



AGENDA ITEM

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Demolition of Public House (Sui Generis) and Erection of Building for Retail Use (Class 1) with Associated Infrastructure, Including ATM Machine at 175 Dean Road, Bo'ness, EH51 0HG for Pittsburgh Fife Ltd – P/17/0590/FUL – Continuation

FALKIRK COUNCIL

Subject: DEMOLITION OF PUBLIC HOUSE (SUI GENERIS) AND
ERECTION OF BUILDING FOR RETAIL USE (CLASS 1)
WITH ASSOCIATED INFRASTRUCTURE, INCLUDING ATM
MACHINE AT 175 DEAN ROAD, BO'NESS, EH51 0HG, FOR
PITTSBURGH FIFE LTD - P/17/0590/FUL

Meeting: PLANNING COMMITTEE

Date: 20 February 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Depute Provost Ann Ritchie
Councillor David Aitchison
Councillor Lynn Munro

Community Council: Bo'ness

Case Officer: Julie Seidel, (Planning Officer), Ext. 4880

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 24 January 2018 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 5 February 2018.
2. Following a summary of the proposal by the case officer the applicant spoke in support of the application, explaining that the finished floor level of the building meant that the building could not be reused. The applicant advised that the existing building and adjoining building each had their own gable walls and the remaining wall will be finished and resurfaced as part of the Building Warrant process.
3. Objectors spoke raising concerns about the gable wall and its treatment post demolition. Concerns were also raised in relation to landownership, the quality of the proposal, the proposed shop tenant and the effect on existing businesses. The number of existing shops and empty shop units in Bo'ness were discussed. One of the objectors advised that they had no objection in principle to the proposed shop, noting that the existing building is an eyesore and public houses are not viable.
4. Many of the comments raised by objectors were in relation to road safety, traffic generation, parking and deliveries. Falkirk Council's Roads Network Co-ordinator, who was in attendance, advised that the proposed development is acceptable.

5. The applicant responded to objectors, by advising that they would work with existing businesses. The application proposal is for an existing shop who wishes to expand and the proposal would provide a good service and better selection of goods for the local community. The applicant asked Members to note that the public house generated traffic and parking when open.
6. No Members asked any questions in relation to the proposal. The Local Members who were in attendance, Depute Provost Ritchie and Councillor Aitchison, raised concerns about road safety, in particular school children and the overprovision of shops in the area.
7. A letter was submitted in support of the planning application, raising the following issues:
 - The application would result in economic and environmental benefit, by redeveloping a vacant and dilapidated building;
 - The application is supported by Scottish Planning Policy, as the application would contribute to sustainable development by bringing an economically inactive unit into productive use and would encourage investment in the area;
 - The applicant has made assurances to adjoining premises in relation to the demolition of the building; and
 - The proposed shop would create a number of new employment opportunities in the local community.

7. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to grant planning permission. The previous recommendation is reiterated as follows:-

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee 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.
 - 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.**
- 3. **Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.**
- 4. **No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Planning Authority**
- 5. **The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
 - i) **a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
 - ii) **a Statement of Conformity which confirms that 10%, of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Planning Authority.

Reasons:

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
4. To ensure that any archaeological remains are safeguarded.
5. To ensure the development achieves the required CO₂ emission reduction as a result of development.

Informative(s):

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04, 05 and Supporting Documents.
3. 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.
4. It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; you may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.

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Pp Director of Development Services

Date: 9 February 2018

LIST OF BACKGROUND PAPERS

- 1) The Falkirk Local Development Plan
- 2) Objection received from Mr Fiaz Rahim, 1 Gilburn Place, Bo'ness, EH51 0BE received on 20 September 2017
- 3) Objection received from Mr Kieran Bell, 3 Deanfield Crescent, Bo'ness, EH51 0EU received on 3 October 2017
- 4) Objection received from Ms Sarwar, 177 Dean Road, Bo'ness, EH51 0HG, received on 19 October 2017
- 5) Objection received from Mrs Janet Nicholson, 34 Livingston Drive, Bo'ness, EH51 0BQ received on 4 October 2017
- 6) Objection received from Mr Thomas Mains, 28 Newtown Street, Bo'ness, EH51 9HN received on 1 October 2017
- 7) Objection received from Mrs Carolann Bellamy, Bellevue Cottage, Bo'ness, EH51 0PU received on 5 October 2017
- 8) Objection received from Mr Tom Fraser, 6 Deangate Gardens, Bo'ness, EH51 0BN received on 2 October 2017
- 9) Objection received from Miss Lauren Robb, 13 Douglas Road, Bo'ness, EH51 0JY received on 2 October 2017
- 10) Objection received from Miss Aeleana Cowan, 15 Burns Avenue, Grangemouth, FK3 8RS received on 3 October 2017
- 11) Objection received from Mrs Ealnor Robertson, 73 Blair avenue, Bo'ness, EH51 0QN received on 3 October 2017
- 12) Objection received from Mrs Gail Nash, 24 Forthview Crescent, Bo'ness, EH51 0LT received on 2 October 2017
- 13) Objection received from Mrs Tina Williamson, 3D, Park lane, Bo'ness, EH51 9PJ received on 2 October 2017
- 14) Objection received from Ms Isobel Cairns, 1 Springbank Gardens, Falkirk, FK2 7DE received on 3 October 2017
- 15) Objection received from Mrs Yvonne Frickleton, 19 Deanfield Terrace, Bo'ness, EH51 0HA received on 2 October 2017
- 16) Objection received from Mr Robert McCormack, 4 Hazeldean Avenue, Bo'ness, EH51 0NS received on 4 October 2017
- 17) Objection received from Diane Stevenson, Stevensondiane@live.co.uk received on 20 September 2017
- 18) Objection received from Mr William Fortune, 95 Blair Avenue, Bo'ness, EH51 0QP received on 21 September 2017
- 19) Objection received from Mr John Paterson, 228 Dean Road, Bo'ness, EH51 0BL received on 22 September 2017
- 20) Representation received from Mr Brian Wong, Yot717999ltd@yahoo.com received on 29 September 2017
- 21) Objection received from Miss Jemma Pettigrew, 26 Bomains Road, Bo'ness, EH51 0LN received on 2 October 2017
- 22) Objection received from Miss Zayna Sarwar, 30 Newtown Street, Bo'ness EH51 9HN received on 3 October 2017
- 23) Objection received from Mrs Marleen Mackintosh, 17 Ewart Grove, Bo'ness, EH51 0JJ received on 3 October 2017
- 24) Objection received from Mr James Muir, 6 Buchanan Court, Bo'ness, EH51 0NR received on 3 October 2017
- 25) Objection received from Miss Ashley Sneddon, 199 Dean Road, Bo'ness, EH51 0HQ received on 4 October 2017

- 26) Objection received from Mrs Amanda Dunsmore, 8, Bonhard Court, Bo'ness, EH51 9RG received on 4 October 2017
- 27) Objection received from Miss Tracey Lewis, Douglas Terrace, Bo'ness, EH51 0LA received on 2 October 2017
- 28) Objection received from Mrs Dana Bow, 36 Dawson Place, Bo'ness, EH51 0NP received on 2 October 2017
- 29) Objection received from Miss Chloe Whyte MSYP, 16 Jessfield Place, Bo'ness, EH51 9HU received on 2 October 2017
- 30) Objection received from Miss Amaara Sarwar, 30 Newtown Street, Bo'ness, EH51 9HN received on 4 October 2017
- 31) Objection received from Mrs Alyson Gardner, 32 Charles Snedden Avenue, Bo'ness, EH51 9TJ received on 14 October 2017
- 32) Objection received from Ms Angela Brown, 30 Deanfield Road, Bo'ness, EH51 0EW received on 2 October 2017
- 33) Objection received from Miss Joanne Hamilton, 11 Turret Drive, Polmont, FK2 0QW received on 2 October 2017
- 34) Objection received from Mrs Christine Sarwar, 30 Newtown Street, Bo'ness, EH51 9HN received on 29 September 2017
- 35) Objection received from Mr Ross Marshall, 14 Kinneil Drive, Bo'ness, EH51 0LU received on 3 October 2017
- 36) Objection received from Mrs Helen Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 37) Objection received from Mr Robert Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 38) Objection received from Mr Kyle Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 39) Objection received from Miss Megan Pended, 7 Drumacre Road, Boness, EH51 9RN received on 3 October 2017
- 40) Objection received from Miss Qaila Sarwar, 30 Newtown Street, Bo'ness, EH51 9HN received on 29 September 2017
- 41) Objection received from Miss Leigh Marshall, 14, Kinneil Drive, Bo'ness, EH51 0LU received on 2 October 2017
- 42) Objection received from Miss Megan Snedden, 7 Maidenpark Place, Bo'ness, EH51 0JS received on 2 October 2017
- 43) Objection received from Miss Alana Morrell, 10 Maidenpark Place, Bo'ness, EH51 0JS received on 2 October 2017
- 44) Objection received from Miss Gillian Taylor, 3 Clyde Crescent, Larbert, FK5 4NL received on 3 October 2017
- 45) Objection received from Mr John Owen Sneddon, 2 Castle Hill, Bo'ness, EH51 0HW received on 2 October 2017
- 46) Objection received from Miss Catherine Sneddon, 29 Wotherspoon Drive, Bo'ness, EH51 0BB received on 2 October 2017
- 47) Objection received from Mr Andrew Aitken, 67 Forthview Cres, Bo'ness, EH51 0LS received on 2 October 2017
- 48) Objection received from Mr Marion Brown, 52 Redbrae Ave, Bo'ness, EH51 0EW received on 3 October 2017
- 49) Objection received from Mr William Gibson, Dean Road, Bo'ness EH51 0HJ received on 3 October 2017
- 50) Objection received from Miss Lesleyanne Hutchens, 148 Dean Road, Bo'ness, EH51 0HD received on 4 October 2017
- 51) Objection received from Maidenpark Post Office, Post Office, 1 - 3 Gilburn Place, Bo'ness, EH51 0BE received on 3 October 2017
- 52) Objection received from Miss Louise Lilley, 2 Roebuck Place, Bo'ness, EH51 0NF received on 2 October 2017

- 53) Objection received from Mrs Catherine Mains, 28 Newtown Street, Bo'ness, EH51 9HN received on 1 October 2017
- 54) Objection received from Mr Andrew Harper, 63 Pennelton Place, Bo'ness, EH51 0PD received on 30 September 2017
- 55) Objection received from Mrs Lynne Dunne, 120 Dean Road, Bo'ness, EH51 0HD received on 3 October 2017
- 56) Objection received from Mrs Karen Hamilton, 21 Bomains Road, Bo'ness, EH51 0LN received on 2 October 2017
- 57) Objection received from Mr Fiaz Rahim, 1, Gilburn Place, Bo'ness, EH51 0BE received on 20 September 2017
- 58) Objection received from Mr Musaddaq Raja, 42 Bomains, Bo'ness, EH51 0PL received on 29 September 2017
- 59) Objection received from Mrs Arlene McConnachie, 6 Carnach, Alloa, FK10 1PG received on 3 October 2017
- 60) Objection received from Mr Chris Hamilton, 30 Borrowstoun Crescent, Bo'ness, EH51 0JF received on 2 October 2017
- 61) Objection received from Mrs Nicola Lapsley, 3 Bo'mains Road, Bo'ness, EH51 0JR received on 21 September 2017
- 62) Objection received from Mrs Carrie Aitken, 3 Deanfield Cres, Bo'ness, EH51 0EU received on 2 October 2017
- 63) Objection received from Mr Alex Taylor, 6, Gilburn Place, Bo'ness, EH51 0BG received on 2 October 2017
- 64) Objection received from Mr Tom Paterson, 215, Dean Road, Bo'ness, EH51 0HQ received on 22 September 2017
- 65) Objection received from Ms Amanda Anderson, 23 Buchanan Court, Bo'ness, EH51 0NR received on 2 October 2017
- 66) Objection received from Mr Graeme Lapsley, 3 Bomains Road, Bo'ness, EH51 0JR received on 21 September 2017
- 67) Objection received from Mr Cameron Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 68) Objection received from Mr Iain Aitken, 3 Deanfield Crescent, Bo'ness, EH51 0EU received on 3 October 2017
- 69) Objection received from Mrs Marie Gray, Ochilview Place, Bo'ness, EH51 0LF received on 3 October 2017
- 70) Objection received from Miss Linzi Roberts, 34 South Philpington Lane, Bo'ness, EH51 9JZ received on 3 October 2017
- 71) Objection received from Miss Kelly Dow, Wotherspoon Drive, Bo'ness, EH51 0BB received on 3 October 2017
- 72) Objection received from Mr Raymond Brown, 52 Redbrae Avenue, Bo'ness, EH51 0EW received on 3 October 2017
- 73) A petition with 348 signatures, received on 2 October 2017.
- 74) Letter of Support to be read to planning committee from Mr Brian Wong, 177 Dean Road, Bo'ness EH51 0HG on 28 January 2018

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

FALKIRK COUNCIL

Subject: DEMOLITION OF PUBLIC HOUSE (SUI GENERIS) AND
ERECTION OF BUILDING FOR RETAIL USE (CLASS 1)
WITH ASSOCIATED INFRASTRUCTURE, INCLUDING ATM
MACHINE AT 175 DEAN ROAD, BO'NESS, EH51 0HG, FOR
PITTSBURGH FIFE LTD - P/17/0590/FUL
Meeting: PLANNING COMMITTEE
Date: 24 January 2018
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Depute Provost Ann Ritchie

Community Council: Bo'ness

Case Officer: Julie Seidel, (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the demolition of a public house and the erection of a Class 1 shop and associated infrastructure. The site forms part of a small cluster of commercial properties fronting Dean Road, within a wider, predominantly residential area. The public house has been vacant for a long period of time.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires to be referred to the Planning Committee for determination, as it was called in by Depute Provost Ann Ritchie and Councillor David Aitchison.
- 2.2 Depute Provost Ann Ritchie called in the application in relation to over provision, traffic problems and car parking issues.
- 2.3 Councillor David Aitchison called in the application in relation to concerns about the demolition of the public house and the stability of remaining buildings.

3. SITE HISTORY

- 3.1 A planning application (Ref: P/15/0293/FUL) for the demolition of the public house and the erection of a Class 1 Shop was withdrawn on 30 June 2015. This application was made by Punch Taverns, not the applicant for this current application.

- 3.2 Planning permission (Ref: P/17/0106/FUL) for the change of use of a vacant betting office to a Class 3 café (in part of the building adjoining the application site), was granted on 21 April 2017.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit has no objection to the proposed development.
- 4.2 The Council's Environmental Protection Unit has no objection to the proposed development, subject to planning conditions relating to ground contamination and noise.
- 4.3 Falkirk Community Trust's Museum Services comment that the application site lies adjacent to the line of the Rampart of the Antonine Wall, World Heritage Site. As such it is recommended that the application be considered in relation to the Supplementary Planning Guidance 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site SPG' and it is necessary for the applicant to provide information concerning the survival or lack of Roman stratigraphy.
- 4.4 Historic Environment Scotland has no objection.
- 4.5 Scottish Water has no objection.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 71 contributors (70 objectors and 1 representation) submitted letters to the Council. The salient issues are summarised below.
- No need for another shop in Bo'ness;
 - The shop would have an unacceptable impact on the business of existing shops in the area and result in job loss;
 - There are plenty of vacant shops in town;
 - The road and access are dangerous, in particular for school children;
 - The development will cause traffic generation from customers and deliveries and cause congestion;
 - The development would cause disruption for surrounding residents and business;
 - There would be an unacceptable impact on the adjoining hairdresser. There should be before and after surveys of the adjoining property, at cost to the developer;
 - The local community should have a say;
 - The pub should be retained;
 - The application site building is linked to the two adjacent buildings by electrics and the roof structure. Concern is raised in relation to damage to neighbouring properties;
 - The development will block off the shared access to the front of the site; and

- 6.2 A petition with 348 signatures was also received by the Council raising issues in relation to road safety, parking, impact on local businesses and general opposition to a mainstream supermarket being developed.

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 includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

- 7a.2 Policy D07 'Antonine Wall' states:

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- 1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- 2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
- 3. Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall.*

- 7a.3 The site is adjacent to the line of the rampart of the Antonine Wall World Heritage Site (WHS). The proposed building would be on the general footprint of the existing public house and the frontage would be maintained as open. It is considered that the proposed development would not have an adverse impact on the WHS, subject to a planning condition requiring a scheme of archaeological investigation. The application accords with policy D07 'Antonine Wall'.

7a.4 D04 – ‘Low and Zero Carbon Development’ states:

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - *Proposals for change of use or conversion of buildings;*
 - *Alterations and extensions to buildings;*
 - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - *Temporary buildings with consent for 2 years or less; and*
 - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.5 It is appropriate to progress the application with a planning condition in relation to low and zero carbon generating technologies, in accordance with policy D04 ‘Low and Zero Carbon Development’.

7a.6 Policy D06 – ‘Shopfronts’ states:

The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part, as specified within Supplementary Guidance SG04 'Shopfronts'.

7a.7 The design of the shopfront would be well proportioned and sympathetic to the character of the building, in accordance with policy D06 ‘Shopfronts’.

7a.8 Policy TC03 – ‘Retail and Commercial Leisure Development’ states:

1. *Retail development proposals in excess of 1,000 sq.m. gross floorspace, and significant commercial leisure development, should be located within 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. Proposals for significant retail and commercial leisure development at out-of-centre locations will be assessed in relation to the following:*
 - *The impact on the vitality and viability of other identified centres, or proposals for their improvement;*
 - *The need for the development;*
 - *The proposal’s ability to meet the sequential approach; and*
 - *The accessibility of the proposal by a choice of means of transport, and the impact on the number and length of car trips.*
2. *Retail development proposals of 1,000 sq.m. gross floorspace or less, serving neighbourhood needs, will be permitted more generally within the urban area, subject to other LDP policies.*
3. *Motor vehicle showrooms will be permitted within the economic development sites identified in the Site Schedule, or other business and industrial areas, provided access, servicing and any associated industrial processes can be accommodated without detriment to residential amenity, the functioning of the road network, or the operation of adjacent businesses.*
4. *Retail and commercial leisure development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate with any centre of which it is to form part.*

7a.9 The application relates to a proposed retail unit of less than 1,000 sqm, serving neighbourhood needs. As such, the application is generally supported by policy TC03 ‘Retail and Commercial Leisure Development’.

Supplementary Guidance forming part of Local Development Plan

7a.10 The application accords with the guidance contained in SG04 (Shopfronts) and SG15 (Low and Zero Carbon Development).

7a.11 Accordingly, the application accords with the Falkirk Local Development Plan

7b Material Considerations

7b.1 The material consideration to be assessed are the public representations, the applicant’s supporting statement, non-statutory supplementary planning guidance, additional planning considerations and the consideration of the site in relation to coal mining legacy.

Assessment of Public Representations

7b.2 The viability and impact on existing businesses is not a material planning consideration for a neighbourhood shop of the size proposed.

7b.3 The availability of existing shop units in the surrounding area is not a material planning consideration. It should be noted that the application site relates to an existing vacant commercial unit and its redevelopment is considered reasonable.

- 7b.4 The access and parking proposals are acceptable, as confirmed by the Council's Roads Development Unit by consultation.
- 7b.5 It is accepted that there may be some disruption at the demolition and construction phase of development, particularly for the neighbouring property. However this is not a material reason to refuse planning permission. The applicant has submitted a method statement for the demolition of the building and the aftercare of the site. The treatment of the mutual gable can be considered as part of the Building Warrant process.
- 7b.6 The local community have made comment in relation to the application, by way of submitting individual representations and a petition to the Council.
- 7b.7 The proposed development does not intend to block off the shared access to the front of the building. This was raised as a result of the line of the Antonine Wall being shown on the proposed block plan, which caused confusion. The applicant has submitted an amended block plan to make it clear that the frontage will be kept open.

Supporting Statement

- 7b.8 The applicant has submitted a Supporting Statement raising the following issues:
- The site was marketed as a public house for over 18 months, but failed to sell. There has been a substantial reduction in public bar trade in Scotland with on average 7 pubs closing per week and there are other public houses and drinking premises within walking distance of the site. A public house at 175 Dean Road was not a viable business, and it will not re-open whatever the outcome of this planning application. Approval of the application should not therefore be seen as resulting in the loss of a pub. That has happened as a result of a national trend and local circumstances.
 - The building is in reasonable condition, however, the shape and room division doesn't suit the open plan requirements of a convenience store. The building has steps up to its entrance and as such there is a fundamental problem with level access. Retaining the existing building isn't an option and the proposed building with associated parking and landscaping would be more attractive than existing.
 - A Demolition Statement has been provided in relation to concerns about the party wall. The applicant has informed the adjoining neighbour that they will make contact again, before site works commence to explain exactly what will happen and when, to make sure they can overcome any concerns. The 'party' wall is not shared. There are two gable walls and once the building is demolished the applicant has agreed to finish the neighbour's gable wall with a material agreed by both parties.
 - The proposed tenant is 'Mccolls', who currently operate from a small store adjacent to the application site. The proposed shop will allow a greater product range for the existing local shop keeper.
- 7b.9 The points made in the Supporting Statement are noted. It is considered that the Supporting Statement addresses comments made by representation.

Supplementary Planning Guidance

- 7b.10 Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (WHS) Supplementary Planning Guidance (SPG), provides guidance in relation to the significance of the Antonine Wall and criteria which will be applied in determining planning applications along the line of the wall and within the setting of the World Heritage Site.
- 7b.11 The development would not comprise the Outstanding Universal Value for which the Antonine Wall was inscribed as a WHS. It is considered that the proposed development would not destroy or lead to damage of any archaeological remains, subject to a planning condition, requiring a scheme of archaeological investigation. The proposed development would not interrupt key views to, from or within the WHS; change the character of the landscape in or around the WHS; reduce people's appreciation of the WHS or negatively affect the quality or significance of the WHS.
- 7b.12 The application accords with guidance contained in the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site SPG.

Additional Planning Considerations

- 7b.13 The application site was marketed extensively. It is acknowledged that it would have been preferable to retain the existing building, as it is of some modest architectural and local historical interest, however the finished floor level of the building (steps up into the building) made the redevelopment of the existing building unfeasible and led to this planning application for its demolition and redevelopment being submitted.
- 7b.14 The design of the proposed building is contemporary and it is considered that it would sit comfortably within the site, on a similar footprint to the existing public house and in relation to neighbouring commercial properties, a hairdressers and vacant betting office with planning permission for a Class 3 Café. The applicant has amended the site plan to show the frontage being kept open. The applicant has also submitted a method statement for demolition of the building. The submitted details are considered acceptable.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.15 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.
- 7b.16 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The application is assessed as being in accordance with the Falkirk Local Development Plan. Third party representations are assessed and addressed within the body of this report. Issues raised through consultation can be dealt with by condition. There are no material planning considerations to merit refusal of the application.

8. RECOMMENDATION

- 8.1 **It is recommended that the Planning Committee 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.
 - 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.**

3. Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.
4. No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Planning Authority
5. The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - ii) a Statement of Conformity which confirms that 10%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
4. To ensure that any archaeological remains are safeguarded.
5. To ensure the development achieves the required CO2 emission reduction as a result of development.

Informatives:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04, 05 and Supporting Documents.

3. 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

4. It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; you may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.

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Director of Development Services

Date: 15 January 2018

LIST OF BACKGROUND PAPERS

- 1) The Falkirk Local Development Plan
- 2) Objection received from Mr Fiaz Rahim, 1 Gilburn Place, Bo'ness, EH51 0BE received on 20 September 2017
- 3) Objection received from Mr Kieran Bell, 3 Deanfield Crescent, Bo'ness, EH51 0EU received on 3 October 2017
- 4) Objection received from Ms Sarwar, 177 Dean Road, Bo'ness, EH51 0HG, received on 19 October 2017
- 5) Objection received from Mrs Janet Nicholson, 34 Livingston Drive, Bo'ness, EH51 0BQ received on 4 October 2017
- 6) Objection received from Mr Thomas Mains, 28 Newtown Street, Bo'ness, EH51 9HN received on 1 October 2017
- 7) Objection received from Mrs Carolann Bellamy, Bellevue Cottage, Bo'ness, EH51 0PU received on 5 October 2017
- 8) Objection received from Mr Tom Fraser, 6 Deangate Gardens, Bo'ness, EH51 0BN received on 2 October 2017
- 9) Objection received from Miss Lauren Robb, 13 Douglas Road, Bo'ness, EH51 0JY received on 2 October 2017
- 10) Objection received from Miss Aeleana Cowan, 15 Burns Avenue, Grangemouth, FK3 8RS received on 3 October 2017
- 11) Objection received from Mrs Ealnor Robertson, 73 Blair avenue, Bo'ness, EH51 0QN received on 3 October 2017
- 12) Objection received from Mrs Gail Nash, 24 Forthview Crescent, Bo'ness, EH51 0LT received on 2 October 2017

- 13) Objection received from Mrs Tina Williamson, 3D, Park lane, Bo'ness, EH51 9PJ received on 2 October 2017
- 14) Objection received from Ms Isobel Cairns, 1 Springbank Gardens, Falkirk, FK2 7DE received on 3 October 2017
- 15) Objection received from Mrs Yvonne Frickleton, 19 Deanfield Terrace, Bo'ness, EH51 0HA received on 2 October 2017
- 16) Objection received from Mr Robert McCormack, 4 Hazeldean Avenue, Bo'ness, EH51 0NS received on 4 October 2017
- 17) Objection received from Diane Stevenson, Stevensondiane@live.co.uk received on 20 September 2017
- 18) Objection received from Mr William Fortune, 95 Blair Avenue, Bo'ness, EH51 0QP received on 21 September 2017
- 19) Objection received from Mr John Paterson, 228 Dean Road, Bo'ness, EH51 0BL received on 22 September 2017
- 20) Representation received from Mr Brian Wong, Yot717999ltd@yahoo.com received on 29 September 2017
- 21) Objection received from Miss Jemma Pettigrew, 26 Bomains Road, Bo'ness, EH51 0LN received on 2 October 2017
- 22) Objection received from Miss Zayna Sarwar, 30 Newtown Street, Bo'ness EH51 9HN received on 3 October 2017
- 23) Objection received from Mrs Marleen Mackintosh, 17 Ewart Grove, Bo'ness, EH51 0JJ received on 3 October 2017
- 24) Objection received from Mr James Muir, 6 Buchanan Court, Bo'ness, EH51 0NR received on 3 October 2017
- 25) Objection received from Miss Ashley Sneddon, 199 Dean Road, Bo'ness, EH51 0HQ received on 4 October 2017
- 26) Objection received from Mrs Amanda Dunsmore, 8, Bonhard Court, Bo'ness, EH51 9RG received on 4 October 2017
- 27) Objection received from Miss Tracey Lewis, Douglas Terrace, Bo'ness, EH51 0LA received on 2 October 2017
- 28) Objection received from Mrs Dana Bow, 36 Dawson Place, Bo'ness, EH51 0NP received on 2 October 2017
- 29) Objection received from Miss Chloe Whyte MSYP, 16 Jessfield Place, Bo'ness, EH51 9HU received on 2 October 2017
- 30) Objection received from Miss Amaara Sarwar, 30 Newtown Street, Bo'ness, EH51 9HN received on 4 October 2017
- 31) Objection received from Mrs Alyson Gardner, 32 Charles Snedden Avenue, Bo'ness, EH51 9TJ received on 14 October 2017
- 32) Objection received from Ms Angela Brown, 30 Deanfield Road, Bo'ness, EH51 0EW received on 2 October 2017
- 33) Objection received from Miss Joanne Hamilton, 11 Turret Drive, Polmont, FK2 0QW received on 2 October 2017
- 34) Objection received from Mrs Christine Sarwar, 30 Newtown Street, Bo'ness, EH51 9HN received on 29 September 2017
- 35) Objection received from Mr Ross Marshall, 14 Kinneil Drive, Bo'nes, EH51 0LU received on 3 October 2017
- 36) Objection received from Mrs Helen Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 37) Objection received from Mr Robert Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 38) Objection received from Mr Kyle Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 39) Objection received from Miss Megan Pended, 7 Drumacre Road, Boness, EH51 9RN received on 3 October 2017

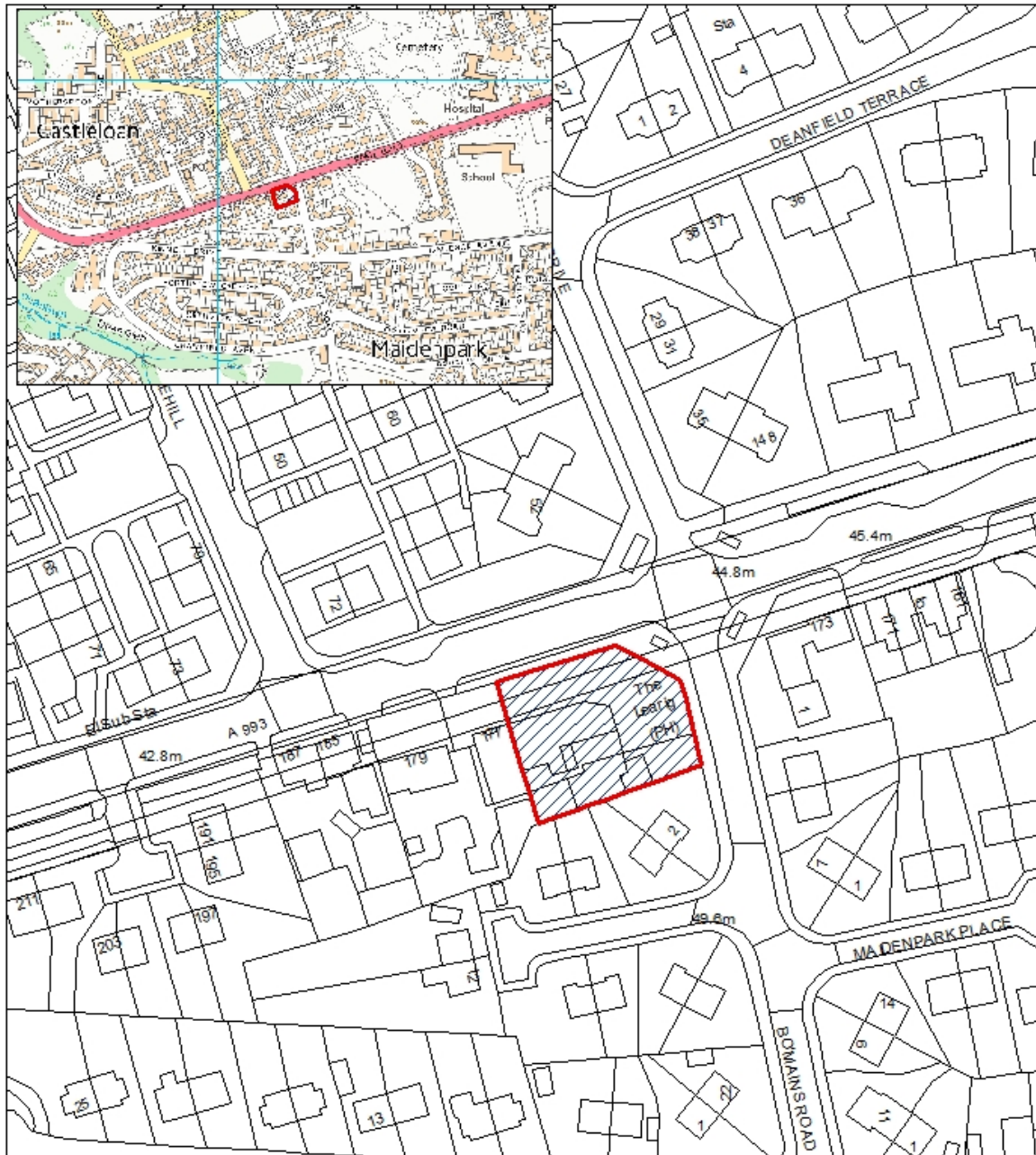
- 40) Objection received from Miss Qaila Sarwar, 30 Newtown Street, Bo'ness, EH51 9HN received on 29 September 2017
- 41) Objection received from Miss Leigh Marshall, 14, Kinneil Drive, Bo'ness, EH51 0LU received on 2 October 2017
- 42) Objection received from Miss Megan Snedden, 7 Maidenpark Place, Bo'ness, EH51 0JS received on 2 October 2017
- 43) Objection received from Miss Alana Morrell, 10 Maidenpark Place, Bo'ness, EH51 0JS received on 2 October 2017
- 44) Objection received from Miss Gillian Taylor, 3 Clyde Crescent, Larbert, FK5 4NL received on 3 October 2017
- 45) Objection received from Mr John Owen Sneddon, 2 Castle Hill, Bo'ness, EH51 0HW received on 2 October 2017
- 46) Objection received from Miss Catherine Sneddon, 29 Wotherspoon Drive, Bo'ness, EH51 0BB received on 2 October 2017
- 47) Objection received from Mr Andrew Aitken, 67 Forthview Cres, Bo'ness, EH51 0LS received on 2 October 2017
- 48) Objection received from Mr Marion Brown, 52 Redbrae Ave, Bo'ness, EH51 0EW received on 3 October 2017
- 49) Objection received from Mr William Gibson, Dean Road, Bo'ness EH51 0HJ received on 3 October 2017
- 50) Objection received from Miss Lesleyanne Hutchens, 148 Dean Road, Bo'ness, EH51 0HD received on 4 October 2017
- 51) Objection received from Maidenpark Post Office, Post Office, 1 - 3 Gilburn Place, Bo'ness, EH51 0BE received on 3 October 2017
- 52) Objection received from Miss Louise Lilley, 2 Roebuck Place, Bo'ness, EH51 0NF received on 2 October 2017
- 53) Objection received from Mrs Catherine Mains, 28 Newtown Street, Bo'ness, EH51 9HN received on 1 October 2017
- 54) Objection received from Mr Andrew Harper, 63 Pennelton Place, Bo'ness, EH51 0PD received on 30 September 2017
- 55) Objection received from Mrs Lynne Dunne, 120 Dean Road, Bo'ness, EH51 0HD received on 3 October 2017
- 56) Objection received from Mrs Karen Hamilton, 21 Bomains Road, Bo'ness, EH51 0LN received on 2 October 2017
- 57) Objection received from Mr Fiaz Rahim, 1, Gilburn Place, Bo'ness, EH51 0BE received on 20 September 2017
- 58) Objection received from Mr Musaddaq Raja, 42 Bomains, Bo'ness, EH51 0PL received on 29 September 2017
- 59) Objection received from Mrs Arlene McConnachie, 6 Carnach, Alloa, FK10 1PG received on 3 October 2017
- 60) Objection received from Mr Chris Hamilton, 30 Borrowstoun Crescent, Bo'ness, EH51 0JF received on 2 October 2017
- 61) Objection received from Mrs Nicola Lapsley, 3 Bo'mains Road, Bo'ness, EH51 0JR received on 21 September 2017
- 62) Objection received from Mrs Carrie Aitken, 3 Deanfield Cres, Bo'ness, EH51 0EU received on 2 October 2017
- 63) Objection received from Mr Alex Taylor, 6, Gilburn Place, Bo'ness, EH51 0BG received on 2 October 2017
- 64) Objection received from Mr Tom Paterson, 215, Dean Road, Bo'ness, EH51 0HQ received on 22 September 2017
- 65) Objection received from Ms Amanda Anderson, 23 Buchanan Court, Bo'ness, EH51 0NR received on 2 October 2017
- 66) Objection received from Mr Graeme Lapsley, 3 Bomains Road, Bo'ness, EH51 0JR received on 21 September 2017

- 67) Objection received from Mr Cameron Aitken, 73 Forthview Crescent, Bo'ness, EH51 0LS received on 3 October 2017
- 68) Objection received from Mr Iain Aitken, 3 Deanfield Crescent, Bo'ness, EH51 0EU received on 3 October 2017
- 69) Objection received from Mrs Marie Gray, Ochilview Place, Bo'ness, EH51 0LF received on 3 October 2017
- 70) Objection received from Miss Linzi Roberts, 34 South Philpington Lane, Bo'ness, EH51 9JZ received on 3 October 2017
- 71) Objection received from Miss Kelly Dow, Wotherspoon Drive, Bo'ness, EH51 0BB received on 3 October 2017
- 72) Objection received from Mr Raymond Brown, 52 Redbrae Avenue, Bo'ness, EH51 0EW received on 3 October 2017
- 73) A petition with 348 signatures, received on 2 October 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

P/17/0590/FUL

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