

**P44. 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**

The Committee considered a report by the Director of Development Services on an application for planning permission for the 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.

**Decision**

**The Committee agreed 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**