

**DRAFT AGENDA ITEM 1(a)**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 JUNE 2010 at 9.30 A.M.**

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

**CONVENER:** Councillor Buchanan.

**APOLOGY:** Councillor McNeill.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Roads Development Officer (B Raeburn); Transport Planning Co-ordinator; Senior Forward Planning Officer; Transport Planning Officer; Network Co-ordinator; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:** Councillor Thomson declared a non-financial interest in item 4 (P44) as she had held discussions with the local residents' association, as a local Member, in relation to the application and consequently would take no part in consideration or discussion of this item of business.

Councillor Lemetti declared a non-financial interest in items 4 (P44) and 14 (P54) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the applications and consequently would take no part in consideration or discussion of these items of business.

Councillor Mahoney declared a non-financial interest in item 17 (P57) as a Director of the Helix Trust and consequently would take no part in consideration or discussion of this item of business.

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0740/FUL, P/10/0666/FUL, P/10/0021/PPP, P/09/0685/FUL and P/07/0518/FUL (minute P44, P45, P46, P47 and P48).
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0740/FUL, P/10/0066/FUL, P/10/0021/PPP and P/09/0685/FUL (minute P44, P45, P46 and P47) but that he would take part in consideration of planning application P/07/0518/FUL (minute P48) as he was sufficiently familiar with the site.

- Councillor Carleschi informed the Committee that as he had not attended the site visit he would not take part in consideration of planning applications P/09/0740/FUL, P/10/0021/PPP and P/09/0685/FUL (minute P44, P46 and P47) but that he would take part in consideration of planning applications P/10/0066/FUL and P/07/0518/FUL (minute P45 and P48) as he was sufficiently familiar with the sites.
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0021/PPP and P/09/0685/FUL (minute P46 and P47) but that he would take part in consideration of planning applications P/09/0740/FUL, P/10/0066/FUL and P/07/0518/FUL (minute P44, P45 and P48) as he was sufficiently familiar with the sites.
- On joining the meeting during consideration of Item 7 on the agenda, Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0685/FUL and P/07/0518/FUL (minute P47 and P48).

#### **P41. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 19 May 2010; and
- (b) Minute of Meeting of the Planning Committee On Site held on 31 May 2010.

Councillor C Martin entered the meeting during consideration of the preceding item of business.

#### **P42. THE FALKIRK COUNCIL A905 STIRLING – EDINBURGH (VARIOUS JUNCTIONS/ACCESSES) (PROHIBITION OF SPECIFIED TURNS ORDER) 2009**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on the making of an Order seeking to implement turning prohibitions intended to improve road safety on the dual carriageway section of the A905 Stirling to Edinburgh Road between Bowtrees interchange and South Bellsdyke roundabout and bringing to the Committee's attention an objection submitted in relation thereto.

**AGREED** to make the traffic regulation order referred to in the report.

#### **P43. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (No 561) ORDER 2010**

There was submitted Report (circulated) dated 26 May 2010 by the Director of Development Services seeking a decision on an application for a disabled person's parking space from a resident of Gilsay Court, Hallglen and bringing to the attention of Committee an objection submitted in relation thereto.

**AGREED** to make Traffic Regulation Order referred to in the report.

Councillors Lemetti, Nicol, Mahoney and Thomson left the meeting prior to consideration of the following item of business.

**P44. PARTIAL CHANGE OF USE OF EXISTING SHOP TO ALLOW LIMITED HOT FOOD TAKEAWAY SALES (RETROSPECTIVE) AT 12A BLINKBONNY ROAD, FALKIRK FK1 5DA FOR MR KALEEM RASHID - P/09/0740/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P27 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services and an additional Report (circulated) dated 8 June 2010 by the said Director on an application for full planning permission, in retrospect, for a partial change of use of the existing shop unit operating as a general store/newsagent to allow limited hot food takeaway sales at 12a Blinkbonny Road, Falkirk.

**AGREED** to **REFUSE** planning permission on the ground that the proposal would have an adverse impact on road.

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

**P45. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF ONE AND A HALF STOREY DWELLINGHOUSE AT 2A PRETORIA ROAD, LARBERT FK5 4NB FOR MR AND MRS ADRIAN - P/10/0066/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P29 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services and an additional Report (circulated) dated 8 June 2010 by the said Director on an application for full planning permission for the erection of an additional single storey dwellinghouse in the side garden at 2A Pretoria Road, Larbert.

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

Councillors Oliver and Carleschi left the meeting prior to consideration of the following item of business.

**P46. ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF CARRIGBEG, FALKIRK FOR MR ROY - P/10/0021/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P30 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services and an additional Report (circulated) dated 8 June 2010 by the said Director on an application for planning

permission in principle for the erection of one dwellinghouse on the site of a ruined cottage on land to the east of Carrigbeg, Falkirk and west of the B825.

**AGREED** to **GRANT** planning permission in principle subject to appropriate conditions as determined by the Director of Development Services to include, without prejudice to the generality of the foregoing conditions dealing with vehicular access to the site and the replanting of any tree removed during construction.

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

Councillors Oliver, Mahoney and Nicol re-entered the meeting following consideration of the foregoing item of business.

Councillor C Martin left and re-entered the meeting during consideration of the following item of business.

Councillor Constable entered the meeting during consideration of the following item of business.

**P47. SITING OF TWO STATIC CARAVANS AND FOUR TOURING CARAVANS (RETROSPECTIVE) ON LAND TO THE WEST OF GREENWELLS FARM, BELLEVUE, RUMFORD FOR MICHAEL MCEWAN AND WALTER MCEWAN - P/09/0685/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P31 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services and an additional Report (circulated) dated 8 June 2010 by the said Director on an application for full planning permission, in retrospect, for the siting of two static caravans and four touring caravans to accommodate travelling persons on a brownfield site to the west of Greenwells Farm, Bellevue, Rumford.

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

- (1) The number of caravans hereby approved is limited to two static caravans and four touring caravans and the introduction of any further caravans or other residential accommodation on the site will require the submission of a separate planning application.
- (2) Within 6 months of the date of the permission and unless otherwise agreed in writing, full details of additional landscaping, planting and boundary treatments including details of implementation and future maintenance to assist in screening the site shall be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To ensure the potential future intensification and use of the site can be adequately controlled by the Planning Authority.

- (2) To safeguard the visual amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02.
- (2) All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (3) 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.

**P48. ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS AND ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE ON LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR KONON LTD - P/07/0518/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P32 refers), Committee gave further consideration to Report (circulated) dated 11 May 2010 by the Director of Development Services and an additional Report (circulated) dated 8 June 2010 by the said Director on an application for full planning permission for the erection of 99 dwellings consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking spaces, open space and SUDS infrastructure on vacant industrial land to the north west of Cockburn Works, Gowan Avenue, Falkirk.

Councillor C Martin, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Thomson, moved that the application be continued to allow the developer to hold further discussions with relevant landowners to enable access to the site from Boyd Street and not Gowan Avenue with a view to addressing concerns about traffic congestion.

On a division, 5 Members voted for the Motion and 4 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to the successful completion of an appropriate Legal Agreement requiring:-

- (i) the payment of a sum of £181,500 to secure the future education provision as a result of the proposed development at St Mungo's High School and Bainsford Primary School.

- (ii) the financial contribution of £119,800 to improve the Dalderse Avenue/B902 Grahams Road junction.
- (iii) Timescales for the phasing of development in relation to the above developer contributions.

and on completion of the Legal Agreement referred to above the Committee remit the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years from the date of the permission.
- (2) 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.
- (3) Development shall not commence until details of two traffic calming features, to be installed at the northern end of Alma Street and Russel Street, have been submitted to and approved by Falkirk Council. The features shall be designed in accordance with Falkirk Council's "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000" and installed prior to the occupation of the thirty fourth residential unit.
- (4) All approved traffic calming and road infrastructure works shall be implemented prior to the occupation of approved residential units unless otherwise agreed in writing with the Planning Authority.
- (5) Development shall not begin until details of the stopping-up of Gowan Lane, with a timescale for its implementation, have been submitted and approved by the Planning Authority.
- (6) Development shall not begin until an amended contaminated land assessment has been submitted for the approval of the Planning Authority. The amended assessment shall include revisions required in the memorandum from Falkirk Council's Environmental Protection Unit (Ref: 79488) dated 13 May 2008.
- (7) Development shall not begin until a noise survey to determine the effects of existing industrial/commercial activities on the approved residential units has been submitted to the Planning Authority. The survey shall be conducted in accordance with BS 4142 and approved, amended as necessary, by the Planning Authority.
- (8) Development shall not begin until surface water drainage and sustainable urban drainage proposals and design calculations have been submitted and approved by the Planning Authority.

- (9) All approved landscaping works shall be implemented not later than the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (10) Before development begins a scheme for the provision of the play area and related open space area and other areas of open space/landscaping outwith individual residential plot boundaries, as outlined (drawing ref: 290.01.01b) 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. Details to be submitted include:-
  - (i) Type and location of play equipment, seating, fences, walls and litter bins.
  - (ii) Surface treatment of the play area proposals for the implementation/phasing of play area in relation to the construction of houses on the site.
  - (iii) Landscape planting and phasing details.
  - (iv) Proposed public artwork to be located adjacent to the Forth and Clyde Canal.
  - (v) Maintenance arrangements for all hard and soft landscaping works.
- (11) All works required for the provision of the play area and open space shall be implemented in accordance with the scheme approved in writing with the Planning Authority by the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (12) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

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.
- (3-5) To safeguard the interests of the users of the highway.
- (6, 7, 12) To safeguard the environmental amenity of the area.
- (8) To ensure the appropriate drainage infrastructure is provided.
- (9, 10, 11) To ensure that adequate landscaping/play facilities are provided.

Informative(s):-

- (1) For the avoidance of doubt the approved plans bear the references 01, 02, etc.

- (2) All drainage should comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.

**P49. ERECTION OF FARM SHOP, STABLES, BUNK HOUSE, CHALETs, TOILET BLOCK, FORMATION OF CARAVAN SITE AND ERECTION OF MANAGER'S HOUSE ON LAND TO THE NORTH OF GREENRIGG FARM, BONNYHILL ROAD, FALKIRK FOR THE DEANSTOUN PARTNERSHIP - P/09/0409/FUL**

With reference to Minute of Meeting of the Planning Committee held on 19 May 2010 (Paragraph P33 refers), there was submitted Report (circulated) dated 11 May 2010 by the Director of Development Services on an application for full planning permission for the erection of a manager's house for the existing farm, a farm shop, horse riding stables, a bunkhouse and chalets for rent, the formation of touring caravans, pitches and associated toilet facilities and infrastructure on land located to the south of Bonnyhill Road, Falkirk.

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

**P50. CHANGE OF USE FROM BUILDERS' STORAGE AREA (CLASS 6) TO SALE AND REPAIR OF MOTOR VEHICLES (RETROSPECTIVE) AT MORVEN CONSTRUCTION LTD, GRANARY SQUARE, BANKSIDE, FALKIRK, FK2 7XJ FOR MORVEN MOTORCYCLES - P/09/0862/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for the change of use from a builders' storage area to use for the sale and repair of motor vehicles, in retrospect, on an existing business unit and parking area at Bankside, Falkirk.

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

**P51. ERECTION OF 33 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (AMENDMENT TO PLANNING PERMISSION P/07/0809/FUL) ON LAND TO THE WEST OF 23 CHURCH ROAD, CHURCH ROAD, CALIFORNIA FOR DUNDAS ESTATES AND DEVELOPMENT CO LTD - P/10/0082/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for the erection of 33 detached, semi detached and terraced two storey dwellinghouses and flatted units with access from Rosewood Terrace (B8028) (being an amendment to the development authorised by planning permission P/07/0809/FUL thereby increasing the number of dwellings from 29 to 33) on land to the west of 23 Church Road, California.



**AGREED to GRANT** planning permission subject to the conclusion of an amended Legal Agreement, under Section 69 of the Local Government (Scotland) Act 1973, to secure the provision of £119,800 towards education improvements required as a result of the proposed development and subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years from the date of the 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 on site.
- (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)
  - (a) 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 to 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.
  - (b) 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.
  - (c) 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.
  - (d) In the event that unexpected contamination is encountered following the commencement of development, all works 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.

- (5) 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.
- (6) 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".
- (7) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 6 above, has been agreed in writing with the Planning Authority.
- (8) 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.
- (9) 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.
- (10) 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).
- (11) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events as part of a drainage scheme 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.
- (3,5,8) To safeguard the visual amenity of the area.
- (4) To ensure that the ground is suitable for the development.
- (2,6,7,9,10) To safeguard the interests of the users of the highway.

- (11) To ensure that adequate drainage is provided.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the reference number(s) 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15 and 16.

**P52. ALTERATIONS AND EXTENSION TO DENTAL PRACTICE AT 18 MEEKS ROAD, FALKIRK FK2 7ES FOR CENTRAL ORTHODONTICS - P/10/0180/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for an extension to the existing building operated as a dental practice in the rear garden ground at 18 Meeks Road, Falkirk.

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

**P53. CHANGE OF USE OF FORMER INDUSTRIAL LAND TO FORM TRANSFER STATION ON LAND TO THE WEST OF 2 HILLVIEW ROAD, HILLVIEW ROAD, HIGH BONNYBRIDGE (RETROSPECTIVE) FOR ANGUS BRAIDWOOD - P/09/0397/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for the change of use, in retrospect, of former industrial land to form a transfer station said site being bounded to the east by a vehicle scrap yard, to the west by open countryside and to the north by the main Edinburgh to Glasgow railway line on land to the west of 2 Hillview Road, High Bonnybridge.

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

**P54. CHANGE OF USE OF (CLASS 1) FROM SHOP UNIT TO HOT FOOD TAKE AWAY AT 102 GLASGOW ROAD, FALKIRK FK1 4HR FOR MR MOHAMMED QADIR - P/10/0127/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for the change of use of an existing vacant shop unit (Class 1) to a hot food take away at 102 Glasgow Road, Falkirk.

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

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

**P55. ERECTION OF TEMPORARY RESIDENTIAL ACCOMMODATION (EXTENSION OF TIME TO CONDITION 2 OF PLANNING PERMISSION 06/1116/FUL) ON LAND ON WHINNIE MUIR WOOD, WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR RAYMOND MCCLURG - P/10/0302/VRC**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application seeking to alter the terms of an existing planning permission (06/1116/FUL) by extending the existing 3 year time period by a further 3 years.

Councillor Constable, seconded by Councillor Carleschi, moved that the application be refused on the ground that it was in contravention of the development plan, the need for an extension to the existing consent not having established.

By way of an Amendment, Councillor Buchanan, seconded by Councillor Mahoney, moved that the application be approved in accordance with the recommendations in the Report.

On a division, 6 Members voted for the Motion and 4 voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the ground that it was in contravention of the development plan, the need for an extension to the existing consent not having established.

**P56. CHANGE OF USE FROM DWELLINGHOUSE TO DAY CARE CENTRE AT 6 MUIRHEAD ROAD, STENHOUSEMUIR, LARBERT FK5 4HZ FOR ALANMART LTD - P/10/0002/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for the change of use of an existing dwellinghouse to a day care centre at 6 Muirhead Road, Stenhousemuir, Larbert.

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

Councillor Mahoney left the meeting prior to and Councillor Martin re-joined the meeting during consideration of the following item of business.

**P57. ACCESS ROAD FOR CONSTRUCTION AND MAINTENANCE OF CANAL HUB ON LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, FALKIRK FOR THE HELIX TRUST - P/10/0293/FUL**

There was submitted Report (circulated) dated 8 June 2010 by the Director of Development Services on an application for full planning permission for the construction of a new road to the existing Carron sea lock (Lock 2) on the Forth and Clyde Canal where it meets the River Carron and the maintenance of a canal hub on land to the north of West Mains Industrial Estate, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to the commencement of any works on site, an environmental risk assessment shall be submitted for the assessment and written approval of the Planning Authority. The assessment shall provide task specific analysis and management of environmental risks to the West Mains Wildlife Site including control and/or mitigation measures for any risk identified.
- (3) Prior to the commencement of any works on site, a detailed restoration plan for the application site and adjacent West Mains Wildlife Site shall be submitted for the assessment and written approval of the Planning Authority.
- (4) Prior to the commencement of any works on site, a construction methodology statement detailing the prevention of silt and surface water contaminants from entering the West Mains Wildlife Site ponds and protection of natural habitats during construction shall be submitted for the assessment and written approval of the Planning Authority.
- (5) Prior to the commencement of any works on site, the findings of a survey of bird breeding and nesting sites and the assessment of potential construction impacts and, if necessary, mitigation measures shall be submitted for the assessment and written approval of the Planning Authority.
- (6) Prior to the commencement of any works on site, details of the location, design and specification of a path link from the A9 distributor road to the existing southern Forth and Clyde Canal towpath shall be submitted for the assessment and written approval of the Planning Authority.
- (7) Prior to the commencement of any works on site, details of physical measures to restrict public pedestrian and vehicular access to the approved Canal construction and maintenance access road shall be submitted for the assessment and written approval of the Planning Authority.
- (8) (a) 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.

- (b) Where contamination (as defined by Part 11A 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.
- (c) 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.
- (d) 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 commence without the prior written approval of the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the West Mains Wildlife Site is not adversely affected by the proposed road.
- (3) To ensure that any environmental impacts on the West Mains Wildlife Site are restored to an acceptable standard.
- (4) To protect and control construction impacts on the West Mains Wildlife Area.
- (5) To ensure that impact on bird nesting and breeding sites is avoided.
- (6) To allow improved pedestrian access to the canalside.
- (7) To prevent public access to the site.
- (8) To ensure that potential ground contamination is assessed and mitigated.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear the online reference number(s) 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11 and 12.