

P54. Erection of 24 Flatted Dwellings, 6 Dwellinghouses and Associated Infrastructure at 6 Commissioner Street, Bo'ness, EH51 9AF for MGR Holdings Ltd - P/20/0191/FUL

The committee considered a report by the Acting Director of Development Services on an application for the erection of 24 flatted dwellings, 6 dwellinghouses and associated infrastructure at 6 Commissioner Street, Bo'ness, EH51 9AF for MGR Holdings Ltd.

Decision

The committee granted Planning Permission subject to:-

- (a) notification of the application to Scottish Ministers in relation to the HSE objection, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009;**
- (b) conclusion of a Legal Agreement in terms satisfactory to the Director of Development Services within 6 months of the date of a Mindful to Grant decision and index linked from that date, as follows:**
 - Contributions of £5,292 (£882 per dwellinghouse) for improvements to Victoria Park, Bo'ness; and**
 - The provision of a minimum of 15% of affordable housing (social rented accommodation to be accommodated on site)**
- (c) thereafter, remit to the Director of Development Services, to grant the application 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;**
 - (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 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;**
- (4) No development shall commence on site 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**
 - (ii) a Statement of Conformity which confirms that 12%, 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.

Reason(s):-

- (1) As these drawings and details constitute the approved development.**
- (2) To ensure the ground is suitable for the approved development.**
- (3) To safeguard the visual amenity of the area.**

- (4) To ensure the development achieves the required CO2 emission reduction as a result of development.**

Informative(s):-

- (1) 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.**
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03B, 04B, 05A and Supporting Documents.**
- (3) It is recommended that water resilient materials should be incorporated into the design of the flatted dwellings.**
- (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.