

FALKIRK COUNCIL

Subject: REMOVAL OF PLANNING CONDITIONS 4(B) AND 5(B) AND
MODIFICATION OF LEGAL OBLIGATION AT FORTH
VALLEY ROYAL HOSPITAL, STIRLING ROAD, LARBERT, FK5
4WR FOR NHS FORTH VALLEY - P/11/0177/VRC

Meeting: PLANNING COMMITTEE

Date: 18 May 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert
Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

and

Ward - Falkirk South
Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Councils: Larbert, Stenhousemuir and Torwood
Camelon (no longer active)

Case Officer: John Milne, (Senior Planning Officer), ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Members may recall planning application 06/1066/FUL – Erection of New Acute Hospital with Associated Access, Landscaping and Parking and Erection of Energy Centre (Detailed) at Royal Scottish National Hospital and Community NHS Trust, Old Denny Road, Larbert – presented to the former Regulatory Committee on 30 August 2006, minded to grant on 8 March 2007, at a special meeting of the Committee, subject to conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.
- 1.2 As part of the issued planning permission, planning conditions 4(b) and 5(b), with introductory text 4 and 5, stated:
 4. Prior to the commencement of development or not later than 31 December 2007, whichever is the later, the following information shall be submitted for the written approval of the Planning Authority. This shall include:-

4(b) Fully detailed design of all required off site road works identified within the submitted Transport Assessment. This shall include junction upgrading works including the signalisation of the Camelon Road Junction [A9/A803] and the provision of 2 traffic light controlled 'Toucan' crossings on Stirling Road, the precise location of which shall be agreed in writing by the Planning Authority in advance of installation.

5. No part of the hospital development approved by virtue of this planning permission shall be operational prior to all of the information required by condition 4 being approved in writing by the Planning Authority and, unless otherwise agreed in writing by the Planning Authority, the following:-

5(b) All off-site road works being completed in accordance with the details approved by the Council in respect of conditions 4(b) and 4(f).

1.3 Condition 4(f) related to the enhancement of the off-site walking and cycle network. This has been completed except for Stirling Road, where the road width was insufficient.

1.4 The 2 traffic light controlled crossings on Stirling Road have been installed but the applicant seeks the removal of planning conditions 4(b) and 5(b) in regard to the junction improvement, and has submitted a traffic impact statement in support of the application. The applicant has also submitted a suggested monitoring mechanism to safeguard the possibility that the proposed junction improvements will be required once the full traffic impact of the hospital is known.

1.5 While a legal agreement was secured through the original planning application, the introduction of an additional monitoring mechanism to safeguard the removal of the requested planning conditions will require an amendment to the existing legal obligation.

1.6 Under new regulations introduced in February 2011, the planning authority are obliged to process an application for modification of an obligation, notifying interested parties of the requested modification prior to determination.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The original planning application was determined by the former Regulatory Committee and the proposed deletion of planning conditions and proposals to deal with these matters by way of monitoring the situation under the terms of the existing legal obligation will require an amendment to the existing legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

2.2 Under the terms of the new regulations with regard to legal obligations, any proposed amendment or modification to an obligation requires formal processing and it is considered appropriate to refer the proposed modification to the Planning Committee for consideration.

3. SITE HISTORY

3.1 06/1066/FUL - Erection of New Acute Hospital with Associated Access, Landscaping and Parking and Erection of Energy Centre.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads and Design (Roads Development and Flooding) Unit offers no comment on the proposed removal of conditions.
- 4.2 Falkirk Council's Transport Planning Unit advises that, in view of the circumstances which have been outlined in the supporting traffic impact statement, further assessment of the junction should be deferred until the hospital is fully operational, when the actual impact of the hospital can be measured, through an agreed monitoring mechanism.

5. COMMUNITY COUNCIL

- 5.1 No comments have been submitted from the one operating Community Council. Members may note that while the Acute Hospital is located in one Community Council area, the proposed junction alterations would be located in an adjoining Community Council area.

6. PUBLIC REPRESENTATION

- 6.1 No representations 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 COM.5 'Developer Contributions' states:

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

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

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

7a.2 In this instance, transport provision has been addressed and the deletion of the relevant planning conditions would not offend this policy, given that a revised junction model analysis suggests that the traffic impact associated with the hospital may not trigger the need to signalise the A9/A803 Camelon Junction. However, an amendment to the S75 agreement would allow the Council to retain the right to insist on an improvement, if that becomes necessary after the final phase of the hospital opens.

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

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

7a.4 In 2008, Falkirk Council was consulted regarding the potential mitigation of traffic impact at the Camelon Junction, to ensure that any mitigation measures taken forward for detailed design were relevant with respect to more recent traffic conditions and anticipated impact from the new hospital. The submitted revised analysis suggests that the previously agreed mitigation by the installation of traffic signs may not be required. The analysis and the underlying impact of the hospital are sufficiently uncertain that it is deemed more appropriate to await the opening of the final phase of the hospital in July 2011.

Falkirk Council Local Plan

7a.5 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.*
- (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.”*

7a.6 In this instance, the applicant has previously submitted a Transport Assessment but, in light of ongoing monitoring, wishes to revisit the terms of the permission by the deletion of works at the Camelon junction, unless later proven to be necessary. It is considered that this policy has been adhered to through previous planning applications and modification to the agreement will not offend the policy.

7a.7 Therefore, the proposal is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material consideration in respect of this application are consultation responses.

Consultation Responses

7b.2 No objections have been raised from Falkirk Council's Roads and Development Unit nor Falkirk Council's Transport Planning Unit, provided an amendment is made to the existing legal agreement to safeguard future assessment, when the hospital is fully operational and the actual impact of the development can be measured.

7c Conclusion

7c.1 It is accepted that further review of envisaged alterations to the road infrastructure - specifically the signalisation of the A9/A803 Camelon Road Junction - has indicated that such works may no longer be required for the full operation of the hospital facility.

7c.2 However, it remains prudent to seek further review of the matter post full operation of the hospital facility, should traffic patterns change.

8. RECOMMENDATION

8.1 It is recommended that the Committee indicate that it is minded to grant the removal of the stated planning conditions subject to:-

- (a) the expiration of any consultation period required under the terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) regulations 2010 and, subsequently;
- (b) the satisfactory amendment of the existing agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:
 - (i) a monitoring mechanism to be instigated within 3 months of the hospital being fully operational or no later than 31 December 2011, or an alternative date agreed with Falkirk Council. Such monitoring to be concluded and submitted to Falkirk Council within 2 months from the date of survey.
 - (ii) The applicant shall provide Falkirk Council with a detailed survey and analysis methodology for approval prior to the commencement of the surveys.
 - (iii) The survey data results, including the calibration of the Base models, shall be presented in a monitoring report which confirms the validity of the data, junction performance and the proportion of the traffic at the A9/A803 Camelon junction which is hospital related.
 - (iv) The monitoring report will be used to inform the following process:-

- Identification of any need for junction mitigation at the A9/A803 Camelon junction;
- Identification of any impact at the Camelon junction attributable to the new hospital;
- Either the identification of measures to be funded by NHSFV to address hospital related impact at the Camelon junction; or
- The identification of an appropriate financial contribution, to be collected by the Council and used to part fund appropriate mitigation being coordinated by the Council

An allowance of any committed development in the assessment, or the inclusion of any other potential development in the area should be discussed and agreed with Falkirk Council prior to carrying out the assessment of the Camelon junction.

Junction analysis will be undertaken for the year from which the hospital is fully operational (currently anticipated to be 2011).

- (v) The payment of an appropriate financial contribution or the implementation of any required mitigation works to be undertaken within 12 months of being requested by Falkirk Council unless otherwise agreed in writing.

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Director of Development Services

Date: 10 May 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan

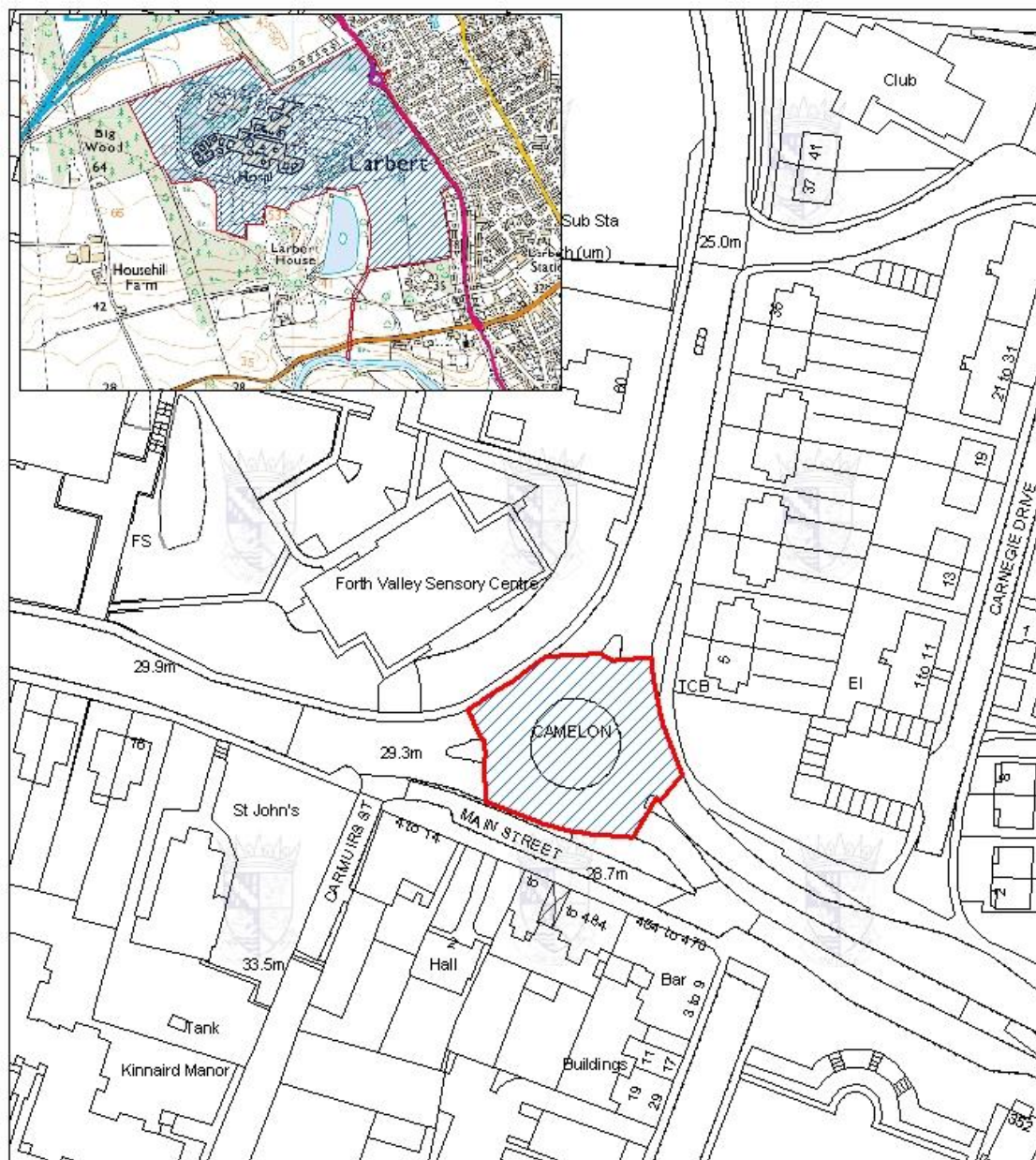
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0177/VRC

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



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