

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 MAY 2011 at 9.30 A.M.**

**PRESENT:** Councillors Buchanan, Carleschi, Lemetti, C Martin, McLuckie, McNeill, Mahoney, Nicol, Oliver and Thomson.

**CONVENER:** Councillor Buchanan.

**APOLOGY:** Councillor A MacDonald.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Development Management Co-ordinator (D Campbell); Roads Development Co-ordinator; Transport Planning Co-ordinator; Development Plan Co-ordinator; Senior Planning Officer (B Vivian); Senior Forward Planning Officer; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:** Councillor McNeill declared a non financial interest in agenda item 6 (P33), having made representation at the site visit as a local member, and stated that he would take no part in consideration of this item of business.

Councillor Mahoney declared a non-financial interest in item 14 (P42) as a Director of the Helix Trust and stated that he would take no part in consideration of this item of business.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0087/FUL, P/10/0423/FUL and P/11/0012/FUL (minute P32, P33 and P34).
- Councillor Lemetti informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0087/FUL, P/10/0423/FUL and P/11/0012/FUL (minute P32, P33 and P34).
- Councillor McNeill informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0757/FUL (minute P31) but that he would take part in consideration of planning application P/11/0019/FUL (minute P30) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0087/FUL (minute P32).

## **P28. MINUTES**

There was submitted and **APPROVED**:-

- (a) Minute of Meeting of the Planning Committee held on 20 April 2011;
- (b) Minute of Meeting of the Planning Hearing held on 26 April 2011;
- (c) Minute of Meeting of the Planning Committee held On-Site on 9 May 2011; and
- (d) Minute of Meeting of the Planning Committee held On-Site on 12 May 2011, subject to clarification that the item in respect of which Councillors MacDonald and McNeil had declared a non financial interest was item P25.

Councillor C Martin entered the meeting prior to consideration of the following item of business.

## **P29. RESTORATION AND REFURBISHMENT OF LATHALLAN HOUSE TO FORM 9 FLATTED DWELLINGS, DEMOLITION OF LAUNDRY OUTBUILDING, RESTORATION & REFURBISHMENT OF STABLES TO FORM 3 DWELLINGHOUSES, ERECTION OF 36 DWELLINGHOUSES AND ASSOCIATED WORKS AT LATHALLAN HOUSE, FALKIRK FK2 0YG FOR ROWANHILL DEVELOPMENT LTD - P/09/0370/FUL AND P/09/0369/LBC (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 20 April 2011 (Paragraphs P16 and P17 refer), Committee gave further consideration to Reports (circulated) dated 12 April 2011 by the Director of Development Services and an additional Report (circulated) dated 12 May 2011 by the said Director on applications for (a) full planning permission for the restoration and refurbishment of Lathallan House to form nine flatted dwellings, the demolition of a laundry outbuilding, the restoration and the refurbishment of stables to form three dwellinghouses and the erection of thirty six dwellinghouses and associated works at Lathallan House, Falkirk; and (b) listed building consent for the restoration and refurbishment of Lathallan House to form nine flatted dwellings, the demolition of a laundry outbuilding, the restoration and the refurbishment of stables to form three dwellinghouses and the erection of thirty six dwellinghouses and associated works at Lathallan House, Falkirk.

**AGREED** to **CONTINUE** consideration of this item of business in order for the applicants to provide information to the Committee regarding:-

- (1) proposals to amend elements of the housing design to reflect the setting of Lathallan House;
- (2) the phasing of the development and the restoration of Lathallan House; and
- (3) the growth of Japanese Knotweed on the site.

**NOTED** that a condition could be imposed on the development to ensure that the gate referred to in the report remained unlocked.

The Committee, being conscious of time constraints, was willing to meet for a Special meeting of the Committee if possible to do so.

**P30. EXTENSION TO DWELLINGHOUSE (SECOND STOREY TO REAR) AT CAMPDEN, 47 MAIN STREET, BRIGHTONS, FALKIRK FK2 0JS FOR MR CHRIS MCPHEE - P/11/0019/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 20 April 2011 (Paragraph P15 refers), Committee gave further consideration to Report (circulated) dated 12 April 2011 by the Director of Development Services and an additional Report (circulated) dated 11 May 2011 by the said Director on an application for full planning permission for the extension to an existing single storey dwellinghouse (second storey to rear) with a large dormer over the existing property to create accommodation on a upper level of the property and the addition of high level decking at the rear of the extension leading to the rear garden at Campden, 47 Main Street, Brightons, Falkirk.

Having regard to the precedent of similar developments in the area of the application site, **AGREED** to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services.

**P31. CHANGE OF USE FROM BETTING SHOP (CLASS 2) TO HOT FOOD TAKEAWAY AND INSTALLATION OF FLUE AT 11 MAIN STREET, SHIELDHILL, FALKIRK FK1 2DZ FOR MR COLIN MCMILLAN - P/10/0757/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 20 April 2011 (Paragraph P11 refers), Committee gave further consideration to Report (circulated) dated 12 April 2011 by the Director of Development Services and an additional Report (circulated) dated 11 May 2011 by the said Director on an application for full planning permission for the change of use of an existing betting shop (Class 2) to a hot food takeaway and the installation of a flue on a site located within an established residential area, directly opposite the junction of Main Street and Anderson Crescent, at 11 Main Street, Shieldhill, Falkirk.

**AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to the use as a hot food takeaway commencing 5 parking spaces, a minimum of 5 metres long by 2.5 metres wide, shall be formally marked out on site with white paint.
- (3) Prior to the use as a hot food takeaway commencing, the proposed cooking odour filtration system and flue shall be installed and operational in accordance with the approved plans and specification.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate car parking is provided.
- (3) To ensure that adequate ventilation is provided.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02 and supporting documents.

**P32. ERECTION OF 6 DWELLINGHOUSES (RENEWAL OF PLANNING PERMISSION 05/1166/FUL) ON LAND TO THE NORTH OF 34 SEAFORTH ROAD, SEAFORTH ROAD, FALKIRK FOR MR GEORGE NEELY - P/11/0087/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 20 April 2011 (Paragraph P13 refers), Committee gave further consideration to Report (circulated) dated 12 April 2011 by the Director of Development Services and an additional Report (circulated) dated 13 May 2011 by the said Director on an application for full planning permission for the erection of six terraced dwellinghouses (renewal of planning permission 05/1166/FUL) on a site located next to an existing shop unit surrounded by dwellinghouses on all sides and on land to the north of 34 Seaforth Road, Seaforth Road, Falkirk.

**AGREED to GRANT** planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Samples of all external 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.
- (3) The existing footpath along the site frontage with Seaforth Road shall be reconstructed in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (4) All drainage shall be provided to meet the requirements of Scottish Water and evidence of such compliance shall be submitted to the Planning Authority on demand.

- (5) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3) To safeguard the interests of the users of the highway.
- (4) To ensure that adequate drainage is provided.
- (5) To ensure the ground is suitable for 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) 01 and supporting documents.
- (2) 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 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

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

Councillor McNeill left the meeting prior to consideration of the following item of business.

**P33. OPERATIONS YARD/WASTE RECYCLING/TRANSFER FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON - P/10/0423/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 20 April 2011 (Paragraph P10 refers), Committee gave further consideration to Report (circulated) dated 12 April 2011 by the Director of Development Services and an additional Report (circulated) dated 13 May 2011 by the said Director on an application for full planning permission for the development of an operations yard/waste recycling/transfer facility involving the processing, recycling and storage of inert material arising from the demolition, construction and excavation operations on a site bounded by industrial and petrochemical development extending to approximately 6.2 metres at Sabic Innovative Plastics, Bo'ness Road, Grangemouth.

**AGREED** to **CONTINUE** consideration of this item of business to allow Members to view dust suppression equipment at an appropriate site to be agreed and the submission of site screening details.

Councillor McNeill re-entered the meeting following consideration of the foregoing item of business.

**P34. EXTENSION TO DWELLINGHOUSE (DORMERS) AT 6 HAINING PLACE, GRANGEMOUTH FK3 9DR FOR MR AND MRS FOTHERINGHAM - P/11/0012/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 20 April 2011 (Paragraph P12 refers), Committee gave further consideration to Report (circulated) dated 12 April 2011 by the Director of Development Services and an additional Report (circulated) dated 13 May 2011 by the said Director on an application for full planning permission for the extension to an existing detached one and a half storey dwellinghouse roof by the addition of two blank dormers at 6 Haining Place, Grangemouth.

Having regard to the precedent of similar developments in the area of the application site, **AGREED** to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services.

**P35. RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORSTON ASSETS / MWL MAXINE DURY - P/10/0188/PPP**

With reference to Minute of Meeting of the Planning Hearing held on 26 April 2011 (Paragraph P20 refers), Committee gave further consideration to Report (circulated) dated 13 April 2011 by the Director of Development Services and an additional Report (circulated) dated 11 May 2011 by the said Director on an application for planning permission in principle for a residential and mixed use phased development for the Whitecross SIRR, including up to 1500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space at Manuel Works, Linlithgow.

**AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the following:-

- (a) Referral of the application to Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal; and
- (b) The satisfactory completion of an Agreement, or Agreements, within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
  - (i) The provision of a new primary school;
  - (ii) The provision, initially, of temporary accommodation at the existing Whitecross Primary School;
  - (iii) The payment of a financial contribution towards increasing the future capacity of St Mungo's RC High School, at a rate of £650 per dwellinghouse and £450 per flat;
  - (iv) The upgrading of Junction 4 of the M9;
  - (v) The payment of a financial contribution to fund enhancements to existing bus services and possible new services for a specified time period;
  - (vi) The preparation of a Travel Plan Framework;
  - (vii) The provision of affordable and special needs housing;
  - (viii) The payment of a financial contribution towards the upgrade of, and provision of new recreational facilities at, the existing sports ground;
  - (ix) The provision of a new sports pitch;
  - (x) The upgrading of Myrehead Road and the Myrehead Road rail bridge (if relevant);

- (xi) The provision of traffic management and calming measures on Station Road;
  - (xii) The undertaking of street enhancement measures at the existing Whitecross village junction; and
  - (xiii) The details, as appropriate, of the exact location, specification, timing/phasing of provision and means of delivery in respect of the above matters or the details, as appropriate, of the means by which to determine the exact location, specification, timing/phasing and means of delivery in respect of the above matters.
- (c) Thereafter, on the conclusion of the foregoing matters, which shall include a delegation to the Director of Development Services to exercise a judgement in respect of whether the obligations to be placed on the application are more appropriately dealt with by planning conditions or Section 75 obligation, to remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-

*Standard Conditions*

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements; and
  - (c) details of the landscaping of the site.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-
  - (a) the expiration of 10 years from the date of the grant of the permission; or
  - (b) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made by virtue of sub-paragraphs (b) and (c) after the expiration of the 10 year period mentioned in sub-paragraph (a) above.



- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
- (a) the expiration of 5 years from the date of the grant of the planning permission in principle; or
  - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

*Approval of Further Details*

- (4) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by the Planning Authority. The Plan shall define the areas of Phase B that will be subject to Area Based Frameworks/Masterplans and Design Codes.
- (5) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, a Masterplan and Design Guidance Zone Plan for this phase shall be submitted to and approved in writing by this Planning Authority. This Plan shall define the areas of Phase C that will be subject to Area Based Frameworks/Masterplans and Design Codes.
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted to and approved in writing by the Planning Authority, in consultation with the relevant consultees:-
- (a) A Final Construction Environmental Management Plan (CEMP);
  - (b) A Badger Protection and Mitigation Plan;
  - (c) A Street Hierarchy and Street Design Guide; and
  - (d) Stage 2 Road Safety Audits for the proposed roundabout access on the A801 and the proposed improvements to the Myrehead Road/A803 junction.
- (7) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use), the following site-wide details shall be submitted to and approved in writing by the Planning Authority, in consultation with the relevant consultees:-
- (a) A Landscape and Greenspace Strategy, incorporating an Environmental Management Plan, a Biodiversity Action Plan and an Accessibility and Path Network Management Strategy;
  - (b) A Public Art Strategy; and
  - (c) A Management Plan for Haining Wood.

- (8) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly for built development i.e. residential, employment or Local Centre (mixed use) within Phase A1 of the proposed development, a Conservation Plan, to consolidate and safeguard Almond Castle, shall be submitted to and approved in writing by the Planning Authority, in consultation with Historic Scotland.
- (9) Within one month of opening of the new roundabout access on the A801, a Stage 3 Road Safety Audit shall be submitted to the Planning Authority for written approval.
- (10) Within one month of opening of the upgraded Myrehead Road/A803 junction, a Stage 3 Road Safety Audit shall be submitted to the Planning Authority for written approval.
- (11) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by the Planning Authority, in consultation with the relevant consultees:-
- (a) The details required to be produced prior to construction as set out in the approved CEMP;
  - (b) An Area Based Framework/Masterplan and Design Codes, which accord with the Masterplan submitted with the planning permission in principle application, unless otherwise agreed in writing by the Planning Authority or a variation is required by a condition of the permission;
  - (c) The proposed streets standards and construction details, which accord with the approved Street Hierarchy and Street Design Guide;
  - (d) Detailed proposals for embedding sustainable energy use into the new development through, for example, site and building design and the utilisation of renewable energy sources;
  - (e) A Contaminated Land Assessment;
  - (f) A Noise/Vibration Assessment;
  - (g) A proposed scheme to connect to the public wastewater network;
  - (h) Detailed proposals for surface water drainage, including calculations, which accord with the SUDS Strategy and Drainage Assessment, dated March 2010;
  - (i) A Flood Risk Statement/Assessment;
  - (j) Updated otter, great crested newt, bat and badger surveys and protection plans;
  - (k) A proposed scheme of archaeological investigation (including a timetable), where the application site is partly or wholly outwith the footprint of the former Manuel Works;
  - (l) The location of all proposed play spaces, public parks, sports areas and natural/semi-natural greenspaces having regard to Falkirk Council's Open Space Strategy, which recommends the following maximum distance thresholds: 400 metres to a play space or public park, 800 metres to a sports area and 1200 metres to a natural/semi-natural greenspace;
  - (m) The exact details of all proposed play facilities, including the type of play equipment, seating, fences, walls, litter bins and surface finishes;

- (n) A detailed specification, including drainage, for the proposed new and upgraded sports pitches;
- (o) A detailed scheme of proposed soft landscaping works, which accords with the approved Landscape and Greenspace Strategy. The scheme shall include: an indication of existing trees and hedges to be retained and those proposed to be removed (accompanied by a tree survey); the location of all proposed new and retained trees, shrubs, hedges and grass areas; and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
- (p) A detailed scheme of proposed works to promote, enhance and add to biodiversity, which accords with the approved Landscape and Greenspace Strategy;
- (q) A Japanese Knotweed Management Plan;
- (r) A detailed scheme of proposed hard landscaping works. The scheme shall include: the specification and colour of all proposed surface materials; the location and design of all other proposed artefacts and structures e.g. street furniture, street lighting, sub-stations and fences, walls and gates; and proposals for public artwork, which accord with the approved Public Art Strategy;
- (s) The proposed specification for all new foot/cycleways and upgrades to existing foot/cycleways within the application site, including connections at the site boundaries to the wider path network;
- (t) The exact details of the location and design of all proposed waste management facilities, having regard to Falkirk Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (u) The details of the proposed location and specification of bus related infrastructure e.g. bus stops and shelters;
- (v) The details of proposed vehicle and cycle parking provision; and
- (w) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant).

*Compliance with Approved Details*

- (12) The Management Plan for Haining Wood shall be implemented in accordance with the details approved under Condition 7 prior to the occupation of the first residential unit or 18 months of the commencement of the proposed development, whichever is the earliest.
- (13) The consolidation works to Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 100<sup>th</sup> residential unit.
- (14) The landscape works around Almond Castle shall be carried out in accordance with the details approved under Condition 8 prior to the completion of the 250<sup>th</sup> residential unit.
- (15) The proposed development shall be carried out in accordance with the details approved under Condition 11 and in accordance with timescales (where relevant) approved in writing by the Planning Authority.

- (16) The proposed development shall be carried out in accordance with the approved CEMP.

*Delivery of Infrastructure (Phase A)*

- (17) Prior to either occupation of the first residential unit or within 18 months of commencement of the proposed development, whichever is the earliest:-
- (a) the new A801 access shall be opened for use and, at the same time, signage shall be erected in accordance with details approved in writing by the Planning Authority, to discourage the use of other local roads by construction traffic; and
  - (b) the public car-park and new foot/cycleway connection to the Union Canal at the western end of the site, as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by the Planning Authority.
- (18) Prior to completion of the 250<sup>th</sup> residential unit:-
- (a) A serviced site for an anchor store at the Local Centre shall be provided;
  - (b) Phase A1 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by the Planning Authority; and
  - (c) The Haining Wood path network, as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by the Planning Authority.
- (19) Prior to completion of the 350<sup>th</sup> residential unit:-
- (a) Phase A2 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by the Planning Authority; and
  - (b) The Steins Park Neighbourhood and Equipped Area for Play (NEAP), as indicated on Masterplan PPP/10, shall be fully completed in accordance with details approved in writing by the Planning Authority.
- (20) Prior to completion of the 500<sup>th</sup> residential unit:-
- (a) At least 2 of the proposed smaller retail units within the Local Centre shall be fully completed;
  - (b) Phase 1 of the Institute of Enterprise, consisting of at least 20,000 sq ft, and including a community hall, community meeting space, space for a health clinic and multi-functional space for community activities, shall be fully completed in accordance with details approved in writing by the Planning Authority;
  - (c) Phase A3 of Steins Park, as indicated on Masterplan PPP/D5, shall be fully completed in accordance with details approved in writing by the Planning Authority;

- (d) The public realm works to the new High Street and Local Centre shall be fully completed in accordance with details approved in writing by the Planning Authority; and
  - (e) Vellore Road shall be upgraded in accordance with details approved in writing by the Planning Authority.
- (21) Prior to either completion of the 50<sup>th</sup> residential unit within phase A4 (Haining Valley), as indicated on Masterplan PPP/D5, or completion of this phase if it has less than 50 units, the path network and new woodland planting/habitat creation within this phase shall be fully completed in accordance with details approved in writing by the Planning Authority.
- (22) Prior to completion of the last residential unit within phase A1 (Canal Place), as indicated on Masterplan PPP/D5, the public realm works within this phase shall be fully completed in accordance with details approved in writing by the Planning Authority.

*Delivery of Infrastructure (Phase B)*

- (23) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase B of the proposed development, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by the Planning Authority.

*Delivery of Infrastructure (Phase C)*

- (24) Prior to submission of the first application for the approval of Matters Specified in Conditions, which is partly or wholly within Phase C of the proposed development, a schedule indicating the thresholds for the delivery of infrastructure within this phase shall be submitted to and approved in writing by the Planning Authority.

*Flooding/Surface Water*

- (25) Unless otherwise agreed in writing by this Planning Authority, in consultation with SEPA, the finished floor levels of all new buildings shall accord with the levels specified in Figure 7 of the Flood Risk Assessment, dated March 2010, and compensatory storage shall be provided in accordance with that set out in this assessment; and
- (26) Surface water discharge to watercourses shall be limited to 3.2 litres/second/hectares unless otherwise agreed in writing by the Planning Authority.

### *Network Rail*

- (27) All surface or foul water arising from the proposed development shall be collected and diverted away from Network Rail property, and any Sustainable Urban Drainage Scheme (SUDS) shall be sited at least 10 metres from railway infrastructure; and
- (28) Where trees/shrubs are to be planted adjacent to the railway boundary, they shall be positioned a minimum distance from the boundary which is greater than their predicted mature height.

### *Natural Heritage*

- (29) Where the proposed development has not commenced within 12 months of the last survey of the site for otter, great crested newt, bat or badger survey, a further walk-over survey(s) shall be undertaken and the results of the survey(s) and any necessary species protection plan shall be submitted for the written approval of the Planning Authority; and
- (30) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds.

### *Cultural Heritage*

- (31) During the undertaking of any scheme of archaeological investigation approved under Condition 12(k), access at all reasonable times shall be afforded to any archaeologist nominated by the Planning Authority, to allow that person to observe work in progress and record items of interest and finds. Notification of the date of commencement date of ground breaking works, the site contact person and the name of the archaeologist retained by the applicant shall be submitted in writing to the Planning Authority not less than 14 days prior to development commencing.

### *Recreational Facilities*

- (32) The existing sports pitch shall not, at any time, be used for the storage of construction related materials and equipment, unless the material and equipment are directly related to the proposed upgrade of this pitch.

### *Health and Safety*

- (33) No more than 10% of each application site area associated with residential development shall fall within the PADHI middle consultation zone.
- (34) The proposed new primary school shall be located entirely outwith the PADHI consultation zones.
- (35) Those parts of the proposed development involving 'indoor use by the public' shall have a total floor space of less than 5000m<sup>2</sup>.

- (36) The exact design details for all proposed 'work place' type developments shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons within each building and for each building to comprise less than three occupied storeys.
- (37) The arrangements for the management and operation of the proposed football pitch on Priory Road shall be submitted for the written approval of this Planning Authority and will be assessed, in consultation with the Health and Safety Executive, against the PADHI requirements for not more than 100 persons in association with 'outdoor uses by the public'.

#### *Roads*

- (38) The proposed roundabout on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.

#### *Reason(s):-*

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-11) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (12-16) To ensure that the development is carried out in accordance with the approved details and appropriate timescales.
- (17-24) To secure the delivery of the necessary infrastructure in accordance with appropriate timescales.
- (25-26) To mitigate the potential for flood risk to an acceptable level.
- (27-28) To mitigate the potential for adverse impacts on railway infrastructure and safety.
- (29-30) To mitigate the potential impacts on protected species and other species of conservation interest.
- (31) To ensure that any archaeological remains are safeguarded.
- (32) To safeguard the availability of the use of the existing sports pitch.
- (33-37) To ensure that risks to health and safety arising from the proximity of major hazard pipelines are mitigated to an acceptable level.
- (38) To safeguard the interests of the users of the highway.

Informative:-

- (1) For the avoidance of doubt the plan(s) to which the permission refers bear the online reference number 01.

*SEPA*

- (2) SEPA has a presumption against culverting as set out in their Position Statement on the Culverting of Watercourses.
- (3) SEPA note the proposal to treat surface water from highways and industrial areas by filter drains prior to connection to the regional treatment features. Their preference would be for swales to be utilised in place of the filter drains due to their more robust nature. Where possible, the use of swales to convey water around the site in place of pipes should be considered.
- (4) SEPA would encourage the use of green roofs to manage surface water, especially in industrial areas.
- (5) SEPA advise that CIRIA C648 should be referred to in relation to tendering. Contracts should specify exact requirements for water pollution prevention in order to encourage high standards and to allow for like for like tender evaluation.
- (6) SEPA provides a series of Pollution Prevention Guidelines (PPG's). The principles of any relevant PPG's should be incorporated into any method statement requested. Particular attention should be given to the Construction PPG's.
- (7) SEPA advice on the reuse of demolition and excavation materials is available from the Waste and Resources Action programme.

*Sportscotland*

- (8) Sportscotland recommend that the new primary school playing field be designed in accordance with their guidance 'School Playfields, Planning and Design Guidance' and 'Design Guidance for Secondary School Sports facilities'.

*The Scottish Rights of Way and Access Society (Scotways)*

- (9) Scotways note that the northern half of CF25 appears to follow a new primary route and that a proposed foot/cycle path runs parallel and to the east of the primary route. They suggest that the applicant apply for a formal diversion of the right of way onto the proposed path.
- (10) Scotways request that they be informed of any right of way closures or diversions, including the dates they will be in place.
- (11) Scotways request the applicant to either retain the right of way signs within the development site so they can be reinstated or return them to Scotways for reuse.



*Network Rail*

- (12) Network Rail has advised that its existing boundary measures must not be removed without prior permission.
- (13) Network Rail has advised that buildings should be situated at least 2 metres from the Network Rail boundary.
- (14) Network Rail has advised that any proposal for noise or vibration sensation uses adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant to adequately protect the proposed end uses.
- (15) Network Rail has advised that any lighting associated with the proposed development (including vehicle lights) must not interfere with the lighting of signalling apparatus and/or train drivers' vision of approaching trains.

*The Coal Authority*

- (16) The Coal Authority has advised that existing remnant coal should be removed wherever possible. This would enable the land to be stabilised and treated rather than the less sustainable option of grout filling any voids.

*Central Scotland Fire*

- (17) Central Scotland Fire has requested that they be notified immediately upon the discovery/identification of any contaminant such as asbestos and that contact details with an on or off-site responsible person be put in place should out of hours access or advice be necessary to allow the Fire Service to carry out its duties safely. The Fire Service point of contact is Tom Penman, Station Manager at Bo'ness Fire Station (tel. 01506 822872) or Service Headquarters Out of Hours (Telephone number: 01324 716996).

**P37. MIXED USE DEVELOPMENT OF CANAL HUB FACILITY COMPRISING MARINA, PONTOON MOORINGS, VISITOR FACILITY, HOTEL/TOURISM ACCOMMODATION, CANAL FOOTBRIDGE, BOAT SERVICE BUILDINGS, CAR PARKING, LAY-BY, NATURAL LANDSCAPING WORKS AND ANCILLARY DEVELOPMENT ON LAND TO THE NORTH WEST OF ALMONDHALL FARM, FALKIRK FOR MORSTON ASSETS/LAND OPTIONS WEST - P/10/0761/PPP**

With reference to Minute of Meeting of the Planning Committee On Site held on 9 May 2011 (Paragraph P22 refers), Committee gave further consideration to Report (circulated) dated 28 April 2011 by the Director of Development Services and an additional Report (circulated) dated 11 May 2011 by the said Director on an application for planning permission in principle for a mixed use development for a canal hub facility comprising marina, pontoon moorings, visitor facility, hotel/tourism accommodation, canal footbridge, boat service buildings, car parking, lay by, natural landscaping works and ancillary development on land to the north west of Almondhall Farm, Falkirk.

**AGREED** to **GRANT** planning permission in principle, subject to the following conditions:-

- (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements; and
  - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-
  - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.
- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
  - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Unless otherwise agreed in writing by the Planning Authority, the first application for the Approval of Matters Specified in Conditions shall be accompanied by the following details for consideration for approval in writing by the Planning Authority:-
  - (a) A detailed Site Layout Plan, which accords with the layout and land uses as set out on Masterplan PPP/D2 submitted with the PPP application, unless otherwise agreed in writing by the Planning Authority or a variation is required by a condition of the permission;

- (b) A detailed Phasing Plan showing the exact sequence of development for each proposed land use, the provision of infrastructure, landscaping and open space;
  - (c) A Construction Environmental Management Plan;
  - (d) An Ecological Impact Assessment in respect of the Union Canal Site of Importance for Nature Conservation (SINC);
  - (e) A Site Biodiversity Action Plan;
  - (f) A detailed scheme for proposed soft landscaping works, which includes: an indication of existing trees and hedges proposed to be retained or removed; the location of all proposed new and retained trees, shrubs, hedges and grass areas; and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
  - (g) A detailed scheme of proposed hard landscaping works, which includes: the specification and colour of all proposed surface materials; the location and design of all other proposed artefacts and structures e.g. street furniture, lighting, fences, walls, gates and public artwork;
  - (h) A Cultural Heritage Mitigation Strategy;
  - (i) Updated surveys for great crested newts, otters and badgers, and species protection plans (where necessary);
  - (j) A Flood Risk Assessment/Statement;
  - (k) A scheme to connect the proposed development to the public waste network;
  - (l) A full site-specific surface water drainage scheme, which accords with SUDs principles;
  - (m) A Contaminated Land Assessment;
  - (n) The exact location and specification of all proposed foot/cycle paths and woodland tracks, including connections to the wider path network;
  - (o) The details of proposed vehicle and cycle parking provision;
  - (p) The exact details of the proposed play area; and
  - (q) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant).
- (5) Before the development commences, a fence shall be erected in a position to be approved in writing by the Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
- (6) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by the Planning Authority.
- (7) Where the proposed development has not commenced within 12 months of the last survey of the site for great crested newts, otters and badgers, further walkover survey(s) and any necessary species protection plan shall be submitted for the written approval of the Planning Authority.

- (8) Prior to the opening of the Marina Basin, or any other timescale that may be agreed in writing by the Planning Authority, a swing bridge shall be erected across the basin opening in accordance with details approved in writing by the Planning Authority, in consultation with Historic Scotland and British Waterways. In the interim, a suitable path diversion shall be put in place, in accordance with details approved in writing by the Planning Authority.
- (9) Prior to opening of any of the canal hub facilities, or any other timescale that may be agreed in writing by the Planning Authority, the proposed path through the site linking to Nicolson Road and the wider path network shall be provided in accordance with details approved in writing by the Planning Authority.
- (10) Prior to the end of the first planting and seeding season following the opening of any of the canal hub facilities, or any other timescale that may be agreed in writing by the Planning Authority, the approved landscape scheme, biodiversity enhancement measures and woodland tracks shall be fully implemented.
- (11) The proposed roundabouts on the A801 shall be designed and constructed in accordance with the Design Manual for Roads and Bridges.
- (12) The site access road, if a single track carriageway, shall have a minimum width of 3.7 metres, with passing spaces, and shall be designed and constructed in accordance with details approved in writing by the Planning Authority.
- (13) There shall be no vehicular access to the site via Nicolson Road.
- (14) All surface or foul water arising from the proposed development shall be collected and diverted away from Network Rail property and any Sustainable Urban Drainage Scheme (SUDS) shall not be sited within 10 metres of railway infrastructure.
- (15) Where trees/shrubs are to be planted adjacent to the railway boundary, these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.
- (16) The proposed development shall be implemented in full accordance with the details approved within the terms of the conditions of this permission unless a non-material change has been approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.

- (5) To ensure that the existing trees are retained and protected during construction work.
- (6-7) To mitigate the potential impacts on protected species and other species of conservation interest.
- (8) To compensate for the direct impact of the proposed development in the Union Canal Scheduled Ancient Monument.
- (9-10) To secure the timely implementation of the infrastructure works and mitigation/enhancement measures.
- (11-12) To secure a satisfactory design and construction, in the interests of road safety.
- (13) Nicolson Road is not suitable to provide vehicular access to the site.
- (14-15) To mitigate the potential for adverse impacts on railway infrastructure and safety.
- (16) To ensure the development is carried out in accordance with the approved details unless otherwise agreed.

**Informative:-**

- (1) For the avoidance of doubt the plan(s) to which the permission refer(s) bear the online reference number 01.

*SEPA*

- (2) SEPA notes that the proposed sewer connection route is adjacent to a closed landfill, which is still subject to a SEPA Waste Management Licence. The applicant should contact the local SEPA office (Telephone number: 01786 452575) to confirm that there would be no impact to the landfill by the proposed sewer route.
- (3) Waste should be minimised at the construction stage and waste material generated by the proposal should be reduced, reused and recycled where appropriate (i.e. in landscaping). There may be opportunities to utilise surplus soils for sustainable purposes elsewhere. Advice on the reuse of demolition and excavation materials is available from the Waste and Resources Action programme. Further guidance can be found on SEPA's website.

*Historic Scotland*

- (4) Historic Scotland advises that the prior written consent of Scottish Ministers under the Ancient Monuments and Archaeological Areas Act 1979 (Scheduled Monument Consent) would be required.

*Network Rail*

- (5) Suitable barriers would be needed to prevent undue interaction between site occupiers and the railway. Network Rail's existing boundary measures must not be removed without prior permission.
- (6) Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail land.
- (7) The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
- (8) Any lighting associated with the proposed development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The colour and location of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The applicant should obtain Network Rail's approval of their detailed lighting proposals. Following occupation of the development, if within three months Network Rail or a train operating company has identified that lighting from the development is interfering with drivers' vision and/or signal sighting, alteration/mitigation would be required to remove the conflict, at the applicant's expense.
- (9) The applicant should assess the title deeds to establish whether Development Consent for the works is required from Network Rail.
- (10) Construction works must be undertaken in a safe manner to ensure the operation of the neighbouring railway is not disturbed. The applicant must be aware of any embankments and supporting structures which are in close proximity to the development. Details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity of the railway line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site.

**P38. REMOVAL OF PLANNING CONDITIONS 4(B) AND 5(B) AND MODIFICATION OF A LEGAL OBLIGATION AT FORTH VALLEY ROYAL HOSPITAL, STIRLING ROAD, LARBERT FK5 4WR FOR NHS FORTH VALLEY - P/11/0177/VRC**

There was submitted Report (circulated) dated 10 May 2011 by the Director of Development Services on an application for the removal of planning conditions 4(b) and 5(b) and modification of a legal obligation in relation to detailed planning permission P/06/1066/FUL for the erection of new acute hospital with associated access, landscaping and parking and the erection of energy centre at Forth Valley Royal Hospital, Stirling Road, Larbert.

**AGREED** that Committee is **MINDED** to **GRANT** the removal of the stated planning conditions (4(b) and 5(b) of detailed planning permission P/06/1066/FUL) subject to:-

- (1) The expiration of any consultation period required under the terms of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 and, subsequently; and
- (2) The satisfactory amendment of the existing agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
  - (i) A monitoring mechanism to be instigated within 3 months of the hospital being fully operational or no later than 31 December 2011, or an alternative date agreed with Falkirk Council. Such monitoring to be concluded and submitted to Falkirk Council within 2 months from the date of survey.
  - (ii) The applicant shall provide Falkirk Council with a detailed survey and analysis methodology for approval prior to the commencement of the surveys.
  - (iii) The survey data results, including the calibration of the Base models, shall be presented in a monitoring report which confirms the validity of the data, junction performance and the proportion of the traffic at the A9/A803 Camelon junction which is hospital related.
  - (iv) The monitoring report will be used to inform the following process:-
    - Identification of any need for junction mitigation at the A9/A803 Camelon junction;
    - Identification of any impact at the Camelon junction attributable to the new hospital;
    - Either the identification of measures to be funded by NHSFV to address hospital related impact at the Camelon junction; or
    - The identification of an appropriate financial contribution, to be collected by the Council and used to part fund appropriate mitigation being co-ordinated by Falkirk Council.

An allowance of any committed development in the assessment, or the inclusion of any other potential development in the area should be discussed and agreed with Falkirk Council prior to carrying out the assessment of the Camelon junction.

Junction analysis will be undertaken for the year from which the hospital is fully operational (currently anticipated to be 2011).

- (v) The payment of an appropriate financial contribution or the implementation of any required mitigation works to be undertaken within twelve months of being requested by Falkirk Council unless otherwise agreed in writing.

**P39. FORMATION OF NEW ACCESS ROAD (RETROSPECTIVE) AT THE COACH HOUSE, GLENBERVIE, BELLSDYKE ROAD, LARBERT FK5 4EG FOR MR STEVEN MCLEOD - P/11/0085/FUL**

There was submitted Report (circulated) dated 10 May 2011 by the Director of Development Services on an application for full planning permission (in retrospect) for the formation of a new access road to the Coach House, Glenbervie, Bellsdyke Road, Larbert

**AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

**P40. ERECTION OF INDUSTRIAL BUILDING (CLASS 5) ON LAND TO THE SOUTH WEST OF 12 CENTRAL PARK AVENUE, CENTRAL PARK AVENUE, LARBERT FOR FALKIRK COUNCIL - P/11/0197/FUL**

There was submitted Report (circulated) dated 10 May 2011 by the Director of Development Services on an application for full planning permission for the erection of a single storey industrial building on land to the south west of 12 Central Park Avenue, Larbert.

**AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2)
  - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
  - (ii) Where contamination (as defined by Part IIA of the Environment Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
  - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.



- (3) Development shall not begin until details of the scheme of soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
  - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
  - (ii) location of new trees, shrubs, hedges and grassed areas;
  - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density; and
  - (iv) programme for completion and subsequent maintenance.
- (4) Before any work is commenced on the site, a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained, and this notice shall not be removed until all construction work on the site is completed.
- (5) Before any work is commenced on the site, a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained, and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off area.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the visual amenity of the area.
- (4-5) To ensure that the existing trees are retained and protected during construction work.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03A and 04.

**P41. CHANGE OF USE FROM CLASS 4 OFFICE USE TO CLASS 11 LEISURE (MARTIAL ARTS/DANCE) AT UNIT NR 1 - NR4, NEWHOUSE BUSINESS PARK, NEWHOUSE ROAD, GRANGEMOUTH FK3 8LL FOR FALKIRK COUNCIL - P/11/0229/FUL**

There was submitted Report (circulated) dated 10 May 2011 by the Director of Development Services on an application for full planning permission for a change of use from Class 4 office use to Class 11 leisure at Newhouse Business Park, Grangemouth.

**AGREED to GRANT** planning permission, subject to the following condition:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.

Reason-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the consent refer(s) bear the reference number(s) 01, 02 and 03.

Councillor Mahoney left the meeting prior to consideration of the following item of business.

**P42. FORMATION OF CENTRAL PARK COMPRISING A LAGOON (WATER BODY), AN EVENT SPACE, A PLAZA (PUBLIC REALM SPACE), PATHWAYS/BOARDWALKS, PLAY AREAS, VISITOR FACILITIES, ASSOCIATED LANDSCAPE WORKS AND A SUSTAINABLE URBAN DRAINAGE SYSTEM (SUDS) AT LAND TO THE WEST OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR THE HELIX TRUST - P/11/0072/MS**

There was submitted Report (circulated) dated 11 May 2011 by the Director of Development Services and attaching as an appendix Report submitted to the Committee on 1 December 2010 in relation to application P/10/0326/PPP (Paragraph P157 refers), on an application seeking to address the matters relating to planning conditions for the aforementioned application for the formation of Central Park comprising a lagoon (water body), an event space, a plaza (public realm space), pathways/boardwalks, play areas, visitor facilities, associated landscape works and a Sustainable Urban Drainage System (SUDS) on land to the west of West Mains Industrial Estate, the Helix, Falkirk.

**AGREED** that Committee is **MINDED** to **GRANT** planning permission, subject to the following:-

- (a) Submission of revised drainage details satisfying the Director of Development Services and the Scottish Environment Protection Agency; and
- (b) No objection from Transport Scotland.

For the avoidance of doubt objection from either of these key agencies will require the planning application to be referred to Scottish Ministers.

The application shall be subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.

- (2) Prior to any works on site, a Biodiversity Management Plan shall be submitted to and approved in writing by the Planning Authority.
- (3)
  - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
  - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
  - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (4) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the footway arrangement within the site and to appropriate points on the boundary of the site.
- (5) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to:-
  - (i) Measures in relation to the access of the site via Falkirk Road (A904) and the A9;
  - (ii) If required, the realignment of those pathways proposed internal to the site to ensure a continuous and direct link with the final agreed access measures; and
  - (iii) Details of the crossing facilities to be provided.
- (6) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the junction arrangement of the access from West Mains Industrial Estate and the access road to be provided.
- (7) For the avoidance of doubt, no trip or snag risk will occur within the construction or deployment of the filled gabion baskets or surface facilitating access to the Loch.

- (8) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the composition of species to be employed in the entire planting strategy, including review of any species mix to be employed in future maintenance.
- (9) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the signage strategy to be employed and installed relating to the site.
- (10) Prior to each event on site, further information shall be submitted to and approved in writing by the Planning Authority as to the Event Management Plan, incorporating a Transport Management Plan, Parking, Road Management and Public Transport elements.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,4-6,  
10) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (3) To ensure the ground is suitable for the proposed development.
- (7) To ensure the safety of pedestrians.
- (8-9) To safeguard the environmental amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 1-162.
- (2) For the avoidance of doubt, the number of people present on the application site shall not exceed 999 as a threshold of risk may be exceeded in relation to the volume of people in proximity to a major hazardous installation.
- (3) The applicant should consult with the Development Services' Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (4) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of the application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (5) Separate Advertisement Consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 may be required to incorporate signage relating to the application site.