

P9. ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 35 FOUNTAINPARK CRESCENT, BO'NESS FOR DA DEVELOPMENTS - P/14/0587/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P131 refers), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the erection of 8 dwellinghouses and associated infrastructure on land to the north of 35 Fountainpark Crescent, Bo'ness.

Councillor Mahoney, seconded by Councillor McLuckie, moved that Committee be minded to grant planning permission in accordance with the recommendations within the report.

By way of an amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that the application be refused on the grounds that it was contrary to Policies SC2 and SC8 of the Falkirk Council Local Plan as there would remain insufficient parking provision which would have an adverse impact on road safety.

On a division, 7 Members voted for the motion and 2 voted for the amendment.

Decision

The Committee agreed that it is **MINDED to GRANT** planning permission subject to the satisfactory conclusion of a legal agreement/planning obligation within the terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £14,560 (£1,820 per unit) toward open space and play provision

Thereafter, on conclusion of the foregoing matter 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)
 - (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;

- (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; and
 - (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. 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 details shall be implemented prior to occupation/use of 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; and
 - (5) Prior to the occupation of any approved dwellinghouse, the access road, Fountainpark Crescent, across the full frontage of the site shall be brought up to an adoptable standard.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2,3) To ensure the ground is made suitable for the approved development.
- (4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.

Informative(s):-

- (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) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01B, 02A, 03, 04A, 05A, 06, 07, 08B, 09, 10 and Supporting Information.