

P134. ERECTION OF 167 HOUSING UNITS WITH ASSOCIATED INFRASTRUCTURE AND GREEN SPACE ON LAND TO THE SOUTH OF KINGLASS COTTAGE, BORROWSTOUN ROAD, BO'NESS FOR MILLER HOMES AND AWG PROPERTY LTD - P/15/0364/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P122 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 167 housing units with a mixture of two storey detached and semi-detached dwellinghouses and two storey cottage flats and open space, landscaping, a footpath network and Sustainable Urban Drainage (SUDS) on land to the south of Kinglass Cottage, Borrowstoun Road, Bo'ness.

Decision

The Committee agreed that it was MINDED to GRANT planning permission subject to the conclusion, within six months, of a Legal Agreement/Planning Obligation to the satisfaction of the Director of Development Services 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, as amended, for the sum of (1) £463,425 for affordable housing provision; (2) £208,750 for education/nursery provision, and (3) an appropriate sum as determined by the Director of Development Services towards the core path network.

Thereafter on the conclusion of the above, to 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 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 shall 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;

- (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; and
 - (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) No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.
- (4) No development shall commence on site until a drainage strategy has been submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details, unless otherwise agreed in writing.
- (5) No development shall commence on site until a material schedule, of all external materials, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.
- (6) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Thereafter, the development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing.
- (7) No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.
- (8) Within three months of the occupation of the last residential unit occupied on site, all road and footway construction shall be completed in accordance with the approved site plan.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2,3) To ensure the ground is made suitable for the approved development.
- (4) To ensure adequate drainage can be achieved.
- (5) To safeguard the visual amenity of the area.
- (6,7) To safeguard the environmental amenity of the area.
- (8) To safeguard the interests of the users of the highway.

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(s) to which the decision refer(s) bear the online reference number(s) 01B, 02A, 03, 04A, 05A, 06, 07, 08B, 09, 10 and Supporting Information.