

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 23 MARCH 2011 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Constable, C Martin and Thomson.

ATTENDING: Director of Development Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Roads Development Co-ordinator (B Raeburn); Roads Development Officer (C Russell); Transport Planning Co-ordinator; Senior Forward Planning Officer; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: Councillor Buchanan declared a non-financial interest in agenda item 12 (P217) as he was related to the applicant through marriage and stated that he would take no part in consideration or discussion of this item of business.

Councillor Lemetti declared a non financial interest in agenda item 2 (P207) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the application stated that he would take no part in consideration or discussion of this item of business.

Councillor Oliver declared a non financial interest in agenda item 10 (P215) as an objector to the application 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 Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0630/PPP, P/10/0774/FUL and P/10/0776/PPP (minute P209, P210 and P211) but that he would take part in consideration of planning applications P/10/0621/FUL and P/10/0553/FUL (minute P207 and P208) as he was sufficiently familiar with the sites.
- Councillor Mahoney informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0849/FUL (minute P212).

- 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/10/0553/FUL, P/10/0630/PPP, P/10/0774/FUL and P/10/0776/PPP (minute P208, P209, P210 and P211) but that he would take part in consideration of planning application P/10/0621/FUL (minute P207) as he was sufficiently familiar with the site.
- Councillor A MacDonald informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0630/PPP and P/10/0776/PPP (minute P209 and P211) but that he would take part in consideration of planning applications P/10/0621/FUL, P/10/0553/FUL and P/10/0774/FUL (minute P207, P208 and P210) as he was sufficiently familiar with the sites.

P206. MINUTES

There was submitted and **APPROVED**:-

- (a) Minute of Meeting of the Planning Committee held on 23 February 2011; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 7 March 2011.

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

P207. CHANGE OF USE OF EXISTING PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT MAGPIE, MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR OBAN BAY PROPERTIES LIMITED - P/10/0621/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January and 23 February 2011 (Paragraphs P168 and P191 refer), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and Reports (circulated) dated 16 February and 15 March 2011 by the said Director on an application for full planning permission for the change of use of a public house to a hot food takeaway at Magpie, Maggie Woods Loan, 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 approved use being open to the public, detailed specifications of the cooking odour extraction system, including its filters and its proposed termination point shall be submitted to the Planning Authority. For the avoidance of doubt, the approved use shall not open to the public until written approval of these details has been given by the Planning Authority and the approved cooking odour extraction system has been installed.

- (3) Prior to the approved use being open to the public, detailed measures employed to control noise emissions from any extraction or ventilation systems shall be submitted to the Planning Authority for approval. For the avoidance of doubt, the approved use shall not open to the public until these details have been submitted and approved by the Planning Authority.

Reason(s): -

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,3) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

Informative(s):-

- (1) The application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02.
- (2) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday/Bank Holidays	10:00 - 16:00 Hours

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

- (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.

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

P208. CHANGE OF USE FROM PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT THE CRITERION, 6 - 10 STIRLING STREET, DENNY FK6 6DU FOR SUNSHINE FOODS - P/10/0553/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 February 2011 (Paragraph P196 refers), Committee gave further consideration to Report (circulated) dated 15 February 2011 by the Director of Development Services and an

additional Report (circulated) dated 15 March 2011 by the said Director on an application for full planning permission for the change of use from a public house to a hot food takeaway, including alterations to the shop front and installation of a flue at 6 to 10 Stirling Street, Denny.

AGREED to REFUSE planning permission on the basis that:-

- (1) There would be an adverse impact on road safety; and
- (2) The development is contrary to Policy EP9.

Councillors Carleschi and Oliver left the meeting prior to consideration of the following item of business and re-entered the meeting during consideration of the following item of business but did not take part in consideration thereon.

P209. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LOCKUPS, GRAHAMSDYKE ROAD, BO'NESS FOR BENJAMIN CADELL - P/10/0630/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 February 2011 (Paragraph P197 refers), Committee gave further consideration to Report (circulated) dated 15 February 2011 by the Director of Development Services and an additional Report (circulated) dated 15 March 2011 by the said Director on an application for planning permission in principle for the development of an existing privately owned garage compound for residential purposes at Grahamsdyke Road, Bo'ness.

AGREED to GRANT planning permission in principle, 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 and parking arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping;
 - (d) details of boundary treatments; and
 - (e) details of drainage.
- (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 this 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) Development on the site shall be limited to no more than three dwellinghouses.
- (5)
 - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (6) The sketch drawing and plan (reference 02) is not approved.

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 safeguard the interests of the users of the highway.
- (5) To ensure the ground is suitable for the proposed development.
- (6) For the avoidance of doubt.

Informative:-

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

P210. USE OF CARPARK FOR OVERNIGHT PARKING OF BUSES AT LITTLE KERSE LEISURE LTD, GRANGE ROAD, GRANGEMOUTH FK3 9UY FOR STEPHEN BARR - P/10/0774/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 February 2011 (Paragraph P198 refers), Committee gave further consideration to Report (circulated) dated 9 February 2011 by the Director of Development Services and an additional Report (circulated) dated 15 March 2011 by the said Director on an application for full planning permission for the temporary use of a section of car park to park buses overnight at Little Kerse Leisure Ltd, Grange Road, Grangemouth.

AGREED to GRANT temporary planning permission subject to the conditions that the maximum number of buses that shall be parked within the site and any one time shall be 15 and that parking of buses within the site shall be limited to overnight during school term time only and not at weekends or during the daytime and the following further condition:-.

- (1) The permission shall be valid for a limited period until 1 February 2016 and at the end of that time, unless further planning permission is granted, the site shall not be used for the overnight parking of buses.

Reason:-

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

Informative:-

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

Councillor A McDonald left the meeting prior to consideration of the following item of business and re-entered the meeting during consideration of the following item of business but did not take part in consideration thereon.

Councillor Carleschi left and re-entered the meeting during consideration of the following item of business but did not take part in consideration thereon.

P211. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT GLEN ROMA, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DU FOR IAIN GIFFEN - P/10/0776/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 February 2011 (Paragraph P200 refers), Committee gave further consideration to Report (circulated) dated 16 February 2011 by the Director of Development Services and an additional Report (circulated) dated 15 March 2011 by the said Director on an application for planning permission in principle for the development of land for housing purposes for two detached dwellinghouses at an existing single house plot (the house now demolished) at Glen Roma on the northern side of Shieldhill Road, Reddingmuirhead, Falkirk.

Councillor Nicol, seconded by Councillor Buchanan, moved refusal of the application on the grounds of road safety due to the introduction of an additional access to the properties from Shieldhill Road.

By way of an Amendment, Councillor Mahoney, seconded by Councillor McLuckie, moved that the application be approved as detailed in the Report.

In clarification, the Development Manager provided information that should approval take place a condition could be added that only one access serve the two properties.

Having regard to this clarification and in accordance with Standing Order 19.8, and with the unanimous consent of the meeting, Councillor Nicol and his seconder withdrew the motion to allow a condition that one access serve the two properties. In light of this, Councillor Mahoney and his seconder also withdrew the Amendment with the unanimous consent of the meeting. .

Accordingly, **AGREED** to **GRANT** planning permission in principle subject to the additional condition that there shall be one access only onto Shieldhill Road to serve both dwellinghouses and 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 and parking arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping;
 - (d) details of drainage arrangements; and
 - (e) details of all boundary treatments.

- (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.
- (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.

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.

- (4)
- (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (5) Development shall not begin until a scheme for protecting the dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until

the measures in the approved noise prevention scheme operate to the satisfaction 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 ensure that the occupants of the property are safeguarded against excessive noise intrusion.

Informative:-

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

Councillor Mahoney left and re-entered the meeting prior to consideration of the following item of business but did not take part in consideration thereon.

P212. ERECTION OF DWELLINGHOUSE WITH INTEGRATED DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING FK7 7NJ FOR MR GARY PATERSON - P/09/0849/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 March and 21 April 2010 and 23 February 2011 (Paragraphs P199, P9 and P195 refer), Committee gave further consideration to Report (circulated) dated 16 March and 20 April 2010 and 15 February 2011 by the Director of Development Services and an additional Report (circulated) dated 15 March 2011 by the said Director on an application for full planning permission for the erection of a dwellinghouse with an integrated domestic garage at a site currently forming part of the existing Paterson's Garden Buildings site at Kersie Bank, Kersie Terrace, South Alloa.

The Committee on 21 April 2010 was minded to grant planning permission, subject to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict occupation of the living accommodation to a person employed in the business. Thereafter, on conclusion of the agreement, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions. On 23 February 2011 the Committee continued the matter for further information in relation to financial issues associated with VAT, including HMRC regulations and clarification from other local authorities, as appropriate, and to receive an update Report from the Director of Development Services.

AGREED to **RELEASE** the Section 75 Agreement to the Keeper of the Registers of Scotland thus resulting in the issue of planning permission and such planning permission to be subject to appropriate conditions as determined by the Director of Development Services.

P213. USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD – P/10/0848/FUL

There was submitted Report (circulated) dated 15 March 2011 by the Director of Development Services on an application for full planning permission for the use of an existing industrial yard for bus parking including the erection of plant and machinery for refuelling and washing on a site located on the north side of Bridgeness Road, Bo'ness and within an established D J Manning Auctioneers site behind an existing office block building and car park.

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

P214. DEVELOPMENT OF LAND AS ANIMAL SANCTUARY, (INCORPORATING SHELTERS, STABLES AND STORES) AND SITING OF TEMPORARY RESIDENTIAL ACCOMMODATION (PART RETROSPECTIVE) ON LAND TO THE SOUTH WEST OF AN CALA, CALIFORNIA ROAD, MADDISTON FOR MR PAUL BORG GRECH - P/10/0197/FUL

There was submitted Report (circulated) dated 15 March 2011 by the Director of Development Services on an application for full planning permission for the change of use for the development of land as an animal sanctuary (incorporating shelters, stables and stores) and siting of temporary residential accommodation (part in retrospect) on a site to the west of Greenwells Farm, Rumford and accessed from the C66 California Road into a loose surface access and parking area on land to the south west of An Cala, California Road, Maddiston.

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

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

P215. DEVELOPMENT OF LAND FOR UP TO 550 HOUSES, A COMMERCIAL BLOCK INCLUDING A CONVENIENCE STORE AND NURSERY, AND ASSOCIATED INFRASTRUCTURE INCLUDING ACCESS JUNCTION WORKS, NEW ROADS AND PATHS, OPEN SPACE, WOODLAND PLANTING, SURFACE WATER DRAINAGE PONDS AND PLAY FACILITIES ON LAND TO THE NORTH OF WATSON PLACE, GLASGOW

**ROAD, LONGCROFT FOR MACTAGGART AND MICKEL -
P/09/0508/OUT**

There was submitted Report (circulated) dated 16 March 2011 by the Director of Development Services on an application for planning permission in principle (formerly outline planning permission) for the development of land for up to 550 dwellinghouses and a commercial block and associated infrastructure including an access junction works, new roads and paths, open space, woodland planting, surface water drainage ponds and play facilities on a site extending approximately 31.5 hectares and bounded by an established housing area to the east, a disused railway line to the south, Station Road to the west and field boundaries and the natural contours of the land to the north of Watson Place, Glasgow Road, Longcroft. The site extended across the A803 (Glasgow Road) at two locations, where junctions to access the site were proposed. The M80 is located to the north of the site.

Councillor Buchanan, seconded by Councillor McLuckie, moved that Committee be minded to grant planning permission in principle as detailed in recommendations in the Report, subject to the amendments to conditions within the Report as detailed by the Acting Head of Planning and Transportation at the meeting being:- .

- (1) the replacement of the word 'imposition' with the word 'application' at recommendation 8.1(b);
- (2) the amendments at recommendation 8.1 (c)(iii) to read 'the provision of nursery facilities on the site';
- (3) the addition of the word 'proportionate' before the words 'financial contribution' at recommendation 8.1 (c)(v);
- (4) the introduction of a new condition to read 'the provision of affordable housing' at recommendation 8.1(c);
- (5) the amendment of the figure '3' to the figure '10' where it occurs twice at recommendation 8.1 (e)(2); and
- (6) the replacement of the word 'completion' with the word 'occupancy' at recommendation 8.1 (e)(23).

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Carleschi, moved that consideration of the application be continued to allow an inspection of the site by Committee.

Councillor Nicol abstained from taking a decision on this item.

On a division, 5 Members voted for the Motion and 2 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to the following conditions which incorporated the amendments detailed at the meeting by the Acting Head of Planning and Transportation:-

- (a) The submission of further traffic modelling information and the subsequent approval in writing by the Planning Authority of the location, design, timing/phasing of provision and means of delivery, and Roads Safety Audit(s), in respect of the proposed upgrade works to the M80/A80 slip road junctions on the A803; and/or the satisfactory conclusion of an Agreement within the terms

of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of any matter, as appropriate, relative to these proposed upgrade works;

- (b) The submission and approval in writing by the Planning Authority of a Stage 1 Safety Audit for the proposed western and eastern access junctions on the A803; and the application of conditions by the Director of Development Services on grant of planning permission in respect of any matter, as appropriate, relative to this Safety Audit;
- (c) The satisfactory conclusion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
 - (i) The provision of an extension to Head of Muir Primary School;
 - (ii) The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;
 - (iii) The provision of nursery facilities on the site;
 - (iv) The provision of enhanced community recreational facilities at Head of Muir Primary School, including an all-weather, lit, sports pitch;
 - (v) The payment of a proportionate financial contribution towards the provision of the Denny Eastern Access Road (DEAR);
 - (vi) The payment of a financial contribution towards the provision of a footpath link from the north-east corner of the site to Denny Road;
 - (vii) The payment of a financial contribution towards enhancing local bus services, if it is agreed by this Planning Authority that enhancing bus services would form part of the measures to mitigate the impact of the proposed development on the M80/A80 slip road junctions on the A803 or for other reasons;
 - (viii) The preparation of a Travel Plan Framework;
 - (ix) The provision of affordable housing; and
 - (ix) The details, as appropriate, of the exact location, specification, timing/phasing of provision and means of delivery in respect of the above matters;
- (d) Referral of the application to Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal.
- (e) And thereafter, subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle 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 and future maintenance of landscaping.
- (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 10 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 10 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.

Approval of Further Details

- (4) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following details shall be submitted for the written approval of the Planning Authority:-
- (a) An Energy Strategy;
 - (b) An Ecological Impact Assessment;
 - (c) A Site Biodiversity Action Plan; and
 - (d) Stage 2 Safety Audits for the proposed western and eastern access junctions on the A803.
- (5) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by the Planning Authority:-
- (a) Detailed site layout and design information, which accords with the land uses, site layout, landscape framework, road hierarchy and design principles set out in the Masterplan, dated 11 February 2011, submitted with the PPP application, unless otherwise agreed in writing by this Planning Authority or a variation is required by a condition of this permission;

- (b) A detailed Phasing Plan showing the exact sequence of development for the proposed land uses, provision of infrastructure, landscaping and open space;
- (c) A Construction Environmental Management Plan;
- (d) Detailed proposals for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, which accord with the approved Energy Strategy;
- (e) A detailed scheme of proposed soft landscaping works and measures to promote, enhance and add to biodiversity, which accords with the approved Site Biodiversity Action Plan and the Ecological Impact Assessment. The scheme shall include: an indication of existing trees and hedges proposed to be retained or removed (accompanied by a tree survey); the location of all proposed new trees, shrubs, hedges and grass areas; and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
- (f) A Japanese Knotweed Management Plan;
- (g) A detailed scheme of proposed hard landscaping works, which includes: the specification and colour of all proposed surface materials; and the location and design of all other proposed artefacts and structures e.g. street furniture, lighting, walls, fences and gates;
- (h) Updated surveys for badgers, bats and breeding birds, and species protection plans (where necessary);
- (i) A full site-specific surface water drainage scheme, which accords with SUDS principles;
- (j) A Flood Risk Assessment/Statement;
- (k) A Contaminated Land Assessment;
- (l) A scheme for the protection of the proposed dwellinghouses from transportation noise, which ensures that the internal levels, with windows closed, do not exceed 45dB daytime and 35dB night-time when measured as LAeqT, and provides for permanent ventilation so that windows can be kept closed without the loss of ventilation;
- (m) The exact location and specification of all proposed foot/cycle paths, including connections to the wider path network;
- (n) The exact details with regard to the proposals for retention and any removal of the former railway line;

- (o) The exact location and design of all proposed waste management facilities, which accords with the Council's guidance for refuse and recycling collection in new housing and commercial developments; and
- (p) The proposed management and maintenance arrangements in respect of the matters specified in this condition (where relevant).

Natural Heritage

- (6) All areas of existing vegetation which are to be retained shall be fenced off and signposted as 'exclusion areas' prior to the relevant development phase commencing, in accordance with details approved in writing by the Planning Authority, and shall not be used for the storage of soils, materials, plant or machinery, or as a compound area.
- (7) Where the proposed development has not commenced within 12 months of the last survey of the site for badgers, bats and breeding birds, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by the Planning Authority prior to the relevant phase of the development commencing.
- (8) Vegetation removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by the Planning Authority.

Cultural Heritage

- (9) No development shall take place until a scheme of archaeological investigation (including a timetable) in respect of Easter Shielyards Farm has been submitted to and approved in writing by the Planning Authority.
- (10) During the undertaking of the scheme approved under Condition 9, access at all reasonable times shall be afforded to any archaeologist nominated by the Planning Authority, to allow that person to observe work in progress and record items of interest and finds. Notification of the commencement date of ground breaking works, the site contact person and the name of the archaeologist retained by the applicant shall be submitted in writing to the Planning Authority not less than 14 days prior to the development commencing.

Commercial Development Block

- (11) Prior to completion of the 100th residential unit, or any other timescale that may be agreed in writing by the Planning Authority, the proposed commercial development block shall be fully completed and available for occupancy, in accordance with details approved in writing by the Planning Authority.
- (12) Prior to completion of the 100th residential unit, or any other timescale that may be agreed in writing by the Planning Authority, a public realm area at the commercial development block, incorporating public artwork, shall be provided, in accordance with details approved in writing by the Planning Authority.

Equipped Play Area

- (13) Prior to completion of the 250th residential unit, the proposed equipped play area shall be fully completed in accordance with details approved in writing by the Planning Authority in respect of the type of play equipment, seating, fences and walls, litter bins and surface finishes.

Surface Water Drainage

- (14) The proposed surface water drainage scheme shall be designed to accommodate 1 in 100 storm events.
- (15) Surface water discharge to watercourses shall be limited to 3.2 litres/second/hectare unless otherwise agreed in writing by the Planning Authority.

Core Path

- (16) The existing Core Path located within the application site shall be protected during construction works or temporarily diverted, in accordance with details approved in writing by the Planning Authority, and shall be reinstated to its original position unless a request for a formal diversion is approved.
- (17) In the event of a request for formal diversion of the Core Path being approved, a footpath shall be provided along the east side of Station Road, to link the Core Path across Station Road, in accordance with details and a timescale for implementation approved in writing by the Planning Authority.

Transportation

- (18) The proposed western and eastern access junctions shall be designed and constructed in accordance with the Design Manual for Road and Bridges and the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (19) Within one month of the opening of the western and eastern access junctions, a Stage 3 Road Safety Audit shall be submitted for the written approval of the Planning Authority.
- (20) Prior to the completion of the first dwellinghouse, the proposed pedestrian crossing of the A803 shall be completed in accordance with details approved in writing by the Planning Authority in respect of the exact design and location.
- (21) The primary road shall be designed in order to accommodate bus use, and shall incorporate stopping points and shelter facilities, in accordance with details and approved in writing by the Planning Authority.
- (22) Prior to the completion of the first dwellinghouse, the existing bus stops on the A803 shall be upgraded or relocated in accordance with details approved in writing by the Planning Authority.

- (23) Prior to the occupancy of the first dwellinghouse, an on-road cycle route shall be marked on Glasgow Road/Bonnybridge Road, at the location indicated on Figure 4 of the Updated Transport Assessment, dated December 2010, in accordance with details approved in writing by the Planning Authority.
- (24) Prior to the completion of the first dwellinghouse, the approved upgrade works to the M80/A80 slip road junctions on the A803 shall be fully completed, unless otherwise agreed in writing by the Planning Authority.
- (25) The proposed signage in respect of the surrounding road network and the footpath/cycle route network shall be submitted for the written approval of this Planning Authority and shall be erected prior to the completion of the first dwellinghouse, unless otherwise agreed in writing by the Planning Authority.

Roads

- (26) The maximum gradient of the proposed primary road shall accord with the maximum gradient specified for a local distributor road in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, unless otherwise agreed in writing by the Planning Authority.
- (27) The maximum gradients of the proposed secondary and tertiary roads and the provision of visibility splays shall accord with the relevant standards as specified in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, unless otherwise agreed in writing by the Planning Authority.
- (28) All roads and associated infrastructure shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, unless otherwise agreed in writing by the Planning Authority.
- (29) Upon request by the Planning Authority, autotrack layouts shall be submitted for the approval in writing by the Planning Authority, to demonstrate the effective operation of the road layout.
- (30) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.

Implementation of Approved Details

- (31) The proposed development shall be implemented in full accordance with the details approved within the terms of the conditions of this permission and in accordance with agreed timescales unless a non-material change has been approved in writing by 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.
- (4-5) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (6-8) To protect and mitigate potential impacts on natural heritage and protected species interests.
- (9-10) To ensure that archaeological remains are safeguarded.
- (11-13) To secure the delivery of new facilities in accordance with appropriate timescales.
- (14-15) To mitigate the potential for flood risk to an acceptable level.
- (16-17) To safeguard the local Core Path Network.
- (18-19) To safeguard the interests of the users of the highway.
- (20-23) To provide appropriate infrastructure in the interests of transport alternatives to the private car.
- (24-25) To secure the delivery of the necessary infrastructure in accordance with appropriate timescales.
- (26-29) To safeguard the interests of the users of the highway.
- (30) To ensure that adequate parking is provided.
- (31) To ensure that the development is carried out in accordance with the approved details and appropriate timescales.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the permission refer(s) bear(s) the online reference number 01.

P216. CHANGE OF USE OF PUBLIC HOUSE TO (CLASS 1) RETAIL UNITS AT THE PINES, 5 FLEMING COURT, DENNY FK6 5HA FOR MR STEPHEN CARR – P/10/0869/FUL

There was submitted Report (circulated) dated 15 March 2011 by the Director of Development Services on an application for full planning permission for the change of use of a public house to three (Class 1) retail units including internal alterations to subdivide the building and external alterations to remove existing windows on the west elevation, replacing existing windows on the east elevation to form glazed doors, removing windows on the south elevation and forming new access ramps to the proposed units at the Pines, 5 Fleming Court, Denny.

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

In accordance with his declaration of interest in the following item of business, Councillor Buchanan left the meeting and took no part in the consideration or discussion thereon. In Councillor Buchanan's absence as Convener, Councillor McLuckie assumed the Chair.

P217. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT HOUSEHILL FARM, LARBERT FK5 4RZ FOR JOHN POLLOCK AND SONS LTD - P/08/0874/OUT

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P46 refers), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 15 March 2011 by the said Director on an application for planning permission in principle (formerly outline planning permission) for the erection of an agricultural workers dwellinghouse at Househill Farm, Larbert.

The Committee on 17 June 2009 was minded to grant outline planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions including that, prior to commencement of works an archaeological survey should be undertaken.

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