

FALKIRK COUNCIL

Minute of Special Meeting of the Planning Committee held in the Municipal Buildings, Falkirk on Monday 5 December 2016 at 1.30 p.m.

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

OFFICERS: Ian Dryden, Development Manager
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Bernard Whittle, Development Management Co-ordinator

P103. Apologies

Apologies were intimated on behalf of Councillor Oliver.

P104. Declarations of Interest

Baillie Buchanan declared a non financial interest in item 4 (minute P101) by virtue of him being related through marriage to the applicant, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

P105. Change of Use from Day Hospital (Class10) to Form 3 Flatted Dwellings, Partial Demolition of, and Extension to, Existing Building to Form Dwellinghouse and Erection of Dwellinghouse at Dunrowan, 37 Maggie Wood's Loan, Falkirk FK1 5EH for Dunrowan Heights Ltd - P/16/0510/FUL

With reference to Minute of Meeting of the Planning Committee held on 23 November 2016 (Paragraph P96 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 the change of use and alterations to a former day hospital to form 3 flatted dwellings, partial demolition of, and extension to, the existing

building to form a single dwellinghouse and the erection of a further dwellinghouse to the front of the site at 37 Maggie Wood's Loan, Falkirk.

Decision

The Committee agreed that it was minded to grant planning permission subject to the satisfactory completion, within six months, of a Legal Agreement 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, in terms satisfactory to the Director of Development Services, in respect of the payment of a financial contribution towards open space improvements to the sum of £2,205.

Thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions as well as a condition to require the gable end of the house on plot 1, facing Maggie Woods Loan, to be finished in natural stone:-

- (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 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 should 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. The scheme must be approved in writing by the Planning Authority.**
- (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.

- (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) Prior to the start of work on site, details of all external finishing materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (4) The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:-
 - (i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - (ii) a Statement of Conformity which confirms that 10%, of the required CO² emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

- (5) Before development commences a Tree Protection Plan shall be submitted for the approval of Falkirk Council as Planning Authority. The Tree Protection plan shall detail measures to protect all retained trees, including those outwith the site boundaries, from construction damage and detail all trees to be removed and tree surgery works.
- (6) Temporary protective fencing, in full accordance with the approved Tree Protection Plan, must be erected prior to any works commencing on site and must remain in position until all construction works are completed. This fenced off area will form the Construction Exclusion Zone and no excavation, increase in levels, trenching, material storage, building material run off, fire, pedestrian or machinery access shall take place within the fenced off Construction Exclusion Zone.

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 area.**
- (4) To ensure the development achieves the required CO2 emission reduction as a result of development.**
- (5-6) To ensure that the existing trees are retained and protected during construction work.**

In accordance with his declaration of interest, Baillie Buchanan left the Chair and the meeting and took no part in consideration of the following item of business. Councillor McLuckie assumed the role of Convener.

P106. Erection of 2 Dwellinghouses at Inches House, Bellsdyke Road, Larbert FK5 4EL for Mr John Pollock - P/16/0476/FUL (Continuation)

With reference to Minutes of Meetings of the Planning Committee held on 26 October and 23 November 2016 (Paragraphs P64 and P95 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 erection of two dwellinghouses at Inches House, Bellsdyke Road, Larbert. The consideration of the application was continued at the meeting on 26 October 2016 to allow an inspection of the site by Committee. At the convened meeting on site on 7 November 2016, the meeting stood adjourned due to there being no quorum. The subsequent site meeting took place on the morning of 5 December 2016.

Decision

The Committee agreed to grant full 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) Before works commence on site, a surface water drainage strategy shall be submitted and agreed in writing by the Planning Authority.**

- (3) Before occupation of the dwellings, visibility splays measuring 2.4m x 70m require to be provided in either direction from both accesses onto Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.
- (4) Before occupation of the dwellings, visibility splays measuring 2.4m x 30m require to be provided in either direction from the accesses within the site onto the private access road to Bellsdyke Road. There shall be no obstruction above carriageway level within these splays.
- (5) Before works commence on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls /fences, shall be submitted to, and approved in writing by, the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (6) Development shall not begin 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 (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) location and design, including materials, of walls, fences and gates; and
 - (iv) soft and hard landscaping works.
- (7) The group of 11 small stems of Birch & Rowan (tree group 8519) shall be retained and thinned, with the best stems retained, and shall be agreed and approved in writing by the Planning Authority prior to works commencing on-site.
- (8) The temporary protective fencing around the retained trees (delineating the 'Construction Exclusion Zone') as shown on the tree survey (and to include the Birch /Rowans in group 8519) shall be positioned prior to any works commencing on site and shall remain in position until all construction works are complete. No level changes, trenching, material storage or machinery access must take place within the fenced off 'Construction Exclusion Zone'.
- (9) Before the dwellings are occupied, the car parking shown on the approved plan shall be completed.

(10) The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:-

- (i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
- (ii) a Statement of Conformity which confirms that 10%, of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Planning Authority.

Reasons:-

- (1) As these drawings and details constitute the approved development.**
- (2) To ensure that adequate drainage is provided.**
- (3,**
- 4,5) To safeguard the interests of the users of the highway.**
- (6) To safeguard the visual amenity of the area.**
- (7,8) To safeguard the environmental amenity of the area.**
- (9) To ensure that adequate car parking is provided.**
- (10) To ensure the development achieves the required CO₂ emission reduction as a result of development.**

Informatives:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04, 05 and 06.**
- (2) 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.**
- (3) 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.

- (4) 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.

Baillie Buchanan resumed the Convenership of the meeting following consideration of the foregoing item of business.

P107. Alterations and Extension to Garage and Car Showroom at Beancross Road, Grangemouth FK3 8YF for Arnold Clark Automobiles Ltd - P/16/0547/FUL (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 23 November 2016 (Paragraph P95 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 alteration and extension of an established garage/car show room on Beancross Road, Grangemouth.

Decision

The Committee agreed to grant full planning permission subject to the following conditions as well as an informative requiring that signage to the satisfaction of the Director of Development Services, be erected directing delivery drivers to the off site compound:-

- (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 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 should 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. The scheme must be approved in writing by the Planning Authority.**
 - (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.**
 - (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 a detailed proposal for diverting or bridging the culvert, running under the extension hereby approved, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall proceed in accordance with the approved proposal, unless otherwise agreed in writing.**

Reasons:-

- (1) As these drawings and details constitute the approved development.**
- (2) To ensure the ground is suitable for the proposed development.**
- (3) To protect the culvert.**

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) 01 - 05, 06A, 07, 08 and Supporting Documents.**