

## FALKIRK COUNCIL

### MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 AUGUST 2010 at 9.30 A.M.

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

**CONVENER:** Councillor Buchanan.

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

**DECLARATIONS OF INTEREST:** Councillor Lemetti declared a non-financial interest in agenda item 6 (P71) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the application and stated that he would take no part in consideration or discussion of this item of business.

Councillor Mahoney declared a non-financial interest in agenda item 17 (P85) as a member of the Falkirk BID Management Group and stated that he 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 Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0397/FUL, P/10/0127/FUL and P/10/0002/FUL (minute P70, P71 and P72) but that he would take part in consideration of planning applications P/09/0409/FUL, P/09/0862/FUL and P/10/0180/FUL (minute P67, P68 and P69) as he was sufficiently familiar with the sites.
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0409/FUL, P/09/0397/FUL and P/10/0127/FUL (minute P67, P70 and P71) but that he would take part in consideration of planning applications P/09/0862/FUL, P/10/0180/FUL and P/10/0002/FUL (minute P68, P69 and P72) as he was sufficiently familiar with the sites.

### **P65. REQUESTS FOR SITE VISITS**

Prior to consideration of the following items of business, and having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0065/FUL, P/09/0386/FUL, P/09/0526/FUL, P/10/0382/FUL, P/10/0305/PPP and P/10/0114/FUL (minute P77, P78, P79, P80, P81 and P82) to allow inspections of the sites by the Committee.

**P66. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 16 June 2010; and
- (b) Minute of Meeting of the Planning Committee On Site held on 16 August 2010.

**P67. ERECTION OF FARM SHOP, STABLES, BUNK HOUSE, CHALET'S, 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 16 June 2010 (Paragraph P49 refers), Committee gave further consideration to Report (circulated) dated 8 June 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director 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.

Councillor Mahoney, seconded by Councillor Thomson, moved that Committee be minded to grant planning permission in accordance with the recommendations in the Report.

By way of an Amendment, Councillor McLuckie moved that the application be refused standing concerns over road safety, environmental and visual amenity impact. In accordance within Standing Order 19.8, and with the unanimous consent of the meeting, Councillor Mahoney withdrew his motion to allow further information on road safety issues to be obtained. In light of this, Councillor McLuckie also withdrew his amendment.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to request a report from Central Scotland Police on the accident statistics relating to the adjoining road where the revised access to the site had been identified.

The Director of Development Services undertook to review the recommendation within the Committee Report to ensure that reference to the application site was accurate.

**P68. 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 FOR MORVEN MOTORCYCLES - P/09/0862/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 16 June 2010 (Paragraph P50 refers), Committee gave further consideration to Report (circulated) dated 8 June 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director 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 **GRANT** temporary planning permission for a period of one year, subject to the proviso that all repair, servicing and testing of the vehicles takes place within the building for the purpose of minimising the impact of noise on adjoining residential properties, subject to the following condition:-

- (1) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the premises shall not be used as a Class 1 Retail Use.

Reason:-

- (1) To ensure that the Planning Authority can control the future use of the premises.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear our online reference number(s) 01A and 02.
- (2) Any complaint received about noise will be investigated by the Environmental Protection Unit and appropriate action will be taken in terms of the statutory nuisance legislation.

**NOTED** that the Director of Development Services would ensure that noise monitoring would be carried out in respect of the premises and that any future planning application in respect of the same premises would be brought to Committee for consideration rather than be dealt with under delegated powers.

**P69. ALTERATIONS AND EXTENSION TO DENTAL PRACTICE AT 18 MEEKS ROAD, FALKIRK, FK2 7ES FOR CENTRAL ORTHODONTICS - P/10/0180/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 16 June 2010 (Paragraph P52 refers), Committee gave further consideration to Report (circulated) dated 8 June 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director 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.

In accordance with Standing Order 35.1 (viii) the Convener gave consent to Provost Reid to speak in relation to this item of business, the said Member having duly given at least 24 hours notice.

Councillor Constable, seconded by Councillor C Martin, moved that the application be refused in accordance with the recommendations in the Report.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Nicol, moved that Committee be minded to grant planning permission subject to the satisfactory

conclusion of a legal agreement to secure a financial contribution to ameliorate parking issues related to the development.

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

In accordance with Standing Order 21.6, in the case of equality of votes, the Convener used his casting vote for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to the satisfactory conclusion of a legal agreement to secure a financial contribution to ameliorate parking issues related to the development, following which the said Director will issue planning permission subject to such conditions as may be determined by her.

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

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

**P70. CHANGE OF USE OF 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 16 June 2010 (Paragraph P53 refers), Committee gave further consideration to Report (circulated) dated 8 June 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director 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.

Councillor Buchanan, seconded by Councillor McLuckie, moved that the application be refused on the basis that it is contrary to the Development Plan and the material considerations identified in the report are insufficient to outweigh the terms of the said Plan. In addition, the development would have an adverse impact on the amenity of neighbouring properties. There was also concern that the applicant had operated on the site without planning permission since 2001.

By way of an Amendment, Councillor Mahoney, seconded by Councillor Lemetti, moved that the application be approved for a temporary period until 31 August 2011 in accordance with the recommendation in the Report (with the exception of the date specified therein).

On a division, 8 Members voted for the Motion and 2 voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the basis that it is contrary to the Development Plan and the material considerations identified in the Report are insufficient to outweigh the terms of the said Plan. In addition, the development would have an adverse impact on the amenity of neighbouring properties. There was also concern that the applicant had operated on the site without planning permission since 2001.

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

**P71. CHANGE OF USE OF (CLASS 1) TO FORM HOT FOOD TAKE AWAY AT 102 GLASGOW ROAD, FALKIRK FK1 4HR FOR MR MOHAMMED QADIR - P/10/0127/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 16 June 2010 (Paragraph P54 refers), Committee gave further consideration to Report (circulated) dated 8 June 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director 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 **REFUSE** planning permission on the basis that:-

- (1) There would be an adverse impact on road safety; and
- (2) The parking provision was inadequate for the development.

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

**P72. CHANGE OF USE FROM DWELLINGHOUSE TO DAY CARE CENTRE AT 6 MUIRHEAD ROAD, STENHOUSEMUIR, LARBERT FK5 4HZ FOR ALANMART LTD - P/10/0002/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 16 June 2010 (Paragraph P56 refers), Committee gave further consideration to Report (circulated) dated 8 June 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director 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 **REFUSE** planning permission on the basis that:-

- (1) The proposed development was contrary to Policy LAR 10 of the Larbert and Stenhousemuir Local Plan in that the residential amenity of the surrounding residential area was likely to be adversely affected by means of noise, traffic generation and the proposed development could introduce these impacts within a residential cul-de-sac to an unacceptable extent.

- (2) The proposed development was contrary to Policy LAR 32 of the Larbert and Stenhousemuir Local Plan in that the likely increase in vehicular traffic and conflict with existing residential use was not considered suitable for a private access cul-de-sac with limited parking and turning areas.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear our online reference number(s) 01, 02, 03 and 04.

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

The Convener agreed a 5 minute adjournment prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillor C Martin.

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

**P73. ERECTION OF 10 DWELLINGHOUSES, FORMATION OF NEW ACCESS AND ROAD, PROVISION OF OPEN SPACE AND PAVILION, ASSOCIATED INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME AND LANDSCAPING ON LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MACLAREN PARK DEVELOPMENTS LTD - P/09/0781/PPP (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 21 April and 19 May 2010 (Paragraphs P16 and P23 refer), Committee gave further consideration to Reports (circulated) dated 13 April and 11 May 2010 by the Director of Development Services and an additional Report (circulated) dated 18 August 2010 by the said Director on an application for planning permission in principle for the erection of ten dwellinghouses, the formation of a new access and road, the provision of open space and a pavilion, associated infrastructure including a sustainable urban drainage scheme and landscaping on land, extending to 1.95 hectares, lying towards the north end of the village and consisting of an open field known as MacLaren Park to the north of Castlewood, Glen Road, Torwood.

The Director of Development Services made reference to a letter received by her during the adjournment from the Board of Trustees of the Torwood Community Woodland Group that one of the local members wished to be placed before the Committee.

Councillor Constable, seconded by Councillor A MacDonald, moved that the application be continued to the next meeting to allow full consideration to be given to the said letter.

By way of an Amendment, Councillor C Martin, seconded by Councillor Lemetti, moved that the Committee take a short adjournment to consider the said letter with a view to determining whether the application could be determined at this meeting.

In terms of Standing Order 21.4 (i) a vote was taken by roll call, there being 12 Members present, with voting as undernoted:-

For the Motion (5) – Councillors Carleschi, Constable, A MacDonald, Oliver and Thomson.

For the Amendment (7) – Councillors Buchanan, Lemetti, McLuckie, McNeill, Mahoney, C Martin and Nicol.

Accordingly, **AGREED** to a 10 minute adjournment to allow Members to consider the said letter which was circulated. With regard to the said letter, the Director of Development Services confirmed that it referred more generally to the Local Plan process but that the applicant (who was present at the meeting) had no objection to it being considered by Committee. The meeting reconvened with all Members present as per the sederunt.

Councillor Constable, seconded by Councillor Carleschi, moved that the application be refused on the ground that it was premature standing the current status of the Local Plan.

By way of an Amendment, Councillor C Martin, seconded by Councillor Nicol, moved that the Committee be minded to grant the application in accordance with the recommendations in the Report.

On a division, 5 Members voted for the Motion and 7 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to a legal agreement to secure the sum of £10,000 (£1,000 per house) for Education provision and subject to the following conditions, following satisfactory conclusion of the legal agreement:-

- (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements; and
  - (c) details of landscaping of the site.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-
  - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or

- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:
  - (a) the expiration of 5 years from the date of the grant of the planning permission in principle; or
  - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) No development shall commence on site until a series of tests for ground contamination have been carried out. Full details of the test results shall be submitted to the Planning Authority. Any necessary remedial work to make the ground safe shall be carried out to the satisfaction of the Planning Authority before any work on the development commences.
- (5) Prior to any works commencing on site, a Design Brief shall be submitted to the Planning Authority, detailing requirements for site design and layout, design guidance for individual dwellinghouses, garden and open space provision, landscaping and phasing of the development. Any subsequent applications for approval of matters specified in Condition 1 must be in accordance with the aforementioned Design Brief.
- (6) 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.
- (7) For the avoidance of doubt, the development shall be restricted to 10 dwellinghouses in total.
- (8) Before any work is commenced on the site a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2, 3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To ensure the ground is suitable for the proposed development.
- (5) To enable the Planning Authority to consider this/these aspect(s) in detail.

(6, 8) To safeguard the environmental amenity of the area.

(7) To safeguard the residential amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear our online reference number(s) 01, 02, 03 and 04.
- (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) Separate consent may be required from Scottish Water for certain aspects of this development.

#### **P74. ADDITIONAL REMARKS**

At the request of the Convener, the Director of Development Services provided an update on the decision taken at the Planning Committee on 21 April 2010 in relation to application P/08/1012/OUT (minute P14) - Alteration and extension to hotel to provide approximately 200 additional bedrooms, erection of spa and leisure facilities, formation of new access junction, car parking facilities, associated roads and infrastructure including a sustainable urban drainage scheme, hard and soft landscaping and woodland planting at Glenbervie House, Larbert FK5 4SJ for Glenbervie House Hotel Ltd. In particular, the Director advised that the Flood Risk Assessment had been submitted by the applicant and was deemed to be satisfactory following which planning consent was duly granted subject to conditions. All future applications for development of the site would come back before the Committee.

#### **P75. ORDER OF BUSINESS**

In terms of Standing Order 15.2(i), the Convener agreed to a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

#### **P76. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (No 571) ORDER 2010**

There was submitted Report (circulated) dated 18 August 2010 by the Director of Development Services seeking a decision on an application for a disabled person's parking space from a resident of Duncan Avenue, Carronshore, Falkirk and bringing to the attention of Committee objections submitted in relation thereto.

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

In accordance with decisions taken at the start of the meeting, **NOTED** that the following six items had been continued to a future meeting to allow an inspection of the various sites by Committee:-

- P77. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF 2 PYETREE COTTAGE, DUNMORE FOR MR AND MRS WILLIAM AND GINNY SUTHERLAND - P/10/0065/FUL**
  
- P78. ERECTION OF 30 DWELLINGHOUSES AND ASSOCIATED WORKS ON LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP - P/09/0386/FUL**
  
- P79. ERECTION OF 14 DWELLINGHOUSES AND ASSOCIATED WORKS AT GAMEKEEPERS COTTAGE, CASTLE VIEW, AIRTH, FALKIRK FK2 8JG FOR MULHOLLAND CONTRACTS - P/09/0526/FUL**
  
- P80. EXTENSION TO FLATTED DWELLING (DORMER) AT 51A STEWART AVENUE, BO'NESS EH51 9NL FOR MS K MCCAFFREY - P/10/0382/FUL**
  
- P81. ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTH LAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH - P/10/0305/PPP**
  
- P82. ERECTION OF STEEL FRAMED BUILDINGS FOR TIMBER PROCESSING INCLUDING CONCRETE HARD STANDING YARD ON LAND TO THE EAST OF 1 HANEYS WAY, BRIDGENESS ROAD, BO'NESS FOR A ANDERSON - P/10/0114/FUL**
  
- P83. ERECTION OF 13 FLATTED DWELLINGS AT BLYTHSWOOD, QUARROLHALL CRESCENT, CARRONSHORE, FALKIRK FK2 8AS FOR MICHAEL MCLAUGHLIN - P/10/0235/FUL**

There was submitted Report (circulated) dated 18 August 2010 by the Director of Development Services on an application for full planning permission for the erection of 13 flatted dwellings, on the site of a vacant children's nursery and associated grounds, bounded by 2 storey housing to the north and west, a health clinic to the east and open space directly adjacent to the south, at Blythswood, Quarrollhall Crescent, Carronshore, Falkirk.

Councillor C Martin, seconded by Councillor Carleschi, moved that planning permission be granted in accordance with the recommendation in the Report subject to an additional condition that traffic calming be provided outwith the development site. Following questions from Members regarding the impact of the development on education provision within the area, and within the unanimous consent of the meeting, Councillor C Martin withdrew the motion in order that further information be obtained thereon.

**AGREED** to **CONTINUE** consideration of this item of business to obtain further information on the anticipated impact of the development on the provision of education in the area.

**P84. CONSTRUCTION OF A TRAINING AND MANAGEMENT CENTRE AND CARE HOME WITH ASSOCIATED INFRASTRUCTURE ON LAND SOUTH OF TRYST HOUSE, GLENBERVIE BUSINESS PARK, LARBERT FOR BLUEWATER SCOTLAND LLP - P/10/0215/PPP**

There was submitted Report (circulated) dated 18 August 2010 by the Director of Development Services on an application for planning permission in principle for the construction of a residential care home with an associated training and management centre on vacant land south of Tryst House, Glenbervie Business Park, Larbert.

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

- (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements; and
  - (c) details of landscaping of the site.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
  - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:
  - (a) the expiration of 5 years from the date of the grant of the planning permission in principle; or

- (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) (a) 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 contaminated (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 effected 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) No Development shall commence on site until a Flood Risk Assessment including surface water drainage proposals with design calculations for the range including 100 and 1000 year storm event period, has been submitted for the assessment of the Planning Authority.
- (6) Site access specification including visibility and parking provision shall be designed in accordance with the requirements of Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area October 1998 as amended January 2000.
- (7) No development shall commence on site until details of a Travel Plan and framework for implementation of proposed travel methods have been submitted for the assessment of the Planning Authority.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.

- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To ensure the ground is suitable for the proposed development.
- (5) To assess the adequacy of drainage proposals in the context of the existing drainage network and potential flooding.
- (6) To ensure that satisfactory access and parking is provided.
- (7) To promote sustainable travel to the site.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear our online reference number(s) 01, 02 and 03.

**P85. CENTRAL RETAIL PARK, FALKIRK – PHASE 2, UNIT 3 REQUEST BY HAMMERSON UK PROPERTIES PLC TO AMEND SECTION 75 AGREEMENT (PLANNING APPLICATION F/98/0760)**

There was submitted Report (circulated) dated 18 August 2010 by the Director of Development Services on an application for permission to amend the Section 75 Agreement for Phase 2 of Central Retail Park insofar as it refers to Unit 3 therein, to allow the company Staples, a multinational office products company, to relocate at the location.

Councillor Buchanan, seconded by Councillor C Martin, moved that the application be approved in accordance with the recommendation in the Report.

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Nicol, moved that the application be refused on the ground that a precedent would be set for relaxation of the terms of the agreement on a unit by unit basis and that an amendment was not in the interests of the economic vitality of Falkirk Town Centre

On a division, 7 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** the amendment of the Section 75 Agreement on the basis that a precedent would be set for relaxation of the terms of the agreement on a unit by unit basis and that an amendment was not in the interests of the economic vitality of Falkirk Town Centre