

P103. Erection of 130 Dwellinghouses, 38 Flats and Formation of Access, Landscaping and Associated Infrastructure at Site at Transco Holder Station, Etna Road, Falkirk for Persimmon Homes (East Scotland) – P/17/0295/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission erection of 130 dwellinghouses, 38 flats and the formation of access, landscaping and associated infrastructure at a site at Transco Holder Station, Etna Road, Falkirk.

In accordance with Standing Order 38.1 (x) the Convener gave consent to Councillor Meiklejohn to speak in relation to this item of business, the said Member having duly given at least 24 hours notice.

In accordance with Standing Order 33.2 the Committee gave consent to Mr Johnstone, a representative of the applicant company to speak in relation to this item of business.

Decision

The Committee agreed that it was minded to Grant planning permission subject to the satisfactory completion of an appropriate Legal Agreement within six months of the date of the minded to Grant decision and index linked from that date, as follows:-

- (i) The payment of a financial contribution towards potential extension of canalside footpath amounting to £25,000 prior to the occupation of the 1st dwellinghouse;**
- (ii) The payment of a financial contribution totalling £478,400 towards Education, allocated in the following manner:-**

Bainsford Primary School £376,000; and
Nursery Provision £102,400; and
- (iii) The conclusion of the detail and funding of the relocation of the eastbound bus stop and shelter on Etna Road. This may also include temporary provision during the construction of the vehicular access arrangements; and**

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) Samples of external materials and boundary treatments 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.**
- (3) Further information shall be submitted to and approved in writing by the Planning Authority as to the feasibility of channel restoration to Ladysmill Burn.**
- (4) (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.
- (5) Before any building is occupied, the car parking shown on the Approved Plan shall be completed.**
- (6) Before development begins a scheme for the maintenance of open space, including any play areas, within the development shall be submitted to and approved in writing by the Planning Authority.**

- (7) Development shall not begin until details of earthworks have been submitted to and approved in writing by the Planning Authority. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Development shall be carried out in accordance with the approved details.
- (8) 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.

- (9) Prior to any works on site, further information shall be submitted to and approved in writing by the planning authority as to the ecological acceptance of the SUDs facility design.
- (10) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the construction standard of the proposed canal pathway.
- (11) Prior to works on site, further information shall be submitted to and approved in writing by the planning authority that the Scottish Air Quality Objectives will not be exceeded at receptor locations due to increased traffic flows attributed to the development.
- (12) Prior to occupation of any dwellinghouse, a copy of a Welcome Travel Pack shall be submitted to and approved in writing by the Planning Authority. Such submission shall include details of distribution.
- (13) Prior to any development on site, a stage 2 Road Safety Audit shall be applied to the detailed design proposals by the applicant, submitted to and approved in writing by the Planning Authority.

- (14) Within one month of the proposed vehicular access being utilised, a stage 3 Road Safety Audit shall be conducted by the applicant, submitted to and approved in writing by the Planning Authority. Any required changes to the design as a consequence of the Road Safety Audit shall be funded and implemented by the applicant prior to occupation of any dwellinghouse.**
- (15) Prior to works on site further details shall be submitted to, and approved in writing by the Planning Authority, with regard to cycle parking provision and its implementation on site.**

Reasons:-

- (1) As these drawings and details constitute the approved development.**
- (2, 3) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (4) To ensure the ground is suitable for the proposed development.**
- (5) To ensure that adequate car parking is provided.**
- (6) To safeguard the environmental amenity of the area.**
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (8) To ensure the development achieves the required CO₂ emission reduction as a result of development.**
- (9-11) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (12-**
- 15) To enable the Planning Authority to consider this/these aspect(s) in detail.**

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) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.**

(3) Separate consent may be required from Scottish Water for certain aspects of this development.

(4) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

(5) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02E, 03, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15A, 16, 17, 18, 19A, 20B, 21A, 22A, 23A, 24A, 25A, 26A, 27, 28, 29, 30, 31B, 32A 33 and 34.