

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest includes a crown with four thistles, a shield divided into four quarters (a saltire, a stag's head, a ship, and an eagle), and a motto scroll at the bottom.

Agenda Item 3

Minute

Draft

FALKIRK COUNCIL

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,
Falkirk on Wednesday 30 May 2018 at 9.30 a.m.**

COUNCILLORS:

David Alexander (Convener)
Robert Bissett
Jim Blackwood
Gary Bouse
Provost William Buchanan
Joan Coombes
Gordon Hughes
James Kerr
Adanna McCue
John McLuckie
Lynn Munro
Laura Murtagh

OFFICERS:

Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Jack Frawley, Committee Services Officer
David Gray, Environmental Protection Co-ordinator
Iain Henderson, Legal Services Manager
Russell Steedman, Network Co-ordinator (In relation to
agenda Item 8)

P19. Apologies

There were no apologies.

P20. Declarations of Interest

Councillor Murtagh declared a non-financial interest in item 5 (ref P20) as the owner of a property neighbouring the application site and stated that she considered that this required her to recuse herself from consideration of the item having regard to the objective test in the Code of Conduct.

In relation to agenda item 8, Councillor McLuckie advised that he had previously declared a non financial interest in application P/14/0203/FUL by virtue of being a Director of Falkirk Environment Trust which had given funding to the applicant organisation in consequence of which he had recused himself. He advised that he left the Board of Falkirk Environment trust shortly after that application and has had no involvement with it since then. Accordingly having regard to the objective test in the Code of Conduct he considered that he did not require to declare an interest in the present application and could take part in the item.

P21. Minutes

Decision

- (a) The minute of meeting of the Planning Committee held on 25 April 2018 was approved, and
- (b) The minute of meeting of the Planning Committee On-Site held on 8 May 2018 was approved.

P22. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/17/036) Order 2017 – King Street, Falkirk

The Committee considered a report by the Director of Development Services on an application to reserve a parking space on King Street, Falkirk for disabled persons.

Decision

The committee agreed to make the Order in respect of the disabled person's parking space on King Street, Falkirk.

In line with her declaration of interest Councillor Murtagh left the meeting prior to consideration of the following item of business.

P23. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/17/101) Order 2017 – South Green Drive, Airth

The Committee considered a report by the Director of Development Services on an application to reserve a parking space on South Green Drive, Airth for disabled persons.

Decision

The committee agreed to make the Order in respect of the disabled person's parking space on South Green Drive, Airth.

Councillor Murtagh re-joined the meeting following conclusion of the previous item of business.

P24. 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/18/0064/FUL – Continuation

With reference to Minute of Meeting of the Planning Committee held on 25 April 2018 (Paragraph P12 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 application for planning permission to form a car wash and valet centre on land to the rear of the New Tannery Garage, Falkirk. Access is proposed from the car repair garage on Randyford Road, with exit being taken via the petrol filling station garage forecourt onto Grangemouth Road.

Councillor Alexander, seconded by Councillor McCue, moved that Committee refuse the application on the grounds of noise, loss of amenity and disruption.

As an amendment, Councillor Kerr, seconded by Councillor Bissett, moved that Committee grant the planning permission in accordance with the recommendations within the report.

Following discussion Councillor Alexander, as the mover of the motion, with the consent of Councillor McCue as his seconder and unanimous agreement of those present, withdrew the motion.

Councillor Kerr, as the mover of the amendment, with the consent of Councillor Bissett as his seconder and the Convener and unanimous agreement of those present, withdrew the amendment.

Decision

The Committee agreed to continue consideration of the application to allow further information from the applicant on noise level assessment to be provided to officers.

P25. Development of Land for Residential Use at Milnquarter Farm, Roman Road, Bonnybridge, FK4 2DE for Manor Forrest Ltd – P/18/0024/PPP

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential use at Milnquarter Farm, Roman Road, Bonnybridge, FK4 2DE for Manor Forrest Ltd.

Decision

The Committee agreed to continue consideration of the application in light of recently received representations from the NHS and information from the applicant.

P26. Installation of a Single Wind Turbine (Height of 69 Metres to Hub, 99.5 Metres to Blade Tip) Hardstanding, Substation Building, Transformer Housing and Area for Micrositing (Amendment to Planning Permission P/14/0203/FUL) at Land to the South of Westerglen Farm, Falkirk for Bespoke Community Development CIC - P/17/0766/FUL

The Committee considered a report by the Director of Development Services on an application for planning permission for the erection of a single wind turbine at land to the south of Westerglen Farm, Falkirk for Bespoke Community Development CIC.

With reference to Standing Order 33, the Convener referred to a deputation request received from David Bennett of Bespoke Community Development Company to be heard in relation to this item.

The Committee agreed to hear the deputation.

The Committee heard from David Bennett of Bespoke Community Development Company in support of the application.

The Committee thereafter resumed normal business.

The Committee agreed to an adjournment at 10.20am, to allow information on the physicality of the site to be displayed, and reconvened at 10.30am with all members present as per the sederunt.

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) Prior to operation, the proposed turbine shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.**
- (3) Prior to initiation of development, the applicant shall inform, in writing, the Ministry of Defence of:**
 - the date construction will start and end;**
 - the maximum height of construction equipment, and**
 - the latitude and longitude of the turbine.**

- (4) Should complaints of noise be received as a result of the operation of the wind turbine, the operator shall, at its expense, employ an independent consultant (not financially involved) approved by the Planning Authority to assess the level of noise emissions from the wind turbine at the nearest noise sensitive receptor. At wind speeds not exceeding 12m/s, (referenced to a height of 10m above ground level, at the location of the turbine), the wind turbine noise level, when measured at any dwelling, shall not exceed:-
- (a) During night hours, 43 dB LA90,10min or the Night Hours LA90,10min Background Noise Level plus 5 dB(A), whichever is the greater;
- (b) During daytime hours 35 dB LA90,10min or the Daytime Hours LA90,10min Background Noise Level plus 5 dB(A), whichever is the greater.

The report shall be submitted to the Planning Authority for perusal with a view to prevent noise disturbance.

- (5) Prior to the initiation of development, the applicant shall confirm the exact colour of turbine colour, hub, blades and all approved infrastructure with the Planning Authority. This shall be submitted for approval in writing and implemented as approved.
- (6) Prior to the initiation of development, the applicant shall provide a plan detailing any landscape features that require to be removed and reinstatement details and specification.
- (7) 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 the prior written approval of the Planning Authority.
- (8) Prior to the initiation of development, further information shall be submitted to and approved in writing by the Planning Authority – in consultation with the Coal Authority – as to:-
- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity, specifically shallow coal mining activity;
 - The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval, and
 - The implementation of those remedial works.

- (9) No development shall commence on site until a 'Radar Mitigation Scheme' (RMS), has been agreed with the Operator and approved in writing by the Local Planning Authority.**
- (10) No turbines shall be built until an approved RMS has been implemented. The RMS shall thereafter be implemented and operated in accordance with the approved details. implemented. The RMS shall thereafter be implemented and operated in accordance with the approved details.**

Reason(s)

- (1) As these drawings and details constitute the approved development.**
- (2) The development would not be acceptable without these additional works.**
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.**
- (4) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.**
- (5 – 6) In the interests of visual amenity.**
- (7 – 8) To ensure the suitability of the ground.**
- (9 – 10) To ensure that air traffic control is not compromised.**

Informatives(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 – 09.**
- (2) 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.**
- (3) The applicant will be required to negotiate pre and post construction road and bridge surveys with Falkirk Council's Roads Services, Earls Road, Grangemouth and Bridge and Structures Design, Abbotsford House, David's Loan, Falkirk.**
- (4) 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.**

P27. Remove Condition 2 of Planning Permission P/09/0771/FUL to Make Temporary Access Permanent at Land North West of Woodside, Glen Road, Torwood for Mr Gillies Guthrie - P/18/0009/VRC

The Committee considered a report by the Director of Development Services on an application for planning permission to the deletion of condition 2 of the planning permission granted in 2011 for the regrade and landscape of the disused quarry at Glen Road, Torwood, which stated that vehicular access would be temporary. Removal of this condition would make the vehicular access permanent.

Decision

The Committee agreed to continue consideration of the application to allow an inspection of the site by Committee.

P28. Use of Land and Premises as Materials and Soil Treatment Facility (Class 5 General Industrial) at Carron Works, Stenhouse Road, Carron, Falkirk FK2 8UW for ATG Group - P/17/0733/CPE

The Committee considered a report by the Director of Development Services on an application for a Certificate of Lawfulness (Existing Use) for the use of land and buildings at Stenhouse Road, Carron, Falkirk.

Decision

The Committee agreed:-

- (1) to continue the matter to a future meeting;**
- (2) to instruct the Director of Development Services to write to (a) neighbours of the site who would have received notification of a planning application of the site, and (b) the applicant to canvas additional information about the nature of the uses within the site over the last 10 years at least, whether they relate to the whole of the site or part of the site and whether these uses have been continuous;**
- (3) that such information be requested to be provided within 21 days of the date of the Director of Development Service's letter to each party; and**
- (4) that the neighbours written to and the applicant be advised in the letter of request that the matters to be determined in this application are solely matters of evidential fact and law and the planning authority is not seeking views in relation to the planning merits of the use.**