

**FALKIRK COUNCIL**

**Subject:** ERECTION OF MIXED USE BUILDING WITH 11 NO. UNITS (COMPRISING CLASS 1 AND 2 UNITS, AND CAFÉ) AND LIBRARY WITH COMMUNITY SPACE, FORMATION OF CAR-PARKING, AND UNDERTAKING OF PUBLIC REALM WORKS AND ANCILLARY WORKS AT 1 - 31 (ODDS) CHURCH WALK, DENNY FK6 6DF 133 - 167A (ODDS) CHURCH WALK, DENNY FK6 6HS FOR FALKIRK COUNCIL - P/12/0180/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 January 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny & Banknock

Councillor Jim Blackwood  
Councillor Brian McCabe  
Councillor John McNally  
Councillor Martin David Oliver

**Community Council:** Denny & District Community Council

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the Planning Committee on 28 November 2012 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 10 December 2012.
2. At the site meeting, the case officer summarised the report, the applicant spoke in support of the application and objectors and Local Members were heard.
3. The case officer clarified that Architecture and Design Scotland had not made any formal written comments to the current application, but they were previously involved in the design process dating back to the original Henry Boot Masterplan. There were discussions with Architecture and Design Scotland regarding their potential involvement in the current application and it was concluded that the designs were too far developed for Architecture and Design Scotland to make a helpful contribution to the project.

4. The applicant's agent (Falkirk Council Community Design) explained the development proposal and the phasing of the overall regeneration project, and highlighted the community attributes and public elements integral to the proposal. The applicant (Falkirk Council Economic Development) stated that surveys they had undertaken indicated that the development proposals have good community support. The applicant also indicated that there is commercial interest in the proposed foodstore.
5. Eleven representations had been received relating to the application, ten of which were objections. Several of the objectors were present and spoke at the site visit. In addition, a large number of additional members of the public were present at the site meeting, some of whom spoke against the proposal. There were no members of the public present at the site visit in support of the proposal.
6. The objectors who spoke at the site visit raised wide ranging concerns. They included concerns in relation to: the proposed design and whether the new development would fit with the existing town centre; road traffic impacts; the proposed levels which involve access to the development on two levels, connected by steps at one point and a ramp at another; the potential for anti-social behaviour; the safety of the proposed community terrace; the consultation process; the lack of provision in the design for shelter from the elements; and lack of consideration for the elderly and disabled. The phasing of the proposed demolition and new development works was queried. Concern was also raised that the phase 1 development was being considered in advance of the overall plan for the town centre.
7. The Council's Roads Officer advised that the proposed phase 1 development would not make the current situation in terms of traffic congestion any worse. The Council's Transport Planning Officer confirmed that the proposed phase 1 works do not involve any change to the existing road network.
8. A member queried whether any alternatives had been considered to the proposed steps. The agent advised that alternatives could include development on one level (but this would result in a loss of retail space) and access by mechanical means e.g. a lift.
9. The applicant advised that the proposal includes small external canopies to afford some shelter, and that larger covered spaces could potentially be considered in future phases of the overall development.
10. Members of the Planning Committee queried whether design alterations had been considered and whether the proposed design was to fit a certain budget. Several Members of the Committee considered that the issues raised by the public should have been dealt with by the Working Group. Whether the proposed flight of stairs represented the best solution was also queried.
11. The agent advised that the proposed design was a modern interpretation rather than a pastiche (imitation) of the existing traditional buildings. He advised that traditional materials were incorporated into the design and that the budget was integral to the development of the scheme.

12. Local Members reiterated a number of issues made by local residents at the site visit. A Local Member acknowledged that some issues raised through the community engagement process had been addressed, but that a further public meeting was needed. Concern was raised that the proposed phase 1 building was not fit for purpose or sympathetic to the surroundings, and that the phase 1 development proposal should be worked back from an agreed traffic solution. Concern was raised that a strategy based on re-routing traffic along Duke Street and Davies Row would split the town centre to the detriment of pedestrians.
13. Following the site visit, a further written objection was submitted dated 11 December 2012. The submission is summarised below:-
- The road re-routeing being proposed for the town will be catastrophic. There is too much of a risk involved in taking traffic along Duke Street before heading down Davies Row. Although not part of this application, this application cannot be viewed in isolation from the overall project when it forms the principal built element. To adequately assess any detailed application, all relevant information must be contained within this application;
  - The design interpretation of the applicant's agent is rejected. There are severe flaws in regard to the levels issue which impacts negatively on elderly and disabled access around the proposed building. These concerns were reinforced and re-stated by the number of residents who attended the meeting;
  - Residents at the meeting also expressed their dismay at the aesthetic of the building. It was singularly rejected by the community. Specific concerns were with the unconventional roof construction, the iteration of the windows to Stirling Street, the inclusion of a brise soleil, and the materials palette;
  - Substantial costs will be involved in demolishing down to Stirling Street level, and then buying in huge amounts of 'fill' to bring the service road and car park up to the higher level. Why go to the trouble of demolition down to a level which allows easy access for all, disabled & elderly alike, only to introduce barriers to the community in the way of steps and ramps? It's not a sustainable argument;
  - There will be substantial costs in providing temporary accommodation for 2 chemists, café, newsagents, bakers, bike-shop, and others, who will all require full electrical services, IT capability, sanitary facilities, drainage, etc. In addition, what security measures will be required and what will the costs be?;
  - There is no social or private housing indicated in the detailed application or the application for planning permission in principle. It's part of the Planning Policy to introduce market housing into town centres to 'police' the town outwith normal opening hours; and
  - The library staff prefer access from street level; it is proposed at 4 metres up in the air! It should be an iconic building at the principal elevation in the town but it is proposed around from the Cross to the rear of the building. The Community Terrace is an accident waiting to happen; security is a major concern.

14. In response to the site visit and the subsequent written submission the applicant provided further comments, dated 14 January 2013, which are summarised below:-

### ***Traffic Impact***

- For the purposes of clarification, there are no road or traffic system alterations proposed as part of the phase 1 application currently under consideration, other than minor alterations to the car park entrance at Davies Row and the introduction of off street parking on Stirling Street which are intended to improve provision for traffic at this location;

### ***Accessibility of the proposed Phase 1 Buildings***

- All retail units (at both Stirling Street level and the car park level) and the library are provided with full level access from adjacent footways. There is dedicated, accessible parking at both levels of the development adjacent to the units. For the purposes of clarification, the library is not '4 metres up in the air', and is not at first floor level. It is accessed from the adjacent car park at ground level. Additional parking has been provided in the scheme over and above that currently on offer. This includes parking for blue badge holders in both Stirling Street and the Davies Row Car Park in close proximity to the access points for each unit;

### ***Levels between Stirling Street and the Davies Row car park level:***

- There is a 3 to 4 metre level difference between these two areas at the most extreme points – this reflects the actual topography of the site (as is immediately obvious from the extensive stepped arrangements that currently occupy the frontage onto Stirling Street) – there are two routes within the proposal for people to move between these levels – a series of stairs providing a short, direct route from Stirling Street to the Davies Row car park for those who do not have limited mobility, and an alternate route which provides low gradient accessible routes extending along Stirling Street to the proposed public realm area at Denny Cross, and returning back along past the proposed library to the car park level. This route provides level access to all retail units and the library;
- Comment has been made that a better solution would be to re-grade the entire site on a continuous slope from Davies Row to Stirling Street to resolve the level difference between these streets. This would involve taking significant volumes of material off site from the present car park levels, which is not considered to be an environmentally sustainable solution (exported material would require to be moved directly to landfill and would add to the cost of the scheme). The resulting gradient would also leave the car park on a slope which would limit the ability of this area to be used for multiple uses (for instance as an open air market, or space for activities, performances or other community events). The gradients created may also give winter weather management problems;
- A solution of this nature would also only give the opportunity for a single level of accessible retail units at Stirling Street, reducing the number of available units by half (if they were two storey units, all upper levels would require to be accessed by stairs or lifts within the units). The current design proposal accepts that there is a natural difference in levels on the site, and exploits this by provided dual aspect units which provide a frontage to both Stirling Street and the Davies Row car park side, promoting both aspects as town centre activity spaces, which will benefit delivery of the overall scheme;

### ***Library***

- It has been suggested that the library does not represent an iconic building placed on a principal elevation. The library occupies a prime position in the building. It sits at its primary gable frontage facing Denny Cross, with a clear link between the library itself, the internal community room, the external community terrace and the proposed public realm space formed at Denny Cross. This will help create a new civic space which will accommodate the relocated war memorial and has opportunities for public art commissions. It firmly places the library at the hub of the regenerated town centre, with clear and distinct relationships to specific community spaces and places (i.e. the new public realm 'town square' and community spaces, Denny Cross itself, the adjacent church). Furthermore, the library integrates closely with the retail units and could well promote further interest from casual users due to this relationship (those visiting shops, the adjacent Health Centre and Post Office may well be encouraged to also visit the library & vice versa);

### ***Design***

- The aesthetics and design of the proposed buildings have been questioned. These matters will always remain as individual opinions, however the proposal provides well designed accommodation that fulfils all requirements of the functional brief (a mixture of sizes and arrangements of accessible retail units, a single level library with community activity spaces) presented in a building envelope that has a scale consistent with that of the remaining parts of the townscape. It also utilises traditional building materials (slate roofing, rendered and stone faced walls, treated timber cladding) selected for their sustainability and longevity. Material choices are not fixed at this stage and are subject to final approval by the Planning Authority;
- Particular comment has been raised on the scale, pitch and unconventional nature of the roof. The roof is not unconventional, and is of standard pitched roof construction – slates on a trussed double sided pitch. A glance around Denny Town centre will reveal a significant variety of roofscape shapes (from the equally large church roof to the more fragmented roof arrangements of the properties on the east side of Stirling Street and beyond) all of which are derived from the functions of the buildings that they serve;

### ***Consultation***

- It has been suggested that the phase 1 proposal has been 'singularly rejected by the community'. Whilst a number of those members of the community who were present at the planning site visit were not supportive of the proposal, the evidence from the significant pre-application consultation events (as documented in the pre application consultation report which is appended to the planning application documents) suggests otherwise, with support for the redevelopment in general ranging from 68% (in 2011) to a more specific figure for the phase 1 proposal of 87% in early 2012;

- Importantly, the design of the scheme came about through extensive consultation (going back to 2006). It has been amended on several occasions to reflect comments made by members of the community, local traders and Architecture and Design Scotland. Previous reports to the Council have set out the options considered for the delivery of the scheme. This resulted in the termination of an agreement with Henry Boot and the Council's final agreement (at Full Council on 5<sup>th</sup> October 2011) to proceed with the scheme that has been presented for planning approval;

### ***Economics***

- The economics of the development were questioned in some of the comments submitted (with specific references to temporary retail arrangements). Whilst these costs are not relevant to the Planning Committee's consideration, they were included in the financial models prepared for the overall development agreed by the Council when it determined to progress the scheme, with the main element of the cost being addressed by the individual retailer through a rental charge. Indeed the inclusion of temporary retail facilities is fundamental to ensuring the continuity of retail provision during the redevelopment phases avoiding the loss of local retailers to other centres; and
- Importantly, the scheme has been brought forward for planning approval in order to enable the overall regeneration scheme for the town centre to proceed. This first phase enables:
  - the existing retailers to be relocated;
  - the Church Walk to be demolished;
  - delivery of a new scheme which commences the regeneration of the town centre; and
  - marketing of the next phases of the town centre

15. The further submissions by the applicant are considered to be a robust response to the concerns raised at the site visit and are supported by comments made, and conclusions reached, in the previous officer's report.

16. Accordingly, it is considered that no matters were raised at the site visit that would alter the recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:-

### **17. RECOMMENDATION**

**17.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-**

- (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, exact details of the colour and specification of the proposed external finishes 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) Notwithstanding the approved plans, before the development commences, a final scheme of hard and soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
- (i) 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;
  - (ii) The location of all new trees, shrubs and hedges and grassed areas;
  - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/densities;
  - (iv) The location and design, including materials, of all proposed walls, fences and gates;
  - (v) The location, colour and specification of all proposed surface materials;
  - (vi) The location and design of all other artefacts and structures such as street furniture, street lighting, play equipment, public art, etc; and
  - (vii) A programme for completion and subsequent maintenance.

Thereafter, the development shall be carried out in accordance with the approved details.

- (4) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the 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 report/validation certificate shall be submitted to and approved in writing by this Planning Authority.
- (5) The proposed building shall be constructed and maintained to ensure the internal noise levels within the library do not exceed 40 dBA LAeqT.
- (6) Before each unit is first occupied, the precise use of each unit shall be submitted to and approved in writing by this Planning Authority.
- (7) Before each unit is occupied, exact details of the proposed measures to mitigate the potential for noise and odour impacts shall be submitted to and approved in writing by this Planning Authority where the submission of such details is considered necessary by this Planning Authority, in view of the proposed use of that unit. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Before the development commences, details of the proposed signage scheme for the car park, including for the disabled spaces, shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved scheme shall be controlled prior to opening of the first unit.

- (9) Before the development is brought into use, the existing service road access shall be treated in accordance with details approved in writing by this Planning Authority.
- (10) Before the development is brought into use, secure covered cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for the Falkirk Area.
- (11) Before the development is brought into use, a Travel Plan Framework shall be submitted to and approved in writing by this Planning Authority. Thereafter a Travel Plan(s) shall be submitted in accordance with the approved Travel Plan Framework and agreed timescale(s) for submission.
- (12) Before the development commences, documentary evidence shall be submitted to the Planning Authority to demonstrate that the applicant has entered into an Agreement with the Roads Authority to pay the sum of £351,000 towards the Construction of the Denny Eastern Access Road (DEAR) when requested by the Council as Roads Authority and not before completion of the development. The contribution shall be index linked from the date of grant of planning permission.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the proposed development.
- (5) To safeguard the amenity of the users of the facility.
- (6) To ensure that the Planning Authority can control the future use of the development.
- (7) To safeguard the environmental amenity of the area.
- (8) In the interests of the users of the car park.
- (9) To safeguard the interests of the users of the highway.
- (10, 11) To promote the adoption of sustainable transport measures and the use of sustainable modes of transport to travel to and from the site.
- (12) The Overall Town Centre redevelopment would have a significant impact on traffic flows at Denny Cross, which triggers Phase 1 of the redevelopment to provide a proportional contribution towards DEAR to help address capacity issues at Denny Cross.



**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A, 04A, 05A, 06A, 07A, 08, 19, 26, 27, 28A, 29A and 30.

**Pp**

.....  
**Director of Development Services**

**Date:** 22 January 2013

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (February 2010).
4. Letter of objection received from Mr Brian McCabe on 20 April 2012.
5. Letter of representation received from Ms M Laidlaw, 9 Bridge Place, Denny FK6 6PF on 19 April 2012.
6. Letter of objection received from Mrs Allison Cieslak, 21 Castle Crescent, Denny FK6 6PW on 21 September 2012.
7. Letter of objection received from Mrs Julie McCaffery, 13 John Davidson Drive, Dunipace FK6 6NA on 19 September 2012.
8. Letter of objection received from Mrs Marilyn Loney, 7 Bankside Court, Denny FK6 6HA on 20 September 2012.
9. Letter of objection received from Mr David Gourlay, Avonview, Denovan Road, Denny FK6 6BH on 20 September 2012.
10. Letter of objection received from Mrs Moraig Steel, 98 Dryburgh Avenue, Denny FK6 6AG on 21 September 2012.
11. Letter of objection received from Mrs T McNeil, 29 Hazel Crescent, Dunipace FK6 6LN on 26 September 2012.
12. Letter of objection received from Mr William Duff, 56 Ferguson Drive, Denny FK6 5AF on 19 September 2012.
13. Letter of objection received from John and Mary Donaldson on 20 September 2012.
14. Letter of objection received from Mr John Sherry, 26 Grahamshill Terrace, Fankerton, Denny FK6 5HX on 6 October 2012.
15. Letter of objection received from Councillor Brian McCabe on 11 December 2012.

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

**FALKIRK COUNCIL**

**Subject:** ERECTION OF MIXED USE BUILDING WITH 11 NO. UNITS (COMPRISING CLASS 1 AND 2 UNITS, AND CAFÉ) AND LIBRARY WITH COMMUNITY SPACE, FORMATION OF CAR-PARKING, AND UNDERTAKING OF PUBLIC REALM WORKS AND ANCILLARY WORKS AT 1 - 31 (ODDS) CHURCH WALK, DENNY FK6 6DF, 133 - 167A (ODDS) CHURCH WALK, DENNY FK6 6HS FOR FALKIRK COUNCIL - P/12/0180/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 28 November 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Denny & Banknock

Councillor Jim Blackwood  
Councillor Brian McCabe  
Councillor John McNally  
Councillor Martin David Oliver

**Community Council:** Denny & District Community Council

**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4835

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

- 1.1 The application seeks detailed planning permission for the erection of a mixed use building comprising 11 units and a library with community space. The application also includes the formation of car parking and the undertaking of public realm works and ancillary works. The proposed development is phase 1 of the overall redevelopment of Denny Town Centre.
- 1.2 The application site comprises the southern half of the block bounded by Stirling Street, Duke Street and Davies Row. The existing buildings within this area would be demolished to make way for the new development.
- 1.3 The information submitted with the application indicates the following:-
- A new 2 storey building with the ground floor units accessed from Stirling Street;
  - Redesign and enhancement of the existing car park accessed from Davies Row;
  - Access to the first floor units and the library from the car park side of the building (reflecting the difference in levels between the car park and Stirling Street);

- A pedestrian path with steps linking the car park and Stirling Street (opposite the existing car park entrance to the Co-op);
- A public realm area at the corner of Duke Street and Stirling Street;
- A broad palette of materials for the proposed building, including natural stone, rendered walls, stained timber cladding, glazed retail frontages, curtain walling glazed elements and natural slate roofing; and
- The use of various surface materials and street furniture within the public realm area and opportunities for the incorporation of interpretive art commissions and accommodation of the existing War Memorial.

1.4 Information submitted in support of the application includes:-

- A Public Consultation Report;
- Surface Water Drainage Details;
- A Transport Assessment;
- A Road Safety Audit;
- A Contaminated Land Report (Desk Study); and
- 3D Conceptual Models.

1.5 The Transport Assessment sets out the access strategy proposed for the overall redevelopment of the Town Centre. A key aim of the strategy is to remove as much of the through traffic from Stirling Street as possible, so as to improve the amenity of the shopping area. To achieve this, it is proposed to switch the main through traffic movement from Stirling Street to Duke Street/Davies Row at a later stage of the Town Centre redevelopment. No changes to the existing roads are proposed as part of phase 1 of the redevelopment.

## 2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application requires consideration by the Planning Committee as the applicant is Falkirk Council.

## 3. SITE HISTORY

3.1 Planning application P/09/0389/OUT for the redevelopment of Denny Town Centre to provide 79,000 square feet of retail, office, library and residential space, car parking and associated works was withdrawn in June 2012. This application was submitted by Henry Boot Development Limited but in late 2011 the Council opted to take the development forward as a Council led initiative. The current proposals build on the Henry Boot Masterplan.

- 3.2 Proposal of Application Notice ref: PRE/2012/0001/PAN for a proposed retail development incorporating ancillary uses including a library was submitted in January 2012. The notice set out the intended community consultation which included drop-in sessions over 2 days and leaflets to residents. The two workshop events took place on 31 January and 1 February 2012. The Public Consultation Report accompanying the current application indicates that approximately 35 people attended the events and 30 feedback forms were received.
- 3.3 Planning application ref: P/12/0179/PPP for the redevelopment of Denny Town Centre including land to the north of application site reference P/12/180/FUL to provide for new retail, office, library and residential uses and associated works, including car parking and public realm works, was received in April 2012. This application will also be considered by the Planning Committee in due course.
- 3.4 Prior notification ref: P/12/0262/DMO for the demolition of buildings was received in May 2012. The Planning Authority advised that its approval prior to the buildings being demolished is not required.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that the trips generated by the proposed development are not expected to have any measurable effect on the existing road network. They therefore advise that the existing infrastructure in close proximity to the proposed development would not require any alterations to mitigate any congestion or road safety issues. They note that future phases of the overall Denny Town Centre redevelopment may require alterations to the public road (this matter is being considered in relation to planning application ref: P/12/0179/PPP - see paragraph 3.3 of this report). Their preference would be for the servicing/refuse collection arrangements for the proposed development to be segregated from the car-park but they acknowledge that the route identified through the car park for service vehicles and Davies Row (as it exists at present) can be negotiated by these vehicles. They recommend conditions to attach to any grant of permission in relation to the provision of a signage scheme for the car park and removal of the existing car park service access.
- 4.2 The Environmental Protection Unit have reviewed the Contaminated Land Report (Desk Study) and advised that further information will be required due to the report identifying potential sources of contaminated land. They advise that further information will be required regarding the intended use of each unit to determine any potential for noise or odour impacts. They accept the measures proposed to protect the new library from external noise levels. They advise that an Air Quality Assessment is not required, due to the conclusions of the Transport Assessment, the relatively small increase in overall parking provision within the Town Centre, the site not being within an Air Quality Management Area (AQMA) and the land uses in the area being unlikely to change significantly. [The Transport Assessment concluded that the proposed changes to the Denny Cross junction would bring about significant improvements to operational capacity].
- 4.3 The Transport Planning Unit have noted that the overall traffic management solution relating to the proposed access strategy is subject to ongoing discussions as part of planning application ref: P/12/0179/PPP. They recommend conditions to attach to any grant of permission in relation to the payment of a proportionate financial contribution towards the Denny Eastern Access Road (DEAR) and the development of a Travel Plan Framework and subsequent Travel Plans.

- 4.4 Scottish Water have no objection to the application but have advised that a Drainage Impact Assessment form will need to be completed in order to assess the impact of the proposal on their infrastructure.
- 4.5 The Scottish Environmental Protection Agency (SEPA) have no objection to the application but advise that the use of Sustainable Urban Drainage Systems (SUDS) should be considered if a route to discharge surface water into the River Carron or another watercourse can be found.
- 4.6 Central Scotland Police have not made any comments.
- 4.7 Architecture and Design Scotland have not made any comments.

## **5. COMMUNITY COUNCIL**

- 5.1 The Denny and District Community Council have not made any representations to this application.

## **6. PUBLIC REPRESENTATION**

- 6.1 Eleven representations to the application have been received. Ten of these representations are objections. The matters raised in these representations can be summarised as follows: -

- Deficiencies in the Application Form submitted with the application;
- The plans are not what the people of Denny want;
- The plans are not fit for the purpose of a new Town Centre;
- The whole strategy for the new shopping centre should be rethought to make the town shopper friendly and so generate interest in the local shops that will take over the new units;
- No attraction for small retailers;
- Lack of detail as many areas are described as 'for future retail';
- The entire space should be utilised as Denny will never be able to attract a supermarket as there is an overcapacity of supermarkets in the Falkirk area;
- No community indoor space;

### ***Design / Materials/ Maintenance***

- Delighted that the Church Walk eyesore is on its way out;
- The proposal is not in keeping with the existing environs of a historical town centre;
- The suitability of the design is poor;

- The design of the retail units is poor, with limited window display and service access;
- The building looks like a great wooden barn;
- There is no need for a two storey development;
- Concern at the huge scale of the roof;
- The pitch of the roofs is not a traditional solution and will not allow the use of slate to maintain a watertight covering;
- The massing of the building is an anachronism;
- The window fenestration bears no relevance to tradition, context, scale etc;
- Use of inappropriate materials;
- Concerns at lifespan of the proposed building, sustainability of the materials and longer term maintenance;
- The materials and design will not stand the test of time and will have to be replaced in 30 years time;
- Object to the use of wooden facings which already look worn and dated on other recently built structures;

### ***Access***

- Lack of consideration for the disabled, elderly and mothers with young children;
- There is no break in shops and shoppers (with heavy shopping bags) would have to walk the whole length of Stirling Street and along Duke Street to gain access to the car park and library;
- The location of the service area within the car park would hinder access e.g. for the disabled;
- Communal service access to the upper and lower floors is from a car park where it is proposed to site permanent refuse collection facilities. This is not supported and will lead to constant litter problems;

### ***Safety and Security***

- What are the safety and security measures proposed for the community terrace space?;
- The new centre will attract youths at night to hang around;

## ***Traffic***

- The proposed traffic system is unworkable; and
- The re-routed traffic will put added traffic congestion on the surrounding streets.

## **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.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.2 This policy seeks to maintain and enhance the role of Falkirk Town Centre and the local service role of the four District Centres. Denny Town Centre is identified in the Structure Plan as one of the four District Centres. The proposed development would help consolidate the local service role of Denny Town Centre and represents Phase 1 of a co-ordinated strategy by Falkirk Council to improve service provision and the amenity of the Town Centre. The application therefore accords with this policy.

7a.3 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.4 This policy provides guidance on the location of new retail and commercial leisure facilities and generally directs such development to Falkirk Town Centre and the District Centres. The proposed development replaces existing retail provision within Denny Town Centre (a District Centre) and as Phase 1 of a District Centre redevelopment project, is considered to be commensurate with maintaining the hierarchy of shopping centres in the Falkirk Council area. The application therefore accords with this policy.

### ***Falkirk Council Local Plan***

7a.5 The application site lies within Denny Town Centre and partly within the Core Retail Area as defined in the Falkirk Council Local Plan. Under this Plan, Denny Town Centre is identified as an opportunity site for Economic Development (ED. DEN.1) and Recreation and Community Facilities (RC.DEN.2).

7a.6 ED.DEN.1 identifies an opportunity to redevelop the Town Centre for retail, leisure, office, community and residential uses. RC.DEN.2 identifies an opportunity to improve library provision as part of the Town Centre Strategy. This application, for phase 1 of the redevelopment of Denny Town Centre, responds to and is supported by the development opportunities identified in the Local Plan.

7a.7 Policy DEN 1 Denny Town Centre states:

- "(1) The Council will promote the role of Denny Town Centre as a District Centre with particular emphasis on the redevelopment of Church Walk and improving the retail environment;*
- (2) In ground floor properties within the core retail area, the Council will seek to maintain active commercial frontages which contribute to the vitality of the Town Centre. A balance of Class 1 retail, leisure, food and drink, and Class 2 office uses will be encouraged and concentrations of non-retail use will be avoided. Within upper storeys, the reuse of vacant floorspace for residential use will be supported; and*



- (3) *Within secondary areas of the Town Centre (within the Town Centre boundary but outwith the core retail area), a mixture of residential and commercial development will be appropriate.”*

7a.8 This policy promotes the role of Denny Town Centre as a District Centre. The proposed development (Phase 1) contributes towards the redevelopment of Church Walk in order to improve the retail environment. Clause 1 of the policy is therefore complied with. The proposed development provides for commercial units accessed from Stirling Street. This is supported by Clause 2 of the policy as it would contribute to the vitality of the Town Centre. The proposed development includes retail, office and café uses and the precise Use Class of each unit would be subject to further consideration in order to ensure that a concentration of non-retail uses is avoided. The application is therefore considered to accord with this policy.

7a.9 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.”*

7a.10 This policy requires new development to contribute positively to the quality of the built environment. The proposed development (Phase 1) reinforces the existing character of the streetscape as the building would front and sit level to Stirling Street. In addition, it is considered that the height (2 storey), scale and massing of the building would be sympathetic to the surrounding urban fabric. The creation of a coherent structure of spaces and buildings is integral to the proposal and the proposed public realm area (town square) is a key element. The public realm area would incorporate high quality architectural and landscape treatment, and would be overlooked by the proposed community facilities (internal and external) adjoining the library. In essence, the design and external finishes of the proposed building reflect a contemporary approach whilst respecting elements of the traditional urban fabric, for example, in terms of height, general form and the use of natural slate for the roof. Overall, the application is considered to accord with this policy.

7a.11 Policy EQ4 - ‘Landscape Design’ states:

*“Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:*

- (1) Be informed by the surrounding landscape;*

- (2) *Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) *Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) *Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) *Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) *Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) *Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) *Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7a.12 This policy requires development proposals to include a landscape framework which enhances the development and helps integrate it into its surroundings. The proposed development necessitates the removal of existing trees due to level changes and the new building footprint. In order to compensate for their loss, new trees to a heavy or extra heavy standard are proposed within the public realm area and the redesigned car park. Opportunities for further tree planting within the car park, at Denny Cross and on Stirling Street, are being explored by the applicant. In addition, high quality surface finishes and street furniture are proposed for the public realm area. The exact details for the hard and soft landscaping proposals would be subject to a condition of any grant of permission. The application is therefore considered to accord with this policy.

7a.13 Policy EQ5 'Design and Community Safety' states:

*"Development proposals should create a safe and secure environment for all users through the application of the following principles:*

- (1) *Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*
- (2) *Boundaries between public and private space should be clearly defined;*
- (3) *Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) *Contributions to the provision of CCTV may be sought, where appropriate."*

7a.14 This policy requires the creation of a safe and secure environment for all users. The public realm area and redesigned car park would benefit from a high level of natural surveillance due to the dual aspect of the building and overlooking of the public realm area by the library and community spaces. The key access routes, through the public realm area and via the path with steps, provide direct links and would be well lit and have CCTV coverage. The application is therefore considered to accord with this policy.

7a.15 Policy EQ6 'Design and Energy Use' states:

*"Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:*

- (1) *Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*

- (2) *The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) *Combined heat and power and community heating schemes as part of new developments will be encouraged.”*

7a.16 This policy requires developers to consider sustainable energy use in new developments. The applicant has advised that the proposed building has been designed, and opportunities are being explored, to achieve high standards in sustainable energy use. Increased thermal insulation levels and air tight construction are proposed in response to local climatic factors and to reduce heat loss. The use of recycled and reclaimed materials in the construction is being considered as well as the use of locally sourced materials where possible. The use of renewable energy technologies such as ground source heat pumps, solar air heating and solar panels is being considered. The application is therefore considered to accord with this policy.

7a.17 Policy EQ9 - ‘Public Art’ states:

*“The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt ‘Percent for Art’ schemes in respect of major commercial development schemes.”*

7a.18 This policy encourages the inclusion of public art in new development. The applicant has advised that a project brief has been developed to appoint a local artist to contribute to re-imagining Denny Town Centre and the creation of a new town square. The artist would be assigned to work directly with the local community to help them realise their vision for the public realm area (town square), promote understanding of how public art can contribute to defining a place and provide aesthetic and thematic input to the design of the new town square and its relationship to adjacent public buildings. The resiting of the existing historical war memorial is integral to the project. The application is therefore considered to accord with this policy.

7a.19 Policy EQ13 - ‘Areas Of Townscape Value’ states:

*“The Council recognises the architectural and historic merit and potential of the additional areas of townscape value identified on the Proposals Map, which do not currently have Conservation Area status. Within these areas:*

- (1) *The Council will undertake Character Appraisals to determine whether the areas merit designation as Conservation Areas, either as new Conservation Areas, or as extensions to existing ones; and*
- (2) *Development proposals will be required to fit with the distinctive character of the area with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features.”*

7a.20 This policy requires development proposals to fit with the distinctive character of an Area of Townscape Value. The existing buildings on the east (opposite) side of Stirling Street lie within an Area of Townscape Value as defined in the Falkirk Council Local Plan. The proposed development would replace the existing four storey Church Walk buildings with a two storey development at existing street level and in keeping with the historic development pattern and density of the area. Whilst the design of the proposed building represents a contemporary approach, it reflects elements of the existing character of the area. In addition, the creation of a public realm area at the corner of Stirling Street and Duke Street would reinforce the role of Denny Cross as a hub within the Town Centre. Overall, the application is considered to accord with this policy.

7a.21 Policy EP7 - 'New Retail Development' states:

- (1) New retail development in excess of 500 m<sup>2</sup> 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 m<sup>2</sup> 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.*

7a.22 The proposed development (Phase 1) comprises more than 500m<sup>2</sup> of new retail development. This scale of new retail development at this location is consistent with the relevant policies of the Falkirk Council Structure Plan. The detailed information submitted with the application demonstrates a high level of design quality, compatibility with adjacent land uses and an ability to integrate with the rest of the Town Centre. Overall, the proposal has the potential to significantly enhance the Town Centre and its attractiveness for a range of functions. The application is therefore considered to accord with this policy.

7a.23 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.24 A Transport Assessment has been submitted with the application and the scope of the assessment was agreed with the Council's Transport Planning Unit. The Transport Assessment sets out the proposed access strategy which is subject to ongoing discussions whilst this application (for phase 1 of the overall redevelopment) proposes to retain the road infrastructure in its current form. This is considered to be acceptable as the traffic associated with the proposed development is not anticipated to materially impact on the existing infrastructure. However, phase 1 of the overall redevelopment will be expected to contribute proportionately to the overall road infrastructure work within the Town Centre and the construction of the Denny Eastern Access Road (DEAR). The Transport Assessment indicates that the overall Town Centre regeneration would have a significant impact on traffic flows at Denny Cross, which triggers a financial contribution towards DEAR to help address capacity issues at Denny Cross in the future. The applicant has advised that their contribution to the Town Centre overall road infrastructure works would include widening of Duke Street at a later stage. This is considered to be an acceptable contribution when also taking into account the contribution by the applicant to the wider development benefits as part of phase 1. The Phase 1 works include public realm works, improvements to the car park, pedestrian footpaths and street lighting. The application is therefore considered to accord with this policy

7a.25 Accordingly, the proposal 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 consultation responses and the representations received.

### ***National Planning Policy and Guidance***

7b.2 Scottish Planning Policy (February 2010) supports actions to improve town centres and create distinctive high quality, inclusive, successful and safe places. The proposed development is considered to reflect the aspiration of Scottish Planning Policy for high quality and the phase 1 redevelopment should contribute to a significant improvement in the viability and vitality of Denny Town Centre. The application is therefore supported by Scottish Planning Policy.

### ***Consultation Responses***

7b.3 The consultation responses are summarised in Section 4 of this report. No objections have been received in these responses and the matters raised could be the subject of conditions of any grant of planning permission as appropriate.

7b.4 In response to the comments by SEPA (see paragraph 4.5), the applicant has advised that no new route to discharge surface water into a watercourse has been found. The proposal is therefore to connect the new development to the existing combined sewer. The applicant advises that SUDS measures are incorporated into the scheme, as permeable paving is proposed within the car park areas.

### ***Representations Received***

7b.5 The representations to the application are summarised in Section 6 of this report. In response to the matters raised in the representations, the following comments are considered to be relevant: -

- An amended application form was submitted which addressed some of the concerns raised in objections;
- The phase 1 development proposal has been subject to extensive consultation. The Public Consultation Report submitted with the application suggested that, as a consequence, the proposals have strong support. According to the Public Consultation Report, the feedback forms received in response to the workshop events held on 31 January and 1 February 2012 indicated that 87% of respondents agreed that the proposals were a positive step forward for the town and that 70% of respondents thought the phase 1 design meets the aspirations of the local community;
- The areas described as 'for future retail' are not included in this application. Planning application ref: P/12/0179/PPP seeks planning permission in principle for the overall Denny Town Centre redevelopment and includes future retail areas. This application will also be considered by the Planning Committee. The specific proposals for the future retail areas would be considered at detailed planning stage;
- The proposed phase 1 scheme has been revised on several occasions to accommodate the requirements of local retailers. The proposal incorporates four smaller units which have been developed specifically for sole traders;
- Attracting local people back to their local centre is fundamental to the Town Centre strategy. The applicant's experience is that a foodstore operator can be an anchor for attracting additional new retailers and ultimately providing a sustainable town centre. The applicant considers that there is demand for a foodstore in Denny Town Centre;
- The phase 1 development proposal includes community spaces adjoining the proposed library;

### ***Design / Materials / Maintenance***

- It is considered that the proposed phase 1 redevelopment would significantly enhance the amenity and attractiveness of the area and, unlike the existing Church Walk buildings, would be sympathetic to the existing character of the area;
- The applicant has submitted that the proposed roof has been designed in compliance with BS5534: The Code of Practice for Slating and Tiling;
- The applicant has advised that the proposed window fenestration has been designed with a steady rhythm. The upper level fenestration reflects the proposed uses within;
- The shopfronts of the proposed building have been subject to refinement and are considered to be in keeping with the existing streetscape whilst providing a modern retail environment;
- The proposals incorporate the use of modern building techniques and materials whilst also including natural traditional materials. Overall, it is considered that the materials would respect and enhance the surroundings whilst providing a new contemporary urban edge;

- The applicant has advised that the proposed building has been designed using a variety of materials and components that are long lasting and have been chosen for their ease of maintenance and with sustainability as an important consideration;
- The applicant has noted that all buildings require periodic maintenance and the proposed building has been designed to allow for materials to be renewed or replaced either during or at the end of their lifespan;
- The applicant has advised that the proposed timber cladding is a highly sustainable modern material with many benefits. If left unprotected, the appearance of timber cladding will change over time as it has the ability to weather naturally. The applicant's intention is that all timber cladding would be coated and maintained over its lifetime.

### ***Access***

- A pedestrian link with steps is proposed from Stirling Street (opposite the Co-op car park entrance) to the redesigned car park accessed from Davies Row. The need for steps is in response to the substantial level difference between the street and the car park at this location;
- Alternative access to the car park would be available from the proposed public realm area at the corner of Stirling Street and Duke Street. This area is some 60 metres south of the pedestrian link with steps;
- The Road Safety Audit accompanying the application has not raised any issues with the proposed location of the service area within the car-park;
- Disabled access has been designed within the car park and is located outwith the service zone area.

### ***Safety and Security***

- The proposed community terrace space would have a pedestrian barrier around its perimeter, constructed in safety glass with stainless steel uprights and a handrail;
- The terrace structure has been designed so it is fully open to the public realm area and therefore easily viewed by pedestrians and road users;
- The public realm area would be covered by CCTV camera.

### ***Traffic***

- Phase 1 of the overall Town Centre redevelopment proposal does not include any changes to the existing road infrastructure as explained and justified in this report.

## **7c Conclusion**

- 7c.1 This application seeks detailed planning permission for phase 1 of the redevelopment of Denny Town Centre and is considered to comply with the Development Plan for the reasons detailed in this report. The proposed development has the potential to contribute to the delivery of significant benefits to the local area by enhancing the Town Centre and its viability and vitality, and reinforcing its function as a District Centre within the Falkirk Council area. The application is therefore recommended for approval subject to the imposition of appropriate conditions. There are not considered to be any material considerations to set aside the terms of the Development Plan.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (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, exact details of the colour and specification of the proposed external finishes 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) Notwithstanding the approved plans, before the development commences, a final scheme of hard and soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
  - (i) 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;
  - (ii) The location of all new trees, shrubs and hedges and grassed areas;
  - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/densities;
  - (iv) The location and design, including materials, of all proposed walls, fences and gates;
  - (v) The location, colour and specification of all proposed surface materials;
  - (vi) The location and design of all other artefacts and structures such as street furniture, street lighting, play equipment, public art, etc; and
  - (vii) A programme for completion and subsequent maintenance.

Thereafter, the development shall be carried out in accordance with the approved details.



- (4) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the 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 report/validation certificate shall be submitted to and approved in writing by this Planning Authority.
- (5) The proposed building shall be constructed and maintained to ensure the internal noise levels within the library do not exceed 40 dBA LAeqT.
- (6) Before each unit is first occupied, the precise use of each unit shall be submitted to and approved in writing by this Planning Authority.
- (7) Before each unit is occupied, exact details of the proposed measures to mitigate the potential for noise and odour impacts shall be submitted to and approved in writing by this Planning Authority where the submission of such details is considered necessary by this Planning Authority, in view of the proposed use of that unit. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Before the development commences, details of the proposed signage scheme for the car park, including for the disabled spaces, shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved scheme shall be controlled prior to opening of the first unit.
- (9) Before the development is brought into use, the existing service road access located to the south of Davies Row shall be treated in accordance with details approved in writing by this Planning Authority.
- (10) Before the development is brought into use, secure covered cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for the Falkirk Area.
- (11) Before the development is brought into use, a Travel Plan Framework shall be submitted to and approved in writing by this Planning Authority. Thereafter a Travel Plan(s) shall be submitted in accordance with the approved Travel Plan Framework and agreed timescale(s) for submission.
- (12) Before the development commences, documentary evidence shall be submitted to the Planning Authority to demonstrate that the applicant has entered into an Agreement with the Roads Authority to pay the sum of £351,000 towards the Construction of the Denny Eastern Access Road (DEAR) when requested by the Council as Roads Authority and not before completion of the development. The contribution shall be index linked from the date of grant of planning permission

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.

- (4) To ensure the ground is suitable for the proposed development.
- (5) To safeguard the amenity of the users of the facility.
- (6) To ensure that the Planning Authority can control the future use of the development.
- (7) To safeguard the environmental amenity of the area.
- (8) In the interests of the users of the car park.
- (9) To safeguard the interests of the users of the highway.
- (10, 11) To promote the adoption of sustainable transport measures and the use of sustainable modes of transport to travel to and from the site.
- (12) The Overall Town Centre redevelopment would have a significant impact on traffic flows at Denny Cross, which triggers Phase 1 of the redevelopment to provide a proportional contribution towards DEAR to help address capacity issues at Denny Cross.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A, 04A, 05A, 06A, 07A, 08, 19, 26, 27, 28A, 29A and 30.

.....  
**pp Director of Development Services**

**Date:** 22 November 2012

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy (February 2010).
4. Letter of objection received from Mr Brian McCabe on 20 April 2012.
5. Letter of representation received from Ms M Laidlaw, 9 Bridge Place, Denny, FK6 6PF on 19 April 2012.
6. Letter of objection received from Mrs Allison Cieslak, 21 Castle Crescent, Denny FK6 6PW on 21 September 2012.
7. Letter of objection received from Mrs Julie McCaffery, 13 John Davidson Drive, Dunipace, FK6 6NA on 19 September 2012.
8. Letter of objection received from Mrs Marilyn Loney, 7 Bankside Court, Denny, FK6 6HA on 20 September 2012.
9. Letter of objection received from Mr David Gourlay, Avonview, Denovan Road, Denny, FK6 6BH on 20 September 2012.
10. Letter of objection received from Mrs Moraig Steel, 98 Dryburgh Avenue, Denny, Stirlingshire, FK6 6AG on 21 September 2012.
11. Letter of objection received from Mrs T McNeil, 29 Hazel Crescent, Dunipace, FK6 6LN on 26 September 2012.
12. Letter of objection received from Mr William Duff, 56 Ferguson Drive, Denny, FK6 5AF on 19 September 2012.
13. Letter of objection received from John and Mary Donaldson on 20 September 2012.
14. Letter of objection received from Mr John Sherry, 26 Grahamshill Terrace, Fankerton, Denny, FK6 5HX on 6 October 2012.

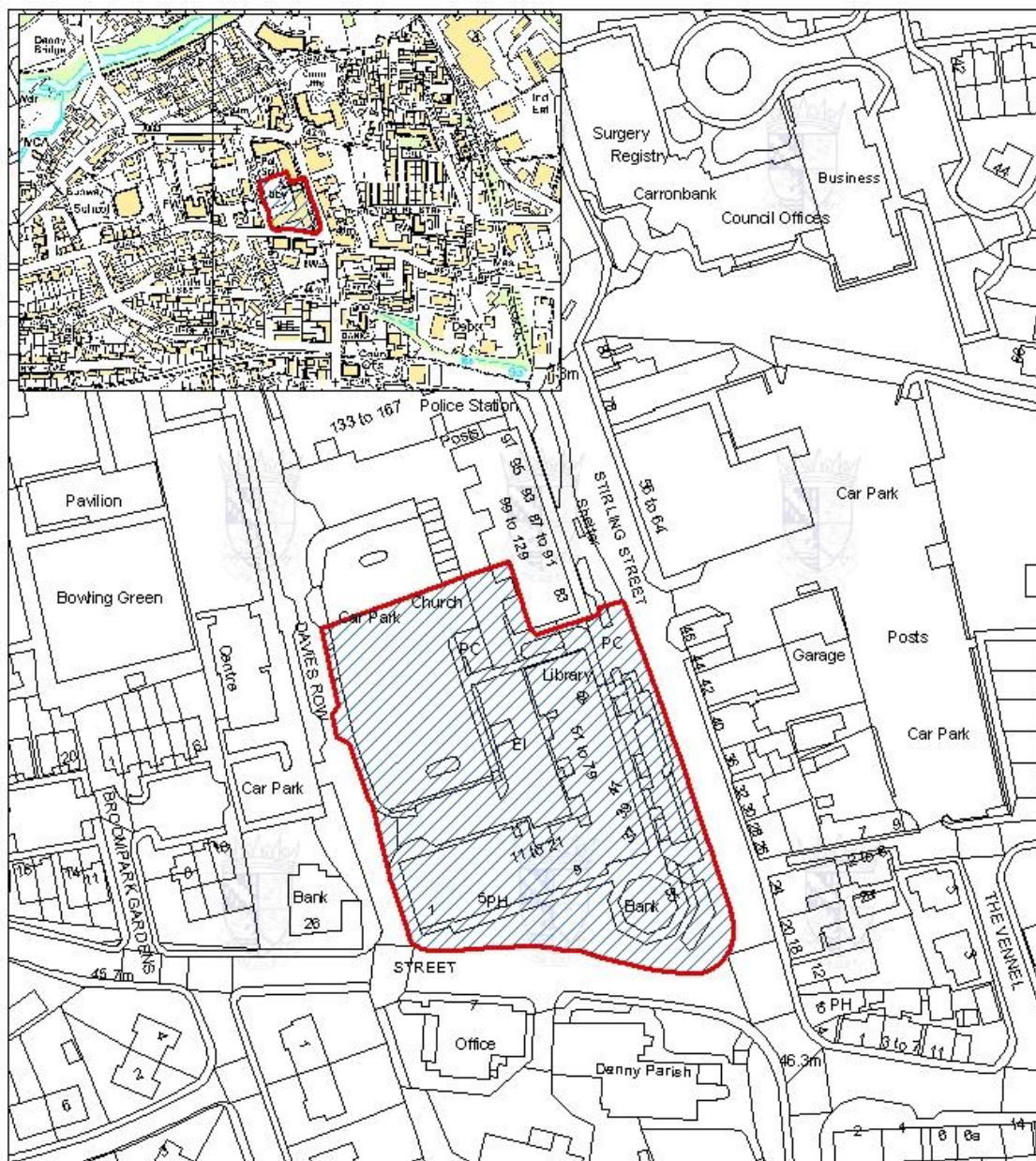
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/12/0180/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2012. All rights reserved.  
Ordnance Survey Licence number 100023384