

P44. Erection of Restaurant, 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/17/0319/MSC

With reference to Minute of Meeting of the Planning Committee held on 23 November 2016 (paragraph P88 refers), committee considered a report by the Director of Development Services seeking approval of application for Matters Specified in Conditions for the erection of a restaurant/public house, associated infrastructure including roads, car parking and amenity space, pedestrian access and landscaping off Tryst Road/King Street, Stenhousemuir.

Councillor McLuckie, seconded by Councillor Blackwood, moved that committee approve the application for Matters Specified in Conditions with 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 this 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) For the avoidance of doubt, the proposal shall accord with the Traffic Management and Service Arrangement Plan hereby submitted and approved.
- (3) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings.
- (4) Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1B, 2, 3, 4, 5, 6B and 7.
- (2) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.

- (3) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (4) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise and odour legislation which may affect this development.

By way of an amendment, Councillor Murtagh, seconded by Councillor Nicol, moved that committee refuse the application on the grounds that granting the application with the inclusion of a drive-through element would have an adverse impact on parking, access, the amenity of the surrounding area and the surrounding road network contrary to the terms of Policy TC04 – Food and Drink : Criteria 2.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 12 members present with voting as undernoted:-

For the motion (7) – Councillor Alexander, Bissett, Blackwood, Coombes, Kerr, McLuckie and Munro.

For the amendment (5) – Councillors Bouse, Hughes, McCue, Murtagh and Nicol.

Decision

The committee agreed the application for Matters Specified in Conditions with 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 this 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) For the avoidance of doubt, the proposal shall accord with the Traffic Management and Service Arrangement Plan hereby submitted and approved.**
- (3) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings.**
- (4) Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.**

Reason(s):-

- (1) As these drawings and details constitute the approved development.**
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- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1B, 2, 3, 4, 5, 6B and 7.**
- (2) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.**
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- (4) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise and odour legislation which may affect this development.**