

FALKIRK COUNCIL

Minute of Special Meeting of the Planning Committee held in the Municipal Buildings, Falkirk on Monday 3 April 2017 at 1.30 p.m.

COUNCILLORS: Baillie William Buchanan (Convener)
Baillie Joan Coombes
Paul Garner
Adrian Mahoney
John McLuckie
Malcolm Nicol
Martin Oliver
Sandy Turner

OFFICERS: John Angell, Head of Planning and Transportation
Kevin Collins, Transport Planning Co-ordinator
Christopher Cox, Sustainable Transport Co-ordinator
Iain Henderson, Legal Services Manager
Alex Lewis, Planning Officer
John Milne, Senior Planning Officer
Julie Seidel, Planning 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

P5. Apologies

Apologies were intimated on behalf of Councillors Blackwood, Chalmers and C Martin.

P6. Declarations of Interest

No declarations were made.

P7. Change of Use of Vacant Land to Form Private Gypsy/Traveller Pitch (1 Static Caravan and 1 Touring Caravan), Erection of Boundary Wall and Formation of Hardstanding (Partly Retrospective) at Weslmount, Church Road, California, Falkirk for Mr Alister Fowler - P/16/0530/FUL (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 22 March 2017 (Paragraph P146 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 change of use of vacant land to form a private gypsy/traveller site for one static caravan and one touring caravan and the erection of a boundary wall, the formation of hardstanding (part in retrospect) at Wesleymount, Church Road, California, Falkirk.

Decision

The Committee agreed, Councillor Mahoney dissenting, to refuse planning permission on the grounds that the site at the edge of California is in a visually prominent position, just within Local Landscape Character Area 3 iii as defined in Supplementary Guidance SG09 – Landscape Character Assessment and Landscape Designations. Its use as proposed would not protect or enhance the landscape quality and character of the area. It is not considered that the site could be adequately landscaped to ensure no adverse effect on the character, appearance and amenity of the area, nor would an appropriate level of residential amenity be provided. The proposal is therefore contrary to Policy HSG08 ‘Gypsy/Travellers Sites’ of the Falkirk Local Development Plan.

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

P8. Erection of Dwellinghouse and Associated Ground Works on Land to the West of 153 Stirling Street, Denny for Mr Peter Moffat – P16/0762/FUL (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 22 March 2017 (Paragraph P146 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 three storey, four bedroom detached dwellinghouse on a sloping site, rising from a stone retaining wall along the site frontage to the rear boundary with a residential property on land to the west of 153 Stirling Street, Denny.

Councillor Mahoney, seconded by Baillie Coombes, moved that Committee grant planning permission in accordance with the recommendations within the report subject to the additional condition that the construction hours be restricted to exclude appropriate periods around school opening and closing times.

By way of an amendment, Councillor Nicol, seconded by Councillor Garner, moved that Committee refuse planning permission on the grounds of (1) the adverse impact of the proposed development on road safety and public safety due to the proximity of the vehicular access to a roundabout junction and school crossing point on Stirling Street and inadequate in curtilage turning space; (2) the adverse impact of the proposed development on visual

amenity due to the partial removal of the natural stone boundary wall on the Stirling Street frontage; and (3) the overdevelopment of the site with regard to the overall footprint of the proposed dwellinghouse and retaining structures.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 8 members present with voting as undernoted:-

For the motion (3) – Baillie Coombes and Councillors Mahoney and McLuckie.

For the amendment (5) – Baillie Buchanan and Councillors Garner, Nicol, Oliver and Turner.

Decision

The Committee agreed to refuse planning permission on the grounds of (1) the adverse impact of the proposed development on road safety and public safety due to the proximity of the vehicular access to a roundabout junction and school crossing point on Stirling Street and inadequate in curtilage turning space; (2) the adverse impact of the proposed development on visual amenity due to the partial removal of the natural stone boundary wall on the Stirling Street frontage; and (3) the overdevelopment of the site with regard to the overall footprint of the proposed dwellinghouse and retaining structures.

Baillie Coombes and Councillor Mahoney left the meeting prior to consideration of the following item of business and re-entered during its consideration.

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

Baillie Coombes thereafter left the meeting during consideration of the following item of business.

P9. 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 (Continuation)

With reference to Minutes of Meetings of the Planning Committee held on 23 February and 22 March 2017 (Paragraphs P116 and P148 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 96 dwellinghouses, 16 flatted dwellinghouses, the formation of access, open space, SUDS landscaping and related infrastructure on land to the south west of Tappernail Farm, Reddingmuirhead, Falkirk.

The Convener agreed a short adjournment at 2.40 p.m. prior to full consideration of the following item of business. The meeting reconvened at 2.45 p.m. with all Members present as per the sederunt.

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

The Committee consented to hear the deputation.

Mr Bennie, the applicant's representative, gave details of the applicant's justification for the application.

The Legal Services Manager provided procedural clarification at the request of members.

Mr Bennie, the applicant's representative, thereafter continued his deputation and responded along with Mr Johnstone, on behalf of the applicant, to members' questions.

During the lengthy duration of the reading of the deputation by the applicant's representative, and with the consent of all members, the Convener agreed a short adjournment at 3.25 p.m. to allow members to receive a procedural clarification from the Legal Services Manager. The meeting reconvened at 3.30 p.m. with all Members present as per the sederunt with the exception of Councillor Mahoney.

The Convener agreed a further adjournment at 3.32 p.m. prior to full consideration of the following item of business to allow members to receive and read copies of the deputation document. The meeting reconvened at 4.00 p.m. with all Members present as per the sederunt, with the exception of Baillie Coombes.

The Legal Services Manager provided further procedural clarification.

The Committee thereafter reconvened normal business.

Councillor McLuckie, seconded by Councillor Nicol, moved that, in view of (1) the application site being within a housing site (H69 Hillcrest, Shieldhill) allocated in the Local Development Plan and noting that development of the site would support housing growth in the area, (2) the skyline development issues being mitigated and acceptable; and (3) there being a shortfall in effective housing land supply, that Committee indicate that it is minded to grant planning permission subject to the following:-

- (a) the conclusion of a Planning Obligation (within six months of the date of a minded to grant decision and index linked from that date) within

the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-

- (i) a financial contribution of £375,200 (£3,350 per unit) towards school (primary and secondary) and nursery provision;
 - (ii) a financial contribution of £100,000 towards active and passive open space provision; and
 - (iii) the provision of 28 units (25% of 112 units) affordable housing, social rented accommodation, to be accommodated on site or a financial contribution to be assessed by the District Valuer Service; and
- (b) thereafter, on the conclusion of the foregoing, to remit to the Director of Development Services to grant planning permission subject to conditions as deemed appropriate by the said Director including a condition to the effect that the applicant shall meet the cost of provision of speed actuating signs on either side of the main junction into the development on the B810 and rumble strips on the B810.

By way of an amendment, Councillor Mahoney, seconded by Councillor Oliver, moved that Committee refuse 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 7 members present with voting as undernoted:-

For the motion (3) – Baillie Buchanan and Councillors McLuckie and Nicol.

For the amendment (4) – Councillors Garner, Mahoney, Oliver and Turner.

Decision

The Committee agreed to refuse planning permission for the following reasons:-

- (1) The proposed development does not accord with Falkirk Local Development Plan housing opportunity H69, as it exceeds the housing capacity of 30 units and represents an overdevelopment of the site. The proposal does not represent a sensitive landscape approach which would achieve substantial greenspace, including extensive tree planting to contain the development, appropriate access provision or habitat enhancement. The proposal does not reflect the rural character of the area and would result in coalescence with the neighbouring villages of Shieldhill and Reddingmuirhead, contrary to the Falkirk Local Development Plan.**
- (2) The siting, density and design of the proposed development would not respect the site's context or create a sense of identity. The layout and design does not accord with the Government's policy document Designing Streets and the landscape and**

greenspace is substandard and fails to integrate the development with its surroundings (including contributing meaningfully to the green network), contrary to policies GN01 'Falkirk Green Network', GN02 'Landscape', HSG04 'Housing Design', D02 'Sustainable Design Principles', D03 'Urban Design' and INF07 'Walking and Cycling' and supplementary guidance SG02 'Neighbourhood Design' of the Falkirk Local Development Plan.

- (3) The Council are not satisfied that the submitted Transport Assessment has been appropriately scoped and as such the network impacts properly defined, contrary to policy INF10 'Transport Assessments' of the Falkirk Local Development Plan.**
- (4) The proposed layout and street design is contrary to the Government's policy document Designing Streets and the National Roads Development Guide (SCOTS, 2014).**