

FALKIRK COUNCIL

Subject: ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD AT LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE REDDING ROAD, REDDING, FALKIRK FOR TESCO STORES LTD & SANTON GROUP DEVELOPMENTS LTD – P/07/0422/FUL

Meeting: PLANNING COMMITTEE

Date: 26 August 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Reddingmuirhead, Brightons and Rumford

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

1. INTRODUCTION

- 1.1 The purpose of this report is to seek Committee approval to revise the terms of the required Section 75 agreement and to authorize amendments to the site layout and proposed planning conditions.

2. BACKGROUND

- 2.1 At the meeting on 5 November 2008 the Regulatory Committee agreed it was minded to grant planning permission reference P/07/0422/FUL subject to referral of the application to Scottish Ministers, conditions and a legal agreement under section 75 of the Town and Country Planning (Scotland) Act. Scottish Ministers have advised that they are content for the Council to determine the planning application and negotiations to conclude a section 75 agreement are progressing. The previous report to Committee and agreed minute of the meeting on 5 November 2008 are attached for information.

- 2.2 The Committee decision requires, amongst other things, that the legal agreement should include provision for land to the east of the application site to be reserved for 5 years for additional car parking (Minute R91 paragraph (b)(3)(iv)). The applicants have subsequently advised that they wish to provide the additional car parking as part of the development rather than reserve the land for provision at some point in the future. Accordingly, they have requested that the heads of terms of the agreement be amended to remove the requirement for reservation of the land. An amended site layout plan showing 122 additional car parking spaces on the land to the east of application site has been submitted and neighbours re-notified. There is no change in the application site boundary. In addition the applicant has asked that the wording of condition 14 be amended to substitute the terms ‘convenience’ and ‘comparison’ for ‘food retail’ and ‘non-food retail’ to reflect terminology in the retail impact assessment considered and accepted by the Council.

3. CONSULTATIONS

- 3.1 The Roads and Development Unit has advised that the amended car park details are acceptable subject to conditions requiring adequate directional signage within the site being provided.

4. COMMUNITY COUNCIL

- 4.1 The Community Council has not made any representations.

5. PUBLIC REPRESENTATION

- 5.1 One letter of representation was received in respect of the revised car parking proposal. No objection is raised but comment is made requesting the applicants provide adequate screening between the site and neighbouring residential properties (Blair Cottages).

6. 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,

6a The Development Plan

Falkirk Council Structure Plan

- 6a.1 The proposed amendment to car parking provision and revision to the wording of condition 14 raise no strategic policy issues.

Adopted Polmont and District Local Plan

6a.2 Policy POL 5.4 ‘Design Considerations in Retail Development’ states:

“The Council will require a high standard of design in new retail development. Accordingly:

- (i) proposals should integrate with, and contribute positively towards the existing townscape in terms of form, layout, detailing and materials;*
- (ii) where appropriate, a comprehensive scheme of hard and soft landscaping should be integral to proposals;*
- (iii) shopfronts and commercial signage should be sensitively designed with due regard to the character of the building; and*
- (iv) proposals should facilitate safe and attractive access for all users, particularly pedestrians, those with mobility problems, public transport users and cyclists.”*

6a.3 The proposed car park is considered to achieve a high standard of design, and accords with this policy. A comprehensive landscaping scheme is proposed for the entire site to visually soften the impact of the development and to take account of the relationship of the development to adjoining land uses. The proposed road layout and pedestrian and cycle facilities within the whole site will facilitate safe and attractive access for all.

6b Material Considerations

6b.1 The material considerations in determining the amendment are the Falkirk Council Local Plan Finalised Draft (Deposit Version), consultation responses, the representation received and planning history

Falkirk Council Local Plan Finalised Draft (Deposit Version)

6b.2 Policy ST10 - ‘Parking’ states:

“The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council’s minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation.”*

6b.3 The amended car parking layout ensures that the Council’s parking standards are met and as a consequence the requirement for land to be safeguarded for provision of additional parking in the future is no longer required. The amended parking layout is therefore considered to accord with this Policy.

6b.4 Policy EQ3 ‘Townscape Design’ states:

“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

6b.5 The siting and layout of the revised parking area accords with this Policy for the reasons detailed earlier in this report in respect of Polmont and District Local Plan Policy POL 5.4.

Consultation Response

6b.6 The consultation response from the Roads and Development Unit is summarised in paragraph 3 of this report. The matters referred to regarding directional signage can be the subject of an additional planning condition.

Representation Received

6b.7 The comment received regarding screening of the car park has been raised with the applicant. Landscaping and boundary enclosure are matters covered by the approved planning conditions and the applicant is required to seek approval from the Council for these details before development commences. .

Planning History

6b.8 The development of the site for a superstore, petrol filling station, car park and access has previously been considered by the Council and determined to be acceptable. The proposed amendment to the application prior to conclusion of the section 75 agreement to provide car parking on an area that the Council wished safeguarded for car parking is not considered to be a significant variation to the scheme already considered by Members. But procedurally this change does require Committee approval to change the heads of terms of the proposed section 75 agreement previously approved by Members. In addition to address matters raised by the Roads Development Unit a further condition is required to ensure directional signage is provided within the site to the car parking area to the east. Also, amendment to Condition 10 is required to ensure the additional car parking is provided.

6b.9 The amendment to condition 14 to substitute the word convenience and comparison for food and non-food retail would more properly and precisely reflect the proposal as submitted to and analyzed by the Council. The difference between the two sets of terms is that reference to "food" excludes alcoholic drink, books, newspapers, matches, soap and other cleaning materials whereas "convenience" includes all these goods. The retail analysis was based on use of the terms "convenience" and "comparison" and therefore use of these terms in condition 14 would be more appropriate.

6c Conclusion

6c.1 Having taken into account all relevant planning issues it is considered that the proposed amendments are acceptable.

7. RECOMMENDATION

7.1 It is recommended that the Committee agrees to the following:

- (a) The amendment of the heads of terms of the section 75 agreement to delete the requirement to safeguard land for car parking as stated at R91 Paragraph(b)(3)(iv) of the minute of the meeting of the Regulatory Committee meeting on 5 November 2008 and provision of additional parking as shown on the amended drawings submitted.**
- (b) The amendment of condition 14 to substitute the terms 'convenience' and 'comparison' for 'food retail' and 'non-food retail'.**
- (c) The amendment of condition 10 to state, 'Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport, parking and road infrastructure, as indicated on approved Drawing no.1306(P)001 Rev.T, shall be fully completed in accordance with full details approved in writing with this Planning Authority'.**
- (d) The following additional condition and reason:**
 - 1. Before the proposed development is brought into use, details of directional signage within the site, including signs informing customers of car parking to the east of the petrol filling station and the location of signs, shall be submitted for the written approval of this Planning Authority and erected.**

Reason(s):

1. In the interests of road safety; to avoid parking on the public road



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Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Letter of representation from Mrs J Kean, Eversley House, Redding Road, Redding, Falkirk on 17 June 2009
2. The Approved Falkirk Local Plan
3. The Polmont and District Local plan
4. The Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

AGENDA ITEM

FALKIRK COUNCIL

Subject: ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD AT LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE, REDDING ROAD, REDDING FOR TESCO STORES LTD & SANTON GROUP DEVELOPMENTS LTD - P/07/0422/FUL

Meeting: REGULATORY COMMITTEE

Date: 5 November 2008

Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Reddingmuirhead, Brightons and Rumford

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises 4.7 hectares of vacant land. The site is bounded to the south by the Union Canal. Polmont Young Offenders' Institute lies to the south of the canal. To the north the site is bounded by the main Edinburgh to Glasgow railway. To the east the site is bounded by the B805 (Redding Road). There are houses adjacent to the eastern boundary and further housing to the north of the railway and to the east of Redding Road.
- 1.2 Detailed planning permission is sought for the erection of a 6,940 square metre superstore, a petrol filling station, car park and access road. Access to the site is proposed by a roundabout to be constructed on Redding Road. The access road would be extended through the site to link with Redding Road, Reddingmuirhead, at the western end of the site near the Canal bridge.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 This application is contrary to Policies POL 4.2 (Other Economic Development Opportunities), POL 4.3 (Business and Industry Areas for Improvement), POL 5.1 (The Shopping Hierarchy) and POL5.5 (Foodstores) of the adopted Polmont and District Local Plan.

3. SITE HISTORY

- 3.1 Outline planning application reference F/98/0870 for the erection of a food superstore (4,645 m²), non-food retail warehousing (929 m²), petrol filling station, restaurant, office accommodation and associated car parking was withdrawn. This followed the Council's decision that it was minded to grant the application being called in by Scottish Ministers due to possible implications for national retailing policies, the recently approved Structure Plan and the adopted Polmont and District Local Plan. The application was withdrawn before the Public Local Inquiry commenced.
- 3.2 Outline planning application reference F/2002/0895 was granted in October 2004 for the erection of a local shopping centre, including a food superstore (3,716 m²), non food retail units (929 m²), library/office, petrol filling station and restaurant. The permission was granted following the conclusion of a Section 75 legal agreement to secure an adoptable road link onto the former Redding Road and a financial contribution towards the construction of a new library and upgrading of footpath links to Livingstone Terrace.
- 3.3 Approval of reserved matters, reference F/2005/0304, was granted in December 2005 for the erection of the supermarket, shop units, petrol filling station and formation of car parking. This planning permission has not been implemented.

4. CONSULTATIONS

- 4.1 Scottish Water and SEPA have no objections in principle to the proposed development.
- 4.2 Network Rail requested a formal consultation and subsequently advised that they have no objections to the proposal.
- 4.3 No response has been received from British Waterways.
- 4.4 The Environmental Protection Unit has requested further information regarding ground contamination, noise and odour control. These matters could be addressed by planning conditions.
- 4.5 The Transport Planning Unit has no objections in principle subject to the implementation of measures to compensate for a shortfall in on-site parking and to improve off-site roadway and pedestrian facilities. These matters could be addressed by conditions and/or a Section 75 legal agreement.
- 4.6 The Roads and Development Unit has advised that amended details for the proposals for surface water drainage are under consideration. Any update regarding this matter will be given at the Committee meeting.
- 4.7 The Research and Information Unit, Corporate and Neighbourhood Services, have generally accepted the findings of the Retail Impact Assessment submitted with the application, and have accepted that the increase in the size of the proposed superstore from that approved under outline planning application ref : F/2002/0895 would only have a marginally greater impact on Polmont Local Centre.

5. COMMUNITY COUNCIL

5.1 The Reddingmuirhead and Wallacestone Community Council has not made any representations.

6. PUBLIC REPRESENTATION

6.1 Two representations to the application have been received. The concerns raised in these representations can be summarised as follows:

- Contrary to the Development Plan, which seeks to support a local centre, not a large foodstore;
- The market share and turnover of the proposed development is likely to be higher than predicted;
- The proposal will have a significant retail impact on Polmont Local Centre;
- The scale of the proposed development has the potential to compete with higher order centres, such as Stenhousemuir;
- Noise levels from a 24-hour operation;
- Adequate boundary screening is required;
- Increase in traffic and potential for congestion.

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 Council Structure Plan

7a.1 The key diagram of the approved Structure Plan indicates improved food retail provision for the Polmont area. This reflects the Structure Plan strategy to decentralise food retailing to district and local centres. The proposed superstore satisfies, in principle, this strategic aim.

7a.2 Policy ECON.4 ‘Falkirk Town Centre and the District Centres’ states:

“The Council will seek to maintain and enhance the principal role of Falkirk Town Centre and the local service role of the District Centres. Accordingly:

- (1) priority will be given to the expansion of Falkirk and Grangemouth Town Centres as provided for in Policy ECON.1, and opportunities for consolidation and expansion which may arise in the other District Centres, commensurate with their local role;*
- (2) co-ordinated strategies to improve the environment, management and accessibility of Falkirk Town Centre and the District Centres will be developed; and*
- (3) In Grangemouth and Bo’ness the proposals will be compatible with the petrochemical and chemical industries.”*

7a.3 The site of the proposed development is not identified as a Town or District Centre. An assessment of the impact of the proposed superstore on the principal role of Falkirk Town Centre and the local service role of the District Centres is therefore required.

7a.4 A Retail Impact Assessment (RIA) has been submitted with the application and reviewed by the Research and Information Unit, Corporate and Neighbourhood Services. Both the RIA and the review by Corporate and Neighbourhood Services conclude that the main impact of the proposed superstore would be on the main stores in Falkirk Town Centre. Particular concern has been raised at officer level at the impact of the proposal on the future viability of the Callendar Road Tesco within the Falkirk Town Centre. However, it is accepted that the proposed superstore is unlikely to seriously threaten the overall food retail function of the Falkirk Town Centre and is an inevitable consequence of the Structure Plan strategy to decentralise food retailing in the Falkirk Council area. These conclusions were similarly reached in respect of outline planning permission ref F/2002/0895.

7a.5 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.6 The proposed development is located within the Redding Local Centre under the Hierarchy of Shopping Centres as set out in Schedule ECON.5. The Redding Local Centre is identified as a Local Centre based on a large food store. Policy ECON.5 seeks to ensure that the scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres. The proposed development is considered to include significant new retail development and therefore requires assessment against this policy.
- 7a.7 The proposed food superstore incorporates and increases, by 989 m² of sales area, the non-food retail approved under outline planning application ref : F/2002/0895 as separate retail units. The first principle of Policy ECON.5 directs significant non-food retailing to Falkirk Town Centre and the District Centres. However, the scale of the proposed non-food retail would not have any significant impact on the Town and District Centres and can be considered to be complementary to the proposed foodstore. This conclusion was similarly reached in respect of outline planning application ref : F/2002/0895.
- 7a.8 The main aspect of the proposed development is food retail, which is strongly supported by Sub-section 2 of this policy. Sub-section 2 indicates that priority will be given to the provision of new food retail floorspace in the Polmont area. The scale of the proposed food retail, at an additional 849 m² of sales area from the food superstore approved under planning application ref : F/2002.0895, is considered to be of a scale commensurate with the local catchment. This is because it is accepted that the catchment of the proposed development would be the Polmont area and that the proposed superstore is unlikely to seriously threaten the overall food retail function of Falkirk Town Centre and the District Centres, as detailed earlier in this report.
- 7a.9 In addition, it is recognised that the Polmont area, with the Polmont Local Centre would assume a more neighbourhood role as a consequence of the proposed development. In that regard, there should not be any conflict in function and catchment between the two centres. Nonetheless, it was accepted in approval of outline planning application ref : F/2002/0895 that the proposed foodstore subject to that application would have a reasonably high impact on the Polmont Co-op. This was recognised as an inevitable consequence of the priority given to provision of new food retail floorspace in the Polmont area. However, Corporate and Neighbourhood Services have accepted that the larger foodstore now proposed would have only a marginally greater effect on the Polmont Local Centre than that approved under outline planning application ref : F/2002/0895, and this is accepted by this Planning Service.

7a.10 Sub-section 2 of Policy ECON.5 directs new food retail floorspace to the District Centres and other established local centres, and only to new local centres where the criteria set out in Policy ECON.6 is met. The site of the proposed superstore is located in the Redding Local Centre. However this is a new local centre and therefore, technically, requires assessment against Policy ECON.6.

7a.11 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.12 A detailed assessment of the proposed superstore against the criteria of Policy ECON.6 has been submitted with the application. With regard to criterion 1, the impact of the proposed superstore on the Falkirk Town Centre and the District Centres is considered to be acceptable, for the reasons detailed earlier in this report. With regard to the other criteria, the applicant has advised that the matters subject to these criteria were all satisfactorily addressed in respect of outline planning application ref : F/2002/0895. Specifically:-

- the need for the proposed development is reflected in the terms of Policy ECON.5 and by a householder survey which showed that residents of the Polmont area carry out most of their food shopping outside the local area;
- there are limited options for the location of significant new food retailing in the Polmont area such that the only real option for achieving the wider objectives of the Structure Plan is a new local centre;
- the site of the proposed development is centrally located with the Polmont Local Plan area and is served by a number of bus routes;
- by clawing back trade principally from Falkirk, the proposal should result in a reduction in the number and length of car trips by residents of the Polmont area, thereby supporting the sustainability objectives of the Council.

The current proposal is not considered to alter these previous conclusions

7a.13 In light of the above comments, it is considered that the proposed development accords with the broad objectives of the Structure Plan retail policies, to improve food retail provision in the Polmont area and complies with Policies ECON.4, ECON.5 and ECON.6.

Adopted Polmont and District Local Plan

7a.14 The application site is designated partly as a Business and Industrial Area for Improvement and partly as Economic Development Proposal ED2 under the adopted Polmont and District Local Plan. Proposal ED2 advises that the site would be suitable for business and industrial development (Classes 4, 5 and 6), and that access to the site from the B8051 (Redding Road) could be considered and that the sewer will require to be upgraded.

7a.15 Policy POL 4.2 ‘Other Economic Development Opportunities’ states:

“The Council will safeguard and promote Opportunities ED2 – ED6 for economic development, as identified on the Policies, Proposals and Opportunities Map, in accordance with the range of appropriate uses (in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997) specified for each site.”

7a.16 Since part of the site is allocated by Proposal ED2 for business and industrial development, the proposed retail development is contrary to this policy.

7a.17 Policy POL 4.3 ‘Business and Industrial Areas for Improvement’ states:

“The existing business and industrial areas identified for improvement on the Policies, Proposals and Opportunities Map will be reserved primarily for Business (Class 4), General Industrial (Class 5) and Storage and Distribution (Class 6) uses, as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. The Council will support upgrading, rationalisation and redevelopment to improve their environment, utilisation and economic potential. Changes of use as part of comprehensive redevelopment proposals for these areas may be considered favourably subject to economic development, amenity, environmental and traffic considerations.”

7a.18 Since part of the site is allocated for a Business and Industry Area for Improvement, the proposed retail development is contrary to this policy.

7a.19 Policy POL 5.1 ‘The Shopping Hierarchy’ states:

“The Council will support the existing hierarchy of shopping centres within the Polmont and District Local Plan area. Specifically, it will promote and enhance:

- (i) Brightons, Laurieston and Polmont Local Centres; and*
- (ii) the provision of other localised neighbourhood shops.*

7a.20 Whilst it is considered that the proposed development would have a different function and catchment than the existing hierarchy of shopping centres within the Polmont Local Plan area, it is accepted that it would have some impact on the existing hierarchy as defined under this Plan. To that extent the proposed development would not support the existing shopping hierarchy, and is contrary to this policy.

7a.21 Policy POL 5.3 ‘Off-Centre Retail Development’ states:

“Proposals for significant retail development which are not located in or adjacent to existing centres will only be favourably considered where the Council is satisfied that all the following criteria are met:

- (i) the vitality and viability of existing centres, or proposals for their improvement will not be prejudiced;*
- (ii) the development would meet a deficiency in the quantity or quality of shopping provision which cannot satisfactorily be met on sites in or adjacent to existing centres;*
- (iii) the development is well located in relation to its catchment, offers good access by public transport, cycle and on foot, and would not lead to a significant increase in travel by private car; and*
- (iv) there will be no significant effect on the industrial/ business land supply.*

Planning conditions and/or legal agreements restricting the range of goods to be sold from off-centre retail developments will be used where they are justified by the need to protect the vitality and viability of existing centres.”

7a.22 The site of the proposed development is not located in or adjacent to existing centres, and therefore requires assessment against this policy. The criteria detailed in this policy have to a large extent been considered earlier in this report with regard to Policy ECON.6 of the Structure Plan. It is similarly concluded that the proposed development satisfies this criteria. In addition, with regard to criterion (iv), whilst the proposed development would result in the loss of an existing industrial site, opportunities exist with the local plan area for major employment opportunities. The proposed development therefore accords with this policy.

7a.23 Policy POL 5.4 ‘Design Considerations in Retail Development’ states:

“The Council will require a high standard of design in new retail development. Accordingly:

- (i) proposals should integrate with, and contribute positively towards the existing townscape in terms of form, layout, detailing and materials;*
- (ii) where appropriate, a comprehensive scheme of hard and soft landscaping should be integral to proposals;*
- (iii) shopfronts and commercial signage should be sensitively designed with due regard to the character of the building; and*
- (iv) proposals should facilitate safe and attractive access for all users, particularly pedestrians, those with mobility problems, public transport users and cyclists.”*

7a.24 The proposed development is considered to achieve a high standard of design, and therefore accords with this policy. Whilst the proposed superstore is large in scale, the site is physically contained by the adjoining Union Canal and the railway line, and there are generous separation distances between the proposed superstore and the closest buildings. Design changes have been made to the proposed superstore, in the form of the introduction of additional glazing and canopy features to improve the presentation of the building to the proposed through-road and the Canal, and in the form of a reduction in the width of the building to enhance the opportunity for landscaping between the proposed superstore and the proposed through-road. A comprehensive Landscape Scheme is proposed in order to visually soften the impact of the entire development from the surrounding area and to establish a gateway entrance. The road layout and the inclusion of pedestrian and cycle facilities within the site and to link to the surrounding area would facilitate safe and attractive access for all users. Accordingly, the proposed development is considered to accord with this policy.

7a.25 Policy POL 5.5 'Foodstores' states:

"The Council will seek to maintain and improve access to food shopping for local communities. New foodstores, other than small neighbourhood stores, should be located within or adjacent to existing centres, in accordance with Policy POL 5.2, and only on off-centre sites where the criteria in Policy POL 5.3 are satisfied. The scale of proposals should be commensurate with the local catchment population and should not exceed 2,500 square metres net."

7a.26 The proposed superstore improves access to food shopping within the Polmont area and achieves the strategic aim of the Structure Plan to improve food retail provision in the Polmont area. The proposed superstore is considered to accord with Policy 5.3 for the reasons detailed earlier in this report. However, whilst the scale of the proposal is considered to be commensurate to the local catchment, for the reasons detailed earlier in this report, the 2,500 m² food retail size limit is exceeded. In strict terms, therefore, the proposed development is contrary to this policy.

7a.27 Accordingly, the proposed development does not fully comply with the relevant policies of the adopted Polmont and District Local Plan, for the reasons detailed above, and therefore does not accord with the Development Plan. However, Policies 5.1 and 5.5 of the adopted Polmont and District Local Plan do not accord fully with the approved Structure Plan, which effectively supersedes the local plan when there is a conflict. The adopted Polmont and District Local Plan was prepared under the former Structure Plan. The proposed development is considered to accord with the retail policies of the approved Structure Plan, for the reasons detailed in this report.

7b Material Considerations

7b.1 The material planning considerations in determining this application are national planning policy guidance and advice, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the planning history for the site, the consultation responses and the representations received.

National Planning Policy Guidance and Advice

- 7b.2 Scottish Planning Policy 8 : Town Centres and Retailing (SPP8) states that planning authorities should adopt a sequential approach to selecting sites for all retail and commercial developments. The sequential approach identifies a preference for town centre sites followed by edge of town centre sites and then other commercial centres identified within the Development Plan. Out-of-town centres are the least preferred option, and must be accessible by a choice of modes of transport.
- 7b.3 The site of the proposed development is identified as a Local Centre under the Shopping Centre Hierarchy for the Falkirk area, as set out in the approved Structure Plan. The site therefore falls within the category of 'other commercial centre' under the sequential approach, as it is a designated Local Centre (based on a large food store) but it is not a town centre site or an edge of town centre site. The allocation of the new Local Centre (at Redding) followed assessment of the options of improving food retail in the Polmont area. It was concluded that a new Local Centre was the only real option given constraints at and adjacent to existing local centres. In addition, the impact of the proposed development on the existing network of centres as set out in the Development Plan is considered to be acceptable, for the reasons detailed in this report. Accordingly, the proposed development is supported by SPP8.
- 7b.4 Scottish Planning Policy 17 : Planning for Transport (SPP17) promotes the location of new development to maximise sustainable transport modes (walking, cycling and public transport).
- 7b.5 The proposed development is considered to be supported by SPP17. In particular, footway and cycleway links are proposed to integrate the development to the surrounding area, and the new car park would be accessed by a bus service. In addition, the proposed car park has significantly less spaces than required by the Falkirk Council parking standards and, as compensation for this, a Travel Plan will be required in order to constrain private vehicle use and encourage more sustainable modes of transport. This will include the provision of a Shoppers' Bus.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.6 The site of the proposed development is located within Economic Development Opportunity Area ED.POL3 under the Falkirk Council Local Plan Finalised Draft (Deposit Version). The Deposit Version was amended, in May 2008, to incorporate Proposed Pre-Inquiry Modifications. The specific uses identified for ED.POL3 are a foodstore and local centre. The proposed development is therefore supported by ED.POL3, although it is recognised that the current proposal for a single building (a superstore) can less readily be regarded as a local centre than a group of retail buildings. However, the non-food retail space approved as separate units under outline planning permission ref: F/2002/0895 is incorporated into the proposed superstore, thereby providing the same complementary function, and there is residual land within the site which could accommodate other uses appropriate in a local centre, albeit that this land is proposed to be set aside for at least 5 years, for the reasons detailed in this report.

7b.7 Policy EQ3 ‘Townscape Design’ states:

“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7b.8 The proposed development is considered to contribute positively to the quality of the built environment for the reasons detailed earlier in this report, with reference to Policy POL 5.4 of the adopted Polmont and District Local Plan. In addition, the only existing site features which are considered to contribute to the local townscape are stone boundary walls. These walls are proposed to be retained and repaired. Accordingly, the proposed development is considered to accord with this policy.

7b.9 Policy EP6 ‘Hierarchy of Centres’ states:

“The Council will promote and enhance the hierarchy of centres as set out in Table 5.2 as the continuing focus of retail, leisure and major community uses in the Council area. The boundaries of centres are identified on the Proposals Map and the detailed policies in respect of each centre are set out under the relevant Settlement Statement.”

7b.10 The site of the proposed development is identified as a new local centre under the Town Centre Hierarchy set out in Table 5.2 of the emerging local plan. This table further states that, where merited by larger catchments, local centres may be anchored by a supermarket that serves a proportion of main food shopping needs. It is considered that the new Redding Local Centre would serve a larger catchment (the Polmont area) and therefore that an anchor supermarket is merited. This is recognised in the Hierarchy of Shopping Centres set out in Schedule ECON.5 of the approved Structure Plan, which identifies the Redding site as a Local Centre based on a large food store. The proposed development is therefore considered to promote the hierarchy of centres, and accords with Policy EP6.

7b.11 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.12 The proposed superstore represents a retail development significantly in excess of the 250 m² limit set under this policy, and therefore requires assessment against Policies ECON.5 and ECON.6 of the approved Structure Plan. This assessment has been made earlier in this report, and it has been concluded that the proposed development accords with the broad strategic aims of these policies. The proposed development is also considered to accord with the specific policy for Local Centres in Polmont (POL1) set out in the Polmont Settlement Statement, for the reasons detailed in paragraph 7b.25.

7b.13 The proposed development is considered to demonstrate a high level of design quality, for the reasons detailed earlier in this report, and to be compatible with adjoining land uses. The physical containment of the site and proposed structure planting assists in mitigating the impact of the proposed development on the area. As the first development within the new Redding Local Centre, the proposed development will establish the overall functioning of the Local Centre and its visual character. The design and layout of the proposed development is supported for the reasons detailed in this report.

7b.14 Policy EP17 - ‘Canals’ states:

“The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:

- (1) *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) *The protection and enhancement of the operational capacity of the canals*
 - *for recreational use, including the maintenance of navigation and the provision of infrastructure and amenities for a wide range of canal users;*
 - *for freight use, including the development of any necessary freight transfer facilities;*
- (3) *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) *Appropriate canal-side development which*
 - *is compatible with the broad objectives, policies and key development opportunities set out in the Council’s ‘Canal Corridor Development Framework’;*
 - *is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, mooring points and slipways;*
 - *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
 - *incorporates measures to ensure that there is no detriment to the canal water environment; and*

- *accords with other Local Plan policies including Policy ST12 (Flooding;*
- *ensures there is no detriment to the structural stability of the canal.”*

7b.15 The site is identified as part of the Reddingmuirhead opportunity in the Council's Canal Corridor Development Framework and is a significant opportunity for redevelopment of a redundant canal-side site. The proposed development is not considered to have any impacts on canal operational requirements and, by creating new footpath links between the proposed development and the Canal path, contributes to recreational amenity. Design changes have been incorporated into the proposed superstore to improve the presentation of the proposed building to the Canal. These changes include the incorporation of additional glazing and canopy features along the Canal-facing elevation. The visual impact of the proposed superstore on the Canal environment is mitigated to some extent by the lower level of the site relative to the Canal. No detriment to the Canal water environment is anticipated as a consequence of the proposed development. In the context of the existing character of the Canal at this location and the relationship of the application site to the Canal, the proposed development is considered to be appropriate canal-side development. The proposed development is therefore considered to accord with this policy.

7b.16 Policy ST2 - ‘Pedestrian Travel And Cycling’ states:

“New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.

- (1) *All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) *Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) *Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) *Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) *Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.”*

7b.17 The proposed development is considered to provide an appropriate standard of pedestrian and cycle infrastructure. This includes proposals for pedestrian crossings of Redding Road to link the development to the wider community, pedestrian links to the Canal, a cycleway along the proposed new thoroughfare road, and pedestrian provision within the proposed superstore car park. The design of the pedestrian and cycling infrastructure could be the subject of a condition, as could the provision of cycle parking. Subject to the imposition of appropriate conditions, the proposed development is considered to accord with this policy.

7b.18 Policy ST3 - 'Bus Travel And New Development' states:

“New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) New developments may require bus links to rail stations or other public transport infrastructure.”*

7b.19 The proposed development incorporates a bus route and bus lay-by within the car park for the proposed superstore, and pedestrian links from the bus lay-by to the proposed superstore and petrol station. The development is therefore considered to provide an appropriate level of bus infrastructure, and accords with this policy.

7b.20 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.21 The Transport Planning Unit has accepted the conclusions and proposed mitigation measures set out in the Transport Assessment submitted with the application. These measures address issues at existing roundabouts on the B805 (Redding Road). The final content of the required Travel Plan would be subject to a Section 75 legal agreement. Subject to these matters being secured by condition/legal agreement, the proposed development accords with this policy.

7b.22 Policy ST10 - 'Parking' states:

“The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation.”*

7b.23 It is considered that the Travel Plan and the proposals for pedestrian, cycling and public transport infrastructure provide the opportunity to manage the new Redding Local Centre so that sustainable modes of transport are promoted. As detailed earlier in this report, the Council's minimum parking standards for the proposed development are not met. However, as compensation, enhanced Travel Plan resources have been agreed with the applicant. The proposed development is therefore considered to accord with this policy.

7b.24 Policy POL1 - 'Local Centres in Polmont' states:

“The Council will seek to promote the role of Polmont, Brightons and Laurieston as Local Centres, with a new Local Centre to be established at Redding Road. Changes of use which would reduce the range of shops and services available will not be permitted unless it can be clearly demonstrated that there is no demand for such uses.”

7b.25 The site of the proposed development is at the new Redding Local Centre. The provision of food retailing at this new Local Centre supports the strategic aim to improve food retail in the Polmont area, therefore the proposed development, incorporating a superstore, accords with this policy.

Planning History

- 7b.26 The planning history of the application site is set out in paragraph 3. Outline planning permission ref: F/2002/0895 included a 3,716 m² food superstore, which was downsized from the 4,654 m² food superstore proposed under planning application ref: F/98/0870. This application was withdrawn following the decision by Scottish Ministers to call in the application in light of the Council's decision that it was minded to grant it. The reasons for the call in were possible implications for national retailing policies, the recently approved Structure Plan and the adopted Polmont and District Local Plan.
- 7b.27 Since the approval of outline application ref: F/2002/0895, the Council has added Redding to its list of Local Centres, as part of an Alteration to the Structure Plan. A large foodstore is indicated for Redding Local Centre in order to achieve the strategic aim for the Polmont area of improving food retail. The increase in retail, as a consequence of the current application, is considered to be justified, notwithstanding that the reduction in food retail to 3,716 m² under outline planning application ref: F/2002/0895 was recorded in the associated officer's report as welcomed as being more appropriate to local needs. As detailed earlier in this report, the RIA has been reviewed by Corporate and Neighbourhood Services and its findings have largely been accepted by this Service. This includes acceptance that the current proposal would have only a marginally greater impact on Polmont Local Centre than the foodstore approved under outline planning permission ref: F/2002/0895. In addition, the applicant has advised that the Callendar Road Tesco store is unlikely to remain operational in its present format as a consequence of the proposed development and other approved superstores in the Falkirk Council area.

Consultation Responses

- 7b.28 The consultation responses are summarised in paragraph 4 of this report. The matters referred to by the Environmental Protection Unit and the Roads and Development Unit could be the subject of conditions of any approval of the application.
- 7b.29 The matters referred to by the Transport Planning Unit could be the subject of conditions and/or a Section 75 agreement. These matters relate to:-
- The payment of £15,000 in lieu of modifications to the Redding Road/Newlands Avenue/Harlow Road Roundabout (which would be used for sustainable methods of travel to the site over and above those detailed in the Travel Plan).
 - The preparation of a Travel Plan Framework.
 - The operation of a shoppers' bus service by Tesco for at least 2 years to transport store customers.
 - The reservation of the residual land on the site for any future need for additional car parking.
 - The provision of a pedestrian island on Redding Road and revisions to the white-lining of the Redding Road/Livingstone Terrace Roundabout.

Representations Received

7b.30 The representations to the application have been summarised in paragraph 6. The following comments are considered to be relevant in response to the concerns raised in those representations:

- The concerns raised in relation to the retail impact of the proposed superstore on the Hierarchy of Shopping Centres and the appropriateness of the proposed development to a Local Centre have been addressed in this report.
- The physical containment of the application site, generous separation distances to the nearest properties and the proposed structure planting will help to minimise the impact of the proposed development on the surrounding area.
- Mitigation measures to improve the existing road infrastructure and provide opportunities for alternative modes of transport are all requirements of the proposed development.

7c Conclusion

7c.1 This application has been assessed in this report as being contrary to the Development Plan. This is due to non-compliance with the policies of the adopted Polmont and District Local Plan detailed in this report. There are, however, considered to be material planning considerations to justify approval of the application contrary to the Development Plan. First, the proposed development has been assessed in this report as complying with the broad strategic objectives of the approved Structure Plan retail policies, to improve food retail provision in the Polmont area, and with the relevant policies of the Falkirk Council Local Finalised Draft (Deposit Version). Second, the adopted Polmont and District Local Plan (2001) is out of date as its policies do not fully accord with the approved Structure Plan dated January 2007. In these circumstances, the approved Structure Plan policies effectively supersede the adopted Local Plan. Third, planning permission has previously been granted for retail development at the application site. The principle of retail development, focused on food retail, has therefore been established at this location, albeit not at the scale now being proposed. However, this scale of retail development is considered to be justified for the reasons detailed in this report.

7c.2 The proposed development does, however, represent a significant departure to the adopted Polmont and District Local, and therefore on that basis requires referral to Scottish Ministers.

7c.3 Accordingly, the application is recommended for conditional approval subject to it being referred to Scottish Ministers and the satisfactory completion of a Section 75 agreement.

8. RECOMMENDATION

8.1 It is recommended that Committee indicate that it is minded to grant planning permission subject to:

- (a) The application being notified to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, as amended.
- (b) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country (Scotland) Planning Act in respect of measures to promote travel to the proposed development by modes of transport other than the private car and to safeguard the residual land at the site for additional on-site car parking should this be deemed to be necessary in the future; namely:
 - (i) The payment of £15,000 in lieu of modifications to the Redding Road/Newlands Avenue/Harlow Road Roundabout.
 - (ii) The preparation of a Travel Plan Framework to be annexed to the Section 75 agreement; the focus being to identify the objectives, mechanisms and facilities to reduce the need for staff to travel to work by car.
 - (iii) The operation of a shoppers' bus service by Tesco to transport store customers along an agreed route for at least 2 years from the date of the store opening (the continuation or otherwise to be agreed with the Council).
 - (iv) The reservation of the residual land on the site (as indicated on Drawing No. 1306(P)001 Rev. 0) for any future need for additional car parking as identified in surveys, and subject to review, in accordance with details to be agreed with the Council. The land shall be reserved for at least 5 years from the date of opening of the store.
- (c) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:
 - (1) The development 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 hardsurfaces 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 the development commences, full details of the colour and specification of all proposed 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) Notwithstanding the approved plans, 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:

 - (i) 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;
 - (ii) the location of all new trees, shrubs, hedges and grass areas;
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments;
 - (v) the provision of a 2 m wide grass verge to the south of the proposed distributor road as measured from the kerb line.

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

- (6) 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.
- (7) Before the development commences, exact details of any proposed odour extraction system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by this Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (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 by 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 superstore is brought into use.

- (9) All proposed roads, cycleways, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (10) Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport and road infrastructure, as indicated on approved Drawing No. 1306(P)001 Rev. 0, shall be fully completed in accordance with full details approved in writing by this Planning Authority.
- (11) Notwithstanding the approved plans, the exact position of the required pedestrian island on Redding Road shall be subject to the written approval of this Planning Authority.
- (12) The exact details of the required revisions to the white lining of the Redding Road/Livingstone Terrace Roundabout shall be subject to the written approval of this Planning Authority.
- (13) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by this Planning Authority.
- (14) The sales areas within the proposed superstore shall not exceed 2,700 m² for food retail and 1,600 m² for non-food retail.

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.
- (3-5) To safeguard the visual amenity of the area.
- (6) To ensure the ground is suitable for the proposed development.
- (7) In the interests of residential amenity.
- (8) To ensure the site is drained in an acceptably sustainable manner and that the drainage infrastructure is properly maintained.
- (9) To safeguard the users of the public highway.
- (11-12)
- (10) To ensure that the proposed development is accessible to sustainable.
- (13) Modes of transport and appropriate facilities are provided.

(14) To ensure compliance with Structure Plan policies.



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Acting Head of Planning & Transportation

Date: 30 October 2008

LIST OF BACKGROUND PAPERS

1. Letter of representation from Mr and Mrs J Kean, Eversley House, Redding Road, Redding, Falkirk on 25 June 2007.
2. Letter of representation from The Co-operative Group Property Division, c/o James Barr, 226 West George Street, Glasgow G2 2LN on 25 July 2007.
3. Approved Falkirk Council Structure Plan.
4. Adopted Polmont and District Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Scottish Planning Policies 8 : Town Centres and Retailing; and 17 : Planning for Transport.

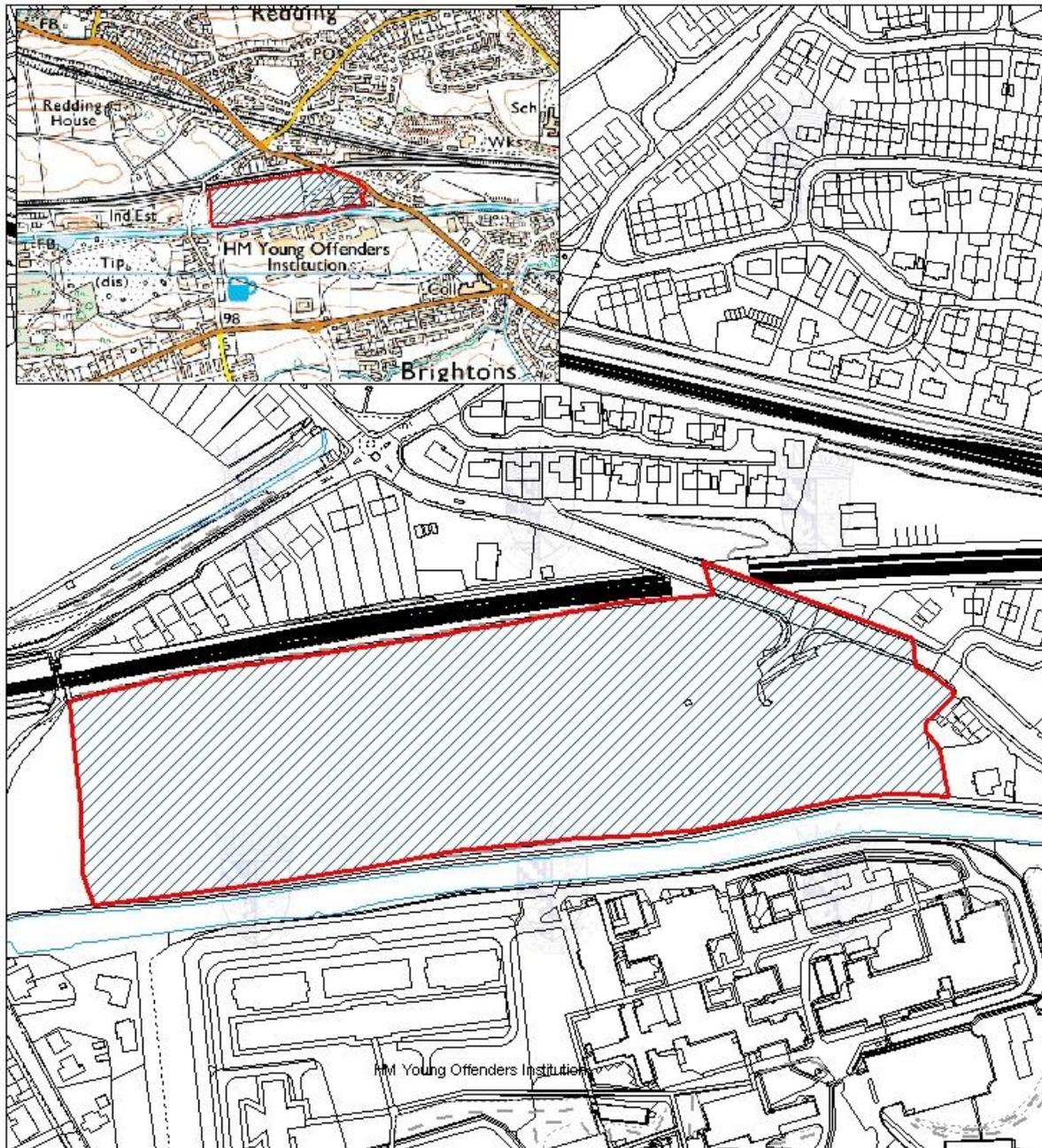
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/07/0422/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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R91. ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD AT LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE, REDDING ROAD, REDDING FOR TESCO STORES LTD AND SANTON GROUP DEVELOPMENTS LTD - P/07/0422/FUL

Councillor Martin entered the meeting during consideration of this item of business.

There was submitted Report (circulated) dated 30 October 2008 by Director of Development Services on an application for detailed planning permission for the erection of a superstore, petrol filling station, car park and access road at land at Redding Road, Redding.

AGREED that the Committee is **MINDED TO GRANT** planning permission, subject to:

- (a) The application being notified to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, as amended.
- (b) The satisfactory completion of an Agreement in terms of Section 75 of the Town and Country (Scotland) Planning Act in respect of measures to:
 - (1) landscape and maintain in perpetuity the area of land adjacent to the westernmost boundary of the application site which is bounded by the proposed link road to the north and west and the union canal to the south;
 - (2) construct a roadway to adoptable standard in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area October 1997, as amended January 2000, and Roads Construction Consent through the Land as part of the development, to link onto the former Redding Road north of the existing bridge over the Union Canal, the route of which, insofar as lying outwith the Land, shall be as near as may practicably be to that shown on the plan annexed to the existing legal agreement relating to the development of the site; subject to the terms of any Roads Construction Consent or other consent necessary, the roadway shall be 7.3 metres wide with a single 2.0 metre wide footpath along its southern boundary, and associated street lighting and will provide access to the proposed residential development at the former Nobel site south of the Union Canal; and
 - (3) promote travel to the proposed development by modes of transport other than the private car and to safeguard the residual land at the site for additional on-site car parking should this be deemed to be necessary in the future; namely:
 - (i) The payment of £15,000 in lieu of modifications to the Redding Road/Newlands Avenue/Harlow Road Roundabout;
 - (ii) The preparation of a Travel Plan Framework to be annexed to the Section 75 Agreement; the focus being to identify the objectives, mechanisms and facilities to reduce the need for staff to travel to work by car;

- (iii) The operation of a shoppers' bus service by Tesco to transport store customers along an agreed route for at least 2 years from the date of the store opening (the continuation or otherwise to be agreed with the Council); and
 - (iv) The reservation of the residual land on the site (as indicated on Drawing No. 1306(P)001 Rev. 0) for any future need for additional car parking as identified in surveys, and subject to review, in accordance with details to be agreed with the Council. The land shall be reserved for at least 5 years from the date of opening of the store.
- (c) And thereafter, on the conclusion of the foregoing matters, to remit to the Director of Development Services to grant planning permission subject to the following 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 hardsurfaces 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 the development commences, full details of the colour and specification of all proposed 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; and
 - (5) Notwithstanding the approved plans, 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:
 - (i) 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;
 - (ii) the location of all new trees, shrubs, hedges and grass areas;
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments; and
 - (v) the provision of a 2 m wide grass verge to the south of the proposed distributor road as measured from the kerb line.

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

- (6) 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.
- (7) Before the development commences, exact details of any proposed odour extraction system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by this Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (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 by 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 superstore is brought into use.
- (9) All proposed roads, cycleways, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (10) Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport and road infrastructure, as indicated on approved Drawing No. 1306(P)001 Rev. 0, shall be fully completed in accordance with full details approved in writing by this Planning Authority.
- (11) Notwithstanding the approved plans, the exact position of the required pedestrian island on Redding Road shall be subject to the written approval of this Planning Authority.
- (12) The exact details of the required revisions to the white lining of the Redding Road/Livingstone Terrace Roundabout shall be subject to the written approval of this Planning Authority.
- (13) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by this Planning Authority.
- (14) The sales areas within the proposed superstore shall not exceed 2,700 m² for food retail and 1,600 m² for non-food retail.

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.
- (3-5) To safeguard the visual amenity of the area.
- (6) To ensure the ground is suitable for the proposed development.
- (7) In the interests of residential amenity.
- (8) To ensure the site is drained in an acceptably sustainable manner and that the drainage infrastructure is properly maintained.
- (9) To safeguard the users of the public highway.
(11-12)
- (10) To ensure that the proposed development is accessible to sustainable
- (13) modes of transport and appropriate facilities are provided.
- (14) To ensure compliance with Structure Plan policies.