

P98. Demolition of Public House (Sui Generis) and Erection of Building for Retail Use (Class 1) with Associated Infrastructure, Including ATM Machine at 175 Dean Road, Bo'ness EH51 0HG for Pittsburgh Fife Ltd – P/17/0590/FUL (Continuation)

With reference to Minutes of Meeting of the Planning Committee held on 24 January 2018 (Paragraph P76 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 full planning permission for the demolition of a public house and the erection of a class 1 shop and associated infrastructure at 175 Dean Road, Bo'ness.

Decision

The Committee agreed to grant planning permission 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) (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.**

- (iv) 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.
- (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. 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.
- (4) No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Planning Authority.
- (5) The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:-
 - (i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - (ii) a Statement of Conformity which confirms that 10%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Planning Authority.

Reasons:-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (4) To ensure that any archaeological remains are safeguarded.
- (5) To ensure the development achieves the required CO2 emission reduction as a result of development.

Informatives:-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.**
- (2) For the avoidance of doubt, the plan) to which the decision refers bear the online reference numbers 01, 02, 03B, 04, 05 and Supporting Documents.**
- (3) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-**

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

- (4) It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the applicant may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.**