

P105. Change of Use from Day Hospital (Class10) to Form 3 Flatted Dwellings, Partial Demolition of, and Extension to, Existing Building to Form Dwellinghouse and Erection of Dwellinghouse at Dunrowan, 37 Maggie Wood's Loan, Falkirk FK1 5EH for Dunrowan Heights Ltd - P/16/0510/FUL

With reference to Minute of Meeting of the Planning Committee held on 23 November 2016 (Paragraph P96 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 the change of use and alterations to a former day hospital to form 3 flatted dwellings, partial demolition of, and extension to, the existing building to form a single dwellinghouse and the erection of a further dwellinghouse to the front of the site at 37 Maggie Wood's Loan, Falkirk.

Decision

The Committee agreed that it was minded to grant planning permission subject to 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 open space improvements to the sum of £2,205.

Thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions as well as a condition to require the gable end of the house on plot 1, facing Maggie Woods Loan, to be finished in natural stone:-

- (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) (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 the start of work on site, details of all external finishing 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.
- (4) 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.

- (5) Before development commences a Tree Protection Plan shall be submitted for the approval of Falkirk Council as Planning Authority. The Tree Protection plan shall detail measures to protect all retained trees, including those outwith the site boundaries, from construction damage and detail all trees to be removed and tree surgery works.
- (6) Temporary protective fencing, in full accordance with the approved Tree Protection Plan, must be erected prior to any works commencing on site and must remain in position until all construction works are completed. This fenced off area will form

the Construction Exclusion Zone and no excavation, increase in levels, trenching, material storage, building material run off, fire, pedestrian or machinery access shall take place within the fenced off Construction Exclusion Zone.

Reason(s):-

- (1) As these drawings and details constitute the approved development.**
- (2) To ensure the ground is suitable for the proposed development.**
- (3) To safeguard the visual amenity of the area.**
- (4) To ensure the development achieves the required CO2 emission reduction as a result of development.**
- (5-6) To ensure that the existing trees are retained and protected during construction work.**