

P95. Erection of 15 Dwellinghouses, Retail Unit and Associated Infrastructure at Bowling Club, Glen Crescent, Glen Village, Falkirk FK1 2AQ for Alpha Glen Developments Ltd - P/16/0360/FUL (Continuation)

With reference to Minutes of Meetings of the Planning Committee held on 14 September and 26 October 2016 (Paragraphs P54 and P64 refer), Committee (a) gave further consideration to reports to those meetings 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 15 dwellinghouses, a retail unit and associated infrastructure at the Bowling Club, Glen Crescent, Glen Village, Falkirk. The application had been continued at the meeting on 26 October 2016 for further information from the applicant and Falkirk Community Trust and for a Traffic Impact Assessment to be undertaken.

The applicant had subsequently submitted an appeal to the Scottish Directorate of Planning and Environmental Appeals (DPEA) against non determination.

Councillor Chalmers, seconded by Councillor Carleschi, moved that Committee indicate to Scottish Ministers, when requested to do so, that it would have been minded to refuse planning permission on the grounds that the application was contrary to the undernoted Policies of the Falkirk Council Local Development Plan:-

- HSG03 'Windfall Housing' (subsections 2 and 4) due to the detrimental impact on the residential amenity of the area and the road network and the failure to provide an adequate number of parking spaces to absorb the existing vehicular traffic as well as the additional traffic from the development;
- INF02 'Developer Contributions to Community Infrastructure' in terms of the failure to provide a replacement for the community infrastructure associated with the former sporting and community facilities and open space and for those facilities threatened with closure;
- TC03 'Retail and Community Leisure Development' (subsections 2 and 4) in that there was no identifiable need for the retail development within the Local Development Plan at this location, that the applicant has failed to provide evidence of the need for the development, that retail development was incompatible with other land uses, the exacerbation of access problems to the entrance point to the existing junction and the detrimental impact on road safety; and
- D02 'Sustainable Design Principles' (subsections 3 and 5) in terms of the failure to provide sustainable or safe access to the retail unit and to other locations on Glen Crescent, the current weight restrictions on Glen Crescent, the insufficient parking provision to the new development and unacceptable traffic dispersal onto surrounding residential streets and the detrimental impact on residential amenity.

As an amendment, Baillie Buchanan, seconded by Baillie Paterson, moved that Committee indicate to Scottish Ministers, when requested to do so, that it would have been minded to grant planning permission subject to the satisfactory completion of a Legal Agreement 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, in terms satisfactory to the Director of Development Services in respect of the payment of a financial contribution towards off site open space and play provision, in the sum of £21,903.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (4) - Councillors Carleschi, Chalmers, Oliver and Turner.

For the amendment (6) - Baillies Buchanan and Paterson; and Councillors C Martin, McLuckie, Nimmo and Oliver.

Decision

The Committee agreed to indicate to Scottish Ministers, when requested to do so, that it would have been minded to grant planning permission subject to the satisfactory completion of a Legal Agreement 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, in terms satisfactory to the Director of Development Services in respect of the payment of a financial contribution towards off site open space and play provision, in the sum of £21,903.

Thereafter, on the conclusion of the foregoing matters, that it would have remitted 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. 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.**
- (3) No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coalmining 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 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.**
- (5) No development shall commence on site until samples, 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.**
- (6) No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.**
- (7) Unless otherwise agreed in writing by the Planning Authority, no building on the site shall be occupied until such time that the car parking shown on the Approved Plan has been completed.**

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 ensure adequate drainage can be achieved.**
- (5) To safeguard the visual amenity of the area.**
- (6) To safeguard the environmental amenity of the area.**
- (7) To ensure that adequate car parking is provided.**

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) 01, 02A, 03B, 04 - 14 and Supporting Documents.**