

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 JUNE 2009 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGY: Councillor H Constable.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Acting Legal Services Manager (D Blyth); Senior Planning Officer (B Vivian); Senior Forward Planning Officer; Roads Development Officer (C Russell); Transport Planning Officer (K Short) and Committee Officer (H Oliver).

DECLARATIONS OF INTEREST: Councillor Carleschi declared a non-financial interest in minute item P41 (planning application P/08/1007/FUL) due to his business connection with an objector to the application. Councillor Carleschi left the meeting during consideration of this item of business.

Councillor Buchanan declared a non-financial interest in minute item P46 and P47 (Planning applications P/08/0874/OUT and P/08/0866/OUT) as a family member was distantly related to the applicant. Councillor Buchanan 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 as he had not attended the site visit he would not take part in consideration of planning application P/07/1208/OUT (minute P42).
- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/1007/FUL and P/07/1208/OUT (minutes P41 and P42).
- Councillor Martin informed the Committee that he had not attended the site visit but that he would take part in consideration of planning application P/07/1208/OUT (minute P42) as he was sufficiently familiar with the site.

P40. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 20 May 2009; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 2 June 2009.

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.

P41. ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS, FALKIRK, FK2 0HY FOR EAGLESTONE HOMES SELECT) LTD - P/08/1007/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 20 May 2009 (Paragraph P35 refers), Committee gave further consideration to Report (circulated) dated 13 May 2009 by the Director of Development Services and an additional Report (circulated) dated 10 June 2009 by the said Director 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 **REFUSE** planning permission, for the following reasons:-

- (1) that the design of the development is out of keeping with the character of the area;
- (2) that the proposed development would impact adversely on the privacy of adjacent properties, and
- (3) that the development was not in the best interests of road safety.

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

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

R42. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF WESTER BOWHOUSE FARM, FALKIRK FOR MR I MCGILLIVARY - P/07/1208/OUT (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 20 May 2009 (Paragraph P33 refers), Committee gave further consideration to Report (circulated) dated 13 May 2009 by the Director of Development Services and an additional Report (circulated) dated 10 June 2009 by the said Director on an application for outline planning permission for the erection of a single dwellinghouse on land to the west of Wester Bowhouse Farm, Falkirk.

AGREED that the Committee was **MINDED** to **GRANT** planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions.

R43. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 53 BO'NESS ROAD, GRANGEBURN ROAD, GRANGEMOUTH FOR MR AND MRS T MUNRO - P/09/0106/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey, detached dwellinghouse on land to the north of 53 Bo'ness Road, Grangeburn Road, Grangemouth.

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

1. The development to which this permission relates must begin within five years of the date of this permission.
2.
 - (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
3. Development shall not begin until a scheme for protecting the proposed dwellinghouse from noise from road traffic has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
4. Vehicular access to the site shall be by means of a dropped kerb footway crossing constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.

5. Any access gates shall only open inwards.
6. There shall be no obstruction over 1m in height above carriageway level within 2.5m of the road channel over the full frontage of the site.
7. A schedule outlining the external finishing materials 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.

Reasons:

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 that the occupants of the property are safeguarded against excessive noise intrusion.
- 4-6. To safeguard the interests of the users of the highway.
7. To safeguard the visual amenity of the area.

Informatives:-

1. For the avoidance of doubt, the plans to which this decision refers bear planning reference 01, 02, 03 and 04

R44. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the change of use, in retrospect, of former agricultural land and buildings to a stables, livery and riding school, siting of temporary staff office and toilet accommodation and for the erection of temporary manager's living accommodation at Riverside Farm, Denny.

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

R45. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR AND MRS RAE - P/09/0128/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the change of use, in retrospect, of agricultural land to form a floodlit outdoor schooling arena at Riverside farm, Denny.

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

In accordance with his declarations of interest in the following items of business, P46 and P47, Councillor Buchanan left the meeting and took no part in the discussion on these matters.

In Councillor Buchanan's absence as Convener, Councillor Nicol assumed the Chair.

P46. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT HOUSEHILL FARM, LARBERT, FK5 4RZ FOR JOHN POLLOCK AND SONS LTD (OUTLINE) - P/08/0874/OUT

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for outline planning permission for the erection of an agricultural worker's dwellinghouse at Househill Farm, Larbert.

AGREED that the Committee was **MINDED** to **GRANT** planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions including that, prior to commencement of works an archaeological survey should be undertaken.

P47. ERECTION OF AGRICULTURAL WORKER DWELLINGHOUSE ON LAND TO THE NORTH EAST OF BONNYSIDE FARM, BONNYSIDE ROAD, BONNYBRIDGE FOR JOHN POLLOCK AND SONS LTD (OUTLINE) - P/08/0866/OUT

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for outline planning permission for the erection of an agricultural worker's dwellinghouse on land to the north east of Bonnyside Farm, Bonnyside Road, Bonnybridge.

AGREED that Committee was **MINDED** to **GRANT** planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions.

Councillor Buchanan re-entered the meeting following consideration of the foregoing item of business and resumed the Chair.

P48. ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE (DETAILED) ON PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR MUSTO PROPERTIES LTD - P/09/0174/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey detached dwellinghouse and detached garage on Plot 2 at Denovan Mains Farm, Denny.

Councillor Mahoney, seconded by Councillor Oliver moved that planning permission be granted in accordance with the recommendations in the Report.

By way of an amendment Councillor Nicol, seconded by Councillor Buchanan moved that this item of business be continued to allow an inspection of the site by Committee.

On a division, 4 Members voted for the Motion and 7 for the Amendment.

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

P49. ERECTION OF DWELLINGHOUSE (DETAILED) ON LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR AND MRS D KING - P/08/0886/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services (a) referring to the decision of the Planning Committee on 25 March 2009 to grant detailed planning permission for the erection of dwellinghouse on land to the east of Erngath Road, Bo'ness subject to conditions, including the removal of decking to address privacy concerns; (b) attaching, as an appendix to the Report, copy of the report considered at said meeting in March 2009, and (c) providing details of the revised application.

AGREED to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

P50. ERECTION OF DWELLINGHOUSE (DETAILED) AT THE HATHERLEY, 1 ARNOTHILL LANE, FALKIRK, FK1 5SL FOR MASTER HOMES LTD - P/08/0840/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission seeking to amend a previous consent F/2001/0735 for the erection of a two storey dwellinghouse on land to the north of The Hatherley, 1 Arnothill Lane, Falkirk.

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

Councillor Mahoney left the meeting following consideration of the foregoing item of business.

P51. ERECTION OF 29 HOUSES AND ASSOCIATED INFRASTRUCTURE (DETAILED) ON LAND TO THE WEST OF 23 CHURCH ROAD, CALIFORNIA FOR DUNDAS ESTATES - P/07/0809/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission (a) referring to the decision of the Regulatory Committee on 18 June 2008 to grant detailed planning permission for the erection of 29 dwellinghouses and associated infrastructure on land to the west of 23 Church Road, California, subject to the payment by the applicants of a contribution of £116,000 towards education provision; (b) attaching, as an appendix to the report, a copy of the report considered at the said meeting in June 2008, and (c) recommending that the required contribution towards education capacity improvements in terms of the Section 75 Agreement be reduced, in line with ongoing school capacity programme reviewing.

AGREED that Committee was **MINDED** to **GRANT** planning permission subject to the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the provision of £110,200 towards education improvements required as a result of the proposed development and on completion of the legal agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must begin within five years from the date of this permission.
- (2) Within 3 months of the date of this permission, details of a carriageway narrowing 30mph marker 'gateway' feature at the position indicated in pink on the approved site layout plan (PL 01.06) shall be submitted for the approval of the Planning Authority. The details shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area, and installed prior to the occupation of any dwellinghouse onsite.
- (3) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. 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. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density programme for completion and subsequent maintenance.
- (5) Prior to the occupation of any dwellinghouse on the site the footway on the east side of the B8028 Rosemead Terrace shall be widened to

2 metres in width, as highlighted in pink on the approved site layout (drawing number (PL)01.06). The works shall be carried out to adoptable standard as defined by the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".

- (6) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 4 above, has been agreed in writing with the Planning Authority.
- (7) The development shall be implemented in accordance with the approved phasing scheme and the approved landscape scheme for each phase shall be fully implemented by the end of the first planting and seeding season following the occupation of the last house within that phase of the development.
- (8) Access to the proposed parking spaces shall be by means of a standard footway crossing constructed in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (9) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the full frontage of the site with Rosewood Terrace (B8028).
- (10) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events have been submitted to and approved by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (3,4,7) To safeguard the visual amenity of the area.
- (2,5,6,8,9) To safeguard the interests of the users of the highway.
- (10) To ensure that adequate drainage is provided.

P52. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude from the meeting the press and public for the following items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A of the said Act.

P53. ERECTION OF 181 RESIDENTIAL UNITS AND ASSOCIATED LANDSCAPE AND ROADWORKS AT DRUM FARM, GRAHAMSDYKE ROAD, BO'NESS, EH51 9SY FOR MACTAGGART & MICKEL LTD - P/07/0275/REM

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services (a) referring to the decision of the Regulatory Committee on 6 August 2008 to refuse planning permission for the erection of 181 residential units and associated landscape and roadworks at Drum Farm, Grahamsdyke Road, Bo'ness; (b) advising that the applicant has appealed against the decision of the Committee; (c) attaching, as appendices to the report, the formal decision letter dated 22 October 2008 and position statement received from Roger Jessop, Mouchel/Scotland Transerv, Planning Consultants dated 29 May 2009, and (d) outlining the options available to the Council in respect of the Appeal.

AGREED:-

- (1) that the matter be referred to another planning consultant to advise the Council on its prospects of successfully defending the Appeal;
- (2) to request the Sisting of the Appeal, and
- (3) that a progress report will be submitted to a future meeting.