

FALKIRK COUNCIL

Subject: ERECTION OF DISTILERY, VISITOR CENTRE, RESTAURANT, 6 RETAIL UNITS, 1 BONDED WAREHOUSE, GATEHOUSE, SUDS'S POND AND LANDSCAPING WORKS AT LAND TO THE WEST OF CADGERS BRAE, POLMONT, FALKIRK FOR THE FALKIRK DISTILLERY COMPANY (P/08/0300/FUL)

Meeting: PLANNING COMMITTEE

Date: 25 March 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

Case Officer: Bernard Whittle (Development Management Co-ordinator), ext 4875

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 February 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit to be carried out. This visit took place on 19 March 2009.
2. At the site inspection Members were shown the position of the proposed development in relation to existing nearby development. The proposed access arrangements were explained by officers. The location of the Antonine Wall, Scheduled Ancient Monument and World Heritage site were also highlighted to Members. Consultation responses and objections received were summarised.
3. The agent spoke in support of the officer recommendation to grant planning permission subject to referral of the application to Scottish Ministers, the conclusion of a section 75 legal agreement and conditions. A statement from an objector who was unable to be present at the meeting was read out to Members. Members were informed that a letter, dated 10 March 2009, had been received from Scottish Power, withdrawing its objections to the planning application. A representative of Polmont Community Council and an objector reiterated his objections to the planning application.

4. Members sought clarification of the access arrangements and traffic impacts. It was confirmed by officers that it is proposed to increase the width of Gransable Road to provide a dedicated turning lane for access and egress to the site from the north and south. Safety Audits have been carried out and traffic speeds and expected traffic volumes assessed. It was highlighted that a contribution of up to £33,000 is required from the developer to go towards junction improvements at the Gransable Road/ Polmont Road junction to mitigate the impacts of the development. The impact of the development on the Gransable Road / A9 junction is considered to be minimal, but it was noted that a scheme to upgrade and improve the safety of this junction is underway. It was also confirmed to Members that potential flood risk has been assessed by SEPA and the Council's flood consultants and it is considered that the proposals are satisfactory in this respect.

5. RECOMMENDATION

- 5.1 It is therefore recommended that Committee indicate that it is minded to grant detailed planning permission subject to:

- a) The application being referred to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.
- b) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act, in respect of measures to promote travel to the proposed development by modes of transport other than private car and to secure improvements to the Gransable Road/A803 Polmont Road junction; namely:
 - (i) A maximum payment of £33,000 towards improvements at the Gransable Road/Polmont Road junction; and
 - (ii) The preparation of a Travel Plan Framework to be included in to the legal agreement, the focus being to identify the objectives, mechanisms and facilities to reduce the need to travel to the site by private car;
- c) And thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to appropriate conditions.
 - (1) The development to which this permission relates must be begun within 5 years of the date of this permission.
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking area(s) shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (3) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hard surfaces shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Before development commences, full details of the colour and specification of all retaining structures, walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) Before development commences, amended site layout drawings to a scale of not less than 1:500 showing existing and proposed levels, the position and width of all proposed roads and footpaths including public access provision, visibility splays from the proposed vehicular access onto Gransable Road, the siting of all proposed buildings, SUDs and water features and, finished floor levels, shall be submitted and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. For the avoidance of doubt the drawings shall show the following:
 - (a) the entrance carriageway to the proposed development shall be increased in width to 7.3m
 - (b) the carriageway providing access to the coach/overflow parking area shall be increased in width to 7.3m
 - (c) the corner radii at the entrance/exit to the coach parking area shall be increased
 - (d) alterations to increase staff parking provision by an additional 10 spaces
- (6) Before the development commences, a scheme of landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
 - (a) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (b) the location of all new trees, shrubs, hedges and grass areas;
 - (c) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (d) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments;

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

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the proposed development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (8) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing with this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the proposed development is brought into use.
- (9) Before the development commences, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.
- (10) The developer shall allow access at all reasonable times to any archaeologist/archaeological organisation approved by this Planning Authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, site contact person and name of archaeologist/archaeological organisation retained by the developer shall be submitted in writing not less than 14 days before development commences.
- (11) Before the development is brought into use, visibility splays of 9m x 120m shall be provided at the vehicular access to the site and permanently maintained free of obstructions exceeding one metre in height above the adjacent road channel level.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure an orderly and appropriate progression of development and to safeguard the amenity of the area.
- (3-6) To safeguard the visual amenity of the area.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure the site is drained in an acceptably sustainable manner and that drainage infrastructure is properly maintained.

- (9-10) To safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site which lies within an area of archaeological importance.
- (11) In the interests of road safety to ensure the provision and maintenance of adequate visibility at the site access.

.....
For Director of Development Services

20 March 2009

FALKIRK COUNCIL

Subject: ERECTION OF DISTILLERY, VISITOR CENTRE, RESTAURANT, 6 RETAIL UNITS, 1 BONDED WAREHOUSE, GATEHOUSE, SUDS'S POND AND LANDSCAPING WORKS AT LAND TO THE WEST OF CADGERS BRAE, POLMONT, FALKIRK FOR THE FALKIRK DISTILLERY COMPANY (P/08/0300/FUL)
Meeting: PLANNING COMMITTEE
Date: 25 February 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

Case Officer: Bernard Whittle (Development Management Co-ordinator), ext 4875

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of a distillery, visitor centre, restaurant, 6 retail units, a bonded warehouse, gatehouse, SUDS pond and landscaping works with a new vehicular access onto Gransable Road.
- 1.2 The proposed development would provide 1500 square metres of floor space within one building, on two levels, to accommodate the following:
- Three stills
 - A viewing gallery allowing visitors to view the whisky production process from start to finish
 - Visitor information facilities providing information about the process and historical links Falkirk has with whisky production
 - A restaurant with 80 covers
 - Six retail units, comprising a total floor area of 900 square metres.
 - Conferencing and meeting facilities
- 1.3 The proposed bonded warehouse would be sited to the south of the distillery building.
- 1.4 The proposed buildings are designed to incorporate design details associated with traditional distillery vernacular. External finishing materials include natural slate, stone, timber and painted masonry.

- 1.5 The application site is a sloping area of undeveloped ground, comprising 4.74 hectares. The site is located to the south of the A9 Laurieston Bypass. A hotel and restaurant and garden centre lie to the east of the site. Gransable Road adjoins the site to the west with a cemetery beyond. To the south the site adjoins a cemetery and Weedingshall.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 The application is contrary to the Development Plan.

3. SITE HISTORY

- 3.1 Planning application reference 05/0711/FUL for the erection of a factory with associated access and car parking on the site was withdrawn in April 2008.

4. CONSULTATIONS

- 4.1 The Transport Planning Unit has assessed a Transport Assessment (TA), revised TA and additional information received. The Unit has raised no objections to the proposal in principle subject to improvements at the junction of Gransable Road and A803 Polmont Road and the submission and implementation of a Travel Plan. It is advised that a financial contribution of up to £33,000 should be sought towards the overall costs of improvements at the Gransable Road/Polmont Road junction to mitigate the impact of the proposed development. The impact of the development on the A9/Gransable Road junction is considered to be minimal and accordingly no contribution is sought in respect of proposed future improvements to this junction.
- 4.2 The Roads and Development Unit has assessed the TA, revised TA and additional information received. The Unit does not object to the proposals in principle subject to amendments to the site layout to accommodate parking, internal access requirements and visibility splays. It is however considered that the amendments required are not substantial and can be covered by conditions.
- 4.3 Community Services (Archaeological Services) recommend planning permission should be refused because of the impact of the development on the site and setting of the Antonine Wall. Also, it is noted that the desk based assessment and visual impact assessment submitted by the applicant contains a number of errors and omissions.
- 4.4 The Environmental Protection Unit has advised that, because of the proximity of the site to a cemetery a site investigation should be undertaken to establish if contamination is present on site. This could be the subject of a planning condition requiring investigation before any development commences.
- 4.5 The Scottish Environmental Protection Agency (SEPA) has no objections to the proposal following extensive discussions, the submission of additional information and amendments to the proposals.

- 4.6 Scottish Water do not object to the application but advise a planning approval would not guarantee a connection to its infrastructure.
- 4.7 Historic Scotland has significant concerns about the potential adverse impact of this development on the site and setting of the Antonine Wall, a Scheduled Ancient Monument and World Heritage Site. Historic Scotland advise that the applicant has failed to fully consider the effects of the proposed development on the setting of the Antonine Wall and has not presented sufficient evidence to justify any adverse impacts.

5. COMMUNITY COUNCIL

- 5.1 Polmont Community Council express road safety concerns about additional traffic, the proposed vehicular access and egress on Gransable Road and the junction between Gransable Road and the A9 Laurieston Bypass.

6. PUBLIC REPRESENTATION

- 6.1 Seventy one letters of support have been received commenting that the proposal "would allow whisky to be distilled again in the Falkirk area". Three letters of objection have been received. One of these objections is from Scottish Power who advise that the proposal would affect their underground cable network. The two other letters of objection raise the following concerns:-

- Flooding and drainage
- Location close to a cemetery is inappropriate
- Road safety
- Traffic congestion
- Inappropriate development within the Green Belt, Antonine Wall Buffer zone and World Heritage site
- Contrary to the Development Plan

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Approved Falkirk Structure Plan

- 7a.1 The Falkirk Council Structure Plan was approved in January 2007. The following policies are considered relevant.

7a.2 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.3 The application site is located outwith the Urban Limit defined in the adopted Local Plan and is therefore in an area defined as countryside and is subject to the general presumption against development unless it can be demonstrated that a countryside location is essential. The proposed uses would be appropriate within the Urban Limit and in this respect a countryside location is not essential. However, the proposed distillery requires a source of water that is available on this site. Also, it is considered that a distillery of the scale and nature proposed, incorporating visitor attractions, is in part a tourist facility that would support and benefit from this location and its proximity to the nearby garden centre, restaurants and hotels. In these circumstances, although a countryside location is not essential for this development, it is considered the proposal is not inappropriate in this location.

7a.4 Policy ENV.2 ‘Green Belt’ states:

“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7a.5 The application site lies within the Green Belt as defined in the adopted Local Plan. The main objectives of Green Belt policy are to direct planned growth to the most appropriate locations and support regeneration; to protect and enhance the character, landscape setting and identity of towns and cities; and to protect and give access to open space within and around towns and cities, as part of the wider structure of green space. Scottish Planning Policy advises that Green Belts should be used to direct development to suitable locations, not to prevent developments from happening in general. Appropriate uses in Green Belts, as defined in Scottish Planning Policy, include agricultural uses, woodland and forestry and recreational uses that are compatible with an agricultural setting.

7a.6 The proposal does not fall within the identified categories of development and is contrary to Green Belt policy. However, the proposed development is on land adjacent to hotels and restaurants, also within the Green Belt, which have been granted planning permission. Also, the proposed development is of a scale and traditional design to fit within the landscape and character of the area. Having taken account of the location of the development, the character of the area and proposed development and planning decisions on other nearby sites, it is considered the proposal would not prejudice the general objectives of the Falkirk Green Belt and an exception to Green Belt policy is justified in this instance.

7a.7 Policy ENV.4 ‘Coastal Planning and Flooding’ states:

“The Council will apply the following general principles with regard to coastal planning and flooding issues:

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications.”*

7a.8 Point 4 of this Policy is applicable. A Flood Risk Assessment has been submitted with this application and has been vetted by Sir Fredrick Snow & Partners, on behalf of the Council, and by SEPA. Following revisions to the proposal to address concerns raised through consultation it has been accepted that the proposed development would not place people or property at flood risk or exacerbate the risk elsewhere.

7a.9 Policy ENV.5 ‘Built Environment and Heritage’ states:

“Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset.”*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance.”*

7a.10 Policy ENV.5 seeks to protect important Archaeological Sites and Scheduled Ancient Monuments as identified in Local Plans. The application site lies within the Antonine Wall buffer zone defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version) and is to the east of the Antonine Wall, Mumrills Forts, Rampart, Ditch and Military Way Scheduled Ancient Monument. The line of the Wall, as identified in the Polmont & District Local Plan, and the Military way, run through the northern part of the site. Although not scheduled at this point, this part of the site is within the boundary of the World Heritage Site. The proposals originally submitted included development within the boundary of the World Heritage Site. The application has been amended to exclude development within this area. The proposal will affect the setting of the wall but it is considered the impact will not be so significant as to warrant refusal of planning permission.

7a.11 Policy ECON. 5 ‘Location of New Retail and Commercial Leisure Development’ states:

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

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

7a.12 Policy ECON.6 ‘Out-of-Centre Retail and Leisure Development’ states:

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

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

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

7a.13 These Policies seek to protect the viability and vitality of existing shopping centres by regulating the location of significant new retail development. The judgement of whether a development is ‘significant’ depends on its scale, nature and location. As a guide the Structure Plan indicates that a retail impact assessment will be required for all retail developments of 2,500 sq m and in some cases may be required for retail developments between 1,000 and 2,500 sq m. The floor area of the proposed retail development falls below these thresholds and is identified by the applicant as being ancillary and complementary to the tourist aspects of the development. Accordingly, it is considered that the proposal does not conflict with Policy ECON.5 and Policy ECON.6

7a.14 Policy ECON.7 ‘Tourism’ states:

“The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo’ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential.”*

7a.15 The proposed development is not at a key location for development as identified in the Policy and does not require a countryside location. But it would support and expand the main target markets of day trips, short breaks and business tourism. Also, the site has good accessibility and the development would promote the local and national heritage of whisky production, all of which are factors the Policy seeks to support.

7a.16 Policy TRANS.3 ‘Transport Assessment’ states:

“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”

7a.17 A Transport Assessment has been submitted, as required and following amendments to the proposals and the submission and assessment of additional information the Transport Planning Unit and Roads Development Unit raise no objections subject to the caveats set out in paragraph 4.1 and 4.2.

7a.18 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.19 This Policy sets out the Council’s commitment to ensuring that developers contribute appropriately to infrastructure required to serve new development. The Transport Assessment submitted by the applicants highlights the impacts of the proposal on the Gransable Road/Polmont Road junction. In accordance with Policy COM.5 a proportionate financial contribution is sought from the developer towards the overall costs of improvements to this junction. It is appropriate to secure this payment by means of a section 75 legal agreement.

Adopted Polmont and District Local Plan

7a.20 The Council adopted the Polmont & District Local Plan in December 2001. The following policies are considered relevant.

7a.21 Policy POL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

7a.22 The application site lies outwith the defined Urban Limit and therefore the proposed development is contrary to the terms of this Policy. However, for the reasons outlined in paragraph 7a.3, it is considered that an exception is justified in this instance.

7a.23 Policy POL 2.4 ‘Developer Contributions to Local Infrastructure and Facilities’ states:

“Where proposed development will create or exacerbate deficiencies in, or impose significantly increased burdens on, local infrastructure, facilities, amenities, or the environment, contributions related in scale and kind to the development being proposed, towards provision or upgrading of such infrastructure may be sought from prospective developers and/or landowners. Mechanisms, including the discriminate use of Section 75 agreements, may be used to seek developer contributions where it is clear that it would be wrong to grant planning permission without them.”

7a.24 This Policy emphasises that the Council will seek developer contributions to the provision of infrastructure required to support and mitigate the impact of new development. As set out in paragraph 4.1 a financial contribution from the developer towards junction improvements is considered appropriate to mitigate the identified impact of the development on the Gransable Road/Polmont Road junction.

7a.25 Policy POL 4.9 ‘Tourism Development’ states:

“The Council will encourage appropriate tourism-related development in the Local Plan area, subject to other Local Plan policies and proposals, and will support proposals which enhance the quality and diversity of tourism infrastructure and attractions. Particular emphasis will be placed on appropriate opportunities for canal-related tourism development in connection with the Millennium Link (see Policy POL 9.2 and Opportunities ED3 and ED4).”

7a.26 The Local Plan identifies the significance of tourism to the area and encourages appropriate tourism related development. It is considered the proposal would enhance the quality and diversity of tourism infrastructure and attractions within the area and accords with this Policy.

7a.27 Policy POL 6.4 ‘Roads and New Development’ states:

“Road layout, access and parking provision in new developments should generally conform with the Council’s standards entitled ‘Design Guidelines and Construction Standards for Roads in the Falkirk Council Area’. In the case of major development proposals likely to generate significant volumes of additional traffic, a Transport Impact Assessment will be required. (see also Policy POL 7.2 ‘Landscape Design’).”

7a.28 The application has been assessed against this Policy in consultation with the Transport Planning Unit and the Roads Development Unit. Subject to the caveats set out in paragraph 4.1 and 4.2 of this report the proposals comply with this Policy.

7a.29 Policy POL 7.12 ‘Sites of Archaeological Interest’ states:

“In order to protect and conserve significant archaeological/historic features:

- (i) there will be a general presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological/historic importance and their settings;*
- (ii) archaeological sites which are threatened by development, where preservation has proved impossible, will be excavated and recorded. The Council supports Historic Scotland’s policy to seek developer funding of any necessary excavation, recording and publication works; and*

- (iii) *the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.”*

7a.30 Policy POL 7.13 ‘Antonine Wall’ states:

“Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.”

7a.31 As indicated earlier in the report the proposal will impact on the setting of the Wall but it is not considered the impact will be so significant as to warrant refusal.

7a.32 Policy POL 8.2 ‘Green Belt’ states:

“There will be a presumption against new development in the areas of designated Green Belt indicated on the Policies, Proposals and Opportunities Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that:

- (i) A Green Belt location is essential; and*
- (ii) There is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of SDD Circular 24/1985 ‘Development in the Countryside and Green Belts’, the Council strongly supports the principle of the Green Belt:

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-shares and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services.”*

7a.33 The application site is within the defined Green Belt. This Policy reiterates the aims and objectives of the Green Belt and the general presumption against new development as set out in Structure Plan Policy and Scottish Planning Policy. As set out earlier in this report it is considered the proposal is contrary to Green Belt Policy but that an exception to Policy is justified in this instance.

7a.34 Policy POL 8.8 ‘Flooding’ states:

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

7a.35 The application accords with this Policy. The applicant has amended the proposals and submitted information to satisfy the Council's flood consultants, Sir Fredrick Snow & Partners, and SEPA

7a.36 Policy POL 11.1 'New Development in the Countryside' states:

"Within the countryside (i.e. outwith the urban limit), there will be a general presumption against new development except in the following circumstances:

- (i) housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 277(1) of the Town and Country Planning (Scotland) Act 1997, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons;*
- (ii) appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms;*
- (iii) industrial/ business development where there is an overriding national or local need and a rural site is the only suitable location;*
- (iv) development for tourism and countryside recreation purposes where the Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the area. Proposals which accord with the Council's Economic Development Strategy are particularly welcomed; and*
- (v) telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the Council's 'Design Guide For Buildings In The Rural Areas' and sympathetic to vernacular architectural forms will be expected."

7a.37 The application site lies within the defined countryside. Criteria (i) and (v) of the Policy are not relevant in this instance. The application does not comply with criteria (ii) and (iii) because the proposal is not an infill development and because there is no overriding national or local need for the development in this location. With regard to criterion (iv) it is considered that the proposal does not require a rural setting and could appropriately be located within the Urban Limit. However, for the reasons set out earlier in this report on the nature of the development and the character of the area, it is considered the siting of the proposal is not inappropriate. In addition the scale, siting and design of the development is sympathetic to vernacular architectural forms and compatible with the Council's "Design Guide for Buildings in the Rural Areas".

7a.38 Accordingly, with reference to the abovementioned Policies, the proposal does not generally accord with the Development Plan.

7b Material Considerations

The material planning considerations in determining this application are the Falkirk Local Plan Finalised Draft (Deposit Version), national planning policy, consultation responses and representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.1 The Falkirk Council Local Plan Finalised Draft (Deposit Version) was approved for consultation in March 2007. Pre-enquiry modifications were published in May 2008. The following Policies are relevant.

7b.2 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.3 This Policy indicates that the Urban Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. This is the same approach as in the Development Plan. The detailed countryside Policies for assessment of the application are Policy EP5 'Business and Industrial Development in the Countryside' and Policy EP16 'Leisure and Tourism Development in the Countryside'.

7b.4 The Policy also states that in circumstances where the relevant countryside criteria are met, the scale, siting and design of development will be strictly controlled to avoid adverse impacts on the character of the countryside. In this instance it is considered the proposed buildings would integrate into the landscape setting. The proposed design is considered sympathetic to vernacular building styles.

7b.5 Policy EP5 'Business and Industrial Development in the Countryside' states:

“New business and industrial development in the countryside will only be permitted in the following circumstances:

- (1) Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*

- (3) *Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) *Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment; or*
- (5) *Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites;*
- (6) *Appropriate leisure and tourism development that accords with Policy EP16.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18)."

7b.6 This Policy continues the general presumption of the Development Plan against new development in the countryside except in limited circumstances. The proposed distillery is a Class 5 'general industrial use' and does not accord with the circumstances set out in the Policy. (1) The application site is not identified for business and industrial development on the Proposals Map. (2) Some need for a countryside location has been identified in that the site has a source of water necessary for the distillery and the development is tourist related and would benefit from this location close to other visitor attractions. However, it has not been demonstrated that the proposal could not more appropriately be accommodated within the Urban Limits. (3), (4) the application does not involve the reuse or extension of existing industrial, commercial or institutional land or premises or the conversion of existing buildings. (5) The application site is not an existing minerals site.

7b.7 Policy EP16 - 'Leisure And Tourism Development In The Countryside' states:

"Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:

- (1) *Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs / restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) *Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) *Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) *Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory."

7b.8 For the reasons detailed earlier in this report it is considered that although it is not essential the development has a countryside location, the location is not inappropriate with regard to its proximity to the nearby garden centre, hotels and restaurants.

7b.9 The proposed development in respect of the tourist aspect of the development is therefore considered on balance to accord with this Policy. The proposed distillery as a Class 5 use has been assessed as contrary to Policy EP5. However, this is only a part of the development and as the development is promoted as a tourist attraction it is considered that greater weight should be given to Policy EP16.

7b.10 Policy EQ20 - 'Green Belt' states:

"There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
 - detracting from its existing landscape character;*
 - reducing the visual separation between settlements; or*
 - compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21."

7b.11 This Policy affirms the policy position set out in the Development Plan and in Scottish Planning Policy. For the reasons already mentioned the proposal is contrary to Green Belt Policy but it is considered an exception is justified in this instance.

7b.12 Policy EP7 - 'New Retail Development' states:

- "(1) New retail development in excess of 500 m². gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 500 m² serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*
- (3) Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part."*

7b.13 For the reasons set out earlier in the report it is considered the proposed retail development is not significant in respect of its scale and nature and does not conflict with Structure Plan Policies ECON.5 and ECON.6. The design of the development is acceptable and compatible with the proposed development of the site. Accordingly, the proposal complies with this Policy.

7b.14 Policy EQ16 ‘Sites of Archaeological Interest’ states:

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

7b.15 Policy EQ17 ‘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 not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.16 These Policies reaffirm Policies in the Falkirk Structure Plan and Polmont & District Local Plan that seek to protect archaeological sites and their setting. For the reason set out earlier in the report it is considered that although the proposal will affect the setting of the Antonine Wall, the impact is not so significant in this instance to warrant refusal of planning permission.

7b.17 Policy ST7 - ‘Transport Assessments’ states:

- “(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (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.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*

- (4) *The Council will only grant planning permission 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.”*

7b.18 This Policy reaffirms Structure Plan Policy TRANS.3. As part of the Development Management process the Council require the submission of transport assessments, including safety audits and other appropriate studies to identify likely impacts on the transport network and mitigation measures required, as set out in Policy ST7. Information has been submitted by the applicants and assessed by the Transport Planning Unit who raise no objections subject to the caveats set out in section 4. Accordingly, the proposal complies with this Policy.

7b.19 Policy ST11 - ‘Sustainable Urban Drainage’ states:

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

7b.20 Policy ST12 - ‘Flooding’ states:

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

7b.21 Amended surface water management proposals have been submitted and assessed by Sir Fredrick & Partners on behalf of the Council. The amended details are generally regarded as acceptable subject to clarification of levels and drainage data. Accordingly, subject to the imposition of appropriate conditions the proposed development is considered to accord with these Policies.

Scottish Planning Policy 7 – Planning and Flooding (SPP7)

7b.22 SPP7 seeks to prevent development if it would be at significant risk of flooding or would materially increase the probability of flooding elsewhere. Following lengthy negotiation the proposals have been amended to take account of national planning policy set out in SPP7 and it is now considered the proposals are acceptable with regard to this policy advice.

Scottish Planning Policy 21 – Green Belts (SPP21)

7b.23 SPP21 provides a statement of Scottish Government policy on green belts. The statement sets out a strong presumption against inappropriate development in the green belt and identifies land uses that may be considered appropriate. As set out earlier in this report it is considered the proposed development does not accord with green belt policy but there are reasons to justify an exception in this instance with regard to the location of the development, the character of the area and the scale and design of the proposals.

- 7b.24 SPP21 advises that if the Council are minded to grant planning permission for development in the green belt contrary to the Development Plan then the application must be referred to Scottish Ministers.

Scottish Planning Policy 23 – Planning and the Historic Environment (SPP23)

- 7b.25 SPP23 sets out the national planning policy for the historic environment and emphasises the national importance of protecting scheduled monuments, World Heritage Sites and their setting. The SSP does not state a general presumption against development but requires that the impact of development proposals on designated and non-designated sites and their setting are taken into account and given due weight in the assessment of planning applications. The impact of the proposals have been considered and notwithstanding the advice of Historic Scotland and the Community Services (Archaeological Services) it is considered, for the reasons set out in this report, that although the proposal would impact on the setting of the Wall, the impact would not be so significant as to warrant refusal of planning permission.

Consultation Responses

- 7b.26 The consultation responses are as detailed in section 4 of this report. The issues raised by the Environmental Protection Unit, Transport Planning Unit and the Roads Development Unit could be the subject of planning conditions and a section 75 legal agreement.
- 7b.27 To date the applicants have not confirmed if they are prepared to enter into a legal agreement requiring a financial contribution to the Council towards the cost of improvements at the Gransable Road/Polmont Road junction.
- 7b.28 Community Services (Archaeological Services) and Historic Scotland have raised objections to the proposals with regard to impact on the site and setting of the Antonine Wall. The proposals have been amended and no development is now proposed within the World Heritage Site. It is accepted that the development would have an impact on the setting of the Wall and there are inaccuracies in supporting information submitted by the applicants. However, for the reasons already set out in this report, having taking into account all relevant material planning considerations, it is considered that the impact on the setting would not be so significant as to warrant refusal of planning permission. If Members are minded to grant planning permission the planning application must be referred to Scottish Ministers because of Historic Scotland's objection as required by the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

Representations Received

- 7b.29 The letters of support and objection are summarised earlier in this report. With regard to the concerns raised the following comments are relevant:
- Flooding and drainage issues have been fully assessed in consultation with the Roads Development Unit and SEPA. Following extensive discussions, the submission of additional information and amendments to the proposals, it is considered that in principle the proposals are acceptable in this respect.

- It is appreciated that development close to cemeteries can be publicly sensitive, although it is traditionally not unusual for cemeteries to be sited within built up areas and close to residential and commercial uses. In this instance it is considered that the siting of the proposal in relation to the cemeteries is not a reason to justify refusal of planning permission.
- Potential road safety and traffic congestion concerns raised by objectors and the Polmont Community Council have been fully assessed by the Transport Planning Unit and the Roads Development Unit, following the submission of Transport Assessments and Road Safety Audits by the applicant. It has been concluded that the proposed access to the site is acceptable. Also, subject to a developer contribution towards improvements to the Gransable Road/Polmont Road junction and a travel plan, the traffic impacts are acceptable. The impact of the development on the Gransable Road/A9 junction is considered to be minimal. However, a scheme for upgrading this junction that involves minor modifications to road markings and kerb lines has been prepared by the Engineering Design Unit.
- It is acknowledged that the proposed development is contrary to the Development Plan but, for the reasons set out earlier in the report, it is considered there are grounds that would justify an exception in this instance. Because the application is a significant departure from the Development Plan referral of the application to Scottish Ministers is required in accordance with the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.
- Scottish Power advise that the proposal will affect their underground cable network. This is a private legal matter between Scottish Power and the applicants and is not a material planning consideration. However, the applicants have been advised of the comments made by Scottish Power and given opportunity to resolve this issue.

7c Conclusion

- 7c.1 This application has been assessed as being contrary to the Development Plan and national planning policy. This is due to non-compliance with policies in the approved Falkirk Structure Plan, the adopted Polmont & District Local Plan and Scottish Planning Policy as detailed in this report. Historic Scotland has also objected to the application. Although finely balanced, there are, however, considered to be material planning considerations to justify approval of the application in principle.
- 7c.2 The proposed development is located adjacent to an existing garden centre, hotels and restaurants, also within the Green Belt, which have been granted planning permission. The proposed development is of a scale and traditional design that fits within the landscape and character of the area and would support and enhance tourist facilities and employment in the area. Accordingly, it is considered that the proposal would not prejudice the general objectives of the Green Belt or the presumption against development in the countryside.
- 7c.3 It is accepted the proposed development would affect the setting of the Antonine Wall. However, having taken into account the nature and scale of the development and the existing development on the adjoining land to the east, it is considered that the impact is not so significant as to warrant a refusal of planning permission or to outweigh other material considerations.

- 7c.4 The proposed development does, however, represent a significant departure to the approved Falkirk Structure Plan and the adopted Polmont & District Local Plan and is the subject of objections from Historic Scotland. Therefore a referral to Scottish Ministers is required in accordance with the Town and Country (Notification of Applications) (Scotland) Direction 2007, if Members are minded to grant planning permission
- 7c.5 Accordingly the application is recommended for conditional approval subject to it being referred to Scottish Ministers and the satisfactory completion of a Section 75 legal agreement.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee indicate that it is minded to grant detailed planning permission subject to:
- a) The application being referred to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.
 - b) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act, in respect of measures to promote travel to the proposed development by modes of transport other than private car and to secure improvements to the Gransable Road/Polmont Road junction; namely:
 - (i) A maximum payment of £33,000 towards improvements at the Gransable Road/Polmont Road junction; and
 - (ii) The preparation of a Travel Plan Framework to be included in to the legal agreement, the focus being to identify the objectives, mechanisms and facilities to reduce the need to travel to the site by private car;
 - c) And thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to appropriate conditions.
- (1) The development to which this permission relates must be begun within 5 years of the date of this permission.
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking area(s) shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
 - (3) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hard surfaces shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (4) Before development commences, full details of the colour and specification of all retaining structures, walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) Before development commences, amended site layout drawings to a scale of not less than 1:500 showing existing and proposed levels, the position and width of all proposed roads and footpaths including public access provision, visibility splays from the proposed vehicular access onto Gransable Road, the siting of all proposed buildings, SUDs and water features and, finished floor levels, shall be submitted and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. For the avoidance of doubt the drawings shall show the following:
- (a) the entrance carriageway to the proposed development shall be increased in width to 7.3m
 - (b) the carriageway providing access to the coach/overflow parking area shall be increased in width to 7.3m
 - (c) the corner radii at the entrance/exit to the coach parking area shall be increased
 - (d) alterations to increase staff parking provision by an additional 10 spaces
- (6) Before the development commences, a scheme of landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
- (a) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (b) the location of all new trees, shrubs, hedges and grass areas;
 - (c) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (d) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments;

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

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the proposed development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.

- (8) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing with this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the proposed development is brought into use.
- (9) Before the development commences, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.
- (10) The developer shall allow access at all reasonable times to any archaeologist/archaeological organisation approved by this Planning Authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, site contact person and name of archaeologist/archaeological organisation retained by the developer shall be submitted in writing not less than 14 days before development commences.
- (11) Before the development is brought into use, visibility splays of 9m x 120m shall be provided at the vehicular access to the site and permanently maintained free of obstructions exceeding one metre in height above the adjacent road channel level.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure an orderly and appropriate progression of development and to safeguard the amenity of the area.
- (3-6) To safeguard the visual amenity of the area.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure the site is drained in an acceptably sustainable manner and that drainage infrastructure is properly maintained.
- (9-10) To safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site which lies within an area of archaeological importance.

- (11) In the interests of road safety to ensure the provision and maintenance of adequate visibility at the site access.

R Geisler

.....
Director of Development Services

Date: 19 February 2009

LIST OF BACKGROUND PAPERS

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle (Development Management Co-ordinator).

1. Falkirk Structure Plan
2. Polmont & District Local Plan
3. Falkirk Council Local plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 7 – Planning and Flooding
5. Scottish Planning Policy 21 – Green Belts
6. Scottish Planning Policy 23 – Planning and the Historic Environment
7. M Bryans, 23 Wall Street, Falkirk FK1 4QB, received on 8 May 2008
8. Colin Rice, 4 Mariner Gardens, Falkirk FK1 4JS, received on 8 May 2008
9. Mrs M McKinlay, 18 Watt Gardens, Falkirk FK1 4DB, received on 8 May 2008
10. E Reid, 40 Chapel Drive Stenhousemuir, Larbert, FK5 4JH, received on 8 May 2008
11. James Sharp, 61 Torlea Place, Larbert FK5 4QY, received on 8 May 2008
12. Mrs S Kirwood, 1 Watt Gardens, Falkirk, FK1 4DB, received on 8 May 2008
13. John Fleming, 31 Irving Court, Falkirk, FK1 4DU, received on 8 May 2008
14. T C Taylor, 37 Glenbervie Drive, Larbert, FK5 4NW received on 8 May 2008
15. James Roy, 47 Haugh Street, Falkirk, FK2 7QZ received on 8 May 2008
16. Mary Miller, 224 Main Street, Camelon, Falkirk FK1 4DY, received on 8 May 2008
17. Annie Gow, 37 Stirling Road, Falkirk, FK1 4EP received on 8 May 2008
18. Mrs M Laidlaw, 42 Wilson Avenue, Falkirk FK1 4LH received on 8 May 2008
19. May Fallon, 673 Carron Road, Falkirk, FK2 7SR received on 8 May 2008
20. Mrs P Cockburn, 6 Dundarroch Street, Larbert, FK5 3AA received on 8 May 2008
21. M Hutchison, 16 Temple Denny Road, Denny FK6 6AN received on 8 May 2008

22. David W McLay, 18 Watt Gardens, Falkirk FK1 4DB received on 8 May 2008
23. Owner/Occupier 38 Elizabeth Crescent Falkirk FK1 4JF received on 8 May 2008
24. Mrs A Reid 46 Stark Avenue Falkirk FK1 4PR received on 8 May 2008
25. M McKinlay 71 Braemar Drive Falkirk FK2 9HB received on 8 May 2008
26. J Godfrey 17 Robertson Court Stenhousemuir received on 8 May 2008
27. Mrs D Blackhall 13 Mariner Drive Falkirk FK1 4LJ received on 8 May 2008
28. Owner/Occupier 1 Fordyce Gardens Falkirk FK1 5BA received on 8 May 2008
29. J Irvine 58 Fleming Gardens Falkirk FK1 4BP received on 8 May 2008
30. C Archibald 10 Dobbie Avenue Larbert FK5 3EP received on 8 May 2008
31. M Barr 53 Little Denny Road Denny FK6 5AU received on 8 May 2008
32. James Greenaway 1 Dollar Avenue Falkirk FK2 7LD received on 8 May 2008
33. Allan Amos 27 Carnegie Drive Falkirk FK1 4ET received on 8 May 2008
34. A Buchanan 25 Stark Avenue Falkirk FK1 4PR received on 8 May 2008
35. Mrs Risk 43 Valeview Stenhousemuir Larbert FK5 3BX received on 8 May 2008
36. Mrs C Johnston 35 Adam Grossert Court Stenhousemuir Larbert FK5 4QT received on 8 May 2008
37. J Hutchison 16 Temple Denny Road Denny FK6 6AN received on 8 May 2008
38. Thomas Thomson 10 Braemar Drive Falkirk FK2 9HA received on 8 May 2008
39. Cecilia Roy 47 Haugh Gardens Falkirk FK2 7RB received on 8 May 2008
40. M Thomson 10 Braemar Drive Falkirk FK2 9HA received on 8 May 2008
41. Mrs Elizabeth Ross 122 Glasgow Road Falkirk FK1 4HR received on 8 May 2008
42. Owner/Occupier 6 MacAdam Place Falkirk FK1 4EU received on 8 May 2008
43. E Falconer 65 Braemar Drive Falkirk FK2 9HB received on 8 May 2008
44. W Henderson 69 Fairlie Street Falkirk FK1 4NH received on 8 May 2008
45. John McKinlay 71 Braemar Crescent Falkirk FK2 9HD received on 8 May 2008
46. T McNaughton 16 Watt Gardens Falkirk FK1 4DB received on 8 May 2008
47. C McGill 35 Grange Drive Falkirk FK2 9ET received on 8 May 2008
48. Jean Merrilees 13 Stirling Road Larbert FK5 4NE received on 8 May 2008
49. Linda Donoghue 160 Haugh Street Falkirk FK2 7QT received on 8 May 2008
50. Chris McGarvie 53 Carmuir Avenue Falkirk FK1 4PD received on 8 May 2008
51. Stephen Beattie 26 Windsor Road Falkirk FK1 5EJ received on 8 May 2008
52. Angela Nicol 48 Nailer Road Falkirk FK1 4DA received on 8 May 2008
53. J McDonald 106 Thornbridge Road Falkirk FK2 9BD received on 8 May 2008
54. Elizabeth Knox 23 Stirling Road Falkirk FK1 4EP received on 8 May 2008
55. J McLure 48 Weir Street Falkirk FK1 1RB received on 8 May 2008
56. Ronald Knox 23 Stirling Road Larbert FK5 4NE received on 8 May 2008
57. Loretta McDonald 106 Thornbridge Road Falkirk FK2 9BD received on 8 May 2008
58. R Miller 85C Carronside Street Falkirk FK2 7QB received on 8 May 2008
59. Mrs M Scott 28 Nailer Road Falkirk FK1 4DA received on 8 May 2008
60. Owner/Occupier 69 Fairlie Street Falkirk FK1 4NH received on 8 May 2008

61. Thomas Greenaway 40 Dorrator Road Falkirk FK1 4BL received on 8 May 2008
62. F McNaughton 16 Watt Gardens Falkirk FK1 4DB received on 8 May 2008
63. Thomas Falconer 65 Braemar Crescent Falkirk FK2 9HD received on 8 May 2008
64. Seamus Feighan 236 Main Street Camelon Falkirk FK1 4DY received on 8 May 2008
65. Julie Thomson 35 Mariner Avenue Falkirk FK1 4LL received on 8 May 2008
66. A Gillespie 1 MacAdam Place Falkirk FK1 4EU received on 8 May 2008
67. James Dewar 41 Carnegie Drive Falkirk FK1 4ET received on 8 May 2008
68. Anne Ainslie 30 Eastcroft Street Larbert FK5 3AN received on 8 May 2008
69. W Fish 23 Haddows Building Camelon FK1 4QL received on 8 May 2008
70. E Robertson 6 Burnside Court Camelon Falkirk FK1 4DR received on 8 May 2008
71. John Thomson 16 Temple Denny Road Denny FK6 6AN received on 8 May 2008
72. Janice Gray 74 Stewart Road Falkirk FK2 7AW received on 28 April 2008
73. Mr George McKinnon 2 Blinkbonny Road Falkirk FK1 5DA received on 28 April 2008
74. Mr G Buckie 56 Abbots Road Grangemouth FK3 8JE received on 28 April 2008
75. Scottish Power Energy Works Riccarton Mains Road Currie Edinburgh EH14 5AA received on 8 May 2008
76. Alex Wilson 10 Hazel Crescent Dunipace Denny FK6 6LN received on 8 May 2008
77. Mr Robert Morrison Easton 19 Millar Place Larbert Falkirk FK2 8QB received on 8 May 2008
78. F McNaughton 16 Watt Gardens Falkirk FK1 4DB received on 30 May 2008
79. Polmont Community Council 8 Archibald Russell Court Polmont Falkirk FK2 0EW received on 19 August 2008
80. Sandy Simpson 44 Erskine Hill Polmont Falkirk FK2 0UQ received on 14 July 2008
81. G Sherratt 22 Carse Crescent Laurieston Falkirk FK2 9NS received on 21 July 2008