

**P128. DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS AND SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 25 June, 22 August and 18 September 2013 and 29 January 2014 (Paragraphs P46, P59, P84 and P116 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission in principle for the demolition of existing buildings and the development of land for residential purposes at Castings Community Sports and Social Club, Etna Road, Falkirk.

With reference to Standing Order 33, Baillie Buchanan referred to applications received from (1) Grahamston, Middlefield and Westfield Community Council, and (2) Andrew Bennie (Planning) Limited, the agent for the applicant, for admission to the meeting as deputations to be heard in relation to this item of business.

The Committee consented to hear the deputations.

Mr McKerrell, Chair, Grahamston, Middlefield and Westfield Community Council gave details of concerns by the Community Council on the loss of an important facility in the local area, the amount and suggested use of the proposed contribution and the insufficient level of community consultation. This was followed by Mr Bennie, Andrew Bennie (Planning) Limited, the agent for the applicant, detailing on the history of the site and the application.

Members then asked questions of Mr McKerrell and Mr Bennie.

With the consent of the meeting, Ms Jones, Sportscotland and Mr Finnie, Falkirk Community Trust, who were present as observers at the meeting, responded to Members questions.

The Committee thereafter reconvened normal business.

Baillie Buchanan, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations detailed in the Report dated 13 August 2013 and subject to there being a requirement, in relation to paragraph 8.1(a), for the Council to consult with the local community as to where the developer contribution monies would be spent. In the event that no agreement is reached on the said spend within three years from the date of the commencement of development, the matter would be brought back to the Committee to determine where the said monies would be spent.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Turner, moved that the application be refused on the grounds that the development was contrary to Falkirk Council Local Plan Policies SC11 'Developer Contributions to Community Infrastructure' and COM.5 'Developer Contributions' and the terms of Policy INFO2 of the emerging Local Development Plan.

Councillor Turner gave notice of a further amendment.

On a division, 7 Members voted for the motion and 4 for the amendment.

In terms of Standing Order 20.7, the motion became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that Committee be minded to grant the application in accordance with the terms of the substantive motion but with an amendment to the effect that the level of the developer contribution be increased from £40,000 to £100,000.

On a division, 7 Members voted for the motion and 4 voted for the amendment.

### **Decision**

**The Committee agreed that it is MINDED to GRANT planning permission in principle subject to the following conditions:-**

- (a) Approval of an appropriate legal agreement to secure financial mitigation in the sum of £40,000 from the applicant toward sports provision, it being noted that, in relation to the said sum of £40,000, the Council will consult with the local community in relation to where the developer contribution monies will be spent. In the event that no agreement is reached on the said spend within three years from the date of the commencement of development, the matter would be brought back to the Committee to determine where the said monies will be spent; and**
- (b) Referral of any decision to approve to Scottish Ministers, due the presence of a registered hazardous installation and thereafter, on conclusion of the foregoing, to remit to the Director of Development Services to grant planning permission subject to:-**
  - (1) As part of any application for Matters Specified in Conditions, a Contaminated Land Assessment shall be submitted for the written approval of the Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.**
  - (2) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**
  - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site**

shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) Development shall not begin until a Drainage Assessment has been submitted to and approved in writing by the Planning Authority.
- (4) The development hereby approved shall be limited to no more than 16 units.
- (5) For the avoidance of doubt, any development proposal exceeding 16 units shall incur a requirement for commuted payment towards Education provision on a pro-rata basis of £900 per unit, details to be submitted to and approved in writing by the Planning Authority.

**Reason(s):-**

- (1-2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure the ground is suitable for the proposed development.
- (4) To ensure that the development is adequately drained.
- (5) To allow the Planning Authority to control the capacity of the site in relation to educational provision in the area.

**Informative(s):-**

- (1) Plans and particulars of the matters listed above shall be submitted for 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). No work shall begin until the written approval of Falkirk Council as Planning Authority has been given, and the development shall be carried out in accordance with that approval.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.