

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on TUESDAY 20 OCTOBER 2009 commencing at 9.30 a.m.

PRESENT: Councillors Buchanan, Carleschi, J Constable (for applications P/07/0953/FUL and P/08/0773/FUL); Lemetti, A MacDonald, McLuckie, McNeill, Mahoney, C Martin (for application P/09/0161/FUL); Nicol and Oliver.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillor Fry (for applications P/09/0313/FUL and P/09/0215/FUL).

ATTENDING: Development Manager (for applications P/07/0953/FUL, P/08/0773/FUL and P/09/0313/FUL); Development Management Coordinator (D Campbell) (for applications P/09/0215/FUL, P/09/0352/FUL and P/09/0161/FUL); Environmental Coordinator (R Broadley) (for application P/09/0313/FUL); Senior Planning Officer (B Vivian) (for application P/09/0352/FUL); Planning Officer (K Brown) (for applications P/07/0953/FUL and P/09/0215/FUL); Planning Officer (J Seidel) (for application P/08/0773/FUL); Roads Development Officer (C Russell) (for applications P/07/0953/FUL, P/08/0773/FUL, P/09/0313/FUL and P/09/0215/FUL); Roads Development Officer (B Raeburn) (for applications P/09/0352/FUL and P/09/0161/FUL); Solicitor (P Gilmour), Committee Officer (A Sobieraj) and Committee Assistant (S McGhee).

DECLARATIONS OF INTEREST: None.

P98. CHANGE OF USE OF PART OF EXISTING SHOP UNIT TO FORM HOT FOOD TAKEAWAY AT 18 WOODBURN STREET, FALKIRK FK2 9DS FOR MR AND MRS LALLI – P/07/0953/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission for a change of use of part of an existing shop unit to form a hot food takeaway at 18 Woodburn Street, Falkirk.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

The applicant was heard in support of the application.

Mrs Godfrey, an objector on behalf of Thornwood Tenants and Residents Association, was heard in relation to the application.

Mr Moffat, an objector, was heard in relation to the application.

Mr Godfrey, an objector, was heard in relation to the application.

Mr Johnstone, an objector, was heard in relation to the application.

Mr Georgeson, an objector, was heard in relation to the application.

Mrs Murray, an objector, was heard in relation to the application.

Mrs Wright, an objector, was heard in relation to the application.

Mr Ferrier, an objector, was heard in relation to the application.

Mrs Mahon, an objector, was heard in relation to the application.

Ms Pressland, an objector, was heard in relation to the application.

Mr Baird, an objector, was heard in relation to the application.

Mr MacKay, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- That the proposal was located in the middle of a housing estate;
- The disruption to neighbours from noise, particularly at night, and odour;
- That the area was a hotspot for ongoing anti social behaviour over years including vandalism, litter, breaking of windows and noise;
- That the site was not a through road and the takeaway would invite increased traffic into the estate;
- The increase in anti social behaviour and young people hanging around;
- The increased parking problems, congestion and lack of space from increased use of the premises;
- The high number of objections from local residents; and
- That clarification was required on the hours of operation.

Questions were then asked by Members of the Committee.

Councillor Alexander, as local Member for the area, was heard in relation to the application.

Councillor Meiklejohn, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 4 November 2009.

P99. ERECTION OF 6 FLATS AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LIMITED - (P/08/0773/FUL)

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on the erection of 6 flats and associated infrastructure on land to the north of 17 Kinacres Grove, Bridgeness Road, Bo'ness

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

The applicant's agent spoke in support of the application.

Mr Scholefield, an objector, was heard in relation to the application.

Mrs Sandland, an objector, was heard in relation to the application.

Ms Edwards, an objector, was heard in relation to the application.

Mr Taylor, an objector, was heard in relation to the application.

Mr Bennett, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- The increased parking problems, traffic fumes and safety issues;
- The lack of privacy and overshadowing of adjacent properties and domination of the area;
- The loss of the visual amenity of the area.
- The noise and disturbance to residents from the increase in dwellinghouses in the area;
- The need to preserve the existing vintage wall;
- The lack of consultation with local residents regarding the proposals;
- The loss of open space and the childrens' safe and enclosed play area and the valuable community asset;
- The insufficient car parking for the adjacent Kinacres Grove;
- The use of Bridgeness Road for parking and associated problems for heavy goods vehicles entering and exiting the adjacent timber yard;
- The access to Kinacres Grove via an existing pathway with access issues for new residents;
- The danger to road users and pedestrians of parking on Bridgeness Road and visibility issues at the exit from Kinacres Grove;
- The unsympathetic style of the development and unpopular house type;
- The removal of the existing trees;
- The overshadowing and the site's overdevelopment and impact on daylight; and
- That the previous application for this site was rejected.

Questions were then asked by Members of the Committee.

Councillor J Constable, as a local Member for the area, was heard in relation to the application.

Councillor Mahoney, as a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 4 November 2009.

P100. ERECTION OF BISTRO WITH OUTSIDE SEATING AREA, 3 COTTAGES, 1 DWELLINGHOUSE AND ASSOCIATED CAR PARKING AND PICNIC AREA ON LAND TO THE NORTH EAST OF 1 CAUSEWAYEND, LINLITHGOW FOR CAUSEWAYEND BISTRO - P/09/0313/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on the erection of a bistro with an outside seating area, three cottages, one dwellinghouse and associated car parking and picnic area on land to the north east of 1 Causewayend, Linlithgow.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

The applicant spoke in support of the application.

The applicant's agent spoke in support of the application.

Mr Callaghan, a supporter, was heard in relation to the application.

Mr Millar, on behalf of British Waterways, a supporter, was heard in relation to the application.

Mr Wharham, a supporter, was heard in relation to the application.

The supporters highlighted the following issues:-

- The wider tourism and regeneration opportunities from visitors to the canal network;
- The ideal location for stopping off for the Falkirk Wheel and Linlithgow including food and hospitality;
- The attraction by canal boaters as the site was adjacent to the canal basin;
- That the development, with waterside access via the basin, would generate increased canal use and awareness;
- The enhancement of the Millennium Link initiative and associated enterprise;
- The wideranging economic and environmental benefit to the area; and
- The impact of the community's health from use of the canal network.

The Convener read out letters of objection from Mr Paterson and Mr Crosby, who had each submitted apologies for the meeting.

Ms Robertson, an objector, was heard in relation to the application.

Mr Leask, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- That potential visitors may go direct to the Falkirk Wheel or Linlithgow;
- The road safety issues at the bend at the bridge from high car speed and the need for signage on the narrow road;
- The scale of the manager's house to avoid disrupted views;
- The clarification on the need for a manager's house and three dwellinghouses;
- The path or agricultural access to the site;
- That dangerous existing B825 roadway with the new entrance on an 'S' bend opposite an already concealed entrance.
- The safety issues on pedestrian access and walkers from Linlithgow;
- The blocking of views from nearby dwellinghouses;
- The potential lighting pollution or glare;
- The possible impact on wildlife and wildflower conservation, safeguarding of trees and clarification of landscaping;
- The siting nearer the canal basin;
- The importance of facilities for disabled parking and public conveniences;
- The need for adequate drainage provision; and
- That any high fencing would be incongruous to the existing visual setting.

Mr Robertson indicated no objection to the proposal and comments were as follows:-

- The clarification on the need for a manager's house;
- That viability of the venture as other public houses and restaurants were closing in the economic climate; and
- The importance of ensuring no danger associated with vehicular access to the site.

Councillor Hughes, as local Member for the area, was heard in relation to the application.

Councillor McLuckie, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 4 November 2009.

P101. ERECTION OF 6 FLATTED DWELLINGS, 2 DWELLINGHOUSES AND ASSOCIATED WORKS AT LORRAINE COTTAGE, SOUTHCRAIGS ROAD, RUMFORD FK2 0SR FOR JCS BUILDERS LIMITED - P/09/0215/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for the erection of 6 flatted dwellings, two dwellinghouses and associated works at Lorraine Cottage, Southcraigs Road, Rumford.

The Convener introduced the parties present.

The Solicitor provided clarification on the process for the consideration of this application.

The Development Management Coordinator outlined the nature of the application.

The applicant's agent spoke in support of the application.

Ms Pollock, an objector, was heard in relation to the application.

Mr McPhilips, an objector, was heard in relation to the application.

Mrs Gibb, an objector, was heard in relation to the application.

Mrs McMillan, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- The reduction in privacy and loss of amenity for neighbouring properties from building height, in particular from upper windows and overshadowing nearby gardens;
- The lack of privacy and increased vulnerability, particularly for single residents;
- The loss of open space and a valuable play facility;
- The parking problems from additional cars;
- The development's domination of the area;
- The importance of no site access to non residents;
- The encroachment of the area during and after construction;
- The difficulty in developing the area; and
- The lack of consultation with local residents.

Councillor Hughes, as local Member for the area, was heard in relation to the application.

Councillor McLuckie, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 4 November 2009.

P102. ERECTION OF 3 NO. DWELLINGHOUSES ON LAND TO SOUTH OF ST LUKES RC CHURCH, GLENVIEW AVENUE, BANKNOCK FOR ALEXANDER BROWN - P/09/0352/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for the erection of three dwellinghouses on land to the south of St Luke's Church, Glenview Avenue, Banknock.

The Convener introduced the parties present.

The Development Management Coordinator outlined the nature of the application.

The applicant spoke in support of the application.

Mr Lafferty, on behalf of Mr and Mrs Heaney, an objector, was heard in relation to the application.

The objector highlighted the following issues:-

- The change of character of the countryside and open land through overdevelopment;
- The alteration of the semi rural nature of the area;
- That the previous hamlet was built without planning permission;
- The development was contrary to the village limit and countryside policies of the Development Plan;
- That the application was contrary to Falkirk Council design standards;
- That significant infilling work was required causing future subsidence;
- The noise and unsuitability of the site for housing from proximity to the upgraded M80;
- The concerns associated with the resiting of bus shelters; and.
- The loss of open green space, residential amenity and views;
- The precedent for development outwith established village boundaries;
- The impact on natural sunlight to residential properties;
- The disruption associated with construction;
- The present degree of traffic levels in the village;
- The unsustainable traffic increase at Garngrew Road; and
- The loss of roadside parking spaces.

Councillor Oliver, as local Member for the area, was heard in relation to the application.

Councillor Waddell, as local Member for the area, was heard in relation to the application.

Councillor Blackwood, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 4 November 2009.

P103. USE OF LAND FOR THE SITING OF PORTABLE STRUCTURES, ERECTION OF FENCING AND KEEPING OF DOGS (TEMPORARY AND RETROSPECTIVE) AT DARNBOGUE FARM, PLEAN FK2 8RY FOR SCOTSTOCK (SC) LIMITED - P/09/0161/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for the use of land for the siting of portable structures, the erection of fencing and the keeping of dogs (temporary and retrospective) at Darnbogue Farm, Plean.

The Convener introduced the parties present.

The Development Management Coordinator outlined the nature of the application.

The applicant spoke in support of the application.

The applicant's father provided additional points of clarification.

Ms Smith, an objector, was heard in relation to the application.

Ms James, an objector, was heard in relation to the application.

Ms Taylor, an objector, was heard in relation to the application.

Mr Donnelly, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- That the application was retrospective;
- That the development was on site for a period of three years;
- That the application was applied for only following enforcement by the Council's Enforcement Officer;
- That the development was contrary to the Development Plan;
- The detrimental effect on the visual amenity of the area;
- That noise complain were not able to be reported to the applicants as no-one lived on site and not in the evenings;
- That adverse impact on area of countryside;
- The application did not meet the policies of tourism in a rural area;
- That the applicant had a poor animal welfare record and had no breeding licence;
- That animal welfare at the site was poor including odours emanating from the site;
- The vermin from the development;
- That the applicant had moved twice from the Stirling area; and
- That poor road access to the site.

Councillor C Martin, as local Member for the area, was heard in relation to the application.

Councillor Carleschi, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 4 November 2009.

The Committee thereafter made a brief visual inspection of the site for the keeping of dogs.