



AGENDA ITEM

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**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)
at 44 Tryst Road, Stenhousemuir,
Larbert FK5 4QH –
P/16/0112/FUL**

FALKIRK COUNCIL

Subject: 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) AT
44 TRYST ROAD, STENHOUSEMUIR, LARBERT FK5 4QH FOR
RAMOYLE GROUP - P/16/0112/FUL

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 full planning permission for the erection of a retail store, associated landscaping, car parking, services and formation of access on land formerly associated with McCowans Toffee Factory, off King Street / Tryst Road, Stenhousemuir.
- 1.2 The single storey structure would comprise a retail unit (22,000 ft² / 2034 m²) and external unroofed retail element utilised as a garden centre (5,000ft² / 465 m²). Car parking provision (110 spaces) would be provided, as well as the introduction of a Microprocessor Optimised Vehicle Activation (MOVA) signalised junction access on B905 King Street at Kirk Avenue.

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 with 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.
- 3.2 P/16/0114/PPP - Erection of Restaurant / Public House, Associated Infrastructure Including Roads, Car Parking and Amenity Spaces, Pedestrian Access and Landscaping - 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 Transport Planning Unit advises that overall parking on the site would be shared with the adjacent restaurant (which is subject to a separate planning application P/16/0114/PPP). In isolation, the level of parking for the site as a whole should be sufficient for the retail unit. However, when combined with the parking requirements for the restaurant, see para. 3.2 above, the proposed parking provision falls well below the maximum standards set out in the National Roads Development Guidelines, therefore, there remains a concern that overall demand for parking could exceed the parking provision at certain times during peak periods.
- 4.3 The National Roads Development Guidelines (NRDG) sets out **maximum** standards for parking provision for different land uses. The NRDG specifically states that a 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 with Stenhousemuir town centre.
- 4.4 The NRDG also 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 application 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.
- 4.5 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 the applicant. This was provided to the Transport Planning Unit (TPU). It claims that the parking provision proposed would be able to accommodate the predicted parking demand throughout a weekday and Saturday, but TPU are still concerned. However, the matter can be assessed when the subsequent details are submitted for the proposed restaurant.

- 4.6 Given the national transport and planning policies which aim to reduce private car travel and the acknowledgement that provision of free car parking is a significant factor in encouraging trips by car, it is believed that the assessment of parking accumulation for establishing parking provision is a far more relevant approach to this town centre site. To deter football traffic from using the parking provision for home games at Ochilview Stadium, consideration should also be given to implementing a suitable parking management strategy for the site.
- 4.7 The applicant has already responded that it is the intention to use a car park management company to monitor the use of the car park and 'fine' car owners who park longer than a limited period of permitted parking. Automatic Number Plate Recognition cameras would monitor the site 24/7/365. Notices will be installed warning motorists of the restrictions to deter football traffic. The applicant would be willing to accept a planning condition regarding a suitable car park management system.
- 4.8 In terms of servicing the site, relevant HGV swept paths to and from the site have been assessed by an independent Road Safety Audit. The Audit Team have not raised any road safety concerns regarding the proposed swept paths.
- 4.9 The Road Safety Audit also recommends that servicing arrangements are restricted when home football matches are being played at Ochilview Stadium, due to the potential large number of pedestrians who use Gladstone Road to access the Stadium.
- 4.10 The routing 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.
- 4.11 In terms of vehicular access the main vehicular access to the site would be taken from a fourth arm onto the existing King Street/Kirk Avenue signalised 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.
- 4.12 In order to maximise the capacity at this junction, the applicant proposes to implement a 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 prior to the opening of the development.
- 4.13 However, there remains a concern regarding the actual traffic impact this 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).

- 4.14 As this scenario is difficult to model/predict with any degree of certainty, and following further discussion with Roads Network, it is proposed that a sum of money is 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 adverse impact on the King Street/Hallam Road junction after a period of time.
- 4.15 It is estimated that £20,000 would be sufficient for the Council to introduce a simple wireless detection system (such as the Siemens WiMag system), at the King Street/Hallam Road junction. This should allow any issues that might arise as a result of installing a MOVA at the adjacent junction to be addressed.
- 4.16 A Travel Plan Framework was included in the Transport Statement. The Framework has been produced for the new retail store and restaurant. However, a full Travel Plan will be required to support this detailed planning application. More detail will therefore be required for the final Travel Plan in line with Travel Plan Supplementary Planning Guidance Note (July 2012).
- 4.17 Falkirk Council's Environmental Protection Unit advise that, with regard to potential noise, a planning condition should be imposed to restrict delivery and collection of goods and materials within the time period of 08.00 - 20.00 hours.
- 4.18 With regard to contaminated land, a formal planning condition should be imposed.
- 4.19 Falkirk Council's Roads Development Unit advises that the retail unit measures approximately 2500m². Consequently, the National Roads Development Guide (NRDG) requires the provision of 75 parking spaces. The proposed car park contains a total of 110 parking spaces, therefore, parking accords with the proposed NRDG. It should be noted that the car park would be shared with a proposed restaurant which is the subject of application P/16/0114/PPP. It cannot be determined at this time whether there is sufficient parking for both uses, as the proposed restaurant is in principle, the details to follow in a subsequent application. However, the matter of car parking capacity and availability will be a material planning consideration at that time.
- 4.20 As stated previously, access for service vehicles would be via Gladstone Road, maintaining the existing building's service route. Access to Gladstone Road is from Tryst Road, via a bellmouth junction. As part of the development proposals, the junction's southern radius would be increased from approximately 6m to 10m, easing the manoeuvre for HGV's to and from the site. A dropped kerb crossing should also be provided to allow pedestrians to cross Gladstone Road.

- 4.21 The submitted Transport Statement includes swept path diagrams for service vehicles. The diagrams indicate that, when entering from King Street, HGV's will encroach onto Tryst Road's southbound carriageway. Similarly, when exiting the site, HGV's will encroach onto Tryst Road's northbound lane and onto King Street's westbound right turning lane, during the Tryst Road to King Street manoeuvre. Whilst it is acknowledged that the proposals are continuing HGV movements established by the site's former use rather than introducing HGV movements to the area, a Road Safety Audit has been submitted and indicates no impediment to development. There is an established route for service vehicles travelling to Stenhousemuir town centre. The route directs vehicles to the town centre via the A88, B902, then B905 and service deliveries will be expected to adhere to the signed route.

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/16/0114/PPP. As an overall observation, 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.
 - Another resident advised that 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.
- 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 ground and a large number of people use Gladstone Road to access the football ground. It was noted that there is already heavy traffic from articulated lorries going to ASDA and B&M.
- The site would be better suited to social housing.
- Comments were also made that the design principles for the store are not great - i.e. a tin building with cladding.
- 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, 33 representations were received, comprising 30 objections, 1 in support and 2 neither in support or objection.

6.2 The objections 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.
- The development looks 'boxy'.
- Noise and disturbance to residents.
- Neither residents nor commercial users were 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.
- 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 indicates 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. The application is proposed to replace the now demolished former McCowans toffee factory which occupied a prominent site on King Street.

7a.3 Policy TC01 - 'Network of Centres' states:

- "1. The focus for retail, leisure, cultural and major community uses in the area will be on the network of centres identified in Figure 3.3 and Map 3.3. Significant new retail and commercial leisure development will be directed to these centres. The boundaries of centres are identified on the Proposals Map. Residential and business uses will also be promoted in these centres as appropriate.*
- 2. New food shopping will be a priority in Denny, Bonnybridge and Bo'ness Town Centres, and in the new Local Centres of Banknock, Kinnaird Village and Whitecross.*
- 3. Opportunities for development, regeneration and enhancement in the centres will be promoted as listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
- 4. Development which would significantly undermine the role of any centre in the network, as defined in Figure 3.3, will not be permitted."*

7a.4 The application accords with this policy, given the status of Stenhousemuir town centre and the appropriateness of retail uses within this area.

7a.5 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.6 The pertinent policy to assess this application is TC03. It notes that Retail Impact Assessments (RIA) will be required for development in excess of 2,500 m² gross floorspace, but may also be necessary in certain circumstances for smaller proposals. The gross floorspace for the application is 2,043 m². Notwithstanding that the proposal is slightly less than the trigger for a RIA, it is considered that a proper assessment is required. An RIA has been submitted with the application which considers the potential qualitative and quantitative implications of the proposed development. It considers 10 minute drive time & 10-12 minute walking time of the proposed site.
- 7a.7 As this proposal is a significant retail development, it needs to be assessed in terms of the following criteria set out in sub section 1 of TC03:
- *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.*
- 7a.8 The proposal is for relocation of the existing B&M Bargains store (860 m² gross) which currently occupies a unit adjacent to Asda. The application seeks consent for a larger format B&M Home store with garden centre. The main focus of the proposal is comparison goods and described as 80:20 / comparison:convenience split, 1,632 m² for comparison and 408 m² for convenience goods.

Impact on vitality and viability

- 7a.9 The Retail Impact Assessment (RIA) concludes that the proposal is not anticipated to present any risk to ongoing performance of surrounding retail facilities. It is not considered to detract or compete with Stenhousemuir or Larbert given the type of retail envisaged.
- 7a.10 The RIA indicates a relatively healthy convenience market with scope for additional capacity. The predicted impact is described as acceptable. Appendix 2 of RIA provides impact figures in terms of convenience shopping, it is the Co-op stores at Ladysgate Falkirk and Wheatlands, Bonnybridge that see the highest impact, 10% and 8% respectively. The extent of convenience floorspace proposed combined with primary role as home store has been considered in determining extent of trade draw.
- 7a.11 In terms of comparison retail, given that this type of retail facility is not found in Stenhousemuir or the local centres and analysis does not show any unacceptable impact, it is considered that the proposal could meet the needs of the local catchment and complement the District Centre.
- 7a.12 Overall it is therefore envisaged that the development would contribute to the existing development mix in Stenhousemuir, thereby contributing to the vitality and viability of the centre. It offers the opportunity to create an attractive frontage along King Street and replace a redundant factory site which has been derelict since 2011.

Need for the development

7a.13 The type of comparison retail proposed is not currently found in the District Centre or neighbouring local centre. The RIA outlines that the nearest facility would be in Falkirk town centre or retail parks. The proposal is seen as addressing an absence of directly comparable facilities in the immediate locality, meeting the needs of the local catchment population and complementary to the role of Stenhousemuir District Centre.

Sequential Approach

7a.14 The RIA outlines that the Council's network of centres had been considered but no alternative location could be found to meet the retailer's requirements. The edge of centre site is therefore considered to be appropriate on the basis that there are no other sites within existing centres. The RIA concludes that the edge of centre site provides a logical extension to the District Centre and can deliver benefits to Stenhousemuir in addition to that already achieved through the regeneration initiative.

Accessibility

7a.15 Stenhousemuir is well located in the centre of the urban area so is within walking distance of a large catchment population. There are also various bus services serving Stenhousemuir.

7a.16 Policy GN02 - 'Landscape' states:

- "1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved."*

7a.17 Redevelopment of this site provides an opportunity to improve the appearance of the street frontage in the vicinity of this visually prominent road junction location and has the potential to ensure a high quality more open landscape frontage treatment is achieved.

7a.18 Further detail will be required to ensure this matter, given changes to accommodate vehicular access requirements and would be the subject of a planning condition.

7a.19 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.20 The proposal is considered to meet this policy, given the town centre location.

7a.21 Policy D02 - 'Sustainable Design Principles' states:

"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- 1. Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- 2. Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
- 3. Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- 4. Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- 5. Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- 6. Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance."

7a.22 The proposal is considered to meet this policy, given the design and access arrangements proposed.

7a.23 Policy D03 - 'Urban Design' states:

"New development should create attractive and safe places for people to live, work and visit. Accordingly:

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
- 3. Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
- 4. Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
- 5. Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
- 6. Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
- 7. Major development proposals should make provision for public art in the design of buildings and the public realm."*

7a.24 The proposal has been subject to review and alteration as to meet the requirements of urban design and visual impact within this locality.

7a.25 Policy 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."*

7.26 These matters are subject to planning condition.

7a.27 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.28 The submitted Transport Assessment has been submitted and reviewed. The proposal is considered to address this policy.

7a.29 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.30 Parking provision has been reviewed and is considered acceptable for this application.

7a.31 Policy INF12 - 'Water and Drainage Infrastructure' states:

- "1. New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
- 2. Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
- 3. A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7a.32 These matters have been addressed but are subject to further planning conditions.

7a.33 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 for a restaurant/public house, P/16/0114/PPP.

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 occupied a prominent site on King Street. As such, the now cleared site is capable of a number of uses, 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. The application was accompanied by a Transport Assessment and a further Independent Road Safety Audit has been carried out. Accompanying the implementation of the new signalised junction, a commuted payment would be in place to be utilised by Falkirk Council to monitor and adjust the MOVA system if required.
- A traffic management plan and service arrangement plan would all require to be concluded by conditions. This will also take cognisance of Home Match Days at the neighbouring football club.
- Existing traffic management issues on Tryst Road are noted but it is considered that the newly introduced signalised junction using the MOVA system will contribute to reducing this issue.
- House prices or the land ownership of Gladstone Road are not material planning considerations.
- The impact on residents through noise can be addressed through noise nuisance legislation. A Noise Impact Assessment has been submitted and considered appropriate.
- The Transport Assessment has been reviewed by consultees, as indicated in part 4.2 of this report, and Development Plan policy interpretation in part 7a.27/28.
- 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 Notice as it does 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. Neighbour notification was issued to parties adjoining the site.

Planning application reference P/16/0114/PPP – Erection of Restaurant / Public House, Associated Infrastructure Including Roads, Car Parking and Amenity Spaces, Pedestrian Access and Landscaping.

7b.4 Members will be aware that the application is being determined in conjunction with another application relating to the former McCowans Toffee Factory site. While this other application is being considered separately, the other proposal seeks to utilise car parking and traffic management elements of this current proposal. Therefore, for all purposes, while a conjoined Transport Assessment has been submitted, the traffic and parking requirements for application P/16/0114/PPP are not a consideration through this application, but are contained in a separate report.

7c Conclusion

7c.1 The principle of this application is considered to be acceptable on the basis of the Retail Impact Assessment undertaken on the current retail proposal. As outlined above the application is for predominantly comparison retail (80:20 split of Comparison: Convenience), and offers a retail format that does not exist in the local area thereby limiting potential impact / trade draw, etc. It is on that basis that this application is considered acceptable in planning policy terms. There are no other material planning considerations which would offend Development Plan policies.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee indicate that it is minded to Grant Planning Permission 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 development of a restaurant. 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:-

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. For the avoidance of doubt, the retail floorspace shall retain a 80:20 split of Comparison: convenience retail format.**
- 3. Samples of external finishes to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**
- 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. Before the building is occupied, the car parking shown on the Approved Plan shall be completed.**

- 6. Prior to any work on site, a Traffic Management Plan and Service Arrangement Plan shall be submitted to and approved in writing by the Planning Authority.**
- 7. Prior to the commencement of any works on site, a Travel Plan shall be submitted to and approved in writing by the Planning Authority.**
- 8. 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.

- 9. 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.**
- 10. Prior to the commencement of (completion) any works on site, further information regarding landscaping, planting timescales and planning management shall be submitted to and approved in writing by the Planning Authority.**

Reason(s):-

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure that the Planning Authority can control the future use of the premises.**
- 3. To safeguard the visual amenity of the area.**

4. To ensure the ground is suitable for the proposed development.
5. To ensure that adequate car parking is provided.
6. To enable the Planning Authority to consider this/these aspect(s) in detail.
- 7, 10 To enable the Planning Authority to consider this/these aspect(s) in detail.
8. To ensure the development achieves the required CO₂ emission reduction as a result of development.
9. 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) 1A,2,3,4A,5A.
2. 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.
3. 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.
4. The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
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

6. 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.

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Director of Development Services

Date: 17 October 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan, adopted July 2015.
2. Objection received from Mr Chris Wallace, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 26 March 2016.
3. Objection received from Mr James Wallace, 29 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 18 March 2016.
4. Representation received from Iain McMenemy, Stenhousemuir Football Club, Ochilview Park, Gladstone Road, Stenhousemuir, Larbert, FK5 4QL on 7 April 2016.
5. Objection received from Ms Lynda Irvine, 27 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 17 March 2016.
6. Representation received from Mr Bryan Wallace, on 21 March 2016.
7. Objection received from Ms Alison Cooke, 159, Tryst Road, Stenhousemuir, FK5 4QJ on 29 March 2016.
8. Objection received from Mrs Kim Grant, 54 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 29 March 2016.
9. Objection received from Mr Paul Serafini, 90 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 29 March 2016.
10. Objection received from Mrs Zoe Buchanan, 1 Jamieson Avenue, Stenhousemuir, Larbert, FK5 4TX on 11 March 2016.
11. Objection received from Isabel Boag, 88 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
12. Objection received from Karen Compton, 88 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
13. Objection received from Agnes Gray, 92 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
14. Objection received from Mr & Mrs Young, 64 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 4 April 2016.

15. Objection received from Ian & Anne Donaldson, 68 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016.
16. Objection received from Mr Gordon Pirrit, 157 Tryst Road, Stenhousemuir, FK5 4QJ on 30 March 2016.
17. Objection received from Mr Ross George, 112 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 30 March 2016.
18. Objection received from Mrs Julie Kennedy, 115 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 30 March 2016.
19. Objection received from Mrs Joan Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016.
20. Objection received from Mr J Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 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 H C Whitehead on 31 March 2016.
23. Objection received from Mr Sam Thompson, 159 Tryst Road, Stenhousemuir, FK5 4QJ on 30 March 2016.
24. Objection received from Ms Lynda Irvine, 27 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 1 April 2016.
25. Support received from Mrs Frances Archibald, 47 Jamieson Avenue, Stenhousemuir, Larbert, FK5 4TX on 27 April 2016.
26. Objection received from Mr Brian Seamens, 15 Burns Avenue, Larbert, FK5 4FB on 6 May 2016.
27. Objection received from Mrs Eileen Butler, 56 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 30 March 2016.
28. Objection received from Brenda & Ian Blair, 66 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016.
29. Objection received from Mr J Sannachan, 70 Tryst Road, Stenhousemuir, Larbert, FK5 4QH on 31 March 2016.
30. Objection received from Luke Allan, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
31. Objection received from Laura Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
32. Objection received from May Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
33. Objection received from Allan Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.
34. Objection received from Davie Fernie, 133 Tryst Road, Stenhousemuir, Larbert, FK5 4QJ on 31 March 2016.

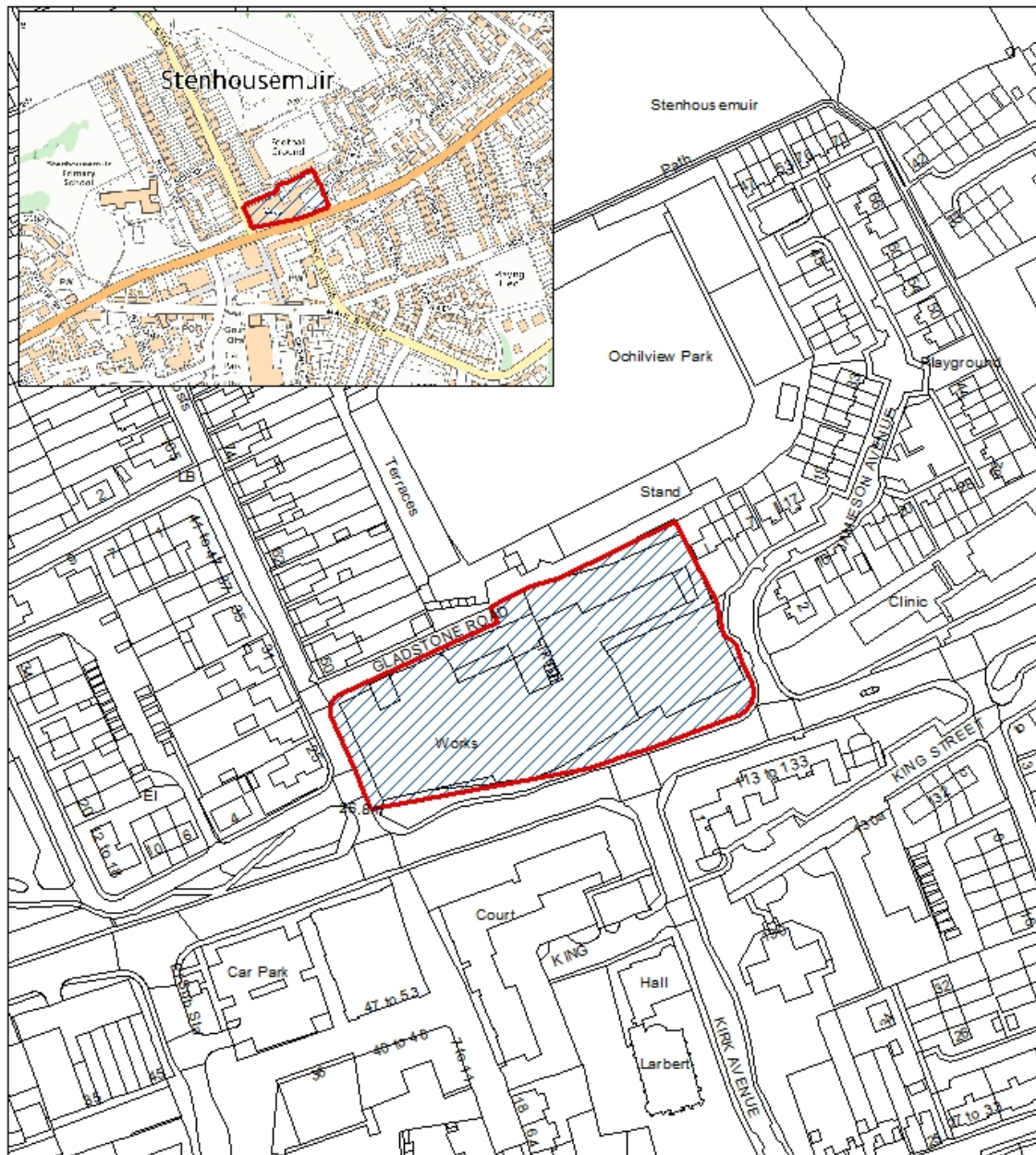
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0112/FUL

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



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