

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 AUGUST 2014 at 9.30 A.M.**

**COUNCILLORS:**

Baillie William Buchanan (Convener)  
Steven Carleschi  
Colin Chalmers  
Adrian Mahoney  
Craig Martin  
Cecil Meiklejohn  
John McLuckie  
Malcolm Nicol  
Alan Nimmo  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:**

Kevin Collins, Transport Planning Co-ordinator  
Ian Dryden, Development Manager  
Arlene Fraser, Committee Officer  
Jack Frawley, Committee Officer  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Russell Steedman, Network Co-ordinator  
Richard Teed, Senior Forward Planning Officer  
Brent Vivian, Senior Planning Officer  
Bernard Whittle, Development Management Co-ordinator

**P28. APOLOGIES**

Apologies were intimated on behalf of Councillor McNally.

**P29. DECLARATIONS OF INTEREST**

Councillor C Martin referred to his decision reached previously on another application by the same applicant as intimated to the meeting of the Committee on 25 June 2013 and advised he would not take part in further consideration of the application dealt with under Item 10, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

In connection with Item 10, Councillor Chalmers also referred to his decision reached previously on another application by the same applicant as intimated to the meeting of Committee on 27 November 2013. His decision at that time reflected his position as a signatory to the Community Charter promoted by the group, Concerned Communities of Falkirk. Councillor Chalmers acknowledged the need for each application to be judged on its own merits and determined in accordance with planning legislation. As such, he did not feel bound by any statement in the Charter which may suggest otherwise. Consequently, he did not consider that he had a declarable interest in this application having regard to the objective test in the Code of Conduct.

**P30. REQUESTS FOR SITE VISITS**

Having heard requests by members for site visits, the committee agreed to the continuation of planning applications P/14/0197/FUL, P/14/0291/FUL, P/14/0038/FUL and P/14/0342/FUL.

**P31. MINUTES**

**Decision**

- (a) The minute of meeting of the Planning Committee held on 26 June 2014 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 5 August 2014 was approved.

**P32. DEMOLITION OF EXISTING FARM BUILDINGS AND FARMHOUSE AND ERECTION OF 8 NO. DWELLINGHOUSES WITH ASSOCIATED WORKS AT NETHERTON, FALKIRK FK2 0BU FOR SPRINGFIELD PROPERTIES PLC – P/13/0706/FUL – CONTINUATION**

With reference to Minute of Meeting of the Planning Committee held on 26 June 2014 (Paragraph P24 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the demolition of five derelict farm buildings and a vacant farmhouse and the erection of 8 detached dwellinghouses with associated works on a site extending to 1.4 hectares lying within a larger agricultural holding of approximately 30 hectares at Netherton Farm, Falkirk.

## **Decision**

The Committee agreed to refuse planning permission on the basis that:

- (a) the development is contrary to the Structure Plan Policy ENV.1 'Countryside and Protected Areas' in that it has not been demonstrated that it is essential for it to be located in the countryside nor that it is an appropriate form of agricultural diversification;
- (b) the development is contrary to Local Plan Policy SC3 'Housing In The Countryside' in that it is not considered essential to the pursuance of agriculture, no demonstration of operational need has been made and it is not considered that the proposed development is a rehabilitation of existing buildings on the site;
- (c) the development is contrary to Local Plan Policy EQ19 'Countryside' in that it has not been demonstrated that a countryside location is required, that it constitutes appropriate infill development or that it utilises suitable existing buildings; and
- (d) the development would have an adverse impact on road safety in that the development is proposed in the countryside on a rural road of restricted width lacking footway and lighting provision.

**P33. MIXED USE DEVELOPMENT COMPRISING CLASS 1 (RETAIL), CLASS 2 (FINANCIAL SERVICES), CLASS 3 (FOOD AND DRINK), CLASS 4 (BUSINESS USE), CLASS 7 (HOTELS), CLASS 10 (NON-RESIDENTIAL INSTITUTIONS), CLASS 11 (ASSEMBLY AND LEISURE), RESIDENTIAL DEVELOPMENT, CAR SHOWROOMS, INFRASTRUCTURE (INCLUDING TRANSPORT AND SUSTAINABLE URBAN DRAINAGE SYSTEM, LANDSCAPING AND FORMATION OF CANAL BASIN/MARINA) AT LAND AT FALKIRK GATEWAY NORTH WEST OF FALKIRK STADIUM, GRANGEMOUTH ROAD, FALKIRK FOR MACDONALD ESTATES PLC – 06/889/OUT**

The Committee considered a report by the Director of Development Services on an application for mixed use development of retail (25,000 sq. m gross), business, financial services, food and drink, leisure and residential uses at the Falkirk Gateway, North West of Falkirk Stadium, Grangemouth Road, Falkirk considered previously by the Regulatory Committee on 28 March 2007.

## **Decision**

The Committee agreed to refuse planning permission on the basis that:

- (1) the requirements of the minded to grant planning permission recommendation made by Falkirk Council Regulatory Committee on 28 March 2007 have not been met by the applicant relating to the conclusion of a S75 Planning Obligation to ensure:

- (i) the submission of a Travel Plan to incorporate the requirements of Falkirk Council as Roads Authority and the requirements of Transport Scotland in their consultation response dated 12 March 2007;
- (ii) a financial bond to be secured in the event that agreed mode share targets within the Travel Plan for Class 2 and Class 4 land uses are not achieved;
- (iii) a financial contribution of £800,000 for public transport provision, with agreed phasing of payments;
- (iv) a financial contribution of £300,000 for the provision of off-site cycleways in the vicinity of the site;
- (v) a 20% financial contribution, or contribution in kind, for the upgrading of junction 6 of the M9 motorway; and
- (vi) a financial contribution of £100,000 to the Helix project.

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

**P34. DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2 DWELLINGHOUSES AT BETSYLEA, 2 HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR MR ROSS CRAIG – P/14/0197/FUL**

**P35. EXTENSION TO DWELLINGHOUSE (DORMERS) AT 20 SNEDDON PLACE, AIRTH, FALKIRK FK2 8GH FOR MR CRAIG GARDENER – P/14/0291/FUL**

The Committee **AGREED** to hear the following two items together as they related to the same location and applicant.

**P36. MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 75 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ATTACHED TO PLANNING PERMISSION P/09/0386/FUL TO THE EXTENT THAT ALL REFERENCES TO AND REQUIREMENTS FOR THE EDUCATION PAYMENT ARE REMOVED AT 55-91 (ODD) HAZEL ROAD, BANKNOCK, BONNYBRIDGE FK4 1LQ AND 118-138 (EVEN) HAZEL ROAD, BANKNOCK, BONNYBRIDGE FK4 1LQ FOR LINK GROUP LTD – P/14/0216/75M**

The Committee considered a report by the Director of Development Services on an application for modification of the Section 75 Planning Obligation attached to planning permission P/09/0386/FUL for a site located at the eastern end of Hazel Road and Hawthorn Drive in the south-east corner of Banknock, Bonnybridge in so far that the requirement for an education contribution of £30,000 be removed.

**Decision**

The Committee refused the application to modify the Section 75 Planning Obligation attached to planning permission P/09/0386/FUL to remove all references to and requirements for the education contribution, the reason being that the education contribution is considered to satisfy all of the policy tests of Scottish Government Planning Circular 3/2012.

**P37. MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 75 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ATTACHED TO PLANNING PERMISSION P/09/0386/FUL TO THE EXTENT THAT ALL REFERENCES TO AND REQUIREMENTS FOR THE TRANSPORT PAYMENT ARE REMOVED AT 55-91 (ODD) HAZEL ROAD, BANKNOCK, BONNYBRIDGE FK4 1LQ AND 118-138 (EVEN) HAZEL ROAD, BANKNOCK, BONNYBRIDGE FK4 1LQ FOR LINK GROUP LTD – P/14/0223/75M**

The Committee considered a report by the Director of Development Services on an application for modification of the Section 75 Planning Obligation attached to planning permission P/09/0386/FUL for a site located at the eastern end of Hazel Road and Hawthorn Drive, in the south-east corner of Banknock, Bonnybridge in so far that the requirement for a transport contribution of £30,000 be removed.

**Decision**

The Committee refused the application to modify the Section 75 Planning Obligation attached to planning permission P/09/0386/FUL to remove all references to and requirements for the transport contribution, the reason being that the transport contribution is considered to satisfy all of the policy tests of Scottish Government Planning Circular 3/2012.

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

**P38. SITE PREPARATION, THE DRILLING OF AN EXPLORATION BOREHOLE (REQUIRING 24 HOUR OPERATION) TO REMOVE A CORE OF COAL FOR SAMPLING AND RESTORATION OF THE SITE FOLLOWING CESSATION OF DRILLING OPERATIONS ON LAND TO THE NORTH EAST OF GRANGEVIEW, FALKIRK, FOR DART ENERGY (EUROPE) LTD - P/14/0038/FUL**

**P39. ERECTION OF DWELLINGHOUSE ON LAND TO THE SOUTH WEST OF CANDIEHEAD HOUSE, FALKIRK FOR MR GORDON FERRIER – P/14/0277/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of one dwellinghouse, on the site of a former mining cottage, with associated outbuilding, boundary enclosures and vehicular access on a site extending to 0.14 hectares to the southwest of Candiehead House, Falkirk.

#### **Decision**

**The Committee 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) (i) No development shall commence on site until a contaminated land assessment has been submitted to and approved in writing by the Planning Authority. 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.**  
**(ii) Where contamination (as defined by Part (ii)A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination should be submitted to and approved in writing by the Planning Authority.**

- (iii) Prior to the commencement of development on site, the remediation works must be carried out in accordance with the strategy approved at (ii) above. 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 approved in writing by the Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
- (3) No development shall commence on site until a full specification for all exterior materials and finishes, including details of the proposed rooflights, exterior windows and doors shall be submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details.
- (4) No development shall commence on site until a specification for the re-use of all retained natural stone in the approved development is submitted to and approved in writing by the Local Authority. Thereafter development shall proceed in accordance with the approved details.
- (5) No development shall commence on site until the developer has submitted the results of a Bat Survey are submitted to and approved in writing by the Local Authority, unless otherwise agreed in writing. Thereafter development shall proceed in accordance with any recommendations contained in the survey.
- (6) No development shall commence on site until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include a detailed survey of all trees and hedgerows on site and details of screen planting on the western and southern boundaries. Thereafter development shall proceed in accordance with the approved landscaping scheme.
- (7) No development shall commence on site until full details of the proposed air source heat pump, solar thermal panels and photovoltaic panels are submitted to and approved in writing by the Local Authority, unless otherwise agreed in writing. Thereafter development shall proceed in accordance with the approved details.

**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 safeguard the visual amenity of the countryside.
- (4) To ensure that stone from the former cottage is retained and used in the development.
- (5) To ensure there are no bats roosting within trees on site.

- (6) To protect the character of the countryside and Area of Great Landscape Value.
- (7) To allow the Planning Authority to consider these details.

**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 3 years beginning with the date on which the 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 the decision refer(s) bear the online reference number(s) 01, 02, 03A, 04, 05A, 06 – 09 and Supporting Documents.
- (3) The application site is in the vicinity of a High Pressure Gas Transition Pipeline. The Scotland Gas Network Code of Practice document SSW22 must be circulated and signed a minimum of seven days prior to the commencement of any works. You are advised to contact Angus Robertson, Scotland Gas Networks on telephone number: 0141 418 4158 for advice.

In accordance with the decision taken 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:-

**P40. EXTENSION TO DWELLINGHOUSE AND ERECTION OF GARAGE AT 567 MAIN STREET, STENHOUSEMUIR, LARBERT FK5 4QD FOR MR WILLIAM CLARKSON - P/14/0342/FUL**