

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 AUGUST 2009 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGY: Councillor H Constable.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Development Manager; Acting Legal Services Manager (D Blyth); Senior Planning Officer (A Finlayson); Roads Development Officer (C Russell); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

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

- Councillor J Constable informed the Committee that he had not attended the site visits but he would take part in consideration of planning applications P/08/0840/FUL and P/09/0174/FUL (minute P61 and P62) as he was sufficiently familiar with the sites.
- Councillor Carleschi informed the Committee that he had not attended the site visits but he would take part in consideration of planning applications P/08/0840/FUL and P/09/0174/FUL (minute P61 and P62) as he was sufficiently familiar with the sites.
- Councillor Lemetti informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0174/FUL (minute P62) but that he would take part in consideration of planning application P/08/0840/FUL (minute P61) as he was sufficiently familiar with the site.
- Councillor McLuckie informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0840/FUL and P/09/0174/FUL (minute P61 and P62).
- Councillor A MacDonald informed the Committee that he had not attended the site visits but he would take part in consideration of planning applications P/08/0840/FUL and P/09/0174/FUL (minute P61 and P62) as he was sufficiently familiar with the sites.
- Councillor C Martin informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0840/FUL and P/09/0174/FUL (minute P61 and P62).

- Councillor Oliver informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/08/0840/FUL (minute P61) but that he would take part in consideration of planning application P/09/0174/FUL (minute P62) as he was sufficiently familiar with the site.

P60. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 17 June 2009;
- (b) Minute of Special Meeting of the Planning Committee held on 9 July 2009; and
- (c) Minute of Meeting of the Planning Committee held On Site on 5 August 2009, subject to the addition of apologies from Councillor Lemetti.

Councillor Oliver left the meeting prior to consideration of the following item of business.

P61. ERECTION OF DWELLINGHOUSE (DETAILED) AT THE HATHERLEY, 1 ARNOTHILL LANE, FALKIRK FK1 5SL FOR MASTER HOMES LIMITED - P/08/0840/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P50 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission to amend the 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 REFUSE planning permission for the following reasons:-

- (1) The proposed development does not comply with the terms of Policy FAL 5.6 Infill Development and Subdivision of Plots of the Falkirk Local Plan and Policy SC8-Infill Development and subdivision of plots of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in that the scale and architectural design of the proposed dwellinghouse does not respect the architectural and townscape character of the area.
- (2) The proposed dwellinghouse in terms of scale and architectural design is considered to be contrary to the terms of Policy FAL 3.11 'Conservation Areas' and Policy FAL 3.12 Listed Buildings of the Falkirk Local Plan and Policy EQ3 (Townscape Design) and Policy EQ12 (Conservation Area) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that the development would adversely affect the setting of the Arnothill Conservation Area and The Hatherley, a category B Listed Building.

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

Councillors Lemetti and McLuckie left the meeting prior to consideration of the following item of business.

P62. ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE (DETAILED) AT PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR MUSTO PROPERTIES LIMITED - P/09/0174/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P48 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey dwellinghouse and detached garage on Plot 2 at Denovan Mains Farm, Denny.

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) Before the development commences, samples of all proposed external finishing materials for the buildings, hardsurfaces and retaining walls shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (3) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (4) Notwithstanding the provisions of the Town and Country Planning Act 1992 (or any order revoking and re-enacting that order), no development within classes 1-7 shall be undertaken without the express prior approval of this Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the development.
- (4) To retain proper control over development of the site in the interests of visual amenity and the setting of a listed building.

Councillors Lemetti and McLuckie re-entered the meeting following consideration of the foregoing item of business.

P63. FORMATION OF A NEW LANDFILL CELL, THE DEPOSITION OF WASTE, RAISING OF LAND FORM LEVELS, BOUNDARY AND ANCILLARY EARTHWORKS, LANDSCAPING AND RESTORATION AT WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON FOR G R SERVICES (FALKIRK) LIMITED - P/07/0897/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission for an extension of the existing landfill site at West Carron, Falkirk by means of a new landfill "cell" with a view to providing additional capacity for the disposal of commercial, industrial and domestic waste.

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

P64. CHANGE OF USE, ALTERATIONS AND EXTENSION TO VACANT/REDUNDANT BARN TO PROVIDE OFFICES, ERECTION OF 468 SQM GREENHOUSE AND ANCILLARY DEVELOPMENT COMPRISING ACCESS/EGRESS, CAR PARKING AND EXTERNAL PLANT STORAGE AND DISPLAY AREA AT MELONSPLACE FARM, FALKIRK FK2 0BT FOR BENHOLM PLANT DISPLAYS - P/08/0911/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for the renovation and extension to an existing stone barn, the formation of new hardstanding and yard area and the replacement of agricultural buildings with greenhouses and external storage areas at Melonsplace Farm, Falkirk.

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

P65. ERECTION OF FEED STORE/HORSE SHELTER AT WESLEYMOUNT, CHURCH ROAD, CALIFORNIA, FALKIRK FK1 2BD FOR MR AND MRS LEACH - P/09/0233/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a feed store/horse shelter at Wesleymount, Church Road, California, Falkirk.

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

P66. SUBDIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT BRAEFACE COTTAGE, BONNYBRIDGE FK4 1UE FOR MR AND MRS DANIEL HENDERSON - P/09/0273/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission for the subdivision of garden ground and the erection of a one and a half storey dwellinghouse at Braeface Cottage, Bonnybridge.

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

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) Before the development commences, the exact details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the details of a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration/replacement;
 - (ii) The location of all new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) A programme for completion and subsequent maintenance.

No existing trees, shrubs or hedges shall be removed prior to the written approval of the scheme of soft landscaping.

- (4) The scheme of landscaping shall be implemented in accordance with the approved details by the end of the first planting and seeding season following the occupation of the proposed dwellinghouse.
- (5) The new access driveway shall have a minimum width of 5 metres, meet Kelt Road at right angles and have a gradient of no greater than 1 in 10.
- (6) The new access driveway shall be constructed in a manner to ensure that surface water and loose material does not discharge onto the public carriageway.
- (7) There shall be no obstruction to visibility over 1 metre in height within 2.5 metres of the carriageway edge along the entire frontage of the site.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5-7) To safeguard the interests of the users of the public highway.

Informative(s):

- (1) The new access driveway will require to be constructed under a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (2) The builder will be required to ensure that noisy work which is audible at the site boundary shall only be conducted between the following hours:-

Monday to Friday	0800 – 1800
Saturday	0900 – 1700
Sunday/Bank Holidays	1000 – 1600

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

P67. ERECTION OF TWO DWELLINGHOUSES AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE FK4 2DE FOR STEWART HOMES (SCOTLAND) LIMITED - P/09/0334/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission for the erection of two semi-detached one and a half storey dwellinghouses at Milnquarter Farm, Roman Road, Bonnybridge.

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

P68. EXTENSION TO DWELLINGHOUSE AT 8 MANNERSTON HOLDINGS, LINLITHGOW EH49 7NP FOR MR DAVID LAWSON - P/09/0359/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for detailed planning permission for the extension of a single storey dwellinghouse at 8 Mannerston Holdings, Linlithgow to create a one and a half storey dwellinghouse incorporating additional bedrooms and floor space.

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

P69. ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD ON LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE, REDDING ROAD, REDDING, FALKIRK FOR TESCO STORES LIMITED AND SANTON GROUP DEVELOPMENTS LIMITED – P/07/0422/FUL

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on an application for the amendment of a section 75 Agreement which formed part of a decision taken by the Regulatory Committee on 5 November 2008 when the Committee determined that it was minded to grant planning permission for the erection of a superstore, a petrol filling station, the formation of a car park and an access road on land at Redding Road to the south of Livingstone Terrace, Redding Road, Redding, Falkirk.

AGREED as follows:-

- (a) The amendment of the heads of terms of the section 75 Agreement to delete the requirement to safeguard land for car parking as stated at R91 Paragraph(b)(3)(iv) of the minute of the meeting of the Regulatory Committee on 5 November 2008 and provision of additional parking as shown on the amended drawings submitted.
- (b) The amendment of condition 14 to substitute the terms ‘convenience’ and ‘comparison’ for ‘food retail’ and ‘non-food retail’.
- (c) The amendment of condition 10 to state, ‘Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport, parking and road infrastructure, as indicated on approved Drawing no.1306(P)001 Rev.T, shall be fully completed in accordance with full details approved in writing with this Planning Authority’.
- (c) The following additional condition and reason:-
 - 1. Before the proposed development is brought into use, details of directional signage within the site, including signs informing customers of car parking to the east of the petrol filling station and the location of signs, shall be submitted for the written approval of this Planning Authority and erected.

Reason(s):

- 1. In the interests of road safety; to avoid parking on the public road.

The Convener agreed a 10 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

P70. IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 – CONSEQUENTIAL CHANGES TO DEVELOPMENT MANAGEMENT OPERATION (EFFECTIVE FROM 3 AUGUST 2009)

There was submitted Report (circulated) dated 18 August 2009 by the Director of Development Services on the implementation of the Planning Etc (Scotland) Act 2006 and detailing consequential changes to the Development Management operation with effect from 3 August 2009, in the following areas:-

- Statutory pre-application consultation
- Submitting an application
- Notification of Planning applications in the local press
- Revised scheme of delegation
- Local Review Board
- Pre-determination hearings
- Delegated list
- Detailed planning permission
- Other publicity for planning applications

Discussion took place on issues including neighbour notification arrangements, appropriate training for Members and the operation of Pre-determination hearings and Local Review Boards.

NOTED

Councillor Carleschi left the meeting during consideration of the foregoing item of business.