

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 5 FLATTED DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE, AT LAND SOUTH OF 7 SHORE ROAD, SHORE ROAD, AIRTH FOR GEAN DEVELOPMENTS - P/17/0781/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 25 April 2018

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** Airth Parish

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 20 March 2018 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on Tuesday 3 April 2018.
2. Following a summary of the proposal by the case officer, the agent spoke in support of the application, describing the proposed development including the design, access and materials. The applicant commented that there was a previous planning permission and a building warrant for 6 flats on the site; and in his view the current application represents an improved scheme in terms of design and compatibility with the surrounding conservation area.
3. Objectors viewed the plans and sought clarification in relation to parking and privacy.
4. Members sought clarification in relation to planning permission Ref: 06/0021/FUL for 6 flats on the site. These plans will be made available for inspection by Members at the meeting of the Planning Committee.
5. Members also noted concerns in relation to the surrounding road network and noted traffic movements, on-street parking and visibility from the site access.

6. The Roads Officer advised that the application has no visitor parking provision and visibility at the site access in a southern direction is poor. It would be a matter for Committee to consider whether this would justify the refusal of planning permission.
7. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to be minded to grant planning permission.

## **8. RECOMMENDATION**

### **8.1 It is therefore recommended that the Committee are minded to grant planning permission subject to:**

- (a) **Conclusion of an appropriate Legal Agreement within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:**
  - **A financial contribution of £4777.50 (5 x £955.50) towards open space and play provision within the local area.**
- (b) **Thereafter, remit to the Director of Development Services, to approve planning permission 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.
    - i. **No development shall commence on site unless otherwise agreed with 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 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 on 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. 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 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.
- 5. 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 CO<sub>2</sub> 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.

- 6. No development shall commence on site until a detailed 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.

**Reason(s):-**

- 1. As these drawings and details constitute the approved development.
- 2,3. To ensure the ground is suitable for the proposed development.
- 4. To safeguard the character and amenity of the conservation area.
- 5. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
- 6. To ensure that adequate drainage is provided.

**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, 02A, 03A, 04 and Supporting Documents.
3. 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.

4. Works to alter the existing dropped kerb will require Minor Roadworks Consent. The applicant should contact Roads Services on 01324 506070 to obtain the relevant application form.
5. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.



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pp Director of Development Services

Date: 17 April 2018