

**P68. Construction of 229 Dwellinghouses with Associated Access, Parking, Landscaping, Open Space and Drainage (Phase 1 subject to detailed approval). Planning Permission in Principle is also sought for further Residential Development with Potential Commercial / Community Use (Phase 2) and Associated Access, Parking, Landscaping, Open Space and Drainage at Land to the South of Bo'ness Fire Station, Crawfield Road, Bo'ness for Robertson Residential Group Ltd, AWG Property Ltd, Mactaggart and Mickel Homes Ltd and the Partners of and the Trustees for the firm for Messrs Robert Pow - P/22/0009/FUL – Continuation**

The committee considered an update report by the Director of Place Services on an application for the construction of 229 dwellinghouses with associated access, parking, landscaping, open space and drainage (phase 1 subject to detailed approval). Planning Permission in Principle is also sought for further residential development with potential commercial / community use (phase 2) and associated access, parking, landscaping, open space and drainage at land to the South of Bo'ness Fire Station, Crawfield Road, Bo'ness for Robertson Residential Group Ltd, AWG Property Ltd, Mactaggart and Mickel Homes Ltd and the Partners of and the Trustees for the firm for Messrs Robert Pow - P/22/0009/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Colin Lavety, agent, to be heard in relation to this item.

The committee agreed to hear the deputation.

### **Decision**

**The Planning Committee agreed that it was Minded to Grant Planning Permission subject to:-**

- a. The completion within 6 months of a Planning Obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Place Services in respect of:-**
  - i A contribution towards addressing future capacity issues within nursery education provision at the rate of £1,629.61 per dwellinghouse;**
  - ii A contribution towards Public Art at the rate of £100 per dwellinghouse;**
  - iii A contribution towards greenspace improvements at a rate of £250 per dwellinghouse;**
  - iv A proportionate contribution towards upgrading of the surrounding core path network.**
  - v A contribution at the rate of £1,159 per unit towards addressing healthcare capacity issues or the provision of**

land within the site to accommodate a new healthcare facility; and

vi The provision of 15% of the residential units at the site as affordable housing.

b. and thereafter, on conclusion of the foregoing matters, remit to the Director of Place Services to grant planning permission in principle subject to the following condition(s):-

**Planning Permission in Principle Conditions and reasons relating to Phase 2 only.**

1. Plans and particulars of the matters specified below shall be submitted for the consideration by the planning authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning Scotland Act 1997 (as amended). The development of each respective development phase shall not commence until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The development shall be carried out in accordance with each approval. The specified matters are:-

- a) Existing and proposed site levels;
- b) Proposed finished floor levels;
- c) The siting of the buildings;
- d) The design of the buildings;
- e) The external appearance of the buildings;
- f) Details of the access arrangements, including the new street layout and parking arrangements;
- g) Details of soft and hard landscaping and open space provision;
- h) Details of proposed play provision and recreational open space informed by a revised Local Open Space Audit.
- i) Details of the provision of pedestrian and cycle facilities, including links to the wider area;
- j) Details of proposed boundary treatments;
- k) Tree protection measures;
- l) Updated surveys for protected species;
- m) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated September 2021 or updated appraisal as appropriate;
- n) A detailed surface water drainage strategy, including design and calculations;
- o) A contaminated land assessment;
- p) A Coal Mining Risk Assessment;
- q) Details of the size and location of suitable site within Phase 2 to be safeguarded and marketed as a neighbourhood shop/café/restaurant.

- r) A travel plan and a residential development travel information pack;
  - s) The provision of on-site low and zero carbon generating technologies,
2. The details of the soft landscaping shall include (as appropriate):-
- a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;
  - b) The location of all proposed new trees, shrubs, hedges and grassed areas;
  - c) A schedule of plants to comprise species, plant sizes, proposed numbers/ densities and nursery stock sizes;
  - d) Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid replacement; and
  - e) A programme for completion and subsequent maintenance.
3. There shall be no works that affect trees within the site or immediately adjacent until any necessary tree protection fencing is in place in accordance with the approved tree protection plan, and the planning authority has confirmed in writing that it is satisfied with the fencing as erected.
4. The temporary tree protection fencing shall remain in place until all works within the relevant development phase have been completed (unless otherwise agreed). There shall be no tree removal, excavation, level changes, trenching, material storage or machinery access within the fenced off areas.

**Reason(s):-**

- 1. To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2-4. To safeguard the visual amenity of the area.

**Detailed planning conditions and reasons relating to Phase 1 only.**

- 1. The development to which this permission relates must be begun within three years of the date of this permission.
- 2. 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.

- 3. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all recreational play provision shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 4. All noise mitigation measures, including acoustic fencing, glazing and ventilation measures, as identified within the submitted Noise Impact Assessment (Technical Report No.R-9391-CL1-RRM, 9<sup>th</sup> August 2022), shall be implemented in full on site unless otherwise agreed in writing by the planning authority.**
- 5. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all boundary treatments and retaining structures across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 6. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised schedule of all external finishing materials to be used in the development shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 7. Notwithstanding details on the approved plans, and prior to the start of work on site, finalised design, specification and finishing materials schedule for all footpaths across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 8. Prior to the start of work on site, details of a suitable new pedestrian crossing on Crawfield Road, including a proposed timescale for installation, shall be submitted to and approved in writing by the planning authority. Thereafter, the crossing shall be installed by the developer in accordance with these approved details.**
- 9.**
  - 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.
10. 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 15%, of the required CO<sub>2</sub> 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. No development shall commence on any residential unit within any part of the Phase 1 site affected by ground stability issues, as identified in the Coal Mining Risk Assessment report (June

2019, prepared by Mason Evans), until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

12. Prior to the first occupation of development within the Phase 1 site area, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

**Reason(s):-**

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.
2. As these drawings and details constitute the approved development.
3. To ensure adequate play provision and recreational facilities are provided.
4. To protect the residential amenity of the occupants of the new housing across the site.
- 5-6. To safeguard the visual amenity of the area.
7. To ensure the design and specification of all footpaths are fit for purposes.
8. To ensure adequate pedestrian crossing facilities are provided.
9. To ensure the ground is suitable for the proposed development.
10. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
- 11-12. To ensure the ground is suitable for the proposed development.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03-06, 07A, 08B, 09A, 10A, 11A, 12A, 13, 14, 15A, 16, 17A, 18, 19A, 20, 21A, 22, 23A, 24A, 25, 26, 27A, 28, 29A, 30, 31A, 32, 33A, 34, 35A, 36, 37A, 38, 39A, 40A, 41, 42, 43A, 44, 45, 46A, 47A, 48, 49, 50A, 51A, 52, 53,

**54A, 55, 56A, 57, 58A, 59, 60, 61, 62A, 63A, 64, 65, 66A, 67A, 68, 69, 70A, 71A, 72, 73, 74B, 75B, 76B, 77, 78B, 79A, 80A, 81A, 82-85, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 897A, 98A, 99A, 100A, 101A, 102A, 103-107, 108A and 109-111, 112A, 113-135.**

- 2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**
- 3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:**

<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

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