

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 29 MAY 2013 at 9.30 A.M.

PRESENT: Baillie Paterson; Councillors Black, Carleschi, Chalmers, Mahoney, C Martin, Meiklejohn, McLuckie, Nicol and Turner.

CONVENER: Councillor McLuckie.

ATTENDING: Director of Development Services; Chief Governance Officer; Development Manager; Development Management Co-ordinator (B Whittle); Network Co-ordinator; Transport Planning Co-ordinator; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

P11. APOLOGIES

Apologies were intimated on behalf of Baillie Buchanan and Councillor Alexander.

P12. DECLARATIONS OF INTEREST

No declarations were made.

Prior to consideration of business, the Member below made the following statement:-

- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of the Lido Lane, Stenhousemuir (Prohibition of Left Turn) Order 2012 and planning application P/12/0208/FUL (minute P15 and P16).

P13. MINUTE

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 1 May 2013; and
- (b) Minute of Meeting of the Planning Committee held on Site on 14 May 2013.

Councillors Chalmers and C Martin entered the meeting prior to consideration of the following item of business.

P14. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/12/0380/FUL, 12/00729/FUL (North Lanarkshire Council reference) and P/13/0163/FUL to allow an inspection of the sites by Committee.

Prior to consideration of the following item of business, Councillor Chalmers informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/12/0208/FUL (minute P16) but he would take part in consideration the Lido Lane, Stenhousemuir (Prohibition of Left Turn) Order 2012 (minute P15) as he was sufficiently familiar with the site.

P15. THE FALKIRK COUNCIL (LIDO LANE, STENHOUSEMUIR) (PROHIBITION OF LEFT TURN) ORDER 2012 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 1 May 2013 (Paragraph P5 refers), Committee gave further consideration to Report (circulated) dated 26 March 2013 by the Director of Development Services and an additional Report (circulated) dated 17 May 2013 by the said Director seeking a decision on the Falkirk Council (Lido Lane, Stenhousemuir) (Prohibition of Left Turn) Order 2012 to prohibit a left turn manoeuvre from Lido Lane into James Street, Stenhousemuir to safeguard residential amenity from through traffic.

AGREED to make the Traffic Regulation Order referred to in the Report.

P16. ERECTION OF A SINGLE WIND TURBINE (225kW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AT SITE TO THE SOUTH WEST OF THE LEYS, DENNY FOR INTELLIGENT LAND INVESTMENTS LTD - P/12/0208/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 1 May 2013 (Paragraph P10 refers), Committee gave further consideration to Report (circulated) dated 23 April 2013 by the Director of Development Services and an additional Report (circulated) dated 21 May 2013 by the said Director on an application for full planning permission for the erection of a single wind turbine (225kW, 45.9 metres in height to tip) with a temporary access track at a site to the south west of the Leys, Denny.

Councillor C Martin, seconded by Councillor McLuckie, moved that the application be granted in accordance with the recommendations in the Report.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that the application be refused on the grounds detailed in the objection by Cumbernauld Airport.

On a division, 5 Members voted for the motion and 3 voted for the amendment.

Accordingly, **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) Before the development commences the exact details of the colour(s) of the proposed turbine and substation shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the exact details of the surface finish of the proposed access track and any hardstanding areas shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), the proposed access track and any hardstanding areas/disturbed land shall be soiled and grassed over, unless a minimum construction is required solely for the purposes of maintenance/turning as approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), any existing landscape features (e.g. hedges, tracks, fences, trees) required to be removed/altered to enable access by construction vehicles, shall be reinstated in accordance with details approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (6) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine to the satisfaction of the Planning Authority.
- (7) Before the development commences, a Construction Method Statement for the proposed new bridge shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) At any time upon the direction of the Planning Authority, the wind turbine operator shall, at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise emission from the wind turbine, in accordance with a scoping to be agreed in writing by the Planning Authority. The report shall be submitted for the written approval of the Planning Authority within one month of the direction of the Planning Authority and shall include details of any required measures to mitigate noise disturbance. Thereafter the development shall be operated in accordance with any approved mitigation measures.

- (9) Before the development commences, a Radar Mitigation Scheme to prevent the impairment of the performance of aerodrome navigation aids and/or the efficiency of the air traffic control services shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.
- (10) The proposed wind turbine shall not be erected until the Radar Mitigation Scheme approved as part of Condition 9 above has been implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
- (11) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Within two months of the date on which the use ceases (unless otherwise agreed in writing by the Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by the Planning Authority.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2-5) To safeguard the visual amenity of the area.
- (6) To provide some flexibility in siting to accommodate any site constraints that are currently unknown.
- (7) To safeguard the water environment and nature conservation interests.
- (8) To safeguard the residential amenity of the area.
- (9-10) In the interests of aviation safety.
- (11) To ensure the satisfactory removal of redundant wind turbine installations.

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) 01A, 02, 03, 04, 09A, 12, 13 and 14
- (3) The applicant is advised to contact Falkirk Council's Roads Services and Development Services (Structures Section) before the development commences to arrange pre and post construction road surveys and a culvert survey (if necessary). The Falkirk Council contact officers are Gavin Davie, Area Roads Officer, Roads Services, Earls Road, Grangemouth on telephone number 01324 501133 and Ralph Ridley, Bridges and Structure Design Co-ordinator, Abbotsford House, David's Loan, Falkirk on telephone number 01324 504825.

- (4) The applicant is advised to notify Falkirk Council of any abnormal load details, through email address: abnormalloads@falkirk.gov.uk
- (5) The applicant is advised to cease all work on the affected part of the site in the event of any made ground, suspect material or odours being encountered during site works/operations following commencement of the development. In such an event, the applicant is advised to contact the Planning Authority immediately, carry out a contaminated land risk assessment in accordance with current guidance and legislation, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.
- (6) Defence Infrastructure Organisation Safeguarding wishes to be notified of the progress of this proposal to verify that it will not adversely affect defence interests. The Organisation should be advised of the following:-
 - (i) the date construction starts and ends;
 - (ii) the maximum height of construction equipment; and
 - (iii) the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way Defence Infrastructure Organisation Safeguarding must be consulted again as even the slightest change might be unacceptable. The above information should be submitted to Falkirk Council and Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands B75 7RL.

In accordance with the decision taking at the start of the meeting, **NOTED** the following items had been continued to a future meeting to allow an inspection of the sites by Committee:-

- P17. LANDSCAPE RESTORATION OF QUARRY VOID, COMPRISING PLANTING AND EARTHWORKS RESTORATION AND UPGRADING OF SOUTHERN SECTION OF SITE ACCESS ROAD LEADING TO THE A803 AT COWDENHILL QUARRY, CONEYPARK CRESCENT, BANKNOCK, BONNYBRIDGE FK4 1TX FOR AGGREGATE INDUSTRIES UK LTD - P/12/0380/FUL**
- P18. CONSULTATION IN RESPECT OF APPLICATION 12/00729/FUL (NORTH LANARKSHIRE REFERENCE NUMBER) - EXTRACTION OF 350,000 TONNES PER ANNUM OF HARD ROCK OVER A 21 YEAR PERIOD AND ASSOCIATED LANDSCAPE, EARTHWORKS AND ACCESS ROAD UPDGRADE AT TOMFYNE FARM, BANTON, NORTH LANARKSHIRE G65 0RJ FOR AGGREGATE INDUSTRIES UK LTD**

P19. CHANGE OF USE OF OPEN SPACE TO PRIVATE GARDEN GROUND AND ERECTION OF 2 METRE HIGH FENCE AT 58 BRIDGE CRESCENT, DENNY FK6 6PD FOR MR AND MRS MUHAMMAD ASHRAF - P/13/0174/FUL

There was submitted Report (circulated) dated 21 May 2013 by the Director of Development Services on an application for full planning permission for the change of use of an area of public open space to extend an existing area of private garden ground to the rear of the property and to enclose the area by the erection of a 2 metre high fence at 58 Bridge Crescent, Denny.

AGREED to **GRANT** planning permission, subject to the following conditions:-

- (a) No representations being received in relation to the advertisement in the local press, expiring on 30 May 2013; and
- (b) 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) Before use of the area of private garden ground commences, the area shall be enclosed by a 2 metre high fence to match the existing 2 metre high boundary fence shown on the approved plan bearing the online reference number 03.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of visual amenity, to ensure the proposed fence matches the existing fence.

Informative(s):-

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

In accordance with the decision taking at the start of the meeting, **NOTED** the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

P20. CHANGE OF USE FROM OPEN SPACE/LANDSCAPE AREA TO FORM VEHICULAR ACCESS AND PARKING AREA IN ASSOCIATION WITH COMMERCIAL GARAGE/TAXI BUSINESS INCLUDING DROPPED KERB ON LAND TO THE WEST OF 6 MILLER CRESCENT, LITTLE CARRIDEN, BO'NESS FOR MR AND MRS G MCBAIN - P/13/0163/FUL

P21. ERECTION OF VISITOR CENTRE, INSTALLATION OF PHOTOVOLTAIC PANELS AND EXTRACT FLUE, CAR PARKING AND ASSOCIATED LANDSCAPE WORKS ON LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR FALKIRK COUNCIL - P/13/0158/FUL

There was submitted Report (circulated) dated 21 May 2013 by the Director of Development Services on an application for full planning permission for the erection of a visitor centre, the installation of photovoltaic panels and an extract flue, car parking and associated landscape works on a site lying adjacent to the Forth and Clyde Canal to the west and the M9 motorway to the east on land to the north of West Mains Industrial Estate, the Helix, Falkirk

AGREED to GRANT planning permission, subject to the following conditions:-

- (1) Prior to the commencement of development, samples of construction materials relating to fenestration (window and curtain walling frames) cladding (aluminium and larch) and gabion baskets (including stone type) shall be submitted for the written approval of Falkirk Council as Planning Authority.
- (2) Prior to the commencement of development details and specification of all hard and soft landscaping, including samples of materials and species specification shall be submitted for the written approval of Falkirk Council as Planning Authority.
- (3) Unless otherwise agreed in writing with Falkirk Council as Planning Authority, if shown to be necessary, additional car parking shall be provided by means of an extension to the northern car parking area approved by planning permission P/11/0154/FUL, within an agreed timescale.

Reason(s):-

- (1-2) In the interest of visual amenity.
- (3) To ensure that adequate car parking is provided.

Informative(s):-

- (1) The application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04, 05, 06A, 07A and 08A.

- (2) The applicant should have regard to controlling any noise produced by the construction and future use of the development to ensure that no noise nuisance is caused. If noise complaints were received about the development, the Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance Legislation.

P22. CONSTRUCTION OF NEW CARRIAGEWAY 7.3 METRES WIDE, APPROXIMATELY 210 METRES LONG WITH ASSOCIATED 3 METRE WIDE CYCLEWAY/FOOTWAY ON LAND TO THE SOUTH EAST OF WESTER NEWLANDS, LAURIESTON ROAD, GRANGEMOUTH FOR FALKIRK COUNCIL - P/13/0304/VRC

There was submitted Report (circulated) dated 21 May 2013 by the Director of Development Services on an application for the variation of planning permission relating to application P/07/1158/FUL for the construction of a new carriageway 7.3 metres wide, approximately 210 metres long with associated 3 metre wide cycleway/footway on land to the south east of Wester Newlands, Laurieston Road, Grangemouth which was granted planning permission on 8 May 2008.

It was noted by the Director of Development Services that a consultation response from the Coal Authority has now been received and it is in satisfactory terms.

AGREED to GRANT planning permission, subject to expiration of the Falkirk Herald Advertisement dated 9 May 2013 and no further objections being received before the advert period expires.

And thereafter, on conclusion of the foregoing matters, 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) The development hereby approved shall be implemented in accordance with condition 2 and the informative contained within planning permission reference number P/07/1158/FUL.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) As the application relates to a variation of planning permission reference number P/07/1158/FUL.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02 and Supporting Documents.
- (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.