

**P88. Demolition of Existing Buildings/Structures Erection of Shop (Class 1) (2040 sq.m) with Associated Landscaping, Car Parking, Servicing and Formation of Access (King Street) at 44 Tryst Road, Stenhousemuir, Larbert FK5 4QH for Ramoyle Group - P/16/0112/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P69 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 erection of a retail store, associated landscaping, car parking, services and formation of access on land formerly associated with McCowans Toffee Factory, 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 McLuckie, seconded by Baillie Paterson, moved that the Committee be minded to grant planning permission in accordance with the recommendations within the report, subject to amendments to conditions 6 and 7 being that the development shall not open until Traffic Management, Service Arrangements and Travel Plans had been submitted to, and approved in writing by, the Planning Authority to the satisfaction of the Director of Development Services.

As an amendment, Councillor Carleschi, seconded by Councillor Oliver, moved that Committee continue consideration of the application to allow further discussion with the applicant on arrangements for parking and access into the site

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 (8) - Baillies Buchanan and Paterson; and Councillors Chalmers, Mahoney, C Martin, McLuckie, Nimmo and Turner.

For the amendment (3) - Councillors Carleschi, Garner and Oliver.

## **Decision**

**The Committee agreed that it was minded to grant planning permission subject to (a) amendments to conditions 6 and 7 being that the development shall not open until Traffic Management, Service Arrangements and Travel Plans have been submitted to and approved in writing by the Planning Authority and that the precise wording be remitted to the Director of Development Services; 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 Section 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 this development or the proposed adjoining development of a restaurant. 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 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) For the avoidance of doubt, the retail floor-space shall retain a 80:20 split of Comparison: convenience retail format.**
- (3) Samples of external finishes to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**
- (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.**
- (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.**
- (5) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.**
- (6) Prior to any work on site, a Traffic Management Plan and Service Arrangement Plan shall be submitted to and approved in writing by the Planning Authority.**
- (7) Prior to the commencement of any works on site, a Travel Plan shall be submitted to and approved in writing by the Planning Authority.**
- (8) 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 CO<sub>2</sub> 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 as Planning Authority. 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.**

- (9) 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.
- (10) Prior to the commencement of (completion) any works on site, further information regarding landscaping, planting timescales and planning management shall be submitted to and approved in writing by the Planning Authority.

**Reasons:-**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the Planning Authority can control the future use of the premises.
- (3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the proposed development.
- (5) To ensure that adequate car parking is provided.
- (6) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (7,
- 10) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (8) To ensure the development achieves the required CO2 emission reduction as a result of development.
- (9) 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(s) 1A, 2, 3, 4A and 5A.
- (2) 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.

- (3) It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; you may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.**
- (4) 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.**
- (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](mailto:envhealth@falkirk.gov.uk).**
- (6) 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.**