

**P105. Erection of 64 Dwellinghouses and Associated Infrastructure at Land to the North of 44 Drum Farm Lane, Bo'ness, Harbour Road, Bo'ness, for Ogilvie Homes – P/18/0432/FUL**

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of 64 dwellinghouses and associated infrastructure at land to the north of 44 Drum Farm Lane, Bo'ness, Harbour Road, Bo'ness.

**Decision**

**The committee agreed that it was minded to grant Planning Permission subject to:-**

- (a) completion within 6 months of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, in terms satisfactory to the Director of Development Services in respect of:-**
  - (i) the payment of financial contributions towards the provision of education services at the Grange Primary School at a rate of £4398 per dwellinghouse (£281,472) and towards nursery provision at a rate of £1566 per dwellinghouse (£100,224);**
  - (ii) the payment of a financial contribution of £8000 towards the improvement and maintenance of open space at Kinnegars Park, Bo'ness.**
- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following condition(s):-**
  - (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority;**
  - (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) Development shall not commence until such time as an air quality assessment is submitted and approved in writing by the Planning Authority demonstrating that the new residential units would not be introduced to an area of existing poor air quality where the air quality standards of the Council are not likely to be met. The assessment would also be required to demonstrate that traffic associated with the development will not lead to an exceedance of the air quality objectives at relevant receptor locations. Development of a dispersion model to inform the assessment using ADMS roads or similar atmospheric dispersion modelling software would be required in order to demonstrate the above;**
- (3) Development shall not commence on site until such time as an intrusive site investigation on historic mining activities, prepared by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority demonstrating that the proposed development would not be at risk from the impacts of historic mining activity. For the avoidance of doubt the report shall include:**

  - an assessment of the ground conditions of the site and establish the risks posed to the development from historic mining activity**
  - a report of findings of the intrusive site investigation and any remedial works and/or mitigation measures considered necessary, including the submission of development site layout plan which illustrates the zone of influence from mine shaft 301681-008**
  - a schedule of any appropriate remediation works resulting from the intrusive survey including details of the timeframe for carrying out such works**

- (5) Notwithstanding any details previously submitted, the development hereby approved shall not be occupied or brought into use until such time as 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 timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Planning Authority. The approved details shall thereafter be implemented in accordance with the approved timetable and retained operational thereafter, unless otherwise agreed in writing by the Planning Authority.**

- (6) Within 21 days of the cessation of construction works the emergency access as detailed on the drawing bearing the Planning Authority's reference 30 shall be formed and made available for the access of emergency vehicles only;**
- (7) No dwellinghouse shall be occupied until such time as the Sustainable Urban Drainage (SUDS) basis granted under the terms of planning permission P/19/0567/FUL has been formed and is demonstrated to be operational with the written approval of the Planning Authority;**
- (8) The proposed planting as detailed on the drawings bearing the Planning Authority's reference 20A, 21A, 23A, 36 and 37 and the Landscape management Plan dated July 2018 shall be implemented in full before the end of the first planting season following completion of the 64th dwellinghouse. Thereafter, any specimen not becoming established for whatever reason will be replaced with a specimen of similar species and size. For the avoidance of doubt the planting season shall be considered to be October - April inclusive;**
- (9) Where the proposed development has not commenced within 12 months of the last badger survey a further walk over survey of the site shall be carried out and the results and any necessary badger protection plan shall be submitted for the written approval of this planning authority;**
- (10) Development shall not commence on site until such time as bat boxes and bird nesting boxes have been installed in accordance with the ecological appraisal July 2018 and the bat survey and report July 2018. For the avoidance of doubt details of the number, design and location of bat boxes and nesting bird boxes shall be submitted to and approved in writing by the Planning Authority. Also for the avoidance of doubt details shall include a**

**timescales and methodology in respect of the installation of the bat and nesting bird boxes;**

- (11) Where the proposed development has not commenced within 12 months of the last bat and bird surveys further walk over surveys of the site shall be carried out and the results and any necessary protection plans shall be submitted for the written approval of this planning authority;**
- (12) Notwithstanding any details previously submitted, no dwellinghouse shall be constructed above foundation level until such times as a detailed materials schedule for each of the approved housetypes, together with samples of materials, have been submitted to and approved in writing by the Planning Authority;**
- (13) The dwellinghouses at Plots 31, 32, 33, 34, 35, 36 and 37 shall not be occupied until such time as the landscaping proposed on the drawings bearing the Planning Authority's references 21A and 37 have been implemented in full;**
- (14) Notwithstanding any details previously submitted, the development shall not commence until such time as details of maintenance responsibility for all retaining structures at the development hereby approved have been submitted to and approved in writing by the Planning Authority.**

**Reason(s):-**

- 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 proposed development would enjoy a satisfactory level of air quality and that traffic generated by the proposed development would not have a significant detrimental impact on the air quality of the area.**
- 4. To ensure the ground is suitable for the proposed development.**
- 5. To ensure that 10% of carbon reduction is achieved by low and zero carbon generating technologies.**
- 6. To safeguard the interests of the users of the highway.**
- 7. To ensure that adequate drainage is provided.**
- 8. To ensure that the proposed landscaping of the site is implemented and that the landscaping becomes established in order to safeguard the landscape quality of the proposed development.**
- 9. To safeguard the interests of badgers in the area of the application site.**
- 10. To safeguard the interests of bats and nesting birds.**
- 11. To safeguard the interests of bats and nesting birds in the area of the application site.**
- 12. To safeguard the visual amenity of the application site and ensure a satisfactory standard of design.**

13. To safeguard the amenity of the occupants of existing dwellinghouses at Drumside Terrace, Bo'ness.
14. To ensure that there are satisfactory measures in place to ensure maintenance of retaining structures.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04A, 05 - 12, 13A, 14-19, 20A, 21A, 22, 23A and 24-37.

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 - 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.

3. The applicant is advised to liaise with Scottish water with respect to seeking approval for a surface water discharge connection. Should details of a discharge agreement amend the proposed development the applicant should inform this planning authority of the details of any such amendment. The applicant should contact [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk)
4. In accordance with section 58(1) of the Town and Country Planning; (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.