

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is shield-shaped and divided into four quadrants. The top-left quadrant shows a sailing ship on the water. The top-right quadrant shows a stag's head with antlers. The bottom-left quadrant shows a beaver. The bottom-right quadrant shows a grizzly bear. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto "A NE FOR A".

**AGENDA ITEM**

**3**

**MINUTES**

**DRAFT**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 FEBRUARY 2016 at 9.30 a.m.**

**COUNCILLORS:** Baillie William Buchanan (Convener)  
Colin Chalmers  
Steven Carleschi  
Paul Garner  
Adrian Mahoney  
Craig Martin  
John McLuckie  
Malcolm Nicol  
Alan Nimmo  
Martin Oliver  
Sandy Turner

**OFFICERS:** John Angell, Head of Planning and Transportation  
Kevin Collins, Transport Planning Co-ordinator  
Ian Dryden, Development Manager  
Elspeth Forsyth, Senior Planning Officer (Landscape)  
Rhona Geisler, Director of Development Services  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator  
Richard Teed, Senior Forward Planning Officer  
Brent Vivian, Senior Planning Officer  
Bernard Whittle, Development Management Co-ordinator

**P129. APOLOGIES**

Apologies were intimated on behalf of Baillie Paterson.

**P130. DECLARATIONS OF INTEREST**

Councillor Garner declared a non financial interest in item 4 (minute P132) by virtue of him being an employee of a company responsible for carrying out maintenance on telecommunications masts, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Oliver declared a non financial interest in item 10 (minute P139) by virtue of him being an objector to the application, 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 Chalmers informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/15/0364/FUL (minute P134) but he would take part in consideration of planning applications P/15/0266/FUL and P/15/0580/FUL (minute P132 and P133) as he was sufficiently familiar with the sites.
- Councillor Oliver informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/15/0266/FUL, P/15/0580/FUL and P/15/0364/FUL (minute P132, P133 and P134) as he was sufficiently familiar with the sites.
- Councillor Nicol informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/15/0266/FUL, P/15/0580/FUL and P/15/0364/FUL (minute P132, P133 and P134) as he was sufficiently familiar with the sites.

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

#### **P131. MINUTES**

##### **Decision**

- (a) **The minute of meeting of the Planning Committee held on 1 February 2016 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 8 February 2016 was approved.**

#### **P132. ERECTION OF TELECOMS STREETWORKS TOWER AT SCOTTISH FIRE AND RESCUE, MAIN ROAD, MADDISTON, FALKIRK FK2 0LG FOR EVERYTHING EVERYWHERE - P/15/0266/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P120 refers), Committee (a) gave further consideration to a report to that meeting 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 14.7 metre high monopole style mobile phone mast and associated equipment cabinets on an existing footway at Main Road, Maddiston, Falkirk.

In accordance with Standing Order 38.1 (x) the Convener gave consent to Councillor Hughes to speak in relation to this item of business, the said Member having duly given at least 24 hours notice.

The Convener agreed a recess, at the request of members, prior to full consideration of this item of business to allow officers to provide members with copies of the related plan detailing the precise location and height of the telecoms mast and to provide copies of the plan of the proposed wind turbine to be considered under agenda item 5 (minute P133). The meeting adjourned at 10.00 a.m. and reconvened at 10.20 a.m. with all Members present as per the sederunt, with the exception of Councillor Garner.

## **Decision**

**The Committee agreed to refuse planning permission on the grounds that the proposal is contrary to Scottish Planning Policy Advice Note PAN62 'Radio Telecommunications' and Policy INF13 'Telecommunications Development' as contained in the Falkirk Local Development Plan (FLDP) as (1) the applicant has failed to fully demonstrate that all alternative locations have been fully considered within the surrounding area, and (2) the proposed development will have an adverse visual impact upon the overall street scene in this particular location.**

Councillor Garner re-entered the meeting prior to consideration of the following item of business.

### **P133. ERECTION OF A SINGLE WIND TURBINE MAXIMUM BLADE TIP HEIGHT OF 78 METRES, HUB HEIGHT OF 50 METRES AND ASSOCIATED ELECTRIC CABINET AND ACCESS TRACK AT POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON, FALKIRK FOR FINE ENERGY LTD - P/15/0580/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P121 refers), Committee (a) gave further consideration to a report to that meeting 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 500kw wind turbine measuring 78 metres to blade tip, located in open countryside to the west of Polmont Golf Club, Simpson Drive, Maddiston, Falkirk.

The Committee also considered additional information in relation to the Supplementary Access Statement dated 12 February 2016 which had been submitted by the applicant, copies of which were circulated at the meeting.

The Committee considered that the proposed development, while not strictly in accord with the Development Plan, was acceptable in the circumstances of the particular case as the development would (1) not have an adverse visual impact on the landscape, neighbouring properties or the settlements of Maddiston and Rumford due to the undulating ground conditions, and (2) not have an adverse effect on bats. It was noted that the Roads Development Unit made no objections in relation to access proposals.

## **Decision**

The Committee agreed to grant planning permission subject to such conditions as shall be determined by the Director of Development Services.

**P134. ERECTION OF 167 HOUSING UNITS WITH ASSOCIATED INFRASTRUCTURE AND GREEN SPACE ON LAND TO THE SOUTH OF KINGLASS COTTAGE, BORROWSTOUN ROAD, BO'NESS FOR MILLER HOMES AND AWG PROPERTY LTD - P/15/0364/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2016 (Paragraph P122 refers), Committee (a) gave further consideration to a report to that meeting 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 167 housing units with a mixture of two storey detached and semi-detached dwellinghouses and two storey cottage flats and open space, landscaping, a footpath network and Sustainable Urban Drainage (SUDS) on land to the south of Kinglass Cottage, Borrowstoun Road, Bo'ness.

## **Decision**

The Committee agreed that it was MINDED to GRANT planning permission subject to the conclusion, within six months, of a Legal Agreement/Planning Obligation to the satisfaction of the Director of Development Services within the terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of (1) £463,425 for affordable housing provision; (2) £208,750 for education/nursery provision, and (3) an appropriate sum as determined by the Director of Development Services towards the core path network.

Thereafter on the conclusion of the above, to 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) (i) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. 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. The contaminated land assessment must be approved in writing by the Planning Authority;

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination;
  - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. 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 agreed in writing by the Planning Authority; and
  - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.
- (4) No development shall commence on site until a drainage strategy has been submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details, unless otherwise agreed in writing.
- (5) No development shall commence on site until a material schedule, of all external materials, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.
- (6) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Thereafter, the development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing.

- (7) No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.
- (8) Within three months of the occupation of the last residential unit occupied on site, all road and footway construction shall be completed in accordance with the approved site plan.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2,3) To ensure the ground is made suitable for the approved development.
- (4) To ensure adequate drainage can be achieved.
- (5) To safeguard the visual amenity of the area.
- (6,7) To safeguard the environmental amenity of the area.
- (8) To safeguard the interests of the users of the highway.

**Informatives:-**

- (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) 01B, 02A, 03, 04A, 05A, 06, 07, 08B, 09, 10 and Supporting Information.

Councillors Mahoney and Carleschi left the meeting prior to consideration of the following item of business.

Councillors C Martin and Nimmo left the meeting during consideration of the following item of business.

Councillors Carleschi and C Martin re-entered the meeting during consideration of the following item of business.

**P135. 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 FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL**

With reference to Minutes of Meetings of the Planning Committee held on 25 March, 29 April, 25 June and 28 October 2015 and 1 February 2016 (Paragraphs P132, P10, P34, P77 and P115 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 in relation to conditions imposed in a planning permission granted 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.

**Decision**

**The Committee:-**

- (1) noted the contents of the report; and**
- (2) agreed to consider further update reports at future meetings of the Committee until the matters detailed in the report have been resolved.**

Councillor Nimmo re-entered the meeting during consideration of the following item of business.

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

**P136. 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**

With reference to Minutes of Meetings of the Planning Committee held on 27 May, 25 June and 28 October 2015 (Paragraphs P23, P35 and P80 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 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.



## **Decision**

The Committee agreed to continue consideration of the application to await the decision of the Executive (to be submitted to the meeting of the Executive in April 2016) in relation to the Development Framework for the Maddiston East Strategic Growth Area.

### **P137. REQUEST FOR SITE VISIT**

Having heard a request by a member for a site visit, the Committee agreed to the continuation of planning application P/15/0713/FUL.

Councillor Oliver left the meeting during to consideration of the following item of business.

### **P138. ORDER OF BUSINESS**

In terms of Standing Order 14.2(i), the Convener advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

### **P139. DEVELOPMENT OF LAND FOR UP TO 550 HOUSES, A COMMERCIAL BLOCK INCLUDING A CONVENIENCE STORE AND NURSERY, AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS JUNCTION WORKS, NEW ROADS AND PATHS, OPEN SPACE, WOODLAND PLANTING, SURFACE WATER DRAINAGE PONDS AND PLAY FACILITIES ON LAND TO THE NORTH OF WATSON PLACE, GLASGOW ROAD, LONGCROFT FOR MACTAGGART & MICKEL - P/09/0508/OUT**

With reference to Minutes of Meetings of the Planning Committee held on 23 March 2011 and 25 February and 28 October 2015 (Paragraphs P215, P122 and P78 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 planning permission in principle (formerly outline planning permission) for the development of land for up to 550 dwellinghouses and a commercial block and associated infrastructure including an access junction works, new roads and paths, open space, woodland planting, surface water drainage ponds and play facilities on a site to the north of Watson Place, Glasgow Road, Longcroft.

## **Decision**

**The Committee:-**

- (1) noted the contents of the report;**

- (1) agreed to continue consideration of the application, noting that if the Section 75 Planning Obligation had not been satisfactorily concluded and planning permission in principle granted (with updated planning conditions detailed in the recommendation to the report dated 28 October 2015) by 31 May 2016, the matter will require to be brought back to Committee for further consideration and potential refusal; and
- (2) agreed to amend items (c) (iii) and (iv) of the matters covered in the Section 75 Planning Obligation as agreed by Committee on 23 March 2011 to read:-
  - the payment of a financial contribution towards nursery provision at Head of Muir Primary School at a rate of £350 per dwellinghouse and £150 per flat; and
  - the payment of a financial contribution towards a new or upgraded sports pitch in the vicinity of the development for use by the community at a rate of £750 per residential unit.

Councillor Chalmers left the meeting during to consideration of the following item of business.

**P140. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE FK4 2DE FOR STEWART HOMES - P/11/0142/PPP**

With reference to Minutes of Meetings of the Planning Committee held on 19 August, 28 October and 25 November 2015 (Paragraphs P56, P79 and P93 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 planning permission in principle for the development of land for residential purposes on a site at Milnquarter Farm, Roman Road, Bonnybridge.

Councillor Carleschi, seconded by Councillor Turner, moved that Committee indicate to Scottish Ministers that it retains its position as advised to the DPEA on 26 November 2015 that it would have been minded to refuse planning permission in principle for the updated reasons detailed in the report.

By way of an amendment, Councillor McLuckie, seconded by Baillie Buchanan, moved that Committee indicate to Scottish Ministers that, taking into account the additional information submitted to DPEA by the applicant, (1) it would have been minded to approve planning permission in principle; and (2) if Scottish Ministers are minded to grant planning permission in principle on the basis of the current submissions, that they do so in accordance with the recommended conditions and matters to be secured by a Planning Obligation which are attached to the report as Appendix E, and further that Falkirk Council should be a party to any Section 75 Planning Obligation and the detailed drafting of the Section 75 subject to the agreement by the Council as a party to the Obligation.

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 (3) - Councillors Carleschi, Garner and Turner.

For the amendment (5) - Baillie Buchanan; Councillors C Martin, Nicol, McLuckie and Nimmo.

### **Decision**

**The Committee to indicate to Scottish Ministers that, taking into account the additional information submitted to DPEA by the applicant, (1) it would have been minded to approve planning permission in principle, and (2) if Scottish Ministers are minded to grant planning permission in principle on the basis of the current submissions, that they do so in accordance with the recommended conditions and matters to be secured by a Planning Obligation which are attached to the report as Appendix E, and further that Falkirk Council should be a party to any Section 75 Planning Obligation and the detailed drafting of the Section 75 subject to the agreement by the Council as a party to the Obligation.**

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

**P141. ERECTION OF OUTBUILDING (RETROSPECTIVE) AT 28 DROVER ROUND, LARBERT FK5 4TT FOR MR MARTIN BRENNAN - P/15/0713/FUL**