

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 27 NOVEMBER 2014 at 9.30 A.M.

COUNCILLORS:

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

OFFICERS:

John Angell, Head of Planning and Transportation
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer

P89. APOLOGIES

Apologies were intimated on behalf of Councillors Carleschi and Meiklejohn

P90. DECLARATIONS OF INTEREST

No declarations were made.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/14/0140/PPP, P/14/0349/FUL, P/14/0336/FUL and P/14/0214/FUL (minute P94, P95, P96 and P97).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/14/0349/FUL (minute P95) but he would take part in consideration of planning applications P/14/0140/PPP, P/14/0336/FUL and P/14/0214/FUL (minute P94, P96 and P97) as he was sufficiently familiar with the sites.

P91. OPENING REMARKS

Prior to further consideration of business, and following information presented by the Development Manager, the Convener, with the consent of all members present, agreed to continue consideration of planning application P/14/0336/FUL (minute P96) to a future meeting to allow appropriate property owner notification to be undertaken.

P92. REQUEST FOR SITE VISIT

Having heard requests by members for a site visit, the Committee agreed to the continuation of planning application P/14/318/FUL (minute P100) and that further consideration of the application would take place a Special meeting of the Committee on 8 December 2014 following the site visit.

P93. MINUTES

Decision

- (a) The minute of meeting of the Planning Committee held on 29 October 2014 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 10 November 2014 was approved.

Councillor Mahoney left the meeting prior to consideration of the following item of business.

P94. DEMOLITION OF EXISTING STABLES AND DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY FK6 5LH FOR MR STEVEN RUSSELL – P/14/0140/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 October 2014 (Paragraph P81 refers), Committee gave (a) further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director seeking planning permission in principle to demolish an existing stables and ménage and to develop the land for residential purposes at Home Farm, Drove Loan, Head of Muir, Denny.

Decision

The Committee agreed to grant planning permission in principle subject to the following conditions:-

- (1) Plans and particulars of the matters specified below 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 the Planning Authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:-
 - (a) the siting of the building(s);
 - (b) the design of the building(s);
 - (c) the external appearance of the building(s);
 - (d) details of the access arrangements;
 - (e) details of landscaping of the site; and
 - (f) details of proposed boundary treatment.
- (2) As part of any application for Matters Specified in Conditions, details of the following shall be submitted to the Planning Authority and only the approved details shall be implemented:-
 - (a) siting, size, height, design and external appearance, including all external finishing materials, of the proposed development;
 - (b) details of access arrangements;
 - (c) details of all boundary fences;
 - (d) details of surface water and foul drainage arrangements;
 - (e) details of landscaping of the site and future maintenance of landscaping; and
 - (f) a scheme for protecting the new dwellinghouses from noise transportation noise.
- (3) As part of any application for Matters Specified in Conditions, details of the provision of lighting along the access road and future maintenance of the lighting shall be submitted to the Planning Authority. The approved details shall be implemented before occupation of any of the dwellinghouses and thereafter retained and maintained.

Reason(s):-

- (1) To ensure that the matters specified 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) To ensure that an appropriate level of detail is considered prior to work commencing on site.
- (3) To safeguard the interests of the users of the private access road.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01.
- (2) 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.
- (3) The applicant is requested to complete and return the attached Agricultural Questionnaire.
- (4) In the event that any made ground, suspect substances or odours are encountered during any site works/operations following the commencement of the development, the applicant is advised to cease all work on the affected part of the site, notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. The applicant is advised to only recommence the development with the prior written approval of the Planning Authority.
- (5) 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	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/ Bank Holidays	1000 to 1600 hours

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

P95. CONSTRUCTION OF UNDERGROUND ATTENUATION TANK ON LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP – P/14/0349/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 October 2014 (Paragraph P78 refers), Committee gave (a) further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission to construct an underground attenuation tank for the receipt of surface water from a housing development currently under construction at a site on land adjoining to the east of 53 Hazel Road, Auchincloch Drive, Banknock.

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) Within one month of completion of the attenuation tank, or any other timescale that may be agreed in writing by the Planning Authority, the application site shall be fully reinstated in accordance with details approved in writing by the Planning Authority.
- (3) The existing tree protection fencing as indicated on drawing no. 3611/800 Revision C shall not be removed until the development is completed and no level changes, excavation or storage of materials, vehicles, plant or machinery shall occur within the fenced off area.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the visual amenity of the area.
- (3) To prevent damage to trees to be retained.

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) 01, 02C and 05A.
- (3) The applicant is advised to cease all work on the affected part of the site if unexpected contamination is encountered following the commencement of the development. In such circumstances the applicant is advised to notify the Planning Authority, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.

- (4) The applicant is advised to ensure that noisy works which are audible at the site boundary are only conducted within the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/ Bank Holidays	1000 to 1600 hours

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

- (5) The applicant is advised to ensure that all construction related traffic, parking and manoeuvring (turning etc) is within the development site and all such vehicular movements are undertaken outwith the times of school children walking to and returning from school.

In accordance with the decision taken at minute item (P91) earlier in the meeting, **NOTED** that the following item had been continued.

P96. DEMOLITION OF FORMER SCOUT HALL AND ERECTION OF 3 DWELLINGHOUSES AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR GRS HOMES LTD - P/14/0336/FUL (CONTINUATION)

Councillor Mahoney re-entered the meeting during consideration of the following item of busess.

P97. DEMOLITION OF EXISTING VALET BAY AND ERECTION OF 4 NO. SINGLE STOREY COMMERCIAL UNITS (UNIT 1-3 CLASS 1 AND UNIT 4 CLASS 3) AT RUMFORD SERVICE STATION, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR N & N JAMAL PROPERTIES - P/14/0214/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 29 October 2014 (Paragraph P80 refers), Committee gave (a) further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission for the demolition of an existing car wash facility within an existing petrol station forecourt and the erection of four new single storey commercial units with associated parking at Rumford Service Station, Maddiston Road, Rumford, Falkirk.

The Committee agreed to refuse planning permission on the basis that the development would result in overdevelopment of the site leading to increased traffic congestion and associated vehicular manoeuvres in the vicinity of the shared southern access to the detriment of road safety.

P98. DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK FK2 7AY FOR EAST STIRLINGSHIRE FC - P/13/0234/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 10 September and 29 October 2014 (Paragraphs P57 and P74 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 development of land for residential use with associated car parking, servicing, landscaping and access at Firs Park, Firs Street, Falkirk.

Councillor Chalmers, seconded by Councillor Turner, moved that the application be refused on the grounds that it was contrary to Policies ED05, SC02 and SC06 of the Falkirk Council Local Plan and the adverse impact on road safety and the amenity of the area.

By way of an amendment, Councillor C Martin, seconded by Bailie Paterson, moved that Committee be minded to grant planning permission in principle in accordance with the recommendations within the report.

On a division, 3 Members voted for the motion and 7 for the amendment.

Decision

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

- (a) Notification of the application to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.**
- (b) The satisfactory completion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require the making of a financial contribution (index linked from the date of any minded to grant decision) to require:-**
 - (i) on-site provision of 15% affordable housing;**
 - (ii) financial contribution of £78,260 towards off-site open space provision in accordance with Falkirk Council's "Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance" and £30,000 towards improvements at Victoria Park, Falkirk to compensate for the loss of the former provision at Firs Park;**
 - (iii) financial contribution towards education capacity improvements at schools and children's nurseries in the catchment area of the site and required as a result of the proposed development; and**

- (iv) financial contribution of £10,000 to allow future footpath links between the application site and the surrounding area.
- (c) The undertaking of an amended Transport Assessment to consider post- development off-site parking arrangements, turning arrangements from Thornhill Road and the completion of a Road Safety Audit.
- (d) Acceptance by the Director of Development Services of the findings of the amended Transport Assessment with regard to the outstanding safety audit.
- (e) And thereafter, on satisfactory conclusion of (a) and (b) above, to remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions relating to:-
 - Site layout;
 - Building design and height;
 - Vehicular and pedestrian access provision;
 - Contaminated land; and
 - Construction impacts.

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(s) 01-05.

P99. AMENDMENT TO PLANNING PERMISSION F/2004/0663 (SUBSTITUTION OF HOUSETYPE PLOT 207-238) WHICH INCORPORATES AN ADDITIONAL 6 DWELLINGS ON LAND SOUTH WEST OF 8 KIRKLAND DRIVE, KIRKLAND DRIVE, STONEYWOOD FOR OGILVIE HOMES – P/14/0471/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the substitution of the house types on 26 previously approved housing plots (detached dwellinghouses) (planning permission F/2004/0663) and the incorporation of six additional dwellinghouses of a mix of detached, semi detached and terraced properties on land south west of 8 Kirkland Drive, Stoneywood, Denny.

Decision

The Committee agreed that it is MINDED to GRANT planning permission subject to the satisfactory conclusion of a legal agreement/planning obligation in respect of an education contribution in the sum of £15,600 (index-linked) towards the future upgrade of Denny Primary School.

Thereafter, on conclusion of the foregoing matter, 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 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) The proposed development shall be carried out in accordance with the remedial measures and validation procedures detailed in the Remediation Statement prepared by Mason Evans Partnership Limited, dated January 2001, approved by the Planning Authority in respect of planning application ref: F/2004/0663.
- (3) Before the development commences, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details to be submitted shall include (as appropriate):-
 - (i) Existing and finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) Existing landscaping features and vegetation to be retained and, in the case of damage, restored;
 - (iii) The height, location and construction of all proposed walls, fences and other means of enclosure;
 - (iv) Soft and hard landscaping works;
 - (v) A proposed scheme for subsequent management and maintenance; and
 - (vi) Proposals to provide for public access and related facilities within the open space areas.

Thereafter, the development shall be carried out in accordance with the approved details and a timescale(s) to be approved in writing by the Planning Authority. No existing planting shall be removed prior to approval of the scheme of landscaping works.

- (4) Before the development commences, a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained (if relevant) and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
- (5) The residential units shall be protected so that externally generated noise does not cause internal noise levels to exceed 45dB(A) Leq 1 hour for the time between 0800 hours and 2000 hours and 35dB(A) Leq 1 hour for the time between 2000 hours and 0800 hours.
- (6) All driveways shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road. The first two metres of each driveway adjoining the public road shall be paved.
- (7) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".

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:-

P100. ERECTION OF A SINGLE 500KW WIND TURBINE WITH TIP HEIGHT 77M AND ACCESS TRACK AT SITE TO THE SOUTH WEST OF POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON FOR MR ROBBIE TAYLOR - P/14/0318/FUL

P101. ERECTION OF 34 DWELLINGHOUSES AND ASSOCIATED WORKS ON LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FOREST LTD - P/14/0276/MS

The Committee considered a report by the Director of Development Services on an application for approval of matters specified in conditions relating to the previous grant of planning permission in principle (P/09/0475/OUT) for residential development for the erection of 34 semi detached and terraced dwellinghouses at a site directly to the south of Manuel Burn and east of a small tributary on land to the north east of Burnside, Vellore Road, Maddiston.

Councillor McLuckie, seconded by Baillie Buchanan, moved that the application be approved in accordance with the recommendations in the report.

By way of an amendment, Councillor Chalmers, seconded by Councillor McNally, moved that the application be continued to allow an inspection of the site by Committee.

On a division, 7 Members voted for the motion and 3 for the amendment.

Decision

The Committee agreed to approve matters specified in conditions 1-7 of planning permission in principle P/09/0457/OUT.