

P89. Erection of Restaurant / Public House, Associated Infrastructure Including Roads, Car Parking and Amenity Spaces, Pedestrian Access and Landscaping at 44 Tryst Road, Stenhousemuir, Larbert FK5 4QH for Ramoyle Group - P/16/0114/PPP (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P70 refers), Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on an application for planning permission in principle for a change of use for the erection of a family restaurant/public house and associated infrastructure at 44 Tryst Road, Stenhousemuir, Larbert.

With reference to Standing Order 33, Baillie Buchanan referred to an application received from the applicant for admission to the meeting as a deputation to be heard in relation to this item of business.

The Committee consented to hear the deputation.

Mr Smith, the applicant's representative, gave details of the history of the site and the application.

Members then asked questions of Mr Smith.

The Committee thereafter reconvened normal business.

Councillor Carleschi, seconded by Councillor Turner, moved that Committee refuse planning permission in principle on the ground that it was contrary to Policy TC04, paragraph 2, in relation to potential traffic congestion, inadequate parking provision and road safety issues.

As an amendment, Councillor Mahoney, seconded by Councillor McLuckie, moved that Committee be minded to grant planning permission in principle in accordance with the recommendations within the report on the understanding that there was an undertaking on behalf of the Director of Development Services that any application for full planning permission would be brought to the Committee for consideration.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (4) - Councillors Carleschi, Chalmers, Oliver and Turner

For the amendment (7) - Baillies Buchanan and Paterson; and Councillors Garner, Mahoney, C Martin, McLuckie and Nimmo.

Decision

The Committee agreed that it was minded to grant planning permission in principle (a) subject to the understanding that there was an undertaking on behalf of the Director of Development Services that any application for full planning permission would be brought to the Committee for consideration; and (b) the satisfactory completion, within

six months of a Legal Agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 or 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of the payment of a financial contribution towards potential traffic management mitigation amounting to £20,000 prior to the opening of the premises and retained by Falkirk Council for twelve months beyond the full opening of whichever is the later of the development or the proposed adjoining retail development. Any unspent monies to be returned to the applicant on request after this time period.

Thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) No development shall take place on site until details of on-site low and zero carbon-generating technologies (LZCGT) necessary to meet a proportion of the overall energy requirements of the development have been submitted to and approved in writing by Falkirk Council as Planning Authority.**
- (3) Prior to any works on site, a Service Delivery and Parking Management Plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt access and egress to Gladstone Road shall be via King Street only.**
- (4) (i) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
(ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.

- (iii) **Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
 - (i) **If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- (5) Prior to any works on site, a Final Travel Plan shall be submitted to and approved in writing by the Planning Authority.**
- (6) Within three years of the date of the permission, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.**
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-**
 - (i) 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) location of new trees, shrubs, hedges and grassed areas;**
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density; and**
 - (ii) programme for completion and subsequent maintenance.**

- (8) Prior to the commencement of development, further information shall be submitted, to include:-**
- (i) the submission of a scheme of intrusive site investigations for approval;**
 - (ii) the undertaking of that scheme of intrusive site investigations;**
 - (iii) the submission of a report of findings arising from the intrusive site investigations;**
 - (iv) the submission of a scheme of remedial works for approval; and**
 - (v) the implementation of those remedial works.**

Reasons:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the consent.**
- (2) To ensure that full consideration is given to the achievement of Low and/or Zero Carbon Development in accordance with Falkirk Local Development Plan Policy D04 and Supplementary Guidance SG15, and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.**
- (3) To safeguard the interests of the users of the highway.**
- (4) To ensure the ground is suitable for the proposed development.**
- (5) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (6-7) To safeguard the visual amenity of the area.**
- (8) To ensure that ground conditions as relates to Coal Mining history have been addressed.**

Informatives:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.**
- (2) It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.**
- (3) Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59**

of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as Planning Authority has been given, and the development shall be carried out in accordance with that approval.

- (4) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.**
- (5) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect the development. Email:- envhealth@falkirk.gov.uk.**