

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.