

FALKIRK COUNCIL

Subject: **ERECTION OF 9 SHOP UNITS AND ANCILLARY CAR PARKING AT
LAND SOUTH WEST OF 2 BRIDGE STREET, BRIDGE STREET,
BONNYBRIDGE FOR MANOR FOREST LTD - P/08/0828/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **2 December 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow**

Community Council: **No Community Council**

Case Officer: **Brent Vivian (Senior Planning Officer), ext 4935**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of 9 single storey retail units with ancillary car parking. The units range in size from 74 m² to 98 m² and comprise 748 m² in total floor area.
- 1.2 The application site lies within Bonnybridge Town Centre and is a vacant site which has been used in the past for informal car parking. It lies to the rear of the former Co-operative building and adjoins Bridge Street to the east and an unnamed tributary of the Bonny Water to the south. The proposed development would front on to Bridge Street. An internal car parking court comprising 45 spaces, and accessed from Bridge Street, is proposed. Service vehicle access is integral to the proposed layout.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee by the Director of Development Services in accordance with the discretion afforded to her under the Council's Scheme of Delegation.

3. SITE HISTORY

- 3.1 Outline planning application ref. F/2004/0273 for the development of land for retail purposes. – granted 2005.

4. CONSULTATIONS

- 4.1 The Roads Development Unit is satisfied with the proposed vehicular access, parking and turning provision, and has requested additional information and clarification in respect of the Flood Risk Assessment, the submission of surface water drainage details and calculations.
- 4.2 The Transport Planning Unit has requested additional information and clarification in respect of the Transport Assessment and has advised that the Travel Plan is deficient.
- 4.3 SEPA has removed its objection to the application on flood grounds and has recommended that the Council, as Flooding Authority, satisfy itself regarding the proposed finished floor levels and the use of the proposed car park and access road as an over-land flow path. SEPA has advised that a minimum freeboard of 500 mm above the estimated flood levels is generally recommended.
- 4.4 Scottish Water has no objection to the application.
- 4.5 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment.
- 4.6 Central Scotland Police have made recommendations in relation to boundary treatment, the proposed canopy overhang, landscaping and external lighting.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received.

7. DETAILED APPRAISAL

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 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/Bankenock, 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.2 The proposed development lies within Bonnybridge Town Centre. Under the hierarchy of shopping centres for the Falkirk Council area, Bonnybridge Town Centre is defined as a ‘Local Centre’. By virtue of the nature and size of the proposed retail units, the proposed development is considered to be appropriate to a Local Centre and commensurate with maintaining the hierarchy of shopping centres. The proposed development therefore accords with this policy.

7a.3 Policy ECON.6 ‘Out-of-Centre Retail and Leisure Development’

“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.4 The proposed development lies outwith the Falkirk Town Centre and District Centres but is not considered to represent a significant retail development within the terms of this policy. In addition, it does not require the submission of a Retail Impact Assessment. The proposed development therefore does not require assessment against the criteria of this policy. As detailed in paragraph 7a.2, the proposed development is considered to be commensurate with maintaining the hierarchy of shopping centres in the Falkirk Council area.

7a.5 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.6 The Flood Risk Assessment submitted with the application has concluded that the peak flow from the unnamed tributary adjoining the site does not encroach onto the site. Recommendations are made in relation to finished floor levels and car parking and access levels.

- 7a.7 In response to concerns with the Flood Risk Assessment, the Roads Development Unit has requested additional information and clarification in relation to peak flow and the hydraulic model analysis. Particular concerns raised by the Roads Development Unit are that the peak flows used in the hydraulic model are lower than they should be and that insufficient consideration has been given in the hydraulic model analysis to potential flood risk from Bonny Water, the impact of blockages and the potential for obstruction to the proposed flow route through the car park area. In addition, concern has been raised that insufficient consideration has been given to the impact of flooding at other locations as a consequence of the proposed development. (e.g. as a consequence of surface water drainage from the proposed development). As detailed in this report, SEPA has removed its objection to the application but has recommended that the Council, as Flooding Authority, satisfy itself regarding the finished floor levels and the use of the proposed car park and access road as an over-land flow path. The request by the Roads Development Unit for additional information and clarification is relevant to the Flooding Authority satisfying itself in these matters.
- 7a.8 Subject to the outstanding concerns in relation to flood risk being satisfactorily addressed, general principle (4) of Policy ENV.4 would be satisfied and the proposed development would accord with the policy. General principle (4) requires it to be demonstrated that new development would not be at risk of flooding or would increase the risk of flooding for existing development.
- 7a.9 Policy TRANS.3 ‘Transport Assessment’
- “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.10 The Transport Assessment submitted with the application has concluded that the proposed development is accessible by walking, cycling and public transport and that traffic generated by the development would not in itself tip the operation of any local junction over capacity. However, the assessment notes that the Bridge Street/Main Street junction is forecast to operate over capacity in the p.m. peak by the year 2013.
- 7a.11 The Transport Planning Unit has concerns with the Transport Assessment in relation to discrepancies in the base traffic count data (compared to the data collected by the Council) and the use of the category of ‘Retail Park’ rather than ‘Shopping Centre - Local Shops’ to calculated trip rates. The Transport Planning Unit has therefore requested a re-run of the traffic model using the Council's data and revised trip rates in order to confirm the conclusions of the Transport Assessment and any requirement for measures to mitigate the traffic impacts of the proposed development.
- 7a.12 Subject to the concerns regarding traffic impacts being satisfactorily addressed, the proposed development would accord with Policy TRANS.3. This policy requires it to be demonstrated how the impact of the proposed development on the surrounding traffic network can be minimised.

Adopted Bonnybridge and Banknock Local Plan

7a.13 The application site lies within the urban limits for Bonnybridge under the adopted Bonnybridge and Banknock Local Plan.

7a.14 Policy BON 2 states:

“That within the urban area uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision.”

7a.15 The proposed development is considered to represent an acceptable use within an urban area. Subject to the proposed development according with the policies detailed in this report, the proposed development accords with this policy.

7a.16 Accordingly, subject to compliance with Policies ENV.4 and TRANS.3 of the approved Falkirk Council Structure Plan, the application accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are national planning policy and guidance, the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the consultation responses.

National Planning Policy and Guidance

7b.2 Scottish Planning Policy 7 : Planning and Flooding (SPP7) sets out the Scottish Government's expectation that new development should not take place if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere. Provided the concerns detailed in this report in relation to flooding are satisfactorily addressed, the proposed development is supported by SPP7.

7b.3 Scottish Planning Policy 17 : Planning for Transport (SPP17) sets out the Scottish Government's commitment to achieving a high quality integrated transport system that maximises sustainable transport modes. It indicates that developers must be prepared to mitigate impacts through contributing to necessary works. Provided the concerns detailed in this report in relation to traffic impacts are satisfactorily addressed, the proposed development is supported by SPP17.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.4 The application site lies within Bonnybridge Town Centre and an opportunity area for economic development (ED.B & B1).

7b.5 Policy B&B1 ‘Bonnybridge Town Centre’ states:

- “(1) The Council will promote the role of Bonnybridge Town Centre as a Local Centre.*
- (2) On the ground floor of properties within the Town Centre boundary, the Council will consider favourably changes of use for Class 1 retail, leisure, food and drink and Class 2 business uses. Within the upper storeys, the reuse of vacant floorspace for office and residential use will be supported.*

- (3) *In the two opportunity areas shown on the Proposals Map, the Council will encourage re-development for mixed uses including acceptable town centre uses, residential and offices. Re-development proposals should retain the former Scot Mid building and allow for rear servicing.”*

7b.6 The proposed development is considered to contribute towards an appropriate mix of town centre uses within ED B&B1. In addition, it allows for rear servicing of the former Co-operative building. The proposed development therefore accords with this policy.

7b.7 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.8 This policy states that new retail development in excess of 500 m² will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan. The proposed retail development has a total floor area of 748 m² and has been assessed in this report as complying with Policies ECON.5 and ECON.6. The proposed development therefore accords with Item 1 of this policy.

7b.9 Item 3 of this policy requires proposed retail development to demonstrate a high level of design quality and integration with the town centre. The proposed development is considered to satisfy these matters as it provides an active frontage to Bridge Street, has a scale and form in keeping with Bonnybridge Town Centre, provides a pedestrian link to High Street and has acceptable external finishes. The proposed development is therefore considered to accord with all relevant aspects of the policy.

7b.10 Policies ST7 (Transport Assessment) and ST12 (Flooding) are relevant to the proposed development. The matters raised in these policies of relevance to the proposed development have been considered above in respect of Policies ENV.4 and TRANS.3 of the approved Falkirk Council Structure Plan.

Consultation Responses

7b.11 The consultation responses have been summarised in Section 4 of this report. The main concerns have been raised by the Roads Development Unit and the Transport Planning Unit and relate to the adequacy of the Flood Risk Assessment and the Transport Assessment. To date, no additional information or clarification has been received to address the concerns raised by the Roads Development Unit and the Transport Planning Unit, despite this having been requested.

7b.12 The request by the Environmental Protection Unit for a Contaminated Land Assessment could be the subject of a condition of any grant of permission.

- 7b.13 The concern raised by Central Scotland Police that the proposed building canopies would provide shelter to people, which could lead to anti-social behaviour, is noted. However, this matter needs to be balanced against the benefits of providing shelter to enhance the shopping environment. The provision of adequate external lighting to safeguard visibility could be the subject of a condition of any grant of permission.

7c Conclusion

- 7c.1 This application, for the erection of 9 shop units within Bonnybridge Town Centre, would benefit the local area by utilising a vacant brownfield site, enhancing the Town Centre, contributing to its viability and providing much needed town centre car-parking. The proposed development is therefore supported. However, there are outstanding issues in relation to flood risk and traffic impacts as detailed in this report. In recognition of the benefits of the scheme whilst recognising that there are outstanding matters to address in order to satisfy the Development Plan, emerging Local Plan and national planning policies, it is recommended that the Committee indicate that it is minded to grant the application subject to these matters being satisfactorily addressed.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicate that it is minded to grant detailed planning permission subject to the Director of Development Services being satisfied that:

- (a) the proposed development would not be at risk of flooding and would not increase the level of risk to existing development;
- (b) the transport network impacts have been properly defined and any suitable mitigation measures have been identified; and
- (c) a legal agreement required to secure an appropriate and sufficient financial contribution towards measures to mitigate the impacts of the proposed development on the transport network has been satisfactorily completed;

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 and any additional conditions required in respect of matters relating to flooding, surface water and traffic impact.

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

- (3) Before the development commences, a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include, as appropriate:

- i existing and finished ground levels in relation to a fixed identified datum, preferably ordnance;
- ii an indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
- iii the location of new trees, shrubs, hedges and grassed areas;
- iv a schedule of plants to comprise species, plant sizes and proposed numbers / density;
- v the location, height, colour and specification of all proposed walls, fences gates and any other means of enclosure;
- vi existing and proposed services such as cables, pipe lines, sub-stations etc;
- vii the location and specification of all hardsurface finishes;
- viii other artefacts and structures such as street furniture i.e seats, bins and external lighting;
- ix a programme for completion and subsequent maintenance.

Thereafter the development shall be completed in accordance with the approved details.

- (4) All approved soft landscaping works shall be completed in accordance with the approved details by the end of the first planting and seeding season following occupation of the first unit.
- (5) A 4.5 metre x 70 metres visibility splay shall be provided to the north and south of the proposed vehicular access, within which there shall be no restriction to visibility above carriageway level.
- (6) A 2 metre wide footway, constructed in accordance with Falkirk Council's Design Guidelines, shall be provided along the frontage of the site to Bridge Street before the first unit is occupied.
- (7) Three cycle spaces shall be provided on the site before the first unit is occupied, in accordance with a location and specification approved in writing by this Planning Authority.
- (8) The proposed pedestrian link for High Street shall (a) be completed before the occupation of the first unit (b) accord with a specification approved in writing by this Planning Authority and (c) provide unobstructed access at all times for the lifetime of the development.
- (9) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation reports / validation certificates shall be submitted to and approved in writing by this Planning Authority.

- (10) Before the development commences, a Travel Plan shall be submitted to and approved in writing by this Planning Authority.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.
- (6-8, 10) To ensure that adequate provision is made to promote sustainable modes of transport e.g. walking and cycling.
- (9) To ensure the ground is suitable for the proposed development.

Informative(s)

- (1) The proposed vehicular access (via a footway crossing) will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.

- (2) The developer will be required to ensure that noisy work which is audible at the site boundary is conducted within the following hours:

Monday to Friday	0800 – 1800
Saturday	0900 – 1700
Sunday	1000 – 1600

Deviation from these hours of work will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

- (3) The disposal of surface water from the site is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The GBR's specify that Sustainable Urban Drainage Systems (SUDs) will be required at the majority of sites, to dispose of surface water.
- (4) There may be waste management licensing implications arising from the importation of waste material such as soil for landscaping or any other purposes. SEPA as the licensing authority should be contacted.

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For Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Bonnybridge and Banknock Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
4. Scottish Planning Policy 7: Planning and Flooding.
5. Scottish Planning Policy 17: Planning for Transport.

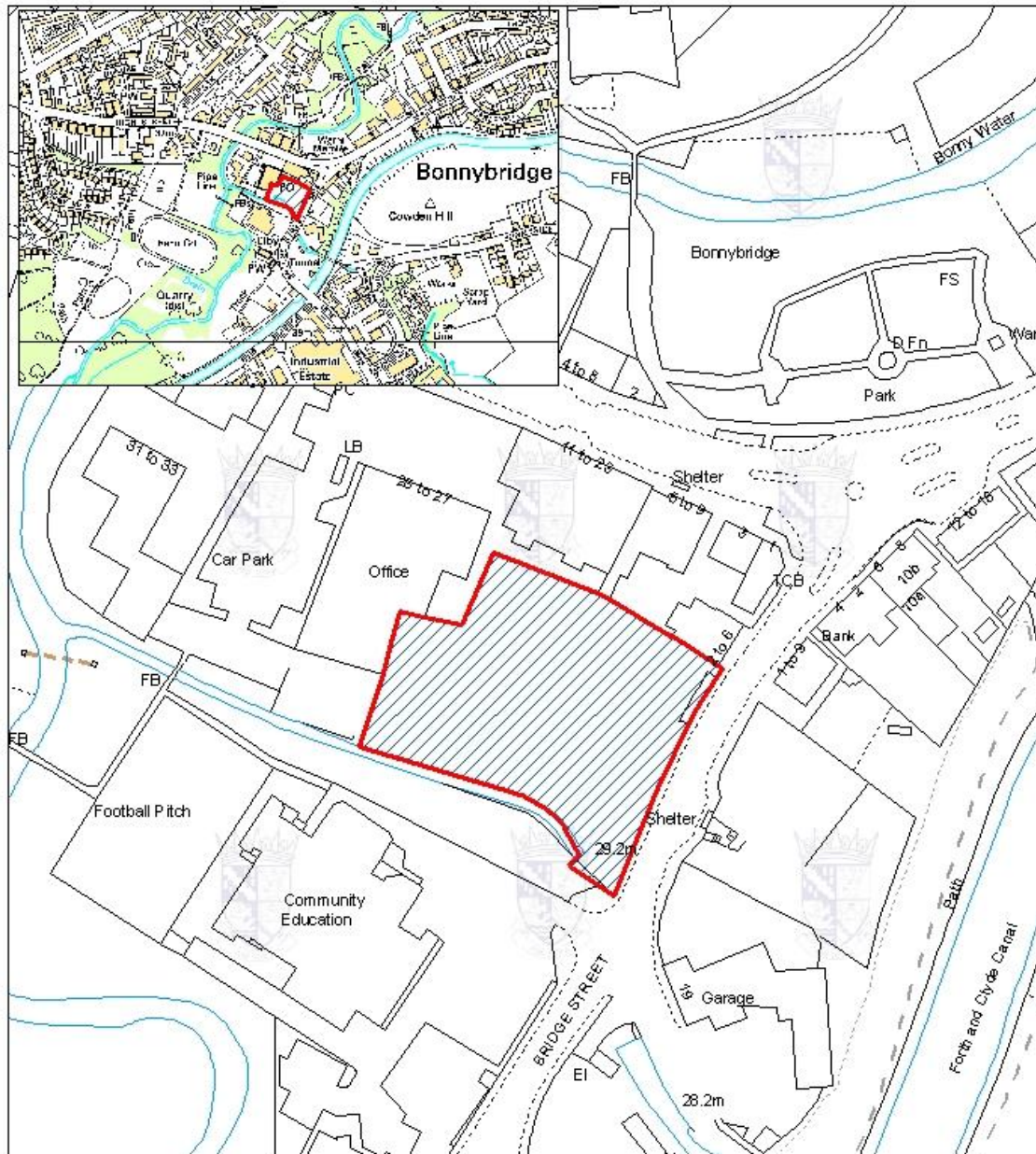
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0828/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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