

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a diagonal beam of light. The top-right quadrant depicts a stag's head with large antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on its hind legs. 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 25 January 2017 at 9.30 a.m.**

**COUNCILLORS:** Baillie William Buchanan (Convener)  
Jim Blackwood  
Steven Carleschi  
Paul Garner  
Adrian Mahoney  
Craig Martin  
John McLuckie  
Malcolm Nicol  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:** John Angell, Head of Planning and Transportation  
Kevin Collins, Transport Planning Co-ordinator  
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  
Bent Vivian, Senior Planning Officer

**P108. Apologies**

Apologies were intimated on behalf of Councillors Chalmers and Oliver.

**P109. Declarations of Interest**

No declarations were made.

**P110. Minutes**

**Decision**

- (a) The minute of meeting of the Planning Committee held on 23 November 2016 was approved;
- (b) The minute of meeting of the Planning On-Site Committee held on 5 December 2016 was approved; and
- (c) Minute of Special Meeting of the Planning Committee held on 5 December 2016 was approved.

Councillor Turner entered the meeting during consideration of the following item of business.

**P111. Distributor Road and Associated Earth Works on Land to the North of Shamistle, Maddiston, Falkirk for Manor Forrest Ltd and 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 and 24 February 2016 (Paragraphs P23, P35, P80 and P136 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. The consideration of the application had been continued on 24 February 2016 to await the decision of the Executive in relation to the Development Framework for the Maddiston East Strategic Growth Area.

**Decision**

**The Committee agreed to continue consideration of the application to allow officers (1) to request and to obtain from the applicant further Transport Assessment information; and (2) to have further discussion with the applicant on the impact of the proposed development on trees, the setting of the listed building and the walled garden.**

**P112. Discharge of Section 50 Agreement Under the Town and Country Planning (Scotland) Act 1972 on Planning Permission F/94/0206, Which Restricted Occupation of the Dwellinghouse Approved Under that Permission to a Person or Persons (Together with Dependant or Dependents, if any, of That Person or Persons) Employed in a Full Time Basis in Agriculture at Standalane Farm, Lochgreen Road, Falkirk at Standalane Farm, 22 Lochgreen Road, Falkirk FK1 5PP for Mr Douglas Hill - P/16/0650/75D**

The Committee considered a report by the Director of Development Services seeking approval of the discharge of a Legal Agreement made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972, restricting the occupation of the dwellinghouse to a person or persons (together with dependant or dependants, if any, of that person or persons) employed on a full time basis in agriculture at Standalane Farm, Lochgreen Road, Falkirk.

## **Decision**

**The Committee agreed to the discharge of the Legal Agreement.**

### **P113. Residential Development to Build 10 Flats, 38 Dwellinghouses and Associated Parking Areas and Infrastructure on Land to the West of 21 Old Mill Way, Kirkland Drive, Stoneywood for MacTaggart and Mickel - P/16/0429/FUL**

The Committee considered a report by the Director of Development Services seeking the amendment of the scheme approved under planning permission P/08/0296/FUL by substituting 37 flats and 18 dwellinghouses with 10 flats and 38 dwellinghouses within a portion of the overall site on land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

## **Decision**

**The Committee agreed that it was minded to grant planning permission subject to (1) the agreement to the modification of the Section 75 Planning Obligation sought under planning application P/16/0653/75M; and (2) the satisfactory conclusion of the Section 75A matters (P/16/0653/75M) and registration of the Decision Notice in the Land Register.**

**Thereafter, on the conclusion of the foregoing matters, 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 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 the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
- (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in**

**writing by the Planning Authority. Details of the scheme shall include (as appropriate):-**

- (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;**
- (ii) the location of all new trees, shrubs, hedges and grassed areas;**
- (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/density;**
- (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;**
- (v) the location, colour and specification of all proposed hard surface materials;**
- (vi) existing and proposed services such as cables, pipelines, substations, etc; and**
- (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.**

- (5) Notwithstanding the approved plans, before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-**

- (i) the location of a toddler/junior play area and the type and location of all associated play equipment, seating, fences, walls and litter bins;**
- (ii) the surface treatment of play areas; and**
- (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient, cross-section and signage details shall be submitted as appropriate.**

- (6) Before the development commences, a final statement and plan confirming any existing trees proposed to be removed shall be submitted to and approved by the Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.**

- (7) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by the Planning Authority (as appropriate). The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in**

place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.

- (8) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (9) Before the development commences, the exact details of the proposed measures, either as detailed in Tables 1A and 1B of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated July 2011(submitted with P/08/0296/FUL) or as otherwise detailed in any agreed update of these Tables, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (10) Before the development commences, any necessary Species Protection Plan for otter shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (11) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include woodland management measures and management prescriptions for the SUDS pond and habitat, and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (12) In respect of otter:-

  - (i) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
  - (ii) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
  - (iii) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts,

**their protected status and the conditions of any granted licence.**

- (13) Should the development not commence within twelve months of the last survey of the site for otter, bats and badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of the Planning Authority.**
- (14) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.**
- (15) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.**
- (16) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.**
- (17) Unless otherwise agreed in writing by the Planning Authority, all new road and footway design and construction shall be carried out in accordance with the National Roads Development Guide.**
- (18) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.**
- (19) The proposed development shall be carried out in accordance with the recommendations detailed on page 43 of the Flood Risk and Drainage Impact Assessment, Revision H, prepared by Waterman Civils Limited, dated September 2011 (submitted with P/08/0296/FUL)**
- (20) Before the development commences, details of the provision of an improved trash screen for the Sandyford Burn under the B818 and arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved trash screen shall be installed in accordance with an agreed timescale and maintenance of the**

**culverts shall be carried out in accordance with the approved details.**

- (21) One cycle store per flat shall be provided before each flat is occupied, in accordance with details to be submitted to and approved in writing by the Planning Authority before the development commences.**
- (22) Before the first unit is occupied, a Residential Travel Plan, including a Travel Pack shall be submitted to and approved in writing by the Planning Authority and distributed to households prior to occupation.**
- (23) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, and the active recreational facilities, shall be submitted to and approved in writing by the Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.**
- (24) Before the 23rd residential unit within the application site is occupied, the toddler/junior play area shall be fully completed in accordance with the approved details.**
- (25) Before the 43rd residential unit within the application site is occupied, the alterations to the listed building (Carrongrove House) shall be fully completed in accordance with the details to be approved by means of a separate planning permission/listed building consent.**

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2) To enable the Planning Authority to consider these aspects in more detail.**
- (3,4, 6) To safeguard the visual amenity of the area.**
- (5) To ensure the provision of adequate and appropriate recreational facilities.**
- (7- 9) To safeguard the visual and environmental amenity of the area.**



- (10-14) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (15) To ensure the ground is suitable for the proposed development.
- (16) To ensure the provision of appropriate waste management facilities.
- (17, 18) To safeguard the interests of the users of the highway.
- (19, 20) To safeguard the site against the risk of flooding.
- (21, 22) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (23) To secure the on-going maintenance of the common areas and facilities.
- (24, 25) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A, 03D, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15B, 16B, 17B, 18B, 19B, 20B, 21C, 22C, 23A, 24, 25 and 27.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the relevant Council Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The discharge of surface water to the water environment should be in accordance with the principles of SUDS (Sustainable

**Drainage Systems) Manual (C753) published by CIRIA. Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.**

- (6) Any proposals for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).**
- (7) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places**
- (8) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmon fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.**
- (9) 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.**

**P114. Modification of Planning Obligation Under Section 75 of the Town and Country Planning (Scotland) Act 1997 Registered Over Land Registered in the Land Register of Scotland Under Title Number STG58305 Attached to Planning Permission P/08/0296/FUL to Accommodate Development under Planning Application Reference P/16/0429/FUL on Land to the West of 21 Old Mill Way, Kirkland Drive, Stoneywood for MacTaggart and Mickel Homes Ltd - P/16/0653/75M**

The Committee considered a report by the Director of Development Services seeking the modification of Section 75 of the Planning Obligation attached to planning permission P/08/0296/FUL so as to accommodate development applied for under planning application P/16/0429/FUL on land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

#### **Decision**

**The Committee agreed to modify the Planning Obligation.**

**P115. 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 and Mickel - P/09/0508/OUT**

With reference to Minutes of Meetings of the Planning Committee held on 23 March 2011, 25 February and 28 October 2015 and 24 February and 21 June 2016 (Paragraphs P215, P122, P78, P139 and P26 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.

Councillor Turner, seconded by Councillor Blackwood, moved that Committee agree to continue consideration of the application and if the Section 75 Planning Obligation has not been satisfactorily concluded and planning permission in principle granted (with the updated planning conditions detailed in the recommendation to the report dated 28 October 2015) by 30 April 2017, the Director of Development Services shall be authorised to refuse the application on the ground that the Section 75 Planning Obligation had not been satisfactorily concluded within a reasonable timescale in accordance with the recommendations within the report.

In accordance with Standing Order 20.9, and with the unanimous consent of the meeting, Councillor Turner and his seconder withdrew the motion to allow further consideration of the matter.

**Decision**

**The Committee:-**

- (1) noted the report; and**
- (2) agreed to continue consideration of the application and if the Section 75 Planning Obligation has not been satisfactorily concluded and planning permission in principle granted (with the updated planning conditions detailed in the recommendation to the report dated 28 October 2015) by 31 May 2017, the matter be brought back to the next scheduled meeting of the Committee for a decision to be taken by members which decision may potentially be refusal of the application.**

Baillie Paterson left the meeting prior to consideration of the following item of business.

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

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

Councillor Carleschi entered the meeting during consideration of the following item of business.

**P116. Erection of Six Dwellinghouses on Land to the South of the Stables, Braeface Road, Banknock for Mr John Penman - P/16/0660/MSC**

The Committee considered a report by the Director of Development Services seeking approval of the matters specified in the conditions attached to planning permission in principle P/12/0124/PPP for the erection of six dwellinghouses on land to the south of the Stables, Braeface Road, Banknock.

**Decision**

**The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.**

**P117. Removal of Planning Conditions 9 and 11 and Variation of Planning Condition 12 to Remove the Wording 'and so that no surface water is discharged or loose material carried out onto the public road' (planning conditions 9, 11 and 12 Attached to Planning Permission in Principle Reference P/12/0124/PPP) on Land to the South of the Stables, Braeface Road, Banknock for Mr John Penman - P/16/0671/VRC**

The Committee considered a report by the Director of Development Services seeking removal of conditions 9 and 11 and a variation to condition 12 attached to planning permission in principle P/12/0124/PPP for the development of land for residential purposes on land to the south of the Stables, Braeface Road, Banknock.

**Decision**

**The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.**

**P118. Modification of Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 Attached to Planning Permission P/12/0124/PPP, adding the following wording to Clause 1.6 of the said Obligation “Without prejudice to the foregoing generality, the phrase “or the like” includes any planning application under section 42 of the Town and Country Planning (Scotland) Act 1997 to develop without compliance with conditions previously attached” on Land to the South of the Stables, Braeface Road, Banknock for Mr John Penman - P/16/0778/75M**

The Committee considered a report by the Director of Development Services seeking the modification of the Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to planning permission in principle P/12/0124/PPP for the development of land for residential purposes on land to the south of the Stables, Braeface Road, Banknock.

**Decision**

**The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.**

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

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

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

**P119. Changes to the Accessible Entrance Route, Level of Garden Below Raised Platform and Boundary Fences (Retrospective) at 6 and 8 Apple Blossom Grove, Maddiston, Falkirk FK2 0BH for Taylor Homes (Scotland) Ltd - P/16/0639/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission (in retrospect) for the construction of a raised decking area and timber fencing to the rear of two recently constructed detached dwellinghouses within an established residential area at 6 and 8 Apple Blossom Grove, Maddiston, Falkirk.

Councillor Turner, seconded by Councillor Garner, moved that Committee agree to continue consideration to allow an inspection of the site by Committee.

By way of an amendment, Baillie Paterson, seconded by Councillor McLuckie, 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, Garner and Turner.

For the amendment (6) - Baillies Buchanan and Paterson; Blackwood, C Martin, McLuckie and Mahoney.

Councillor Nicol abstained.

**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) Prior to the decking hereby approved being brought into use, the proposed reduction in the area of decking along the boundary with number 4 Apple Blossom Grove shall be carried out in full and the proposed 2m high privacy screen shall be constructed on the western end of the decking to the rear of 6 Apple Blossom Grove in accordance with the approved plans numbered 02B and 05. Thereafter, the privacy screen shall be maintained at this height and construction in perpetuity unless otherwise agreed in writing by the Planning Authority.**

**Reasons:-**

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

**Informative:-**

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

**P120. Erection of Decking and Boundary Fencing (Modification to Planning Permission P/16/0098/FUL) (Retrospective) at 2 Apple Blossom Grove, Maddiston, Falkirk FK2 0BH for Taylor Homes (Scotland) Ltd - P/16/0643/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission (in retrospect) for the construction of a raised decking area and timber fencing to the rear of two recently constructed detached dwellinghouses within an established residential area at 2 Apple Blossom Grove, Maddiston, Falkirk.

**Decision**

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of 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) Prior to the decking hereby approved being brought into use, the proposed 1.8m high privacy screen shall be constructed on the eastern end of the decking to the rear of 2 Apple Blossom Grove in accordance with approved plans numbered 02D and 03A. Thereafter, the privacy screen shall be maintained at this height and construction in perpetuity unless otherwise agreed in writing by the Planning Authority.**

**Reasons:-**

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

**Informative:-**

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