

P113. Residential Development to Build 10 Flats, 38 Dwellinghouses and Associated Parking Areas and Infrastructure on Land to the West of 21 Old Mill Way, Kirkland Drive, Stoneywood for MacTaggart and Mickel - P/16/0429/FUL

The Committee considered a report by the Director of Development Services seeking the amendment of the scheme approved under planning permission P/08/0296/FUL by substituting 37 flats and 18 dwellinghouses with 10 flats and 38 dwellinghouses within a portion of the overall site on land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

Decision

The Committee agreed that it was minded to grant planning permission subject to (1) the agreement to the modification of the Section 75 Planning Obligation sought under planning application P/16/0653/75M; and (2) the satisfactory conclusion of the Section 75A matters (P/16/0653/75M) and registration of the Decision Notice in the Land Register.

Thereafter, on the conclusion of the foregoing matters, 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 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) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
- (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-**
 - (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;**
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;**

- (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, substations, etc; and
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Notwithstanding the approved plans, before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) the location of a toddler/junior play area and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas; and
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient, cross-section and signage details shall be submitted as appropriate.
- (6) Before the development commences, a final statement and plan confirming any existing trees proposed to be removed shall be submitted to and approved by the Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.
- (7) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by the Planning Authority (as appropriate). The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.
- (8) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.

- (9) Before the development commences, the exact details of the proposed measures, either as detailed in Tables 1A and 1B of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated July 2011(submitted with P/08/0296/FUL) or as otherwise detailed in any agreed update of these Tables, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (10) Before the development commences, any necessary Species Protection Plan for otter shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (11) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include woodland management measures and management prescriptions for the SUDS pond and habitat, and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (12) In respect of otter:-
- (i) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
 - (ii) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
 - (iii) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (13) Should the development not commence within twelve months of the last survey of the site for otter, bats and badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of the Planning Authority.

- (14) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.**
- (15) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.**
- (16) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.**
- (17) Unless otherwise agreed in writing by the Planning Authority, all new road and footway design and construction shall be carried out in accordance with the National Roads Development Guide.**
- (18) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.**
- (19) The proposed development shall be carried out in accordance with the recommendations detailed on page 43 of the Flood Risk and Drainage Impact Assessment, Revision H, prepared by Waterman Civils Limited, dated September 2011 (submitted with P/08/0296/FUL)**
- (20) Before the development commences, details of the provision of an improved trash screen for the Sandyford Burn under the B818 and arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved trash screen shall be installed in accordance with an agreed timescale and maintenance of the culverts shall be carried out in accordance with the approved details.**
- (21) One cycle store per flat shall be provided before each flat is occupied, in accordance with details to be submitted to and approved in writing by the Planning Authority before the development commences.**
- (22) Before the first unit is occupied, a Residential Travel Plan, including a Travel Pack shall be submitted to and approved in writing by the Planning Authority and distributed to households prior to occupation.**

- (23) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, and the active recreational facilities, shall be submitted to and approved in writing by the Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.**
- (24) Before the 23rd residential unit within the application site is occupied, the toddler/junior play area shall be fully completed in accordance with the approved details.**
- (25) Before the 43rd residential unit within the application site is occupied, the alterations to the listed building (Carrongrove House) shall be fully completed in accordance with the details to be approved by means of a separate planning permission/listed building consent.**

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2) To enable the Planning Authority to consider these aspects in more detail.**
- (3,4,6) To safeguard the visual amenity of the area.**
- (5) To ensure the provision of adequate and appropriate recreational facilities.**
- (7- 9) To safeguard the visual and environmental amenity of the area.**
- (10-14) To safeguard the environmental amenity of the area and ecological and biodiversity interests.**
- (15) To ensure the ground is suitable for the proposed development.**
- (16) To ensure the provision of appropriate waste management facilities.**
- (17,18) To safeguard the interests of the users of the highway.**
- (19,20) To safeguard the site against the risk of flooding.**
- (21,**

- 22) To ensure the provision of facilities and measures to support sustainable modes of transport.**
- (23) To secure the on-going maintenance of the common areas and facilities.**
- (24,**
- 25) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.**

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A, 03D, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15B, 16B, 17B, 18B, 19B, 20B, 21C, 22C, 23A, 24, 25 and 27.**
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.**
- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the relevant Council Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.**
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.**
- (5) The discharge of surface water to the water environment should be in accordance with the principles of SUDS (Sustainable Drainage Systems) Manual (C753) published by CIRIA. Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.**
- (6) Any proposals for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).**
- (7) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places**
- (8) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmon fish and**

otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.

- (9) 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.**