



Agenda Item 10

**EXTENSION TO EXISTING GARDEN
CENTRE INCLUDING COFFEE SHOP,
OFFICE, STORAGE ACCOMMODATION
AND ANCILLARY WORKS (AMENDMENT
TO PLANNING PERMISSION P/17/0169/
FUL) AT KLONDYKE GARDEN CENTRE,
BURNSIDE NURSERY, POLMONT,
FALKIRK, FK2 0XS FOR KLONDYKE
GROUP LTD - P/18/0104/FUL**

FALKIRK COUNCIL

Subject: EXTENSION TO EXISTING GARDEN CENTRE INCLUDING COFFEE SHOP, OFFICE, STORAGE ACCOMMODATION AND ANCILLARY WORKS (AMENDMENT TO PLANNING PERMISSION P/17/0169/FUL) AT KLONDYKE GARDEN CENTRE, BURNSIDE NURSERY, POLMONT, FALKIRK, FK2 0XS FOR KLONDYKE GROUP LTD - P/18/0104/FUL

Meeting: Planning Committee

Date: 19 June 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Adanna McCue
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is an established garden centre, located on the south side of the A9, Falkirk. The garden centre is adjacent to and shares access with a hotel, restaurant, dwellinghouse (Burnside Bungalow) and a garden landscape company (Cartmore Landscape Centre).
- 1.2 This major application involves the redevelopment of the garden centre site. The application includes an extension to the existing garden centre, restaurant with outdoor seating area, consolidation of the garden landscape company within the proposed building and display area, increased parking and landscaping.
- 1.3 This application is an amendment to planning permission Ref: P/17/0169/FUL to remove the second floor office and associated parking (small area of parking to the west elevation).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.2 The application requires to be determined by the Planning Committee as a statutory consultee has objected to the proposed development.

3. SITE HISTORY

- 3.1 An application (Ref: 06/0594/FUL) for the erection of a modular office building was granted temporary planning permission on 24 August 2006.
- 3.2 An application (Ref: P/07/1024/OUT) for a new garden centre, office accommodation, related retail and ancillary tourist attractions was withdrawn on 28 November 2007.
- 3.3 An application (Ref: P/08/0117/FUL) for the formation of a paving/landscape display centre with ancillary office and sample building was granted on 8 May 2008.
- 3.4 An application (Ref: P/14/0293/FUL) for the re-roofing of buildings was granted on 27 June 2014.
- 3.5 P/15/0224/FUL - Demolition of Large Open Sided Structure, Extension of Existing Open Sided Canopy and Erection of Marquee (Retrospective) - granted on 29 May 2015.
- 3.6 An application (Ref: P/16/0249/FUL) for the formation of an overflow car park was granted on 24 June 2016.
- 3.7 A Proposal of Application Notice (Ref: PRE/2016/0012/PAN) for the redevelopment of Klondyke Garden Centre to include a garden centre extension, new office accommodation, coffee shop, car parking and associated works was submitted on 16 May 2016.
- 3.8 Request for Screening Opinion (Ref: PRE/2016/0014/SCREEN) was submitted on 20 May 2016. An Environmental Impact Assessment is not required for the proposed development.
- 3.9 An application (Ref: P/17/0169/FUL) for the extension to an existing garden centre including coffee shop, office, storage accommodation and ancillary works was granted on 8 September 2017.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit has not objected to the application. They comment that the access arrangement, parking numbers and internal arrangement were all agreed at the last application stage. A small section of car park at the west elevation would be removed to reflect the removal of the first floor office and this is acceptable in terms of parking requirements. There is no objection in relation to flooding and drainage.
- 4.2 The Council's Environmental Protection Unit has not objected to the application.
- 4.3 The Council's Transport Planning Unit has not objected to the application.
- 4.4 The Community Trust's Museum Service has not objected to the application.
- 4.5 Scottish Water has not objected to the application.
- 4.6 The Scottish Environment Protection Agency (SEPA) object on the basis that the proposed development may place buildings and persons at flood risk.

4.7 Historic Environment Scotland has not objected to the application.

4.8 The Scottish Rights Of Way And Access Society has not objected to the application.

5. COMMUNITY COUNCIL

5.1 The Polmont Community Council did not make comment on the application.

6. PUBLIC REPRESENTATION

6.1 During consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 The application site is identified in the Falkirk Local Development Plan as an opportunity for business, leisure and tourism development (ED24). The site is identified as an opportunity to provide national headquarter offices for the existing garden centre operator and makes comments in relation to site constraints including the Antonine Wall, landscape impact and flooding. The proposal now removes the first floor office accommodation. It is considered that the application accords with opportunity ED24, as the proposed development would redevelop and support an existing business/leisure use within the green belt.

7a.3 Policy CG01 'Countryside' states:-

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

7a.4 Policy CG02 'Green Belt' states:-

1. *The following areas, as indicated generally on Map 3.1 and detailed on the Proposals Map, are designated as Green Belt:
Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor
Polmont/Grangemouth/Bo'ness/Linlithgow Corridor
Falkirk/Larbert/Denny/Bonnybridge Corridor
Callendar Park/Woods*
2. *The purpose of the Green Belt is:
To maintain the separate identity and visual separation of settlements
To protect the landscape setting of settlements; and
To protect and give access to greenspace for recreation*
3. *Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the strategic purposes of the Green Belt as set out in sub section (2) above.*

7a.5 The proposed development relates to the redevelopment of an established garden centre within the green belt. The proposal would not undermine the strategic purposes of the green belt, in accordance with policies CG01 'Countryside' and CG02 'Green Belt'.

7a.6 Policy INF12 'Water and Drainage Infrastructure' states:-

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.*

7a.7 The applicant has submitted a drainage strategy, which is assessed by the Council as being acceptable. The application accords with policy INF12 'Water and Drainage Infrastructure'.

7a.8 Policy CG04 'Business Development in the Countryside' states:-

Proposals for business development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. *Areas specifically identified for business development on the Proposals Map;*

2. *Business development, including appropriate leisure and tourism uses, where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification;*
3. *Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use; or*
4. *Limited extensions to existing established business in the countryside;*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

7a.9 The proposed development relates to the redevelopment and extension of an existing business in the countryside. The proposal is considered to represent a limited extension within the context of the site and is identified in the Falkirk Local Development Plan. The application accords with policy CG04 'Business Development in the Countryside'.

7a.10 Policy TC03 'Retail and Commercial Leisure Development' states:-

1. *Retail development proposals in excess of 1,000 sq.m. gross floorspace, and significant commercial leisure development, should be located within the network of centres, and should be of a scale and type consistent with the role of the centre in the network and commensurate with the local catchment. Proposals for significant retail and commercial leisure development at out-of-centre locations will be assessed in relation to the following:*
 - *The impact on the vitality and viability of other identified centres, or proposals for their improvement;*
 - *The need for the development;*
 - *The proposal's ability to meet the sequential approach; and*
 - *The accessibility of the proposal by a choice of means of transport, and the impact on the number and length of car trips.*
2. *Retail development proposals of 1,000 sq.m. gross floorspace or less, serving neighbourhood needs, will be permitted more generally within the urban area, subject to other LDP policies.*
3. *Motor vehicle showrooms will be permitted within the economic development sites identified in the Site Schedule, or other business and industrial areas, provided access, servicing and any associated industrial processes can be accommodated without detriment to residential amenity, the functioning of the road network, or the operation of adjacent businesses.*
4. *Retail and commercial leisure development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate with any centre of which it is to form part.*

7a.11 The development includes an element of ancillary retail development. The application was accompanied by a Retail Impact Assessment which concludes the development would not have a significant impact on the vitality or viability of the network of existing centres. The application accords with policy TC03 'Retail and Commercial Leisure Development'.

7a.12 Policy TC04 'Food and Drink' states:-

- 1. Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.*
- 2. Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirements are satisfied.*
- 3. Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality.*

7a.13 The development includes an ancillary restaurant/café. It is considered that there would be no adverse impact on the amenity of the surrounding area as a result of development and parking and access arrangements are considered to be acceptable. The application accords with policy TC04 'Food and Drink'.

7a.14 Policy GN02 'Landscape' states:-

- 1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.'*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.15 The application was accompanied by a landscape and visual assessment, which demonstrates that a satisfactory landscape fit would be achieved. The application accords with policy GN02 'Landscape'.

7a.16 Policy GN03 'Biodiversity and Geodiversity' states:-

The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

1. *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
2. *Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
3. *Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.17 The application was accompanied by a Phase 1 Habitat Survey, which demonstrates that there would not be a significant impact on any site or species of conservation value. The application accords with policy GN03 'Biodiversity and Geodiversity'.

7a.18 Policy D02 'Sustainable Design Principles' states:-

New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

7a.19 Policy D03 'Urban Design' states:-

New development should create attractive and safe places for people to live, work and visit. Accordingly:

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*

5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.20 The application accords with good standards of design quality and principles of sustainable development. The application accords with policies D02 'Sustainable Design Principles' and D03 'Urban Design'.

7a.21 Policy D04 'Low and Zero Carbon Development' states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO₂ emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - *Proposals for change of use or conversion of buildings;*
 - *Alterations and extensions to buildings;*
 - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - *Temporary buildings with consent for 2 years or less; and*
 - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.22 The application can progress with a condition in relation to low and zero carbon generating technologies, in accordance with policy D04 'Low and Zero Carbon Development'.

7a.23 Policy D07 'Antonine Wall' states:-

The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- 1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- 2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
- 3. Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall.*

7a.24 The application site lies within the buffer zone of the Antonine Wall World Heritage Site. The application was accompanied by an updated Archaeology Evaluation Report, which demonstrates that the site can be developed without having an adverse impact on the World Heritage Site. The application accords with policy D07 'Antonine Wall'.

7a.25 Policy RW06 'Flooding' states:-

- 1. Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including 0.5% (1 in 200 year) flood event) development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*
 - Be likely to be at risk of flooding;*
 - Increase the level of risk of flooding for existing development; or*
 - Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
- 2. Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
 - any flood risks can be adequately managed both within and outwith the site;*
 - an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
 - access and egress can be provided to the site which is free of flood risk; and*
 - water resistant materials and forms of construction will be utilised where appropriate.*

3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.*

7a.26 The site is on land identified at being at risk of flooding. The applicant has submitted a Flood Risk Assessment (FRA) and supporting information which demonstrates that the flood risk can be managed, allowing for climate change and safe access and egress. The application accords with policy RW06 'Flooding'

Supplementary Guidance forming Part of Falkirk Local Development Plan

7a.27 The application accords with the guidance contained in SG01 'Development in the Countryside', SG05 'Biodiversity and Development', SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' and SG09 'Landscape Character Assessment and Landscape Designations'.

7a.28 The application can be progressed with a planning condition in relation to low and zero carbon-generating technologies, in accordance with SG15 'Low and Zero Carbon Development'.

7a.29 Accordingly, the application accords with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are consideration of the site in relation to coal mining legacy and Flood risk (including the objection from SEPA and Scottish Planning Policy).

Consideration of the Site in relation to Coal Mining Legacy

7b.2 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area. Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

Flood Risk

7b.3 This application is an amendment to planning permission P/17/0169/FUL, which dealt with the redevelopment of the garden centre including an extension to the existing garden centre, a coffee shop, office and ancillary development. This current application seeks to amend the planning permission by removing the first floor office accommodation and a small area of car park to the west of the site.

7b.4 At the last application stage the Scottish Environmental Protection Agency (SEPA) were consulted and did not object to the development. SEPA were consulted in relation to this current application and object on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. SEPA specifically request the following information:

- An explanation for the difference in flood extents shown between the previous FRA and the updated FRA;
- Confirmation that no land raising would occur within the functional floodplain;
- Mass balance, velocity and Froude numbers to be submitted; and
- Evidence of ground truthing of LiDAR data.

7b.5 At the last application stage a Flood Risk Assessment and Hydraulic Modelling Report were submitted to support the application. The documents were assessed by the Council's drainage and flooding consultants. No objections in relation to flood risk or concerns in relation to the information submitted were raised. The Council's consultants similarly commented on this current application and have no concerns or objection.

7b.6 Scottish Planning Policy (SPP) 2014 advises that the planning system should prevent development which would have a significant probability of being affected by flood or would increase the probability of flooding elsewhere. Planning Authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast.

7b.7 Flood risk was fully assessed at both application stages. The site is considered to be at risk of flooding and as such the applicant submitted a Flood Risk Assessment and supporting information which was assessed by the Council's consultants and is considered to address policy RW06 'Flooding'. SEPA were consulted on both applications within a period of 13 months, however, their advice has changed. The principle of development is established and the Council are satisfied with the information submitted. The applicant has requested that the application be progressed.

7c Conclusion

7c.1 The application has been assessed as being in accordance with the Falkirk local Development Plan. SEPA object to the development, however their, concerns are not considered to outweigh the provisions of the Local Development Plan, extant planning permission (Ref: P/17/0169/FUL) for the redevelopment of the site and the Council's assessment in relation to flood risk.

7c.2 The application is therefore recommended as **Minded to Grant**, subject to notification of the application to Scottish Ministers on the basis of the SEPA objection. Thereafter if Scottish Ministers do not call in the application for their own determination it is recommended that planning permission should be granted.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee indicate that it is Minded to Grant Planning Permission subject to:-

- (a) Notification of the application to Scottish Ministers in relation to the SEPA objection, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009; and**

(b) Thereafter, if the application is not called in by Scottish Ministers, remit the Director of Development Services, to approve the application subject to the following condition(s):-

- 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. 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 noise sensitive premises. 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.**
- 3. Prior to the commencement of development on site, the surface water and foul drainage arrangements shall be agreed in writing by the Planning Authority. Thereafter development shall commence in accordance with the approved scheme.**
- 4. The development hereby approved shall 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.

- 5. No part of the development shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Planning Authority.**
- 6. Prior to the commencement of development on site, a specification for the electrical vehicle charging points shall be submitted to and agreed in writing with the Planning Authority.**

- 7. For the avoidance of doubt, the hatched footway from the existing A9 pedestrian crossing facility into the site, shall be removed and landscaped in accordance with the approved landscape plan, following completion of the new crossing facility on the A9.**
- 8. Samples of all external materials 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.**
- 9. No development shall commence on site until a tree protection plan (in accordance with BS5837:2012) has been submitted to and approved in writing by Planning Authority. Thereafter the trees marked for retention, shall be protected by suitable fencing. The fencing shall be retained for the duration of the construction period and no materials, vehicles, plant or machinery shall be placed or stored or any excavations carried out within the fenced off area, unless otherwise agreed in writing.**
- 10. For the avoidance of doubt, development shall proceed in accordance with the recommendations of the Reptile Survey, in relation to further survey work and the timing of vegetation removal.**
- 11. The 6 metre buffer strip shown on the approved site plan (our online reference drawing No. 07), shall be protected by temporary fencing for the duration of construction works on site.**
- 12. Unrestricted Class 1 retailing shall not exceed 15% of the total net sales area.**

Reasons for the conditions above:-

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.**
- 3. To ensure that adequate drainage is provided.**
- 4. To ensure the development achieves the required CO₂ emission reduction as a result of development.**
- 5. To safeguard the interests of the users of the highway in accordance with the submitted Transport Statement.**
- 6, 7. To safeguard the interests of the users of the highway.**
- 8. To safeguard the visual amenity of the area.**
- 9. To ensure that the existing trees are retained and protected during construction work.**
- 10. To ensure that the development does not adversely impact reptiles.**

11. To ensure the Polmont Burn remains undisturbed and protected during construction.
12. To allow a satisfactory range of goods and seasonal variation.

Informative(s):-

1. 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.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 -13 and Supporting Documents.
3. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
4. If development involves any alterations or excavation in the public road or footway, a Minor Roadworks Consent will be required. Falkirk Council, Roads Services, Roads Depot, Earls Road, Grangemouth (01324 504600) will provide the relevant application form for a Minor Roadworks Consent and advise of conditions relevant to works in a public road.

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pp Director of Development Services

Date: 11 June 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.

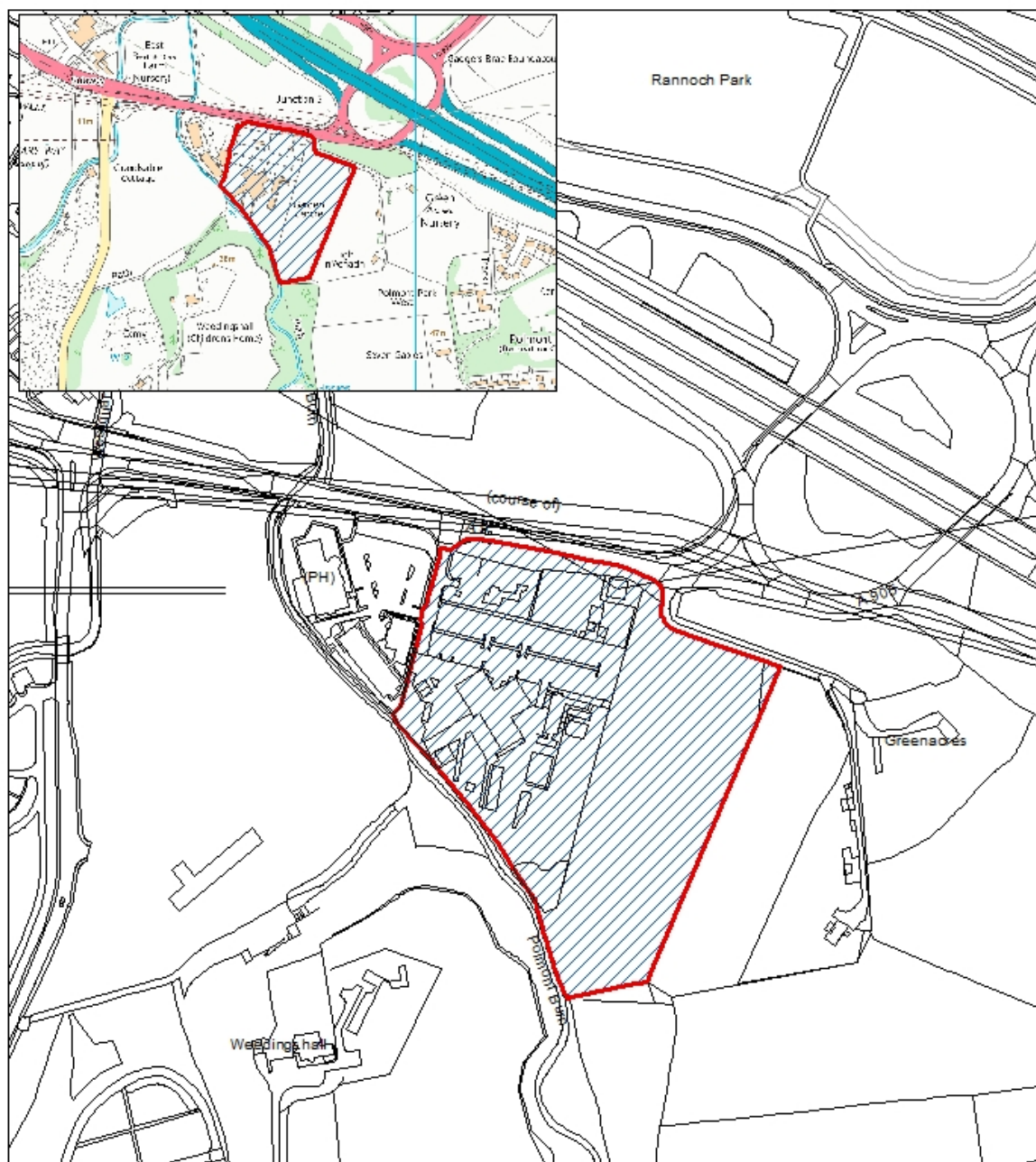
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0104/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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