

FALKIRK COUNCIL

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,
Falkirk on Tuesday 20 February 2018 at 9.30 a.m.**

COUNCILLORS:

David Alexander (Convener)
Robert Bissett
Jim Blackwood
Gary Bouse
Provost William Buchanan
Joan Coombes
Gordon Hughes
James Kerr
Adanna McCue
John McLuckie
Lynn Munro
Laura Murtagh

OFFICERS:

Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Iain Henderson, Legal Services Manager
David Gray, Environmental Health Co-ordinator
Craig Russell, Roads Development Officer
Antonia Sobieraj, Committee Services Officer
Richard Teed, Senior Forward Planning Officer
Bernard Whittle, Development Management Co-ordinator

P94. Apologies

No apologies were intimated.

P95. Declarations of Interest

No declarations were made at this point in the agenda.

P96. Minutes

- (a) **Decision - The minute of meeting of the Planning Committee held on 24 January 2018 was approved subject to the deletion of the word “the” where it occurs between the words “permission on” and “part of” on line 2 of item P71; and**

(b)

During consideration by the Committee of the minute of the meeting of the Planning Committee On Site held on 5 February 2018, Councillor McLuckie, seconded by Councillor Bissett, moved that Committee agree (a) to undertake an unaccompanied visit to the site of application P/17/0504/FUL (Erection of 91 Dwellinghouses and Associated Infrastructure on Land to the South West of Tappernail Farm, Reddingmuirhead for Persimmon Homes (East Scotland) to allow members of the Committee to view the physical characteristics of the site as this had not taken place in full at the original site visit on 5 February 2018; (b) that the visit will not involve any hearing element nor any discussion of the merits of the application as provided for in Standing Order 51.10 (ii); and (c) that the matter be submitted for consideration to a special meeting of the Committee on 5 March 2018.

The Convener noted that this application was not noted as an item of business on the agenda but he was prepared to receive the motion at this meeting having regard to the special circumstances constituted by concerns raised by members around the extent to which the application site had been viewed at the site visit on 5 February 2018, transparency and timescales.

At this point, Councillor Kerr declared a non financial interest in the matter, by virtue of him being an applicant for planning permission on part of the site under consideration eight years ago and having been a former member of Shieldhill and California Community Council, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct. Councillor Kerr thereafter left the meeting prior to consideration of the matter.

By way of an amendment, Councillor Alexander, seconded by Councillor Bouse, moved that Committee agree (a) to undertake an unaccompanied visit to the site to allow members of the Committee to view the physical characteristics of the site as this had not taken place in full at the original site visit on 5 February 2018; (b) that the visit will not involve any hearing element nor any discussion of the merits of the application as provided for in Standing Order 51.10 (ii); and (c) that the matter be submitted for consideration to the next scheduled meeting of the Committee on 20 March 2018.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (6) - Provost Buchanan and Councillors Bissett, Blackwood, Coombes, McLuckie and Munro.

For the amendment (5) - Councillors Alexander, Bouse, Hughes, McCue and Murtagh.

Decision

The Committee agreed:-

- (1) to undertake an unaccompanied visit to the site of application P/17/0504/FUL to allow members of the Committee to view the physical characteristics of the site as this had not taken place in full at the original site visit on 5 February 2018;**
- (2) that the visit will not involve any hearing element nor any discussion of the merits of the application as provided for in Standing Order 51.10 (ii); and**
- (3) that the matter be submitted for consideration to a special meeting of the Committee on 5 March 2018.**

The Committee also agreed that the minute of meeting of the Planning Committee On-Site held on 5 February 2018 was approved.

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

P97. Alterations and Change of Use of Retail Storage/Office to Form 7 Flatted Dwellinghouses at 88 North Street, Bo'ness EH51 9NF for All In One Property Solutions - P/17/0637/FUL (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 24 January 2018 (Paragraph P77 refers), Committee (a) gave further consideration to a report to that meeting 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 alteration and change of use of the former 'Woolworths' building to form 7 flats (comprising a bedsit and one and two bedroom accommodation) within the town centre outstanding conservation area at 88 North Street, Bo'ness.

Councillor Alexander, seconded by Councillor Hughes, moved that Committee agree that it is minded to grant planning permission in accordance with the recommendations within the report.

By way of an amendment, Councillor Munro, seconded by Councillor Kerr, moved that Committee refuse planning permission on the grounds that the development would be contrary to Policy HSG03 'Windfall Housing' of the Falkirk Local Development Plan in that a satisfactory level of residential amenity cannot be achieved and because of an adverse impact on roads, parking and access.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 12 members present with voting as undernoted:-

For the motion (9) - Councillors Alexander, Bissett, Blackwood, Bouse, Coombes, Hughes, McCue, McLuckie and Murtagh.

For the amendment (3) - Provost Buchanan and Councillors Kerr and Munro.

Decision

The Committee agreed that it was Minded to Grant planning permission subject to:-

- (a) notification of the application to Scottish Ministers in relation to the Health and Safety Executive (HSE) objection, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009; and**
- (b) the conclusion of a Legal Agreement within six months of the date of the Minded to Grant decision and index linked from that date for a sum of £6,688.50 (7x £955.50) towards open space, to be spent in the Bo'ness area.**

Thereafter, 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) No development shall commence on site until a detailed specification of the design of all external windows, in the form of drawings at a scale of 1:10, has been submitted to and approved in writing by the Planning Authority. The drawings should include dimensions, materials and cross sections. Thereafter only the approved details shall be implemented, unless otherwise agreed in writing by the Planning Authority.**

Reasons:-

- (1) As these drawings and details constitute the approved development.**
- (2) To safeguard the visual amenity of the area and character and appearance of the conservation area.**

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) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear the online reference numbers 01 – 06, 07A, 08A and 09 – 11.**
- (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.

P98. Demolition of Public House (Sui Generis) and Erection of Building for Retail Use (Class 1) with Associated Infrastructure, Including ATM Machine at 175 Dean Road, Bo'ness EH51 0HG for Pittsburgh Fife Ltd – P/17/0590/FUL (Continuation)

With reference to Minutes of Meeting of the Planning Committee held on 24 January 2018 (Paragraph P76 refers), Committee (a) gave further consideration to a report to that meeting 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 demolition of a public house and the erection of a class 1 shop and associated infrastructure at 175 Dean Road, Bo'ness.

Decision

The Committee agreed 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) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.
- (4) No development shall take place within the site until a scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the Planning Authority.

- (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 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 Planning Authority.

Reasons:-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (4) To ensure that any archaeological remains are safeguarded.
- (5) To ensure the development achieves the required CO2 emission reduction as a result of development.

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) For the avoidance of doubt, the plan) to which the decision refers bear the online reference numbers 01, 02, 03B, 04, 05 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) It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 and the applicant may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.**

P99. Extension to Dwellinghouse (Dormer) at 7 Corona Crescent, Bonnybridge FK4 1GG for Mr Derick Ramsay – P/17/0626/FUL (Continuation)

With reference to Minutes of Meeting of the Planning Committee held on 24 January 2018 (Paragraph P80 refers), Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission to install a dormer extension on the rear roof plane of a semi detached two storey dwellinghouse at 7 Corona Crescent, Bonnybridge.

Decision

The Committee agreed to grant planning permission as the proposal is considered to be sympathetic to the existing building and the surrounding area and not to be detrimental to the surrounding area, such grant to be subject to conditions determined by the Director of Development Services including a condition to the effect that the materials and external finishes shall be consistent with the existing property.

P100. Extension to Dwellinghouse at Roselea, 69 Tamfourhill Road, Falkirk FK1 4RJ for Mr Greig Anderson – P/17/0687/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission planning permission for the extension to a semi detached one and a half storey dwellinghouse by way of a two storey flat roof to the rear to provide two floors of additional living accommodation on the ground and first floor levels at Roselea, 69 Tamfourhill Road, Falkirk.

Decision

The Committee agreed to continue consideration of the application to allow an inspection of the site by Committee.

Councillor Coombes left and re-entered the meeting during consideration of the following item of business.

P101. Erection of 6 Flatted Dwellinghouses and Associated Infrastructure (Amendment to P/10/0321/FUL) on Land to the North of 17 Kinacres Grove, Bridgeness Road, Bo'ness for Alpha Glen Development Ltd – P/17/0628/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of six flatted dwellinghouses two storeys in height (amendment to planning permission P/10/0321/FUL) on land to the north of 17 Kinacres Grove, Bridgeness Road, Bo'ness.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plans 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) 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 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.

- (4) 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.
- (5) Prior to occupation of any of the flatted dwellinghouses, hereby approved, the parking courtyard shall be completed in accordance with the approved plan (online reference number 02B) and available for use.

Reasons:-

- (1) As these drawings and details constitute the approved development.

- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure the development achieves the required CO2 emission reduction as a result of development.
- (4) To safeguard the visual amenity of the area.
- (5) To ensure adequate parking would be provided.

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

Councillors Bissett and Hughes left the meeting prior to consideration of the foregoing item of business.

Councillors Bissett and Hughes re-entered the meeting during consideration of the following item of business.

P102. Erection of Dwellinghouse with Integral Garage (Amendment to Housetype (Plot 4) for Planning Permission P/16/0660/MSC) on Land to the South of the Stables, Braeface Road, Banknock - P/18/0016/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a detached single storey dwellinghouse with an integral garage (amendment to plot 4 relating to planning permission in principle P/12/0124/PPP) on a site at

Cloybank Estate on land to the south of the stables, Braeface Road, Banknock.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plans 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) The development shall not commence until the precise details of the colour and specification of all proposed external finishing materials and surface materials have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.**
- (3) The development shall not commence until a scheme of soft landscape works has been submitted to and approved in writing by the Planning Authority. The details of the scheme shall include (as appropriate):-**
 - (i) An 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) The location of all new trees, shrubs, hedges and grassed areas;**
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and**
 - (iv) A programme for subsequent maintenance.**
- (4) Unless otherwise agreed, the proposed dwellinghouse shall not be occupied until the soft landscape works as indicated on the Landscape Plan approved under P/16/0660/MSC have been fully completed to the satisfaction of the Planning Authority.**
- (5) The proposed dwellinghouse shall not be occupied until it has been confirmed that there is a visibility splay measuring 4.5 metres x 54 metres in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there is no obstruction to visibility greater than 1 metre above carriageway level.**

- (6) The proposed dwellinghouse shall not be occupied until it has been confirmed that there is a visibility splay measuring 4.5 metres x 48 metres in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there is no obstruction to visibility greater than 1 metre above carriageway level.**
- (7) The proposed dwellinghouse shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened to a position to the west of the access that will serve the 6 private dwellinghouses, in accordance with precise details to be agreed in writing by the Planning Authority.**
- (8) The individual driveways shall be formed so that their gradients do not exceed 1 in 10.**
- (9) The development shall not commence until detailed design information for the proposed foul and surface water drainage system has been submitted to and approved in writing by the Planning Authority. The information to be submitted for approval shall include the network calculations, the methodology for calculating the infiltration rates and the proposed ownership and maintenance arrangements. Thereafter the development shall be carried out and maintained in accordance with the approved details.**
- (10) 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 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.

- (11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order), no development within Class 3 E (Gates, Fences, Walls or any other means of Enclosure) shall be undertaken without the express prior consent of the Planning Authority.**

Reasons:-

- (1) As these drawings and details constitute the approved development.**
- (2-4) To safeguard the visual amenity of the area.**
- (5-7) In the interests of road safety.**
- (8) To ensure the construction is fit for purpose.**
- (9) To ensure that adequate drainage is provided.**
- (10) To ensure the development achieves the required CO2 emission reduction as a result of development.**
- (11) To safeguard the visual amenity of the area.**

Informatives:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01,02B, 03B and 04A.**
- (2) 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 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.**
- (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 the boundary

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

- (4) In the event that unexpected contamination is encountered following the commencement of development, the applicant is advised to notify the Planning Authority immediately, carry out a contaminated land assessment, undertake any necessary remediation works and only commence the development with the prior written approval of the Planning Authority.**

- (5) Care should be taken to minimise air emissions/ suppress dust created during construction. The Institute of Air Quality Management (IAQM) provides dust management guidance for the construction phase.**

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.**