

FALKIRK COUNCIL

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,
Falkirk on Thursday 23 February 2017 at 10.00 a.m.***

*The meeting commenced at 10.00 a.m. due to adverse weather conditions.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
Adrian Mahoney
Craig Martin
John McLuckie
Martin Oliver
Sandy Turner

OFFICERS:

John Angell, Head of Planning and Transportation
Kevin Collins, Transport Planning Co-ordinator
Rose Mary Glackin, Chief Governance Officer
Julie Seidel, Planning Officer
Crawford Sibbald, Environmental Health Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Brent Vivian, Senior Planning Officer
Bernard Whittle, Development Management Co-ordinator

P125. Apologies

Apologies were intimated on behalf of Baillie Coombes and Councillors Garner and Nicol.

P126. Declarations of Interest

No declarations were made.

P127. 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 applications P/16/0706/FUL and P/16/0768/FUL.

P128. Minutes

Decision

- (a) The minute of meeting of the Planning Committee held on 25 January 2017 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 6 February 2017 was approved.

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

P129. The Falkirk Council (On Street Parking Space for Disabled Persons) (No. TRO/DB/16/068) Order 2016 - Devon Street, Grangemouth

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/16/068) Order 2016 - Devon Street, Grangemouth.

Decision

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

P130. Erection of Six Dwellinghouses on Land to the South of the Stables, Braeface Road, Banknock for Mr John Penman - P/16/0660/MSC (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 25 January 2017 (Paragraph P116 refer), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director 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 that it was minded to grant approval of the matters specified in conditions subject to (1) approval of planning application P/16/0671/VRC; (2) agreement of the modification to the Section 75 Planning Obligation sought under planning application P/16/0778/75M; and (3) satisfactory conclusion of the Section 75A application (P/16/0778/75M) and registration of the Decision Notice in the Land Register.

Thereafter, the application would be remitted to the Director of Development Services for approval subject to the following condition(s):-

- (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 development shall not commence until the precise details of the colour and specification of all proposed external finishing materials and surface materials have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (3) The development shall not commence until a scheme of internal soft landscape works has been submitted to and approved in writing by the Planning Authority. The details of the scheme shall include (as appropriate):-**
 - (i) An 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) 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; and**
 - (iv) A programme for subsequent maintenance.**
- (4) The soft landscape works as indicated on the Landscaping Plan and as approved within the terms of condition 3 above shall be carried out and maintained in accordance with the approved details, and shall be implemented in accordance with a timescale(s) to be approved in writing by the Planning Authority before the development commences.**
- (5) A visibility splay measuring 4.5 metres x 54 metres shall be provided and retained in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.**
- (6) A visibility splay measuring 4.5 metres x 48 metres shall be provided and retained in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.**

- (7) The development shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened to a position to the west of the access that will serve the 6 private dwellinghouses, in accordance with precise details to be agreed in writing by the Planning Authority.**
- (8) The individual driveways shall be formed so that their gradients do not exceed 1 in 10.**
- (9) Resident and visitor parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area (as they existed at the time of grant of P/12/0124/PPP).**
- (10) The development shall not commence until detailed design information for the proposed foul and surface water drainage system has been submitted to and approved in writing by the Planning Authority. The information to be submitted for approval shall include the network calculations, the methodology for calculating the infiltration rates and the proposed ownership and maintenance arrangements. Thereafter, the development shall be carried out and maintained in accordance with the approved details.**

Reason(s):-

- (1) As these drawings and details constitute the approved development.**
- (2-4) To safeguard the visual amenity of the area.**
- (5-7) In the interests of road safety.**
- (8) To ensure the construction is fit for purpose.**
- (9) To ensure that adequate parking is provided.**
- (10) To ensure that adequate drainage is provided.**

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02A, 03, 04, 05, 06, 07, 08A and 09.**
- (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) 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 - 19:00 Hours

Saturday 08:00 - 13:00 Hours

Sunday/Bank Holidays - No noise audible at the boundary

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

- (4) It is advised that SEPA will be required to review (and likely consent) the applicant's foul water disposal proposals. The applicant should provide confirmation of SEPA consent and details of any conditions for foul water disposal prior to the system being brought into use.**

P131. 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 (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 25 January 2017 (Paragraph P117 refer), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director 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

Having regard to the immediately preceding decision on planning application P/16/0660/MS, the Committee agreed that it was minded to grant planning permission subject to (1) agreement of the modification to the Section 75 Planning Obligation sought under planning application P/16/0778/75M; and (2) satisfactory conclusion of the Section 75A application (P/16/0778/75M) registration of the Decision Notice in the Land Register.

Thereafter, the application would be remitted to the Director of Development Services for approval subject to the following condition(s):-

- (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 development shall not commence until the precise details of the colour and specification of all proposed external finishing materials and surface materials have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (3) The development shall not commence until a scheme of internal soft landscape works has been submitted to and approved in writing by the Planning Authority. The details of the scheme shall include (as appropriate):-**
 - (i) An 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) 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; and**
 - (iv) A programme for subsequent maintenance.**
- (4) The soft landscape works as indicated on the Landscaping Plan (approved under P/16/0660/MS) and as approved within the terms of condition 3 above shall be carried out and maintained in accordance with the approved details, and shall be implemented in accordance with a timescale(s) to be approved in writing by the Planning Authority before the development commences.**
- (5) A visibility splay measuring 4.5 metres x 54 metres shall be provided and retained in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.**
- (6) A visibility splay measuring 4.5 metres x 48 metres shall be provided and retained in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.**

- (7) The development shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened, in accordance with precise details to be agreed in writing by the Planning Authority.**
- (8) The individual driveways shall be formed so that their gradients do not exceed 1 in 10.**
- (9) Resident and visitor parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area (as they existed at the time of grant of P/12/0124/PPP).**
- (10) The development shall not commence until detailed design information for the proposed foul and surface water drainage system has been submitted to and approved in writing by the Planning Authority. The information to be submitted for approval shall include the network calculations, the methodology for calculating the infiltration rates and the proposed ownership and maintenance arrangements. Thereafter, the development shall be carried out and maintained in accordance with the approved details.**

Reason(s):-

- (1) As these drawings and details constitute the approved development.**
- (2-4) To safeguard the visual amenity of the area.**
- (5-7) In the interests of road safety.**
- (8) To ensure the construction is fit for purpose.**
- (9) To ensure that adequate parking is provided.**
- (10) To ensure that adequate drainage is provided.**

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02. The decision also refers to the plans approved under planning application P/16/0660/MS.**
- (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) 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 - 19:00 Hours

Saturday 08:00 - 13:00 Hours

Sunday/Bank Holidays - No noise audible at the boundary

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

- (4) It is advised that **SEPA** will be required to review (and likely consent) the applicant's foul water disposal proposals. The applicant should provide confirmation of **SEPA** consent and details of any conditions for foul water disposal prior to the system being brought into use.

P132. 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 land 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 (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 25 January 2017 (Paragraph P118 refer), Committee (a) gave further consideration to a report by the Director of Development Services; and (b) considered an additional report by the said Director 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

Having regard to the minded to grant decisions for the preceding applications P/16/0671/VRC and P/16/0660/MS, the Committee agreed to modify the Section 75 Planning Obligation attached to planning permission in principle P/12/0124/PPP in accordance with the details set out in the application on the basis that the proposed modification is considered to satisfy all of the policy tests of Scottish Government Planning Circular 3/2012, “Planning Obligations and Good Neighbour Agreements”.

P133. Erection of Six Dwellinghouses and Associated Infrastructure at Kinneil Bowling Club, Angus Road, Bo'ness, EH51 0BH for Searanger Property Ltd – P/16/0632/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of six single storey dwellinghouses, in the form of two terrace blocks and associated car parking and communal open space at Kinneil Bowling Club, Angus Road, Bo'ness.

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) (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; and**

- (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue; and
- (3) 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.
- (4) No development shall commence on site until full details of the colour and specification of all proposed external finishes have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
- (5) No development shall commence on site until a detailed specification for all landscaping, including boundary enclosures and the maintenance thereof have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
- (6) 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.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.

- (3) To ensure adequate drainage can be achieved.**
- (4-5) To safeguard the visual amenity of the area.**
- (6) To ensure the development achieves the required CO₂ emission reduction as a result of development.**

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02B, 03 - 06 and Supporting Documents.**

In accordance with the decisions taken at the start of the meeting, **NOTED** that the following items had been continued to a future meeting to allow an inspection of the sites by Committee:-

- P134. Erection of 96 Dwellinghouses, 16 Flatted Dwellinghouses Formation of Access, Open Space, Suds, Landscaping and Related Infrastructure at Land to the South West of Tappernail Farm, Reddingmuirhead for Persimmon Homes (East Scotland) – P/16/0706/FUL**
- P135. Alterations to Existing Car Wash Frontage, Installation of Glazed Splash Screen and Washing Booms. Change of Use from Car Sales to Vehicle Repair Workshop (Including Tyre Sales and MOT Test Centre) at 7A & 7C High Station Road, Falkirk, FK1 5LP for Mr Abdul Rehman – P/16/0768/FUL**

The undernoted item was withdrawn from the agenda at the start of the meeting.

- P136. Use of Premises as Shop (Class 1) at 18 Nisbet Drive, Denny, FK6 6AQ for Mrs Rajwinder Kaur – P/16/0759/CPE**