

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 MAY 2009 at 9.30 A.M.**

**PRESENT:** Councillors Buchanan, Carleschi, H Constable, J Constable, Lemetti, A MacDonald, J McLuckie, A McNeil, Mahoney, C Martin, Nicol and Oliver.

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Acting Legal Services Manager (D Blyth); Development Management Co-ordinator (D Campbell); Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Officer (C Russell) and Committee Officer (H Oliver).

**DECLARATIONS OF INTEREST:** Councillor Lemetti declared a non-financial interest in agenda item P28 (planning application P/08/0999/FUL) due its close proximity to his business in Main Street, Camelon and having regard to issues of public perception. Councillor Lemetti left the meeting during consideration of this item of business.

Councillor Carleschi declared a financial interest in agenda item P32 (planning application P/09/0198/FUL) due to his significant shareholding in the applicant company. Councillor Carleschi left the meeting during consideration of this item of business.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Carleschi informed the Committee that he had not attended the site visit but that he would take part in consideration of planning applications P/08/0999/FUL and P/08/0844/OUT (minutes P28 and P29) as he was sufficiently familiar with the sites.
- Councillor H Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0999/FUL, P/08/0844/OUT and P/08/0377/FUL (minutes P28, P29 and P30).
- Councillor J Constable informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0844/OUT (minute P29).
- Councillor Nicol informed the Committee that as had not attended the site visit he would not take part in consideration of planning application P/08/0377/FUL (minute P30).

- Councillor A MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0844/OUT (minute P29).
- Councillor A McNeil informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0377/FUL (minute P30).

**P26. OPENING REMARKS**

Prior to the commencement of business the Convener informed Members that planning application P/07/0809/FUL (agenda item 10) had been withdrawn from the agenda following receipt of information which would allow the Section 75 Agreement to be concluded.

**P27. MINUTE**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 22 April 2009; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 5 May 2009.

In accordance with his declaration of interest in the following item of business, Councillor Lemetti left the meeting and took no part in the discussion on this matter.

**P28. ERECTION OF 2 RETAIL UNITS, 4 FLATTED DWELLINGS AND ASSOCIATED PARKING ON LAND TO THE EAST OF 320 MAIN STREET, CAMELON, FALKIRK FOR GEORGIAN FINANCE COMPANY LIMITED – P/08/0999/FUL (CONTINUATION))**

With reference to Minute of Meeting of the Planning Committee held on 22 April 2009 (Paragraph P18 refers), Committee gave further consideration to Report (circulated) dated 15 April 2009 by the Director of Development Services and an additional Report (circulated) dated 13 May 2009 by the said Director on an application for detailed planning permission for the erection of two retail units, 4 flatted dwellings and associated parking on land to the east of 320 Main Street, Camelon, Falkirk.

**AGREED to GRANT** planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Notwithstanding any details previously submitted and prior to the occupation of any of the retail units or flats, the access over the existing footway on Union Road shall be formed as a dropped kerb and the remainder of the existing footway crossing shall be reinstated to a standard footway construction. All construction shall be in accordance

with "The Design Guidelines and Construction Standards For Roads In The Falkirk Council Area".

- (3) Prior to the commencement of works on site, the applicant shall undertake and submit to the planning authority for written approval, a site investigation to establish if contamination (or defined by Part 11a of the Environmental Protection Act 1990) is present on site. Where contamination has been identified the site investigation shall include a scheme of identification and mitigation measures to include: -
  - (a) The nature, extent and type(s) of contamination on the site.
  - (b) Measures to treat / remove contamination to ensure the site is fit for the proposed use. Measures to be taken shall include timescales.
  - (c) Measures to deal with contamination during the construction works.
  - (d) Condition of the site on completion of decontamination measures.
  - (e) Details of a monitoring programme following site redemption.
- (4) Where contamination has been identified on site, no retail unit or flat shall be occupied until such time as the applicant has demonstrated to the planning authority, and with the written agreement of the planning authority, that measures approved in writing by the planning authority to decontaminate the site have been fully implemented.
- (5) No work shall commence on site until such time as a noise survey to determine the impact of transport noise on the development has been approved in writing by the planning authority. The noise survey shall be conducted in terms of Planning Advice Note (PAN) 56 "Planning for Noise" and shall include details of noise mitigation measures to be undertaken.
- (6) Notwithstanding any details previously submitted, no work shall commence on site until such time as details of the new retaining wall to be erected at the north and west side of the parking and turning area have been approved in writing by the planning authority.
- (7) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the planning authority.

Reason(s)

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the interests of the users of the highway.
- (3-4) To safeguard the environmental amenity of the area.
- (5) To ensure that there will be detrimental impact on the proposed development from transportation noise.
- (6) To ensure the safety of persons accessing the site on foot and by vehicle.

- (7) To ensure that the development is carried out to the satisfaction and approval of the Planning authority.

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

**P29. FORMATION OF ROUNDABOUT AT SITE TO THE SOUTH WEST OF ALMONDHILL FARM, FALKIRK FOR LAND OPTIONS WEST – P/08/0844/OUT (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 22 April 2009 (Paragraph P20 refers), Committee gave further consideration to Report (circulated) dated 15 April 2009 by the Director of Development Services and an additional Report (circulated) dated 13 May 2009 by the said Director on an application for outline planning permission for the formation of a roundabout on the A801 Roadway to the South West of Almondhill Farm, Falkirk.

The Director of Development Services submitted (tabled) a paper detailing officer comments in light of further written representation being received from the applicant.

There then following a 10 minute recess to allow consideration of the information which was put before Members. The meeting reconvened with all Members present as per the sederunt.

**AGREED to REFUSE** planning permission, for the following reasons:-

- (1) The proposal is considered contrary to Policy ENV.1 – Countryside and Protected Areas – within the Falkirk Council Structure Plan, Rural Area Local Plan Policy Rural 1 – New Development in the Countryside and Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy EQ19 – Countryside, in that no exception to the presumption against development in the countryside has been justified by the applicant or identified by Falkirk Council.
- (2) The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST6 – Improving the Road Network – in that no improvement in the A801 at this location is required as a consequence of development or as a consequence of Development Plan land allocations.
- (3) The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST7 – Transport Assessments – in that the quantifiable traffic impact on the A801 as a consequence of the introduction of a roundabout has not been able to be assessed on basis of the information provided.

**P30. ERECTION OF 5 DWELLINGHOUSES ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD FOR ROY MITCHELL DESIGN LIMITED – P/08/0377/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 April 2009 (Paragraph P19 refers), Committee gave further consideration to Report (circulated) dated 15 April 2009 by the Director of Development Services and an additional Report (circulated) dated 13 May 2009 by the said Director on an application for detailed planning permission for the erection of five, one and a half storey dwellinghouses on land to the south east of Byways, Glen Road, Torwood.

Councillor Oliver presented the Committee with information received from the Woodland Trust regarding the classification of the woodland at Torwood.

There then following a 10 minute recess to allow consideration of the information which was put before Members. The meeting reconvened with all Members present as per the sederunt.

**AGREED** to **REFUSE** planning permission, for the following reasons:-

- (1) The application is contrary to the Development Plan and there are no material considerations such as countryside use that would justify a departure from the Development Plan;
- (2) There is no recognised emerging housing need locally that would justify a departure from the Development Plan;
- (3) The application would seriously damage a long established area of woodland together with its wildlife that is of significant value to the local community in terms of active and passive leisure, and
- (4) The application would destroy an area of long established woodland of significant traditional and heritage value and of value to the character and sense of identity to the local community.

Councillor C Martin entered the meeting during the foregoing item but took no part in the consideration of determination.

**P31. DEMOLITION OF EXISTING DWELLINGHOUSE, ERECTION OF NEW DWELLINGHOUSE AND CHANGE OF USE OF FIELD TO GARDEN GROUND AT MACLAREN PARK, GLEN ROAD, TORWOOD FK5 4SN FOR MR AND MRS C FREW – P/09/0038/FUL**

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the demolition of an existing dwellinghouse and erection of a new dwellinghouse and change of use of section of a field at the rear of a site to garden ground at MacLaren Park, Glen Road, Torwood.

**AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years of the date of this permission.

- (2) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- i. the nature, extent and types(s) of contamination on the site.
- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
- iii. measures to deal with contamination during construction works.
- iv. condition of the site on completion of decontamination measures.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.
- (4) Any access gates shall only open inwards.
- (5) At the proposed accesses to the site from Glen Road, there shall be no building, structure, tree, shrub or other obstruction to visibility above carriageway/footway level within a visibility splay of 2.4 metres by 70 metres in both directions.
- (6) Vehicular access to the dwellinghouse shall be by means of dropped kerb footway crossing formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."
- (7) The applicant shall submit details of the proposed boundary treatments and access gates at the site before work commences on the dwelling.

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.
- (3-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the residential amenity of the area.

Informative:-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 02, 03, 04, 05, 06, 07, 08, 09 and 10.
- (2) The Roads Manager within Development Services should be contacted to obtain a Minor Roadworks Consent before forming the vehicular accesses onto the public road or undertaking any work on, or under, the public road. Two lighting columns and a telegraph pole on Glen Road, within the frontage of the proposed development site, may require to be relocated at the applicant's expense to allow the proposed driveway to be accommodated.

In accordance with his declaration of interest in the following item of business, Councillor Carleschi left the meeting and took no part in the discussion on this matter.

Councillor H Constable left the meeting during consideration of the foregoing item of business.

**P32. CHANGE OF USE FROM SHOP (CLASS 1) TO OFFICE (CLASS 2) (RETROSPECTIVE) AT 13 PRINCES STREET, FALKIRK FK1 1LS FOR CENTURY 21 FALKIRK – P/09/0198/FUL**

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the change of use, in retrospect, from a Class 1 (Shop) to a Class 2 (Office - Estate Agents) at 13 Princes Street, Falkirk.

**AGREED** to **GRANT** planning permission.

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

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

**P33. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF WESTER BOWHOUSE FARM, BOWHOUSE, FALKIRK FOR MR I MCGILLIVARY - P/07/1208/OUT.**

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for outline planning permission for the erection of a dwellinghouse on land to the west of Wester Bowhouse Farm, Bowhouse, Falkirk.

**AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

**P34. ERECTION OF 30 NO. DWELLINGHOUSES AND ANCILLARY WORKS (AMENDMENT TO CONSENT P/07/0034/REM) COMPRISING REVISED SITE LAYOUT AT GRANGEMOUTH BURGH DEPOT, WOOD STREET, GRANGEMOUTH FK3 8LX FOR CARRONVALE HOMES LIMITED – P/08/0590/REM**

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission seeking to amend a previous consent P/07/0034 by amending the internal road layout, dropped kerb and footpath access arrangements.

**AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.

- (2) Samples of materials (roof tiles, facing brick and roughcast) to be used in the development shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.
- (3) Before development begins a scheme for the maintenance of open space, including any play areas, within the development shall be submitted to and approved in writing by the planning authority.
- (4) The applicant shall undertake a noise survey to determine the effect the existing industrial activity will have on the new development. The survey shall be conducted in terms of BS 4142 and shall be submitted to and approved in writing by the planning authority prior to any work on site.
- (5) For the avoidance of doubt, the existing site shall not be land raised and finished floor levels shall not exceed 5.3 metres aod.
- (6) No work shall be initiated on site until an acceptable sustainable urban drainage system is approved in writing by the planning authority.
- (7) A schedule of flood resistant materials to be incorporated within the development shall be submitted to and approved in writing by the planning authority prior to any works on site.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4-7) To safeguard the environmental amenity of the area.

**P35. ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS FOR EAGLESTONE HOMES (SELECT) LIMITED – P/08/1007/FUL**

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a 3 storey block comprising 20 flatted dwellings and associated parking and landscaping at the Royal British Legion, Park Terrace, Brightons.

**AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

Councillor A MacDonald left the meeting during consideration of the foregoing item of business.



**P36. DEVELOPMENT OF LAND FOR RESIDENTIAL [1,700 UNITS], BUSINESS /EMPLOYMENT PURPOSES, LOCAL SERVICES, COMMUNITY PRIMARY SCHOOL, PUBLIC PARK, OFF-ROAD / FOOTPATHS, LANDSCAPING AND OPEN SPACE, SUSTAINABLE URBAN DRAINAGE SYSTEMS AND CONSTRUCTION OF DISTRIBUTOR ROAD AND TWO ROUNDABOUTS AT BELLSDYKE HOSPITAL AND HILL OF KINNAIRD, LARBERT FOR CALA MANAGEMENT LIMITED AND PERSIMMON LIMITED - F/2002/0611**

There was submitted Report (circulated) dated 13 May 2009 by the Director of Development Services recommending a variation of the terms of a Section 75 Agreement in respect of planning permission for the development of land for residential/business/employment purposes, local services, a community primary school, public park, off-road/footpaths, landscaping and open space, sustainable urban drainage systems and the construction of distributor road and two roundabouts at Bellsdyke Hospital and Hill of Kinnaird, Larbert.

**AGREED:-**

- (1) to vary the Section 75 Agreement to allow the financial contributions of the principal to be paid as follows:-

- (i) £900,000 on 31 July 2009;
- (ii) £900,000 on 31 January 2010;
- (ii) £1,500,000 on 31 January 2011;
- (iv) £1,500,000 on 31 January 2012;
- (v) £1,750,000 on 31 January 2013;

indexation and interest to apply as appropriate; and

- (2) that the Director of Development Services be authorised to adjust the terms of the original Section 75 Agreement to achieve all of the above.

Councillor A MacDonald re-entered the meeting during consideration of the foregoing item of business.

Councillor H Constable left the meeting during consideration of the foregoing item of business.

**P37. MODIFICATION OF CONDITION 1 OF PLANNING PERMISSION F/2003/0744 TO ALLOW THE CONTINUATION OF WORKS IN THE UPFILLING AND RESTORATION OF LAND TO AGRICULTURAL USE ON LAND TO THE NORTH EAST OF DARNBOGUE FARM, MOSS ROAD, FALKIRK FOR INLAND ENGINEERING LIMITED - P/07/0383/FUL (DETAILED)**

With reference to Minute of Meetings of the Regulatory Committee held on 19 June 2007, 29 August 2007 and 26 September 2007 (Paragraphs R19, R32 and R50 refers), Committee gave consideration to Report (circulated) dated 13 May 2009 by the Director of Development Services to which were attached, as appendices, copies of the Reports to the forementioned Committees by the said

Director on an application to modify condition 1 of planning permission F/2003/0744 to allow for a continuation of upfilling on land, and its associated restoration to agricultural land at land to the north east of Darnbogue Farm, Moss Road, Falkirk.

**AGREED** to **REFUSE** the application on the ground that it would have an adverse impact on road safety.