outlines that there are no other suitable sites within the centre and the proposal will complement existing provision and contribute to the vibrancy of Stenhousemuir. In addition the RIA indicates that the restaurant component meets an identified need from a market perspective and provides a facility that is currently lacking in the area.
- 7a.6 Sub section 2 of TC04 requires proposals to demonstrate *'that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirements are satisfied'*. As it is a proposal seeking the principle of development only, detailed assessment of potential impact on residential amenity cannot be carried out at this stage; however it is anticipated that appropriate safeguards could be put in place and that the principle of the proposed development is acceptable. It is noted a Noise Impact Assessment has been submitted with this application and has been reviewed by the Council's Environmental Protection Unit. They have advised that this is satisfactory. The issues of noise nuisance from the premises or delivery vehicles can be controlled / investigated under statutory nuisance legislation rather than the imposition of planning conditions.

7a.7 Policy “INF10 - Transport Assessments” states: -

- “1. The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.”*
- 2. Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
- 3. The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.”*

7a.8 Taken in conjunction with the proposed signalised junction arrangements and car parking provision on the adjacent site, the proposal would be subject to further assessment upon the submission of a Detailed or Matters Subject to Condition (MSC) application. However, it would be prudent to secure a financial contribution from the applicant to address any potentially adverse impact on traffic controls in the area as a consequence of further traffic generation. The applicant has agreed to the provision of a financial contribution.

7a.9 Policy “INF11 - 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. The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
- 2. The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
- 3. Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- 4. New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
- 5. The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.”*

7a.10 Concern is raised at the level of parking required, but such matters will only be subject to detailed review on the submission of a further planning application. In terms of parking impacts, the applicant intends to utilise car parking provided through the adjoining application site and also advises that the site is a local centre location and a high pedestrian approach is predicted, rather than solely car use. The capacity of the new facility has not yet been determined and that Falkirk Council has applied the maximum car parking rate, without taking account of the above mentioned mitigating factors.

7a.11 Policy D01 - 'Placemaking' states:-

"The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:

- 1. Strategic Housing Growth Areas & Business Locations*
- 2. Town and Village Centres*
- 3. Town Gateways and Major Urban Road Corridors*
- 4. Canal Corridor*
- 5. Central Scotland Green Network"*

7a.12 The matter of high quality design will be addressed on further submission of an MSC or Detailed application if the current proposal is approved.

7a.13 Accordingly, the application is considered to be in accordance with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed in respect of this application are the planning history, representations received and the related planning application reference P/16/0112/FUL.

Planning History

7b.2 The planning history of the site is limited, but the site was previously occupied by the former McCowans Toffee factory, which was a prominent site on King Street. As such, the now cleared site is capable of redevelopment, appropriate to a mixed residential / commercial setting.

Representations Received

7b.3 In terms of representations received it should be noted that: -

- The site previously generated vehicle movements from the factory premises and utilised Gladstone Road for servicing. While the introduction of a new use on the site will generate traffic, it is the level of traffic and how it is managed that requires careful appraisal. As this application is in principle, such matters may be considered on any future planning applications for the site. However, in principle, it is considered that traffic generation from the site is capable of being managed to minimise a detrimental impact through noise and congestion.
- A parking management plan, service arrangement plan and Finalised Travel Plan would all be required to be submitted as part of a future application submission.

This would also take cognisance of Home Match Days at the neighbouring football club.

- Existing traffic management issues on Tryst Road are acknowledged but it is considered that the newly introduced signalised junction using the MOVA system will assist in minimising additional traffic impact.
- The commercial viability of another public house / restaurant in the area is not a material planning consideration. Similarly, nor is the loss of property value or the land ownership of Gladstone Road.
- The impact on residents through noise, litter and disturbance can, to a degree, be reviewed through a further planning application. A Noise Impact Assessment has been submitted and considered appropriate. Noise nuisance can be addressed, should it arise, under noise nuisance legislation.
- The Transport Assessment has been reviewed by consultees, as indicated in part 4.8 and 4.9 of this report. As stated earlier, it is considered prudent to secure a financial contribution to offset potential traffic impact concerns and resultant further improvements to the King Street / Hallam Road junction.
- Falkirk Council was not party to pre-application consultation with neighbours. The size and scale of the development did not merit a Proposal of Application Procedure as it did not constitute a major planning application.
- Falkirk Council does not own the land. It is the owner's right to propose the use of the site. Falkirk Council as planning authority will assess the appropriateness of that use.
- Formal neighbour notification was undertaken, in accordance with the legislation. The application was advertised in the Falkirk Herald as part of this process. Appropriate neighbour notification was served on relevant interested parties adjoining the application site.

Planning application reference P/16/0112/FUL - Demolition of Existing Buildings/ Structures Erection of Shop (Class 1) (2040 sq.m) with Associated Landscaping, Car Parking, Servicing and Formation of Access(King Street)

- 7b.4 Members will be aware that the application is being determined in conjunction with a second application relating to the former McCowans Toffee Factory site. While this second application is being considered separately, this application for Planning Permission in Principle (PPP) seeks to utilise car parking and traffic management elements of that proposal. Therefore, while this application seeks the principle of development, the success or otherwise of the development is linked with the approval or otherwise of the second application, as a conjoined transport assessment has been submitted.

7c Conclusion

- 7c.1 The application is considered to be in accordance with Development Plan policies, as can be applied at this juncture for a PPP application, for the reasons detailed in this report. With regard to material considerations, concerns regarding traffic impact and parking are noted and considered capable of being addressed. However, the applicant would be required to address these matters through a further planning application and the approval of Planning Permission in Principle does not prejudice further assessment of these matters or assure approval.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that the Committee indicate that it is minded to Grant Planning Permission in principle subject to: -**
- (a) the satisfactory completion, within 6 months of a Legal Agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 or 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of: -**
 - (i) the payment of a financial contribution towards potential traffic management mitigation amounting to £20,000 prior to the opening of the premises and retained by Falkirk Council for 12 months beyond the full opening of whichever is the later of this development or the proposed adjoining retail development. Any unspent monies to be returned to the applicant on request after this time period.**
 - (b) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions: -**
 - 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. No development shall take place on site until details of on-site low and zero carbon-generating technologies (LZCGT) necessary to meet a proportion of the overall energy requirements of the development have been submitted to and approved in writing by Falkirk Council as planning authority.**
 - 3. Prior to any works on site, a Service Delivery and Parking Management Plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt access and egress to Gladstone Road shall be via King Street only.**

- i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
5. Prior to any works on site, a Final Travel Plan shall be submitted to and approved in writing by the planning authority.
6. Within 3 years of the date of this permission, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
7. Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration

- ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
8. Prior to the commencement of development, further information shall be submitted, to include:
- The submission of a scheme of intrusive site investigations for approval;
 - The undertaking of that scheme of intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works.

Reason(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 consent.
2. To ensure that full consideration is given to the achievement of Low and/or Zero Carbon Development in accordance with Falkirk Local Development Plan Policy D04 and Supplementary Guidance SG15, and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
3. To safeguard the interests of the users of the highway.
4. To ensure the ground is suitable for the proposed development.
5. To enable the Planning Authority to consider this/these aspect(s) in detail.
- 6-7. To safeguard the visual amenity of the area.
8. To ensure that ground conditions as relates to Coal Mining history have been addressed.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.
2. It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.

3. Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.
4. Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
5. 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.

e-mail - envhealth@falkirk.gov.uk

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Director of Development Services

Date: 17 October 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr William Bayne, 8 Jamieson Avenue, Stenhousemuir, Larbert, FK5 4TY on 11 March 2016
3. Objection received from Ms Alison Cooke, 159, Tryst Road, Stenhousemuir, FK5 4QJ on 29 March 2016
4. Objection received from Mrs Kim Grant, 54 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 29 March 2016
5. Representation received from Iain McMenemy, Stenhousemuir Football Club, Ochilview Park, Gladstone Road, Stenhousemuir, Larbert, FK5 4QL, on 7 April 2016
6. Objection received from Ms Lynda Irvine, 27 Tryst Rd, Stenhousemuir, Larbert, FK5 4QH on 15 March 2016
7. Representation received from Mr John Kennedy, 29 Ladeside Crescent, Stenhousemuir, FK5 3DG on 23 March 2016
8. Objection received from Mr Paul Serafini, 90 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 29 March 2016
9. Objection received from Mr Sam Thompson, 159 Tryst Road, Stenhousemuir, FK5 4GJ on 30 March 2016
10. Objection received from Boag Isabel, 88 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
11. Objection received from Karen Compton, 88 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
12. Objection received from Agnes Gray, 92 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
13. Objection received from Mr J Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 31 March 2016
14. Objection received from Mrs J Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 31 March 2016
15. Objection received from Mr Ross George, 112 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 30 March 2016
16. Objection received from Mr Ian Donaldson, 68 Tryst Road, Stenhousemuir, FK54QH on 30 March 2016
17. Objection received from Mr David Fargie, 50 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016
18. Support received from Mrs Frances Archibald, 47 Jamieson Avenue, Stenhousemuir, Larbert, FK5 4TX on 27 April 2016
19. Objection received from Mr Scott Wallace, 29 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016
20. Objection received from Mrs Brenda Blair, 66 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 30 March 2016
21. Objection received from Neil Hart (Electrical) Ltd, 33 - 35 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 5 April 2016
22. Objection received from Mr Colin Kennedy, 115 tryst road, Stenhousemuir, Larbert, Fk5 4QJ on 31 March 2016
23. Objection received from Mr Gordon Pirrit, 157 Tryst Road, Stenhousemuir, FK5 4QJ on 30 March 2016
24. Objection received from Ann Hamilton, Ash Cottage, 12 Stirling Road, Larbert, FK5 4AF, on 12 May 2016
25. Objection received from Mrs Julie Kennedy, 115 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 30 March 2016
26. Objection received from Mrs Eileen Butler, 56 Tryst Road, Stenhousemuir, Larbert, FK5 4QH, on 30 March 2016

27. Objection received from Mr Luke Allan, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
28. Objection received from Laura Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
29. Objection received from May Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
30. Objection received from Allan Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016
31. Objection received from David Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ, on 31 March 2016

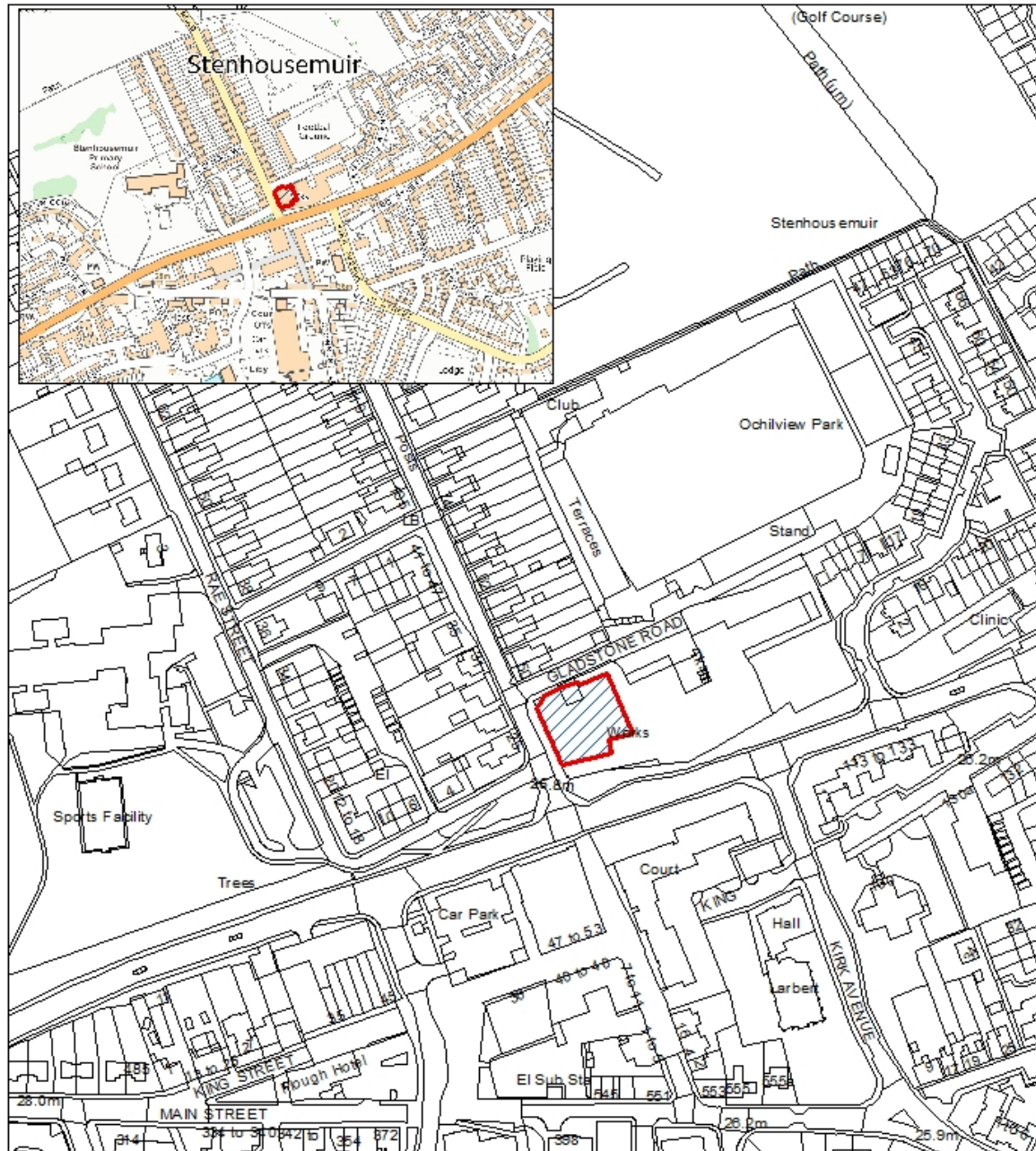
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0114/PPP

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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