

P32. Erection of Restaurant (Class 3) Unit and Hot Food Takeaway Unit at Land to the South of 58 Grahams Road, Grahams Road, Falkirk for Eskgate Ltd – P/17/0017/FUL - (Continuation)

With reference to Minutes of Meetings of the Planning Committee held on 27 June (Paragraph P15 refers) and the Planning On-Site Committee held on 7 August 2017 (Paragraph P24 refers), Committee (a) gave further consideration to a report to these meetings by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission to erect a restaurant (Class 3 use) and a hot food takeaway (Sui-Generis use) at land to the south of 58 Grahams Road, Falkirk, with ancillary parking, landscaping, (including fencing/walling), access and road junction infrastructure.

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 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. 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. Prior to works commencing on-site, full details of the the proposed extraction and ventilation equipment shall be submitted to and agreed in writing by the Planning Authority.**
- 4. Prior to works commencing on-site, 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.**
- 5. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):**
 - (i) existing and finished ground levels in relation to a fixed datum, preferably ordnance**
 - (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored**
 - (iii) location and design, including materials, of walls, fences and gates**
 - (iv) soft and hard landscaping works**
- 6. 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 Local Planning Authority.

7. Before the building is occupied, the car parking and access shown on the Approved Plan shall be completed in full to the satisfaction of the Planning Authority.
8. Prior to any works commencing on-site, a Tree Protection Plan relating to all relevant trees on the site, which is in accordance with Supplementary Guidance SG06 Trees and Development, shall be submitted to and approved in writing by the Planning Authority.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
- 3,5. To safeguard the environmental amenity of the area.
4. To safeguard the visual amenity of the area.
6. To ensure the development achieves the required CO₂ emission reduction as a result of development.
7. To ensure adequate parking and access is available at the site.
8. To ensure that the existing trees are retained and protected during construction work.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03A, 04B, 05B and 06A.
2. 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.
3. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are

seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

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.
5. Separate formal Advertisement Consent may be required for any signs associated with the proposed development. It is the applicant's responsibility to obtain this before any signs are displayed on site. For advice please contact Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk, FK2 7YZ (tel: 01324 504748)
6. 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.

7. It is advised that the developer and/or site manager liaise with neighbouring properties bounding the site to ensure good working practises are undertaken in the protection of the relevant trees on-site, and in the protection of neighbouring properties.

Note: With regard to Conditions 4 and 5, the Committee's preference was for fencing of a height of 6' 6".