

**FALKIRK COUNCIL**

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,  
Falkirk on Wednesday 23 November 2016 at 9.30 a.m.**

**COUNCILLORS:**

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

**OFFICERS:**

John Angell, Head of Planning and Transportation  
Douglas Blyth, Team Leader, Legal Services  
Kevin Collins, Transport Planning Co-ordinator  
Rose Mary Glackin, Chief Governance Officer  
John Milne, Senior Planning Officer  
Craig Russell, Roads Development Officer  
Graham Sibbald, Environmental Health Officer  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator  
Bernard Whittle, Development Management Co-ordinator

**P83. Apologies**

No apologies were intimated.

**P84. Declarations of Interest**

Baillie Buchanan declared a non financial interest in item 8 (minute P91) 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.

Councillor C Martin entered the meeting during consideration of the following business.

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

- Councillor Chalmers informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/16/0112/FUL, P/16/0114/PPP and P/16/0476/FUL (minute P88, P89 and P91) as he was sufficiently familiar with the sites.
- 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/16/0112/FUL, P/16/0114/PPP and P/16/0476/FUL (minute P88, P89 and P91) but he would take part in consideration of planning application P/16/0423/FUL (minute P90) as he was sufficiently familiar with the site.
- Councillor Turner informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/16/0423/FUL, P/16/0498/FUL and P/16/0499/LBC (minute P90, P92 and P93).
- 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/16/0423/FUL, P/16/0498/FUL and P/16/0499/LBC (minute P90, P92 and P93) but he would take part in consideration of planning applications P/16/0112/FUL and P/16/0114/PPP (minute P88 and P89) as he was sufficiently familiar with the sites.

#### **P85. Requests for Site Visits**

Having heard requests by members for site visits, the Committee agreed at the start of the meeting to the continuation of planning application P/16/0510/FUL.

#### **P86. Minutes**

##### **Decision**

- (a) Minute of Meeting of the Planning Committee held on 26 October 2016; and**
- (b) Minute of Meeting of the Planning On-Site Committee held on 7 November 2016.**

Baillie Paterson left the meeting during consideration of the following item of business.

**P87. The Falkirk Council (On Street Parking Space for Disabled Persons) (No TRO/DB/16/029) Order 2016 - Park Avenue, Stenhousemuir, Larbert**

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/16/029) Order 2016 - Park Avenue, Stenhousemuir, Larbert.

**Decision**

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

Councillor Garner entered the meeting during consideration of the following business.

Baillie Paterson re-entered the meeting during consideration of the following item of business.

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

**P88. Demolition of Existing Buildings/Structures Erection of Shop (Class 1) (2040 sq.m) with Associated Landscaping, Car Parking, Servicing and Formation of Access (King Street) at 44 Tryst Road, Stenhousemuir, Larbert FK5 4QH for Ramoyle Group - P/16/0112/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P69 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 retail store, associated landscaping, car parking, services and formation of access on land formerly associated with McCowans Toffee Factory, Stenhousemuir, Larbert.

With reference to Standing Order 33, Baillie Buchanan referred to an application received from the applicant for admission to the meeting as a deputation to be heard in relation to this item of business.

The Committee consented to hear the deputation.

Mr Smith, the applicant's representative, gave details of the history of the site and the application.

Members then asked questions of Mr Smith.

The Committee thereafter reconvened normal business.

Councillor McLuckie, seconded by Baillie Paterson, moved that the Committee be minded to grant planning permission in accordance with the recommendations within the report, subject to amendments to conditions 6 and 7 being that the development shall not open until Traffic Management, Service Arrangements and Travel Plans had been submitted to, and approved in writing by, the Planning Authority to the satisfaction of the Director of Development Services.

As an amendment, Councillor Carleschi, seconded by Councillor Oliver, moved that Committee continue consideration of the application to allow further discussion with the applicant on arrangements for parking and access into the site

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (8) - Baillies Buchanan and Paterson; and Councillors Chalmers, Mahoney, C Martin, McLuckie, Nimmo and Turner.

For the amendment (3) - Councillors Carleschi, Garner and Oliver.

## **Decision**

**The Committee agreed that it was minded to grant planning permission subject to (a) amendments to conditions 6 and 7 being that the development shall not open until Traffic Management, Service Arrangements and Travel Plans have been submitted to and approved in writing by the Planning Authority and that the precise wording be remitted to the Director of Development Services; and (b) 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 potential traffic management mitigation amounting to £20,000 prior to the opening of the premises and retained by Falkirk Council for twelve months beyond the full opening of whichever is the later of this development or the proposed adjoining development of a restaurant. Any unspent monies to be returned to the applicant on request after this time period.**

**Thereafter, on the conclusion of the foregoing matters, 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 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) For the avoidance of doubt, the retail floor-space shall retain a 80:20 split of Comparison: convenience retail format.**
- (3) Samples of external finishes 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) (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.**
- (5) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.**
- (6) Prior to any work on site, a Traffic Management Plan and Service Arrangement Plan shall be submitted to and approved in writing by the Planning Authority.**

- (7) Prior to the commencement of any works on site, a Travel Plan shall be submitted to and approved in writing by the Planning Authority.**
- (8) 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 CO<sub>2</sub> 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 as Planning Authority. 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.**

- (9) Prior to the commencement of development, further information shall be submitted, to include:-**
  - (i) the submission of a scheme of intrusive site investigations for approval;**
  - (ii) the undertaking of that scheme of intrusive site investigations;**
  - (iii) the submission of a report of findings arising from the intrusive site investigations;**
  - (iv) the submission of a scheme of remedial works for approval; and**
  - (v) the implementation of those remedial works.**
- (10) Prior to the commencement of (completion) any works on site, further information regarding landscaping, planting timescales and planning management shall be submitted to and approved in writing by the Planning Authority.**

**Reasons:-**

- (1) As these drawings and details constitute the approved development.**
- (2) To ensure that the Planning Authority can control the future use of the premises.**
- (3) To safeguard the visual amenity of the area.**
- (4) To ensure the ground is suitable for the proposed development.**

- (5) To ensure that adequate car parking is provided.**
- (6) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (7,**
- 10) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (8) To ensure the development achieves the required CO2 emission reduction as a result of development.**
- (9) To ensure that ground conditions as relates to Coal Mining history have been addressed.**

**Informatives:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 1A, 2, 3, 4A and 5A.**
- (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) It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; you may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.**
- (4) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.**
- (5) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect the development. Email - [envhealth@falkirk.gov.uk](mailto:envhealth@falkirk.gov.uk).**
- (6) It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.**

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

Baillie Paterson left and re-entered the meeting during consideration of the following item of business.

**P89. Erection of Restaurant / Public House, Associated Infrastructure Including Roads, Car Parking and Amenity Spaces, Pedestrian Access and Landscaping at 44 Tryst Road, Stenhousemuir, Larbert FK5 4QH for Ramoyle Group - P/16/0114/PPP (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P70 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 planning permission in principle for a change of use for the erection of a family restaurant/public house and associated infrastructure at 44 Tryst Road, Stenhousemuir, Larbert.

With reference to Standing Order 33, Baillie Buchanan referred to an application received from the applicant for admission to the meeting as a deputation to be heard in relation to this item of business.

The Committee consented to hear the deputation.

Mr Smith, the applicant's representative, gave details of the history of the site and the application.

Members then asked questions of Mr Smith.

The Committee thereafter reconvened normal business.

Councillor Carleschi, seconded by Councillor Turner, moved that Committee refuse planning permission in principle on the ground that it was contrary to Policy TC04, paragraph 2, in relation to potential traffic congestion, inadequate parking provision and road safety issues.

As an amendment, Councillor Mahoney, seconded by Councillor McLuckie, moved that Committee be minded to grant planning permission in principle in accordance with the recommendations within the report on the understanding that there was an undertaking on behalf of the Director of Development Services that any application for full planning permission would be brought to the Committee for consideration.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (4) - Councillors Carleschi, Chalmers, Oliver and Turner

For the amendment (7) - Baillies Buchanan and Paterson; and Councillors Garner, Mahoney, C Martin, McLuckie and Nimmo.



## **Decision**

**The Committee agreed that it was minded to grant planning permission in principle (a) subject to the understanding that there was an undertaking on behalf of the Director of Development Services that any application for full planning permission would be brought to the Committee for consideration; and (b) the satisfactory completion, within six months of a Legal Agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 or 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 potential traffic management mitigation amounting to £20,000 prior to the opening of the premises and retained by Falkirk Council for twelve months beyond the full opening of whichever is the later of the development or the proposed adjoining retail development. Any unspent monies to be returned to the applicant on request after this time period.**

**Thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle 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) No development shall take place on site until details of on-site low and zero carbon-generating technologies (LZCGT) necessary to meet a proportion of the overall energy requirements of the development have been submitted to and approved in writing by Falkirk Council as Planning Authority.**
- (3) Prior to any works on site, a Service Delivery and Parking Management Plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt access and egress to Gladstone Road shall be via King Street only.**
- (4) (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.
  - (iii) 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.
- (5) Prior to any works on site, a Final Travel Plan shall be submitted to and approved in writing by the Planning Authority.
- (6) Within three years of the date of the permission, 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.
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
  - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
  - (ii) location of new trees, shrubs, hedges and grassed areas;
  - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density; and
  - (iv) programme for completion and subsequent maintenance.

- (8) Prior to the commencement of development, further information shall be submitted, to include:-**
- (i) the submission of a scheme of intrusive site investigations for approval;**
  - (ii) the undertaking of that scheme of intrusive site investigations;**
  - (iii) the submission of a report of findings arising from the intrusive site investigations;**
  - (iv) the submission of a scheme of remedial works for approval; and**
  - (v) the implementation of those remedial works.**

**Reasons:-**

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the consent.**
- (2) To ensure that full consideration is given to the achievement of Low and/or Zero Carbon Development in accordance with Falkirk Local Development Plan Policy D04 and Supplementary Guidance SG15, and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.**
- (3) To safeguard the interests of the users of the highway.**
- (4) To ensure the ground is suitable for the proposed development.**
- (5) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (6-7) To safeguard the visual amenity of the area.**
- (8) To ensure that ground conditions as relates to Coal Mining history have been addressed.**

**Informatives:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.**
- (2) It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.**
- (3) 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.**

- (4) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.**
- (5) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect the development. Email:- envhealth@falkirk.gov.uk.**

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

Councillors Mahoney left the meeting during consideration of the following item of business.

Councillors Carleschi, Nimmo and Turner left and re-entered the meeting during consideration of the following item of business.

**P90. Change of Use from a Vacant Retail Unit (Class 1) to a Hot Food Takeaway (Sui Generis); Installation of Extraction/Ventilation Equipment and External Alteration at 24 High Street, Bonnybridge FK4 1DA for DPSK Ltd - P/16/0423/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P71 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 change of use from a vacant retail unit (class 1) to a hot food takeaway at 24 High Street, Bonnybridge.

Baillie Buchanan, seconded by Councillor Nicol, moved that Committee grant planning permission in accordance with the recommendations within the report.

As an amendment, Councillor Oliver, seconded by Councillor Garner, moved that Committee refuse planning permission on the ground of road safety.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (7) - Baillies Buchanan and Paterson; and Councillors Chalmers, C Martin, McLuckie, Nicol and Nimmo.

For the amendment (3) - Councillors Carleschi, Garner and Oliver.

### **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 proposed development shall not be brought into use until the extraction duct has been painted a colour to be approved in writing by the Planning Authority.**
- (3) The hours of opening of the hot food takeaway shall be limited to between the hours of 11:00 hours and 23:00 hours.**
- (4) Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwellinghouse or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C) 35 between 07:00 hours and 22:00 hours and N.R.C 25 at all other times.**

### **Reasons:-**

- (1) As these drawings and details constitute the approved development.**
- (2) In the interests of visual amenity; to ensure the external finish is appropriate to the character of the area.**
- (3-4) To safeguard the residential amenity of the area.**

### **Informatives:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02B, 03D, 04, 05A, 06A, 07, 08B, 09B and 10.**
- (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.**

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.

**P91. Erection of 2 Dwellinghouses at Inches House, Bellsdyke Road, Larbert FK5 4EL for Mr John Pollock - P/16/0476/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraphs P64 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 two dwellinghouses at Inches House, Bellsdyke Road, Larbert. The consideration of the application had been 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 had stood adjourned due to there being no quorum.

**Decision**

**The Committee agreed to continue consideration of this item of business to allow a further inspection of the site by Committee and thereafter that the matter be submitted for consideration to a special meeting of the Committee on 5 December 2016.**

Baillie Buchanan re-entered the meeting following consideration of the foregoing item of business and resumed the Convenership of the meeting.

The Convener agreed a short adjournment at 11.50 a.m. The meeting reconvened at 12 noon with all Members present as per the sederunt with the exception of Councillors Mahoney and Nicol.

**P92. Extension to Dwellinghouse at 2 Princess Gate, Slamannan Road, Falkirk FK1 5BP for Mr Gordon Murray - P/16/0498/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P74 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 a rear extension to a single storey dwellinghouse at 2 Princess Gate, Slamannan Road, Falkirk.

Councillor Chalmers, seconded by Councillor Carleschi, moved that Committee refuse planning permission on the grounds that it was contrary to

Policies HSG07 'House Extensions and Alterations' and DO9 'Listed Buildings'.

As an amendment, Councillor McLuckie, seconded by Baillie Buchanan, 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 9 members present with voting as undernoted:-

For the motion (3) - Councillors Carleschi, Chalmers and Garner.

For the amendment (6) - Baillies Buchanan and Paterson; and Councillors C Martin, McLuckie, Nimmo and Oliver.

### **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; and**
- (2) Prior to the start of work 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.**

### **Reasons:-**

- (1) As these drawings and details constitute the approved development.**
- (2) To safeguard the visual amenity of the area.**

### **Informatives:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.**
- (2) 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 prior written approval of the Planning Authority.**

- (3) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-**

<b>Monday to Friday</b>	<b>08:00 – 18:00 Hours</b>
<b>Saturday</b>	<b>09:00 – 17:00 Hours</b>
<b>Sunday/Bank Holidays</b>	<b>10:00 – 16:00 Hours</b>

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

- (4) 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.**

**P93. Extension to Dwellinghouse at 2 Princess Gate, Slamannan Road, Falkirk FK1 5BP for Mr Gordon Murray - P/16/0499/LBC (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P75 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 listed building consent for a single storey rear extension to a semi detached category B listed building at 2 Princess Gate, Slamannan Road, Falkirk and measuring approximately 4 metres by 4 metres.

Councillor Chalmers, seconded by Councillor Carleschi, moved that Committee refuse listed building consent on the grounds that it was contrary to Policy DO9 'Listed Buildings' and Supplementary Guidance SG16 'Listed Buildings and Non Listed Buildings in Conservation Areas'.

As an amendment, Councillor McLuckie, seconded by Baillie Buchanan, moved that Committee grant listed building consent in accordance with the recommendations within the report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 9 members present with voting as undernoted:-

For the motion (3) - Councillors Carleschi, Chalmers and Garner.

For the amendment (6) - Baillies Buchanan and Paterson; and Councillors C Martin, McLuckie, Nimmo and Oliver.



## **Decision**

**The Committee agreed to grant listed building consent subject to the following condition:-**

- (1) Prior to the start of work on the 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.**

## **Reason:-**

- (1) To safeguard the visual amenity of the area.**

## **Informatives:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.**
- (2) In accordance with section 16(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), the consent lapses on the expiration of a period of three years beginning with the date on which the consent is granted unless the development to which the consent relates is begun before that expiration.**

### **P94. Formation of Access Track at Simpson Drive, Maddiston, Falkirk FK2 OLS for Polmont Golf Club - P/16/0469/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 26 October 2016 (Paragraph P72 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 development of an alternative access track, to serve a wind turbine granted planning permission on 24 February 2016 (ref: P/15/0580/FUL) to reduce the impact of development on the functioning of the golf course at Polmont Golf Club, Simpson Drive, Maddiston, Falkirk.

## **Decision**

**The Committee agreed to grant planning permission subject to the following condition:-**

- (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 Falkirk Council as Planning Authority.

**Reason:-**

- (1) As these drawings and details constitute the approved development.

**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 01 and Supporting Documents.
- (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 prior written approval of the Planning Authority.
- (4) The access track, hereby approved, crosses a public right of way (CF44). It is advised that the right of way be kept open at all times during and post construction.
- (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	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.

The Convener agreed a short adjournment at 12.35 p.m. The meeting reconvened at 1.20 p.m. with all Members present as per the sederunt with the exception of Councillors Nicol and Garner.

**P95. Erection of 15 Dwellinghouses, Retail Unit and Associated Infrastructure at Bowling Club, Glen Crescent, Glen Village, Falkirk FK1 2AQ for Alpha Glen Developments Ltd - P/16/0360/FUL (Continuation)**

With reference to Minutes of Meetings of the Planning Committee held on 14 September and 26 October 2016 (Paragraphs P54 and P64 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 15 dwellinghouses, a retail unit and associated infrastructure at the Bowling Club, Glen Crescent, Glen Village, Falkirk. The application had been continued at the meeting on 26 October 2016 for further information from the applicant and Falkirk Community Trust and for a Traffic Impact Assessment be undertaken.

The applicant had subsequently submitted an appeal to the Scottish Directorate of Planning and Environmental Appeals (DPEA) against non determination.

Councillor Chalmers, seconded by Councillor Carleschi, moved that Committee indicate to Scottish Ministers, when requested to do so, that it would have been minded to refuse planning permission on the grounds that the application was contrary to the undernoted Policies of the Falkirk Council Local Development Plan:-

- HSG03 'Windfall Housing' (subsections 2 and 4) due to the detrimental impact on the residential amenity of the area and the road network and the failure to provide an adequate number of parking spaces to absorb the existing vehicular traffic as well as the additional traffic from the development;
- INF02 'Developer Contributions to Community Infrastructure' in terms of the failure to provide a replacement for the community infrastructure associated with the former sporting and community facilities and open space and for those facilities threatened with closure;
- TC03 'Retail and Community Leisure Development' (subsections 2 and 4) in that there was no identifiable need for the retail development within the Local Development Plan at this location, that the applicant has failed to provide evidence of the need for the development, that retail development was incompatible with other land uses, the exacerbation of access problems to the entrance point to the existing junction and the detrimental impact on road safety; and
- D02 'Sustainable Design Principles' (subsections 3 and 5) in terms of the failure to provide sustainable or safe access to the retail unit and to other

locations on Glen Crescent, the current weight restrictions on Glen Crescent, the insufficient parking provision to the new development and unacceptable traffic dispersal onto surrounding residential streets and the detrimental impact on residential amenity.

As an amendment, Baillie Buchanan, seconded by Baillie Paterson, moved that Committee indicate to Scottish Ministers, when requested to do so, that it would have been minded to grant planning permission subject to the satisfactory completion 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 off site open space and play provision, in the sum of £21,903.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (4) - Councillors Carleschi, Chalmers, Oliver and Turner.

For the amendment (6) - Baillies Buchanan and Paterson; and Councillors C Martin, McLuckie, Nimmo and Oliver.

## **Decision**

**The Committee agreed to indicate to Scottish Ministers, when requested to do so, that it would have been minded to grant planning permission subject to the satisfactory completion 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 off site open space and play provision, in the sum of £21,903.**

**Thereafter, on the conclusion of the foregoing matters, that it would have remitted 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 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 an appropriate scheme of intrusive site investigation works has been undertaken to confirm coalmining 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 samples, 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) 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.**

- (7) Unless otherwise agreed in writing by the Planning Authority, no building on the site shall be occupied until such time that the car parking shown on the Approved Plan has been completed.**

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.**
- (2,3) To ensure the ground is suitable for the proposed development.**
- (4) To ensure adequate drainage can be achieved.**
- (5) To safeguard the visual amenity of the area.**
- (6) To safeguard the environmental amenity of the area.**
- (7) To ensure that adequate car parking is provided.**

**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, 02A, 03B, 04 - 14 and Supporting Documents.**

Baillie Paterson left the meeting during consideration of the following item of business.

**P96. 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**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the change of use from a day hospital (class10) to form three flatted dwellings, the partial demolition of, and extension to, an existing building to form a dwellinghouse and the erection of a dwellinghouse at Dunrowan, 37 Maggie Wood's Loan, Falkirk.

## **Decision**

**The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee and thereafter that the matter be submitted for consideration to a special meeting of the Committee on 5 December 2016.**

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

**P97. Alterations and Extension to Garage and Car Showroom at Beancross Road, Grangemouth FK3 8YF for Arnold Clark Automobiles Ltd - P/16/0547/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the alteration and extension to an established garage and car showroom on a site at Beancross Road, Grangemouth.

With reference to Standing Order 33, Baillie Buchanan referred to an application received from the applicant's agent for admission to the meeting to be heard in relation to this item of business.

The Committee consented to hear the deputation.

Mr Kinmond, the applicant's agent and Mr McMurray, the applicant's representative, gave details of the history of the site and the application.

Members then asked questions of Mr Smith and Mr McMurray.

The Committee thereafter reconvened normal business.

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

## **Decision**

**The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee and thereafter that the matter be submitted for consideration to a special meeting of the Committee on 5 December 2016.**