

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 25 JUNE 2015 at 9.30 a.m.**

**COUNCILLORS:** Baillie William Buchanan (Convener)  
Colin Chalmers  
Adrian Mahoney  
Craig Martin  
Cecil Meiklejohn  
John McLuckie  
Malcolm Nicol  
Sandy Turner

**OFFICERS:** Kevin Collins, Transport Planning Co-ordinator  
Ian Dryden, Development Manager  
Elsbeth Forsythe, Planning Officer  
Rose Mary Glackin, Chief Governance Officer  
Rhona Geisler, Director of Development Services  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
Alexandra Lewis, Planning Officer  
Craig Russell, Roads Development Officer  
Alastair Shaw, Development Plan Co-ordinator  
Antonia Sobieraj, Committee Services Officer  
Brent Vivian, Senior Planning Officer  
Bernard Whittle, Development Management Co-ordinator

**P30. APOLOGIES**

Apologies were intimated on behalf of Baillie Paterson and Councillors Carleschi and Nimmo.

**P31. DECLARATIONS OF INTEREST**

Councillor Mahoney declared a non financial interest in item 9 (minute P39) by virtue of him being a member of Friends of Kinneil, a member of Historic Scotland and having made representations as an individual, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

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/14/0094/FUL, P/15/0102/FUL and P/15/0110/FUL (minute P34, P37 and P38) but he would take part in consideration of planning application P/14/0483/PPP (minute P35) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/15/0102/FUL and P/14/0729/FUL (minute P37 and P39) but he would take part in consideration of planning applications P/14/0483/PPP and P/15/0110/FUL (minute P35 and P38) as he was sufficiently familiar with the sites.

**P32. MINUTES**

**Decision**

- (a) **The minute of meeting of the Planning Committee held on 27 May 2015 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 8 June 2015 was approved.**

**P33. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (No TRO/DB/14/041) ORDER 2014 – SUMMERFORD, FALKIRK**

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (On-Street Parking Space for Disabled Persons) (No TRO/DB/14/041) Order 2014 - Summerford, Falkirk, setting out the consultation that has been undertaken, the objection received and the officer response thereto.

**Decision**

**The Committee agreed to make the Traffic Regulation Order referred to in the Report.**

Councillor Chalmers left and re-entered the meeting during consideration of the following item of business.

**P34. USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DE-LIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL**

With reference to Minutes of Meetings of the Planning Committees held on 25 March and 29 April 2015 (Paragraphs P132 and P10 refer), Committee (a) gave further consideration to reports to those meetings 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 use of land for an end of life vehicle decontamination and de-liquidising facility and storage of scrap material (retrospective) at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge.

As the report sought to change a decision taken within the last six months, Standing Order 35 applied. As a preliminary point and prior to any discussion on the substance of the report, consideration was given to whether there were grounds to review or reconsider the decision previously reached. Following discussion and having had regard to advice from the relevant planning officer the Convener determined that the matter could be reconsidered because, in his view, Standing Order 35.1(ii) applied i.e. there had been a material change in circumstances since the decision was made on 29 April 2015.

The Development Management Co-ordinator then spoke to the report following which Councillor Turner, seconded by Councillor Meiklejohn, moved that consideration of the application be continued to the next meeting in August 2015 to obtain further detail on the screening proposals in terms of bunding and tree planting.

By way of an amendment, Councillor McLuckie, seconded by Baillie Buchanan, moved that Committee grant planning permission in accordance with the recommendations within the report subject to (1) the addition of a condition relating to the early provision of a temporary mesh fence to provide suitable screening prior to the planting and maturing of trees to address the visual impacts; and (2) amendment to the conditions to ensure that the screening and planting works were agreed and implemented within timescales considered appropriate to the Director of Development Services.

Councillor Chalmers gave notice of a further amendment.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 7 members present with voting as undernoted:-

For the motion (3) - Councillors Chalmers, Meiklejohn and Turner.

For the amendment (4) - Baillie Buchanan; Councillors C Martin, McLuckie and Nicol.

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

By way of a further amendment, Councillor Chalmers, seconded by Councillor Meiklejohn, move that the application be refused on the grounds that it is contrary to Policies EQ8, EQ19(2), ST18(4) and EP5(4) of the Falkirk Council Local Plan and, in addition, that it had an adverse impact on the amenity of the area.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 7 members present with voting as undernoted:-

For the motion (4) - Baillie Buchanan; Councillors C Martin, McLuckie and Nicol.

For the amendment (3) - Councillors Chalmers, Meiklejohn and Turner.

### **Decision**

**The Committee agreed to grant planning permission subject to (1) the addition of a condition relating to the early provision of a temporary mesh fence to provide suitable screening prior to the planting and maturing of trees to address the visual impacts; and (2) amendment to the conditions to ensure that the screening and planting works were agreed and implemented within timescales considered appropriate to the Director of Development Services and 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 north-west area of the site shall be used solely for either (a) the continued storage of the scrap metal existing on this part of the site at the date of grant of the planning permission or (b) the storage of vehicles in accordance with approved drawing 03D.**
- (3) The permission insofar as it applies to the north-west area of the site shall be valid for a temporary period of two years until 25 June 2017 and at the end of that time, unless a further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition in accordance with details to be approved in writing by the Planning Authority.**
- (4) No scrap material shall be stored at a height in excess of 5 metres above ground level.**
- (5) Notwithstanding the approved plans, within one month of the date of the permission a scheme of soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-**
  - (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;**
  - (ii) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement;**
  - (iii) The location of all proposed new trees, shrubs, hedges and grassed area;**

- (iv) A schedule of plants, to comprise species, plant size and proposed numbers/density;
- (v) The profile of the bunding and the material to comprise the bunding;
- (vi) The provision of temporary mesh fencing (position, height and period of retention to be agreed with the Planning Authority); and
- (vii) A programme for implementation of the approved landscaping scheme and subsequent maintenance. Implementation to commence within three months of approval of the scheme.

Thereafter, the scheme of landscaping shall be carried out in accordance with the approved details.

- (6) Subject to conditions 9 of the permission, the existing woodland along the eastern site boundary shall be retained in perpetuity and managed in accordance with the submitted Woodland Management Plan prepared by Sid Nodes, Treescapes Scotland.
- (7) Within one month of the date of this permission, or any other timescales that may be agreed in writing by the Planning Authority, both the main and secondary site entrances shall be re-constructed with 10.5 metre kerbed radii to form bellmouths, of 6 metres minimum width.
- (8) Within one month of the date of the permission, or any other timescale that may be agreed in writing by the Planning Authority, both the main and the secondary site entrances shall be surfaced (and thereafter maintained) to ensure that no loose material is carried out, and no surface water is discharged, onto the public carriageway.
- (9) Within one month of the date of the permission, or any other timescale that may be agreed in writing by the Planning Authority, visibility splays measuring 2.4 metres x 90 metres at the secondary entrance, and 4.5 metres x 90 metres at the main entrance, shall be provided (and thereafter maintained), within which there shall be no obstruction to visibility above carriageway level.
- (10) Within one month of the date of the permission, or any other timescale that may be agreed in writing by the Planning Authority, the section of damaged carriageway at the main site entrance shall be reinstated in accordance with details to be approved in writing by the Planning Authority.
- (11) Before (a) the formation of the approved bunding or (b) any movement of the scrap metal stored on the north-west part of the site, details of the proposed method, programme and timescale in respect of these matters shall be submitted to and approved in writing by the Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

- (12) Within one month of the date of the permission, portacabin (D) as shown on approved drawing 03D shall be repositioned in a southerly direction, in accordance with an exact location to be approved in writing by the Planning Authority.

**Reason(s):-**

- (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.
- (2) To ensure that the use of the land is suitably controlled, in the interests of the amenity of the area.
- (3) To provide a suitable trial period to monitor any additional impacts as a result of the proposed extension area.
- (4-5) To safeguard the visual and residential amenity of the area.
- (6) To safeguard the visual amenity of the area.
- (7-10) To safeguard the interests of the users of the highway.
- (11) To safeguard the residential amenity of the area.
- (12) To remove the risk arising from a load bearing structure being located within the zone of influence of a recorded mine entry.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02A, 03D, 04, 05A, 06A, 07A, 08 and 09.
- (2) The applicant is advised that the required upgrade works to the site entrances will require Minor Roadworks Consent, issued by Falkirk Council Roads Services.
- (3) SEPA have advised that a Waste Management Licence is required to carry out waste management activities in the north-west part of the site.
- (4) The applicant is advised that noise would be regulated by SEPA if a Waste Management Licence is issued for the north-west area of the site. The Planning Authority would be notified of any such application for a Licence and would have the opportunity to provide comments on suitable controls /assessments in relation to the range of matters controlled by the waste management licensing regime including noise and hours of operation. The applicant is also advised that it is within the gift of SEPA to review any condition of an existing Waste Management Licence to suitably address any complaint received which they found to be justified.

- (5) The applicant is advised to contact SEPA prior to any importation of material or any remedial/excavation/ground preparation works (including any re-use of site won materials for bunds), as any importation, disposal or re-use of waste materials would be subject to Waste Management Regulations and require the appropriate approvals, including licensing and exemptions.
- (4) The applicant is advised to contact the Planning Authority immediately should any made ground, suspect odours or substances be encountered during any site works, as there would be a requirement to undertake a contaminated land risk assessment. The assessment would be subject to review and approval by the Planning Authority.
- (5) The following will be required to satisfy the terms of condition 5 of the planning permission:-
- The planting of standard trees along the top of the bund at 4 metre centres, 10-12cms girth, 300-350cms height and double staked;
  - The planting of a second row of trees along the top of the bund, offset from the first row to create a double staggered row of trees;
  - The remaining trees to be planted as whips (125-150cms in height), planted in tubes at 2 metre spacings in a random mix;
  - The percentage of evergreens to be 25%;
  - The import of suitable topsoil to be spread evenly to a minimum depth of 450mm over the planting areas. Ground preparation details will be required to determine the precise depth of topsoil;
  - Completion of the bundling/planting as soon as practicable and prior to the relocation of the scrap metal to the lower level (with the exact timescale for completion to be agreed with the Planning Authority); and
  - The undertaking of a subsequent visual assessment to consider the need for bundling/planting at a higher level of the site.

Councillor Meiklejohn left the meeting prior to consideration of the following item of business and re-entered the meeting during consideration.

Councillor C Martin left and re-entered the meeting during consideration of the following item of business.

**P35. DISTRIBUTOR ROAD AND ASSOCIATED EARTH WORKS ON LAND TO THE NORTH OF SHAMISTLE, MADDISTON, FALKIRK FOR MANOR FORREST LTD & LAND OPTIONS WEST LTD - P/14/0483/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P23 refers), Committee (a) gave 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 planning permission in principle for the construction of

a distribution road and associated earth works measuring 7.3 metres in width with 2 x 2 metre wide verges and a 3 metre wide footway/cycleway linking to the recently constructed roundabout at the Parkhall housing development at Maddiston to an approved roundabout on the A801 on land to the north of Shamistle, Maddiston, Falkirk.

The Convener agreed a 5 minute recess prior to full consideration of this item of business to allow members to consider the terms of a letter dated 9 June 2015 from Maddiston Community Council which was circulated at the meeting.

Councillor McLuckie, seconded by Councillor Turner, moved that consideration of the application be continued to a future meeting of the Committee to allow officers to obtain further information as reflected in the report and as considered appropriate by the Director of Development Services.

By way of an amendment, Councillor Chalmers, seconded by Councillor Meiklejohn, moved that the application be refused in accordance with the recommendations within the report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 8 members present with voting as undernoted:-

For the motion (6) - Baillie Buchanan; Councillors Mahoney, C Martin, McLuckie, Nicol and Turner.

For the amendment (2) - Councillors Chalmers and Meiklejohn.

### **Decision**

**The Committee agreed that consideration of the application be continued to a future meeting of the Committee to allow officers to obtain further information as reflected in the report and as considered appropriate by the Director of Development Services.**

The Convener agreed an adjournment at 11.50 a.m. The meeting reconvened at 12 noon with all Members present as per the sederunt, with the exception of Councillor Mahoney.

### **P36. REQUESTS FOR SITE VISITS**

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/15/0101/FUL and P/15/0218/FUL.

Councillor Nicol left the meeting following consideration of the foregoing item of business.

**P37. CHANGE OF USE FROM DWELLINGHOUSE (CLASS 9) TO CHILDREN'S CARE HOME (CLASS 8) AT 102 OSWALD STREET, FALKIRK FK1 1QL FOR FTS CARE LTD - P/15/0102/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P24 refers), Committee (a) gave 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 change of use from a detached dwellinghouse (class 9) to a residential children's care home (class 8) at 102 Oswald Street, Falkirk.

Councillor Chalmers, seconded by Councillor Turner, moved that Committee that the application be refused on the grounds that it is contrary to Policies SC7, SC15(4) and HSG09 of the Falkirk Council Local Plan in addition to the adverse impact on amenity, access, parking and traffic.

By way of an amendment, Councillor McLuckie, seconded by Councillor C Martin, moved that Committee grant planning permission in accordance with the recommendations within the report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 6 members present with voting as undernoted:-

For the motion (3) - Councillors Chalmers, Meiklejohn and Turner.

For the amendment (3) - Baillie Buchanan; Councillors C Martin and McLuckie.

In accordance with Standing Order 22.6, in the case of equality of votes, the Convener had a casting vote which he exercised in favour of the amendment.

**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) The 6 car parking spaces and the turning area indicated on approved plan 02A shall be provided for the lifetime of the development and the turning area shall be maintained, at all times, free of obstruction.**
- (3) Notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, no other use within this class shall be undertaken without the express prior consent of the Planning Authority.**

- (4) Prior to the implementation of the approved use of 2.4 metres high close boarded timber fence shall be erected along the full southern boundary of the site and maintained in this position for the duration of the approved use; the fence details shall be submitted to and approved in writing by the Planning Authority.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of the users of the public highway.
- (3) In order to retain proper control over the use of the property.
- (4) To protect the privacy of surrounding residential properties.

**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) 02A.
- (3) Should any made ground or suspect material be encountered during any site works, the applicant should inform the Planning Authority as there will be a requirement to undertake an appropriate environmental risk assessment in relation to contaminated land issues. An environmental risk assessment would require to be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority.
- (4) Registration of the Care Home with the Care Commission will be required.
- (5) The Council's Children's Services should be contacted regarding the establishment of a future relationship with this Service.

Councillor Nicol re-entered the meeting following consideration of the foregoing item of business.

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

**P38. EXTENSION TO DWELLINGHOUSE AT 12 BLAIRLODGE AVENUE, POLMONT, FALKIRK FK2 0AD FOR MR WILLIAM MITCHELL - P/15/0110/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P21 refers), Committee (a) gave 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 erection of a single storey rear extension to a dwellinghouse, measuring approximately 2 metres by 4.4 metres, and a front extension measuring 4.5 metres by 4.4 metres at 12 Blairlodge Avenue, Polmont, 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 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; and**
- (2) Prior to the occupation of the front extension, the window indicated on the proposed south elevation facing the boundary of no.11 Blairlodge Avenue, shall be obscured glazed in accordance with drawing 06B and shall be maintained as such in perpetuity.**

**Reasons(s):-**

- (1) As these drawings and details constitute the approved development; and**
- (2) To safeguard the privacy of the occupants of adjacent properties.**

**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, 02, 03, 04, 05B, 06B, 07B, 08B, 09A and 10;**
- (3) 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 08:00 - 18:00 Hours**
  - Saturday 09:00 - 17:00 Hours**

- **Sunday/Bank Holidays 10:00 - 16:00 Hours**

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

- (4) 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.**

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

**P39. ERECTION OF SINGLE WIND TURBINE, 87 METRES TO TIP, CRANE PAD AND ANCILLARY INFRASTRUCTURE AT SITE TO THE NORTH OF UPPER KINNEIL BUNGALOW, LINLITHGOW FOR KINNEIL POWER LLP - P/14/0729/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 27 May 2015 (Paragraph P22 refers), Committee (a) gave 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 erection of a single wind turbine, measuring 60 metres to hub and 87 metres to blade tip, crane hardstanding, paved assembly areas and car parking, a 4 metre access track routed from the turbine to the public road 220m to the west of the site all on farmland to the north of Upper Kinneil Bungalow, Linlithgow to the south west of Bo'ness.

**Decision**

**The Committee refused planning permission for the following reason:-**

**The wind turbine, by virtue of its height and location would have an unacceptable visual impact on the setting of the Antonine Wall World Heritage Site, Kinneil House and its designated landscape setting and the South Bo'ness Special Landscape Area. The proposed development is therefore contrary to Policies ENV1, ENV2, ENV5, and ENV13 of the Falkirk Council Structure Plan, Policies ST20, ST21, EQ1, EQ14, EQ17, EQ20, EQ22 and EQ23 of the Falkirk Council Local Plan and Policies RW01, GN02, D07, D09, D12 and CG02 of the Falkirk Local Development Plan - Proposed Plan, as well as being contrary to the terms of SPP - Scottish Planning Policy, Falkirk Council Supplementary Planning Guidance Note - Spatial Framework and Guidance for Wind Energy Development and Falkirk Council Draft Supplementary Guidance 14 - Spatial Framework for Wind Energy Development.**

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

- P40. CHANGE OF USE OF LAND TO FORM EXTENSION TO GARDEN GROUND, ERECTION OF OUTBUILDINGS AND FENCING (RETROSPECTIVE) AT CULLOCH VIEW, MOSSCASTLE ROAD, SLAMANNAN, FALKIRK FK1 3EL FOR MRS ROSALIND FERRIER - SMITH - P/15/0101/FUL**
- P41. FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR, DENNY FK6 5PJ FOR MR IRFAN HAMID - P/15/0218/FUL**