

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 antlers and a cross. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on a rock. Above the shield is a crown with four maple leaves. A banner at the bottom contains the motto "A NE FOR A".

# **Agenda Item**

**3**

**Minute**

**FALKIRK COUNCIL**

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,  
Falkirk on Wednesday 16 August 2017 at 9.30 a.m.**

**COUNCILLORS:**

David Alexander (Convener) (Except item P32)  
Jim Blackwood  
Gary Bouse  
Joan Coombes  
Gordon Hughes  
James Kerr  
Adanna McCue  
John McLuckie  
Laura Murtagh  
Malcolm Nicol

**OFFICERS:**

Kevin Collins, Transport Planning Co-ordinator  
Ian Dyden, Development Manager  
Arlene Fraser, Committee Services Officer  
Iain Henderson, Legal Services Manager  
Martin Macniven, Environmental Health Officer  
Crawford Sibbald, Environmental Health Officer  
Russell Steedman, Network Co-ordinator  
Bernard Whittle, Development Management Co-ordinator

**P280. Apologies**

Apologies were intimated on behalf of Councillors Bissett and Munro.

**P29. Declarations of Interest**

Councillor Alexander declared a non-financial interest in item 5 (ref P32) as the owner of a property neighbouring the application site and stated that he considered that this required him to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

Prior to consideration of business, Councillor Blackwood informed the Committee as he had not attended the site visits on 7 August 2017, he would not take part in consideration of planning applications P/17/0044/FUL and P/17/0049/FUL (Paragraphs P31 and P33). He advised that he would take part in consideration of planning applications P/17/0017/FUL and P/17/0064/VRC (Paragraphs P32 and P34 refers) as he had visited the sites independently.

**P30. Minutes**

**Decision**

- (a) **The minute of meeting of the Planning Committee held on 27 June 2017 was approved; and**

**(b) The minute of meeting of the Planning Committee On-Site held on 7 August 2017 was approved.**

**P31. Formation of Car Wash and Valet Centre, Including Siting of No. 2 Containers, Erection of Shelter, 2.2 Metre High Acoustic Fence and 3 Metre High Polycarbonate Screen (Partially Retrospective) at Land to the South East of Tannery Garage, Grangemouth Road, Falkirk for Wash & Valet North Ltd - P/17/0044/FUL - (Continuation)**

With reference to Minutes of Meetings of the Planning Committee held on 27 June (Paragraph P14 refers) and the Planning On-Site Committee held on 7 August 2017 (Paragraph P25 refers), Committee (a) gave further consideration to a report to these 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 formation of a car wash and valet centre, on land to the rear of the New Tannery Garage, Falkirk.

**Decision**

**The Committee agreed to refuse Planning Permission for the following reason:-**

- 1. it is considered that the introduction of a car wash and valet centre would be incompatible with the established residential character and amenity of the area, contrary to policy HSG06 'Non-Residential Uses in Residential Areas' of the Falkirk Local Development Plan.**

**Informative(s):-**

- 1. for the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 04 and Supporting Documents.**

In accordance with his earlier declaration, Councillor Alexander left the meeting prior to consideration of the following item. In the absence of the Convener, the Depute Convener, Councillor McLuckie took the chair.

**P32. Erection of Restaurant (Class 3) Unit and Hot Food Takeaway Unit at Land to the South of 58 Grahams Road, Grahams Road, Falkirk for Eskgate Ltd – P/17/0017/FUL - (Continuation)**

With reference to Minutes of Meetings of the Planning Committee held on 27 June (Paragraph P15 refers) and the Planning On-Site Committee held on 7 August 2017 (Paragraph P24 refers), Committee (a) gave further consideration to a report to these meetings by the Director of Development Services; and (b) considered an additional report by the said Director on an application for full planning permission to erect a restaurant (Class 3 use) and a hot food takeaway (Sui-Generis use) at land to the south of 58 Grahams Road, Falkirk, with ancillary parking, landscaping, (including fencing/walling), access and road junction infrastructure.

## **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 this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- 2. i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**  
**ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**  
**iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**  
**iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- 3. Prior to works commencing on-site, full details of the the proposed extraction and ventilation equipment shall be submitted to and agreed in writing by the Planning Authority.**

- 4. Prior to works commencing 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.**
- 5. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):**
  - (i) existing and finished ground levels in relation to a fixed datum, preferably ordnance**
  - (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored**
  - (iii) location and design, including materials, of walls, fences and gates**
  - (iv) soft and hard landscaping works**
- 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 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. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

- 7. Before the building is occupied, the car parking and access shown on the Approved Plan shall be completed in full to the satisfaction of the Planning Authority.**
- 8. Prior to any works commencing on-site, a Tree Protection Plan relating to all relevant trees on the site, which is in accordance with Supplementary Guidance SG06 Trees and Development, shall be submitted to and approved in writing by the Planning Authority.**

**Reason(s):-**

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

2. To ensure the ground is suitable for the proposed development.
- 3,5. To safeguard the environmental amenity of the area.
4. To safeguard the visual amenity of the area.
6. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
7. To ensure adequate parking and access is available at the site.
8. To ensure that the existing trees are retained and protected during construction work.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03A, 04B, 05B and 06A.
2. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
3. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

4. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling 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.
5. Separate formal Advertisement Consent may be required for any signs associated with the proposed development. It is

**the applicant's responsibility to obtain this before any signs are displayed on site. For advice please contact Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk, FK2 7YZ (tel: 01324 504748)**

- 6. 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 - 19:00 Hours</b>               |
| <b>Saturday</b>               | <b>08:00 - 13:00 Hours</b>               |
| <b>Sunday / Bank Holidays</b> | <b>No noise audible at site boundary</b> |

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

- 7. It is advised that the developer and/or site manager liaise with neighbouring properties bounding the site to ensure good working practises are undertaken in the protection of the relevant trees on-site, and in the protection of neighbouring properties.**

**Note: With regard to Conditions 4 and 5, the Committee's preference was for fencing of a height of 6' 6".**

Councillor Alexander re-joined the meeting following consideration of the previous item and resumed the chair.

**P33. Extensions to Dwellinghouse and Creation of Access at 116 Larbert Road, Bonnybridge, FK4 1EP for Mr Gordon Fowler – P/17/0049/FUL - (Continuation)**

With reference to Minutes of Meetings of the Planning Committee held on 27 June (Paragraph P20 refers) and the Planning On-Site Committee held on 7 August 2017 (Paragraph P26 refers), Committee (a) gave further consideration to a report to these 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 a one and a half storey extension that would replace an existing single storey rear extension at 116 Larbert Road, Bonnybridge.

With reference to Standing Order 38.1(x), the Committee agreed to the request from Councillor Buchanan that he be heard in relation to his attendance at the site visit on 7 August.

After hearing from Councillor Buchanan, the Committee thereafter reconvened normal business.

**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 this 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. Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent amendments, no window(s), rooflights and or alterations beyond those granted in this permission shall be formed on the gable elevation facing onto number 4 Drummond Place, without the express prior written consent of this Planning Authority.**
- 3. Vehicular access to the driveway from Larbert Road shall be via a minimum 3 metre wide dropped kerb footway crossing, formed in accordance with details to be submitted to and approved in writing by this planning authority in consultation with the Falkirk Council Roads Services.**
- 4. The driveway shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.**
- 5. Notwithstanding the approved plans, the frontage boundary enclosure shall be no higher than 0.6 metres in height.**

**Reason(s):-**

- 1. As these drawings and details constitute the approved development.**
- 2. To safeguard the privacy of the occupants of adjacent properties.**
- 3 - 4 To safeguard the interests of the users of the highway.**
- 5. To allow visibility from the access and to safeguard the interests of the users of the highway.**

**Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 05, 06, 07, 08A, 09, 10, 11,12 and 13.**



**P34. Variation of Condition 2 of Planning Permission P/14/0094/FUL to allow for the Storage of Additional Scrap Metal in the North West Part of the yard and Removal of Condition 3 of Planning Permission P/14/0094/FUL to Allow for Storage within the North West Part of the Yard on a Permanent Basis at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge, FK4 2BD for A-Braidwood & Son Ltd – P/17/0064/VRC - (Continuation)**

With reference to Minutes of Meetings of the Planning Committee held on 27 June (Paragraph P21 refers) and the Planning On-Site Committee held on 7 August 2017 (Paragraph P27 refers), Committee (a) gave further consideration to a report to these meetings by the Director of Development Services; and (b) considered an additional report by the said Director on an application to vary condition 2 of planning permission P/14/0094/FUL to allow for the storage of additional scrap metal in the north-west part of the site and remove condition 3 of planning permission P/14/0094/FUL to allow for storage within the north-west part of the yard at All Parts Auto Salvage, Hillview Road, High Bonnybridge on a permanent basis.

With reference to Standing Order 33, Councillor Alexander referred to deputation requests received from an objector and from Bonnybridge Community Council to be heard in relation to this item.

The Committee consented to hear the deputations.

The Committee heard from Ian McGregor, Chairman, Bonnybridge Community Council and Alfred Hargreaves, objector in relation to the application.

The Committee thereafter reconvened normal business.

Councillor McLuckie, seconded by Councillor Nicol, moved to continue the application to a future meeting of the Committee (the next meeting if possible) to allow:-

1. officers and the applicant to enter into discussion to investigate and better understand the methods and outcomes of noise testing including the locations at which such testing can take place;
2. representatives from SEPA to be invited to attend the Committee to clarify and explain (a) their regulatory role and remit in relation to sites such as the application site; (b) their view on the application as a statutory consultee, and (c) their decision to modify the Waste Management Licence on 17 March 2016 to increase the maximum tonnage per year and amend the site boundary to include the north-west area, and
3. officers to report more fully on the planning history of the site, the consequences and outcomes of that planning history and the current position with the site.

As an amendment, Councillor Bouse, seconded by Councillor Hughes, moved that Committee refuse planning permission for the following reason:-

1. the proposal has a strong likelihood of causing a significant adverse impact on noise sensitive residential properties in the area, to the detriment of residential amenity, potentially on an on-going basis, and it has not been demonstrated that such impacts could be mitigated to an acceptable level.

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 (6) - Councillors Blackwood, Coombes, Kerr, McLuckie, Murtagh and Nicol.

For the amendment (4) – Councillors Alexander, Bouse, Hughes and McCue.

### **Decision**

**The Committee agreed the motion.**

### **P35. Formation of Vehicular Access at 42 Larbert Road, Bonnybridge for Miss Nicola Foster – P/17/0208/FUL**

The Committee considered a report by the Director of Development Services on an application for formation of a vehicular access and parking area in the front garden of an end terrace property at 42 Larbert Road, Larbert. The proposed driveway would take access directly from a lay-by parking area on the south side of Larbert Road.

### **Decision**

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

1. the proposal would result in the formation of a driveway access without a suitable vehicle in-curtilage turning area and with poor/limited visibility to the detriment of road safety. The proposal is contrary to the terms of Policy HSG07 – Residential Extensions and Alterations to the Falkirk Local Development Plan.

### **Information(s):-**

1. for the avoidance of doubt, the plan(s) to which this decision refer(s) bear our outline reference number(s) 01A, 02 and 03.

**P36. Modification of Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to Planning Permission P/12/0546/FUL, insofar as the requirement to provide 46 Units of Affordable Housing is removed in lieu of payment of an Affordable Housing Commuted Sum of £805,000 at Land to the South of Mydub Farm, Glasgow Road, Denny for Avant Homes (Scotland MK) Ltd – P/17/0356/75M**

The Committee considered a report by the Director of Development Services on an application to modify the Section 75 Planning Obligation attached to planning permission P/12/0546/FUL, so that the requirement to provide 46 units of affordable housing on the site is removed in lieu of the payment of a commuted sum of £805,000 to the Council for the provision of affordable housing within the Council area.

**Decision**

**The Committee agreed to modify the Section 75 Planning Obligation attached to planning permission P/12/0546/FUL in accordance with the details as set out within the application. The reason being 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”.**