



## **Agenda Item 4**

**FORMATION OF LANDSCAPE DISPLAY  
AREA, ERECTION OF OFFICE BUILDING  
AND STORAGE BUILDING, CAR  
PARKING AND ASSOCIATED  
INFRASTRUCTURE AT KLONDYKE  
GARDEN CENTRE, BURNSIDE  
NURSERY, POLMONT, FALKIRK,  
FK2 0XS FOR KLONDYKE GROUP LTD -  
P/20/0134/FUL**

**FALKIRK COUNCIL**

**Subject:** FORMATION OF LANDSCAPE DISPLAY AREA, ERECTION OF OFFICE BUILDING AND STORAGE BUILDING, CAR PARKING AND ASSOCIATED INFRASTRUCTURE AT KLONDYKE GARDEN CENTRE, BURNSIDE NURSERY, POLMONT, FALKIRK, FK2 0XS FOR KLONDYKE GROUP LTD - P/20/0134/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 28 June 2022

**Author:** DIRECTOR OF PLACE SERVICES

**Local Members:** Ward - Lower Braes

Councillor Gordon Forrest  
Councillor Anne Hannah  
Councillor James Kerr

**Community Council:** Polmont

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

[View this Application on Public Access](#)

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application relates to the formation of a landscape display area, with office and storage building and parking at the Klondyke Garden Centre, Polmont.
- 1.2 The application site is currently occupied in part by a landscape business, who have operated from the site for a number of years. To the west of the site was a dwellinghouse, now demolished. All of the application site has planning permission to form parking and landscaping associated with the redevelopment of the Klondyke Garden Centre. Provision was made to accommodate the landscape business in the main garden centre building, but they wish to maintain a presence at the front of the site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor John McLuckie to look into flood risk details as they are several years old out of date, severe flooding nearby in last years and car park flooded at weekend.
- 2.2 The application was called in by Councillor James Kerr to allow the Planning Committee to see the concerns regarding drainage.

### **3. SITE HISTORY**

- 3.1 06/0594/FUL - Erection of Modular Office Building - granted on 24 August 2006.
- 3.2 P/07/1024/OUT - New Garden Centre, Office Accommodation, Related Retail and Ancillary Tourist Attractions - withdrawn on 28 November 2007.
- 3.3 P/08/0117/FUL - Formation of Paving/Landscape Display Centre with Ancillary Office and Sample Building - granted on 8 May 2008.
- 3.4 P/14/0293/FUL - Re-Roofing of Buildings - granted on 27 June 2014.
- 3.5 P/15/0224/FUL - Demolition of Large Open Sided Structure, Extension of Existing Open Sided Canopy and Erection of Marquee (Retrospective) - granted on 29 May 2015.
- 3.6 P/16/0015/FUL - Formation of Overflow Car Park - withdrawn on 26 February 2016.
- 3.7 P/16/0249/FUL - Formation of Overflow Car Park - granted on 24 June 2016.
- 3.8 P/17/0169/FUL - Extension to Existing Garden Centre Including Coffee Shop, Office, Storage Accommodation and Ancillary Works - granted on 8 September 2017.
- 3.9 P/18/0104/FUL - Extension to Existing Garden Centre Including Coffee Shop, Office, Storage Accommodation and Ancillary Works (Amendment to Planning Permission P/17/0169/FUL) - granted on 27 July 2018.
- 3.10 P/19/0316/FUL - Extension to Existing Garden Centre Including Coffee Shop, Office, Storage Accommodation and Ancillary Works (Amendment to Planning Permission P/18/0104/FUL) - granted on 12 July 2019.
- 3.11 P/19/0511/FUL - Formation of Landscape Display Area, Erection of Office Building and Storage Building, Car Parking and Associated Infrastructure - withdrawn on 18 December 2019.
- 3.12 P/20/0169/FUL - Formation of Car Wash and Valet Centre (Sui Generis), Including the Siting of No.1 Container (Office/Store), Erection of Canopy, Fencing and Associated Development - granted on 25 June 2021.
- 3.13 P/20/0601/FUL - Extension to Garden Centre - granted on 26 February 2021.
- 3.14 P/22/0008/FUL - Construction of Warehouse and Formation of Canopy - pending consideration.

### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have no objection in relation to parking and access.
- 4.2 The Council's Flooding Team have no objection.

- 4.3 The Council's Environmental Protection Unit have no objection, subject to a condition in relation to ground contamination.
- 4.4 The Council's Museum Service has no objection to the application.
- 4.5 The Scottish Environment Protection Agency (SEPA) have no objection.
- 4.6 Scottish Water have no objection.
- 4.7 Historic Environment Scotland have no objection.

## **5. COMMUNITY COUNCIL**

- 5.1 Polmont Community Council did not make comment on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 2 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- The potential risk of flooding to adjoining properties must be fully considered and addressed. The Council should only progress the application if they are satisfied that there would be no risk to surrounding properties as a result of development.
  - Concerns are raised that development at Klondyke Garden Centre is causing flooding locally.

## **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 \(LDP2\)](#) was adopted on 7 August 2020. The proposed development was assessed against the following policy or policies:

#### Policy PE01 - Placemaking

- 7a.2 There is no conflict with the general principles of policy PE01 'Placemaking'. This application seeks to redevelop/extend an existing landscape business within a wider garden centre site. The scale and siting of development is considered to be appropriate.

#### PE05 - Antonine Wall

- 7a.3 The application site lies within the Antonine Wall Buffer Zone and immediately to the south of the World Heritage Site. The site is visually occupied by a large electricity pylon and a low single-storey sales centre (existing office to be relocated). The Council's Archaeologist advises that trial excavations undertaken before the construction of the sales centre demonstrated that there were no surviving Roman levels in the vicinity of the application site. Subsequent work on the north side of the A905 also failed to find any sign of the Roman frontier and it is concluded that the Antonine Wall had largely been confined to the area now occupied by the road embankment.
- 7a.4 The proposed development would therefore not damage any archaeology. In terms of visual impact upon the setting of the WHS, it is noted that proposed buildings would be higher than the former dwellinghouse on site (now demolished). However, the proposed development would be read within the context of the pylon and other buildings at the wider garden centre site. It is also noted that the west of the site would be retained as a relatively open site. It is considered that the proposed development would not have an adverse impact on the site and its setting. The application accords with policy PE05 'Antonine Wall'.

#### Policy PE14 - Countryside and PE15 - Green Belt

- 7a.5 The application site is located in the green belt and countryside as identified in the LDP2. The proposed development relates to a modest extension / redevelopment of an established landscape business which has operated from the site for a number of years. The commercial setting of the wider site is also noted, with garden centre, hotel and restaurant all sharing an access. As the proposal relates to the extension of an existing countryside business, it is considered that the need for a countryside location is justified. It is also considered that the proposed development would not undermine the strategic role of the green belt. The application accords with policies PE14 'Countryside' and PE15 'Green Belt'.

#### PE24 - Flood Management

- 7a.6 The application was accompanied by flood risk assessment, hydraulic modelling report and overland flow path analysis which demonstrate that the proposed development would not have an unacceptable impact on flood risk either within or outwith the application site. The application accords with PE24 'Flood Management'.

#### JE05 - Business Development in the Countryside

- 7a.7 The application site forms part of a larger business development opportunity BUS03, as identified in the Development Plan. The allocation relates to the expansion of the garden centre, including provision for a new company headquarters. It is noted that the landscape business has operated on site with the garden centre over a number of years, and their continued presence at the site is considered to be acceptable. The application is supported by policy JE05 'Business Development in the Countryside'.

#### IR10 - Drainage Infrastructure

- 7a.8 The application was accompanied by a drainage strategy which demonstrated suitable surface water management proposals for the proposed development. The application accords with policy IR10 'Drainage Infrastructure'.

### IR13 - Low and Zero Carbon Development

- 7a.9 The application is exempt from the requirements of policy IR13 'Low and Zero Carbon Development', as the storage building would not be heated and the office building is already on site, however, it would be repositioned as part of this application.
- 7a.10 Accordingly, the application accords with the Development Plan.

### **7b Material Considerations**

- 7b.1 The material consideration to be assessed are consideration of the site in relation to coal mining legacy, assessment of public representations and consultation responses.

### **Assessment of Public Representations**

- 7b.2 The application has been assessed by the Council's Consultants and Flooding Team who are satisfied that the proposed development would not increase the risk of flood either within or outwith the application site.

### **Consultation Responses**

- 7b.3 Klondyke garden centre has operated from the site with the landscape business over a number of years. Planning permission P/17/0169/FUL, for the redevelopment of the garden centre, took the landscape business into the main garden centre footprint and the front of the site (to which this application relates) was shown as car parking and landscaping. This application was accompanied by a drainage strategy and flood risk assessment, which were assessed as being acceptable and the application was granted.
- 7b.4 Following amendments to the original garden centre redevelopment, including removing the landscape business from the main footprint, the development is now at an advanced stage. The frontage of the site is unfinished. The landscape business remain in their original site and the former dwellinghouse has been demolished and the site levelled. There have been claims that the front of the site, in its current condition, has caused flooding to neighbouring sites, including the hotel and restaurant.
- 7b.5 This current application seeks to formally extend and redevelop the landscape business to the front of the site. It includes a new storage building, repositioned office and expanded display area in the position of the former dwellinghouse. It is noted that the landscape display area would be set at a lower level, similar to the former site levels (when there was a house in this area). A new / updated drainage strategy, flood risk assessment, topographical surveys and overland flow paths were submitted to support this application.
- 7b.6 SEPA's flood risk management maps show that the application site may be at high risk of fluvial flooding. As such, the submitted flood risk assessment and accompanying documents contained detailed hydraulic modelling of the Polmont Burn and Westquarter Burn. The modelling allowed an assessment of the fluvial flood risk to the proposed development site and its surroundings.

- 7b.7 The application was assessed by the Council's Flooding Consultants and Flooding Team. The conclusions of the assessment are that the proposed development would not increase flood risk at the application site or outwith the site (including garden centre buildings, hotel and restaurant). The site is noted to be prone to 'ponding', but the proposed site levels, drainage proposals and that buildings on site would not be inhabited are all noted. The proposed development is assessed as being acceptable in terms of flood risk and drainage. The Council's Consultants and Flooding Team do not object to the application and advise that the application should now be progressed.

### **Consideration of the Site in Relation to Coal Mining Legacy**

- 7b.8 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.9 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 Development Plan. There are no material planning consideration to warrant refusal of the application in this instance.

## **8. HUMAN RIGHTS AND EQUALITY ASSESSMENT**

- 8.1 Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

## **9. RECOMMENDATION**

- 9.1 **It is recommended that Planning Committee grant planning permission subject to the following condition(s):-**
- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this 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 further 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 further 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.

**Reason(s):-**

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed 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 - 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:

<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

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

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**pp Director of Place Services**

**Date: 17 June 2022**

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan 2.
2. Representation received from Walsingham Planning, FAO: Bruce Risk, Specialist Planning & Development Consultants, Brandon House, King Street, Knutsford, Cheshire, WA16 6DX on 15 September 2020.
3. Objection received from Mr R Mackie, 68 Woodburn Road, Falkirk, FK2 9BS on 23 September 2020.

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

## **Policy Schedule**

### **IR13 Low and Zero Carbon Development**

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 12% of the overall reduction in CO<sub>2</sub> 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 is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. 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 the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.

### **JE05 Business Development in the Countryside**

Proposals for business development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. Areas specifically identified for business development on the Proposals Map;
2. Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use;
3. Limited extensions to existing established business in the countryside; or
4. Business development where a need for a countryside location is demonstrated or the development constitutes an appropriate form of farm diversification.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

## **PE01 Placemaking**

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

### **1. Distinctive**

- Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;
- The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';
- Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.

### **2. Safe and pleasant**

- Development 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 provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.

### **3. Easy to move around and beyond**

- Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;
- Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.

### **4. Welcoming**

- Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.

## **5. Adaptable**

- Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;
- Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.

## **6. Resource efficient**

- In support of climate change mitigation, 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 incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;
- In support of climate change adaptation, 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;
- Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.

## **PE05 Antonine Wall**

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 Environment Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and
3. Supplementary Guidance SG11 '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.

## **PE14 Countryside**

1. The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);

2. Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:
  - o It can be demonstrated that they require a countryside location;
  - o They constitute infill development; or
  - o They utilise appropriate existing buildings.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;

3. Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.

### **PE15 Green Belt**

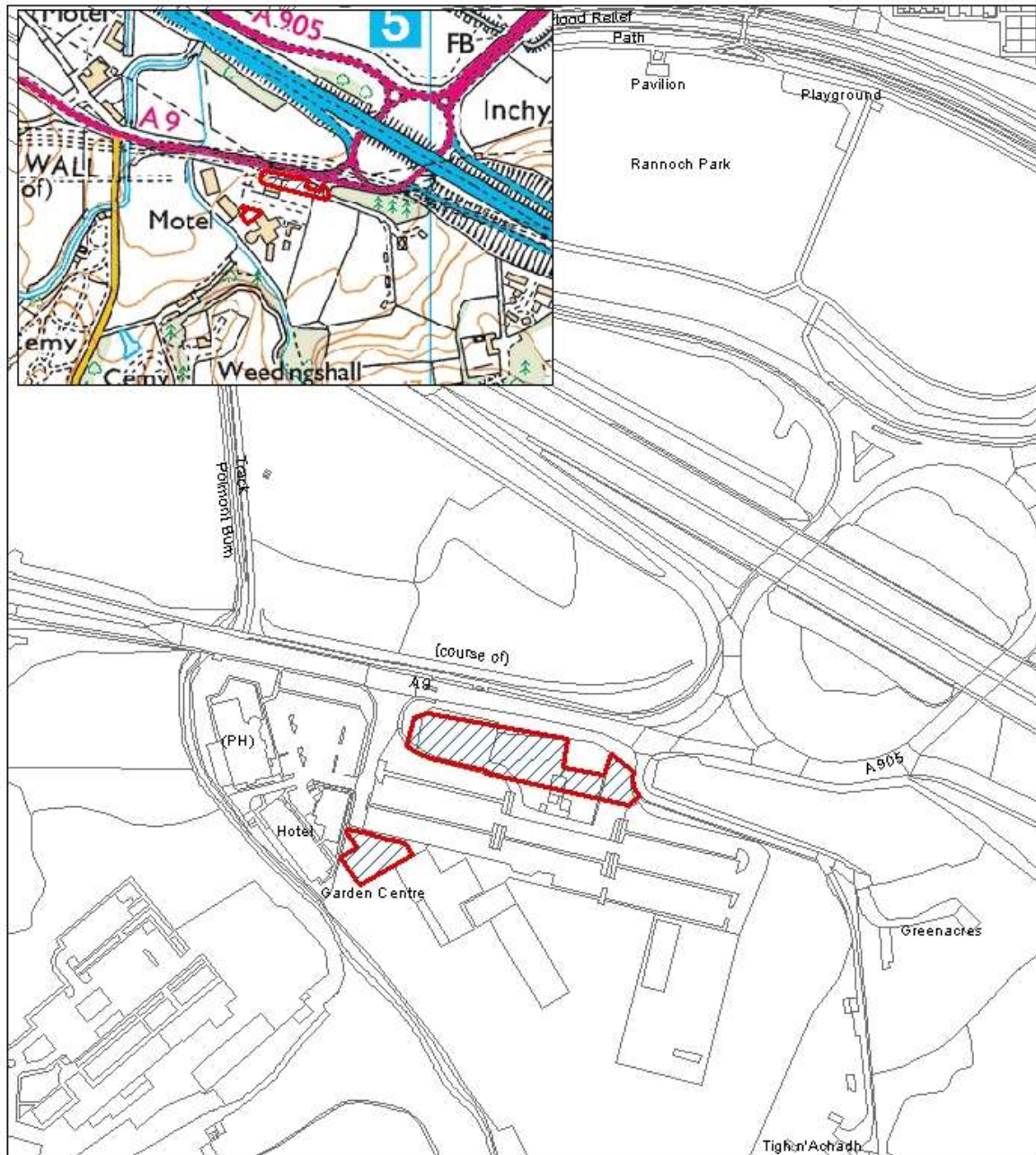
1. The following areas are designated as Green Belt:
  - o Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor;
  - o Polmont/Grangemouth/Bo'ness/Linlithgow Corridor;
  - o Falkirk/Larbert/Denny/Bonnybridge Corridor;
  - o Callendar Park and Woods.
2. The purpose of the Green Belt is:
  - o To direct development to the most appropriate locations and support regeneration;
  - o To protect and enhance the character, landscape setting and identity of the settlement, including maintaining their visual separation;
  - o To protect and provide access to open space.
3. Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the purposes of the Green Belt as set out in (2) above.

# Planning Committee

## Planning Application Location Plan

**P/20/0134/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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