

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 SEPTEMBER 2012 at 9.30 A.M.**

**PRESENT:** Councillors Alexander, Black, Buchanan, Carleschi, Chalmers, Mahoney, C Martin, Meiklejohn, McLuckie, Nicol, Paterson and Turner.

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Director of Development Services; Chief Governance Officer; Head of Planning and Transportation; Building Design Manager; Property and Asset Manager; Development Manager; Development Management Co-ordinator (D Campbell); Environmental Health Officer (S Henderson); Senior Forward Planning Officer; Strategy Development Officer; Design Co-ordinator; Development Management Co-ordinator (B Whittle); Development Plan Co-ordinator; Network Co-ordinator; Transport Planning Co-ordinator; Legal Services Manager (I Henderson); and Committee Officer (A Fraser).

**P79. APOLOGIES**

No apologies were intimated.

**P80. DECLARATIONS OF INTEREST**

No declarations were made.

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

Prior to consideration of business, Councillor McLuckie intimated that he had been unable to attend the site visit for planning application P/12/0002/FUL and as he considered that an assessment of the visual impact of the proposed development was a significant factor in consideration of the application he would take no part in the decision.

**P81. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 22 August 2012;
- (b) Minute of Meeting of the Planning Committee held on On-Site on 3 September 2012, subject to Councillor Carleschi being recorded as being in attendance, and
- (c) Minute of Meeting of the Planning Committee held on On-Site on 4 September 2012.

**P82. REQUESTS FOR SITE VISITS AND CONTINUATION**

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/11/0560/FUL and P/12/0124/PPP to allow inspections of the sites by the Committee.

The Committee also agreed to continue planning application P/12/0314/PPP, to allow the applicant to submit additional financial information.

**P83. THE FALKIRK COUNCIL (LIDO LANE, STENHOUSEMUIR)(ONE-WAY TRAFFIC AND RESTRICTED ACCESS) ORDER 2012**

There was submitted Report (circulated) dated 4 September 2012 by the Director of Development Services seeking a decision of the Falkirk Council (Lido Lane, Stenhousemuir) (One-Way Traffic and Restricted Access) Order 2012.

**AGREED** to make the Falkirk Council (Lido Lane, Stenhousemuir) (One-Way Traffic and Restricted Access) Order 2012, subject to permitting access by taxis in addition to buses and cyclists; the access by taxis to be on the same basis as that operated on Camelon Road approaching the Municipal Buildings, Falkirk but without the same time restrictions/relaxations that are in place at Camelon Road.

**P84. ERECTION OF NEW SOCIAL HOUSING CONSISTING OF 8 VILLAS AND 16 FLATS, ASSOCIATED ROADS, PARKING AND SUDS PROVISION AT LAND TO THE SOUTH OF GLENFUIR COURT, SUMMERFORD, FALKIRK FOR FALKIRK COUNCIL - P/12/0261/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P62 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of new social housing consisting of 8 villas and 16 flats, associated roads, parking and suds provision at land to the south of Glenfuir Court, Summerford, Falkirk.

Councillor Chalmers, seconded by Councillor Nicol, moved that the application be refused on the following grounds:

- (1) serious concerns regarding road safety;
- (2) the risk of exacerbating the existing flooding issues, and
- (3) loss of amenity to surrounding properties.

By way of an amendment, Councillor Black, seconded by Councillor McLuckie, moved that the application be approved in accordance with the recommendations in the Report.

Councillor Martin gave notice of a further amendment.

On a division, 7 Members voted for the motion and 5 for the amendment.

In terms of Standing Order 19.6, the motion became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Martin, seconded by Councillor McLuckie, moved that the application be continued to allow additional information to be received from Falkirk Council's Environmental Protection Unit (Contaminated Land).

On a division, 7 Members voted for the motion and 5 for the amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the following basis:-

- (1) serious concerns regarding road safety;
- (2) the risk of exacerbating the existing flooding issues, and
- (3) loss of amenity to surrounding properties.

**P85. DEMOLITION OF EXISTING GARAGE AND ERECTION OF 2 STOREY SIDE EXTENSION WITH BALCONY AT ARNOT VIEW, 28 CAMELON ROAD, FALKIRK FK1 5SH FOR MR GRAHAM SCOTT - P/12/0226/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P64 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the demolition of existing garage and the erection of 2 storey side extension with balcony at Arnot View, 28 Camelon Road, 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 this permission.
- (2) Samples of the external materials to be used in the development 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.
- (3) The approved tree limbing/surgery shown on plan 02B (your reference PP-02 Rev B) shall be undertaken in such a way so as to ensure that a balanced crown remains.
- (4) Temporary protective fencing shall be placed around the nearest tree on the southern side of the extension at a distance not less than 1 metre from the stem and not less than 2 metres from the stems of the other nearest trees on the north and south side of the approved extension, prior to the commencement of development and the fencing shall remain in place until the construction works are complete.
- (5) During construction, no material storage, mixing of concrete, run off from mixed concrete or chemicals resulting from construction level changes, trenching or access shall be permitted within the areas fenced off by condition 4.
- (6) 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.

Reason(s):-

- (1) To accord with the provision of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To enable the Planning Authority to consider this/these aspect(s) in detail and preserve the appearance of the Arnothill and Dollar Park Conservation Area.
- (3) To ensure that the existing trees protected by a Tree Preservation Area are protected in accordance with Policy EQ26 of the Falkirk Council Local Plan.
- (4) To ensure that the existing trees protected by a Tree Preservation Area are retained and protected during construction work and prevent physical damage to the trees and their roof system in accordance with Policy EQ26 of the Falkirk Council Local Plan.
- (5) To ensure that the existing trees protected by a Tree Preservation Area are retained and protected during construction work in accordance with Policy EQ26 of the Falkirk Council Local Plan.
- (6) To ensure the ground is suitable for the proposed development.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our on line reference number(s) 01B and 02B.
- (2) The builder 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

**P86. ERECTION OF BED AND BREAKFAST ACCOMMODATION AND SELF CATERING RESIDENTIAL FACILITIES (RENEWAL OF PLANNING PERMISSION 06/0973/OUT) AT LAND NORTH OF 1 NORTH INCHES, FALKIRK FOR MR ANDREW YOUNG HENDERSON - P/12/0163/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P65 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of bed and breakfast accommodation and self catering facilities (renewal of planning permission 06/0973/out) at land north of 1 North Inches, Falkirk.

**AGREED to REFUSE** planning permission in principle, on the grounds that the proposed development would have an adverse impact on road safety by reason of the insufficient and unsatisfactory access to and from the site, leading on to a rural road of restricted width and alignment. As such the proposal does not accord with the terms of Policy EP16 (Leisure and Tourism Development in the Countryside).

**P87. CHANGE OF USE FROM RESIDENTIAL TO HOT FOOD SHOP ON GROUND FLOOR, ALTERATIONS TO FORM FLATTED DWELLING ON 1ST FLOOR, FORMATION OF NEW CAR PARK AND VEHICULAR ACCESS AT 19 GLASGOW ROAD, DENNY FK6 6BA FOR ANTA ENTERPRISES - P/11/0734/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P67 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the change of use from residential to hot food shop on ground floor, alterations to form flattened dwelling on 1<sup>st</sup> floor, the formation of new car park and vehicular access at 19 Glasgow Road, Denny.

**AGREED to REFUSE** planning permission on the grounds that there would be an adverse impact on road safety which would be exacerbated by parking issues and that there would be an adverse impact on the amenity of the surrounding area.

**P88. ERECTION OF DWELLINGHOUSE AT LAND SOUTH WEST OF BROADSIDE COURT, DENNY FOR CAMPBELL PROPERTIES - P/12/0272/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P57 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for planning permission in principle for the erection of dwellinghouse at land south west of Broadside Court, Denny.

Councillor Carleschi, seconded by Councillor Buchanan moved that Committee be minded to grant planning permission, with the matter of appropriate conditions being remitted to the Director of Development Services including a condition requiring that before development is commenced on site, the applicant will be required to provide its proposals for effecting improvements to the access road to the Director of Development Services and development shall not commence on site until written approval of these proposals has been provided to the applicant by the Director of Development Services.

By way of an amendment, Councillor Black seconded by Councillor Nicol, moved that the application be refused in accordance with the recommendations in the Report.

On a division, 9 members voted for the motion and 3 for the amendment.

Accordingly, **AGREED to GRANT** planning permission in principle, subject to such conditions as the Director of Development Services deems appropriate, including a condition requiring that before development is commenced on site the applicant shall be required to provide its proposals for effecting improvements to the access road to the Director of Development Services and development shall not commence on site until written approval of these proposals has been provided to the applicant by the Director of Development Services.

**P89. ERECTION OF 48 DWELLINGHOUSES AND ASSOCIATED ENGINEERING OPERATIONS AT LAND TO THE EAST OF AGRICULTURAL HOLDINGS NO 9, KILSYTH ROAD, HAGGS FOR MANOR FORREST LIMITED - P/11/0191/MSC (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P56 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of 48 dwellinghouses and associated engineering operations at land to the east of agricultural holdings no. 9 Kilsyth Road, Haggs.

Councillor Carleschi, seconded by Councillor Chalmers, moved that the application be refused on the grounds of road safety and overdevelopment of the site.

By way of an amendment, Councillor Martin seconded by Councillor Black, moved that the application be granted in accordance with the recommendations in the Report.

On a division, 6 Members voted for the motion and 6 for the amendment.

There being an equality of votes and in terms of Standing Order 21.6 the Convener used his casting vote in favour of the amendment.

Accordingly, **AGREED** to **GRANT** Matters Specified in Conditions subject to the following conditions:-

- (1)
  - (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.
- (2) Throughout the development, acoustic glazing with a specification of 6/12/6 or acoustic equivalent ensuring that the internal noise levels with the windows closed do not exceed 45dB daytime and 35dB night-time, when measured as LAeq,T, and permanent ventilation shall be provided in order that windows can be kept closed without loss of ventilation.

- (3) 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
  - iv. programme for completion and subsequent maintenance as well as a biodiversity management plan covering the landscape embankment.

Reason(s):-

- (1) To ensure the ground is suitable for the proposed development.
- (2) To ensure that the occupants of the properties are safeguarded against excessive noise intrusion from transportation.
- (3) To safeguard the environmental amenity of the area whilst promoting biodiversity.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A - 10A, 19C, 20A - 27A, 28 and 29.

Prior to consideration of the following item, Councillors Nicol and Turner intimated that as they had not attended the site visit, they would take no part in the decision. Councillors Nicol and Turner left the meeting.

Councillor Black informed the Committee that, while she had not attended the site visit, she would take part in consideration of the planning application.

**P90. EXTENSION TO DWELLINGHOUSE AT 21 STANDRIGG ROAD, BRIGHTONS, FALKIRK FK2 0GN FOR MR CAMPBELL BRAID - P/12/0174/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P66 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the extension of dwellinghouse at 21 Standrigg Road, Brightons, Falkirk, FK2 0GN.

**AGREED to REFUSE** planning permission for the following reasons:-

- (1) The scale and design of proposed upper floor, front extension would not be sympathetic to the existing building and the location and the scale of the extension would significantly affect the degree of visual and residential amenity enjoyed by neighbouring properties, contrary to Policy SC9 'Extensions and Alterations to Residential Properties' of the Falkirk Council Local Plan.

- (2) The proposed upper floor, front extension would fail to integrate into the existing house frontage and street pattern. The proposal would result in an incongruous addition to the building and an 'individualising' of the front elevation which would fail to respect the character, design, scale or massing of the original building or those within the wider residential area, contrary to Falkirk Council Supplementary Planning Guidance Note on 'House Extensions and Alterations'.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s): 01, 02, 03A, 04A, 05B, 07A and 08A.

Councillors Nicol and Turner re-entered the meeting after consideration of the foregoing item of business.

In accordance with the decision taken at the start of the meeting, **NOTED** the following item had been continued to a future meeting to allow additional financial information to be provided by the applicant.

**P91. DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT LAND TO THE WEST OF SCHIEHALLION, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP (CONTINUATION)**

In accordance with his earlier decision, Councillor McLuckie left the meeting prior to consideration of the following item of business.

**P92. ERECTION OF SINGLE WIND TURBINE (HUB HEIGHT 49 METRES, ROTOR DIAMETER 56 METRES, AND MAXIMUM TOTAL TIP HEIGHT OF 77 METRES), WITH ASSOCIATED FOUNDATION, HARDSTANDING, TRANSFORMER AND ACCESS TRACK (500 KW) AT GLENHEAD FARM, CALIFORNIA, FALKIRK FK1 2DG FOR MR THOMAS MILLER – P/12/0002/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 22 August 2012 (Paragraph P53 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of single wind turbine (hub height 49 metres, rotor diameter 56 metres, and maximum total tip height of 77 metres), with associated foundation, hardstanding, transformer and access track (500 KW) at Glenhead Farm, California, 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 this permission.
- (2) Prior to the commencement of any work on site details of the specification of the proposed access road composition (incorporating cable trench layout), proposed access gate design and switchgear unit location and design shall be submitted for the assessment of Falkirk Council as Planning Authority. Development shall not commence until the written approval of these details, including amendment as required, has been provided by Falkirk Council.



- (3) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
- i. the nature, extent and types(s) of contamination on the site.
  - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
  - iii. measures to deal with contamination during construction works.
  - iv. condition of the site on completion of decontamination measures.

Before the turbine is installed measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (4) Samples of the external materials, including colour specification, to be used in the development 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.
- (5) Prior to any works on site, a Transport Management Plan (TMP) will be submitted to and approved in writing by the Planning Authority. The TMP will provide specific information in relation to the traffic management and road monitoring, with such matters implemented during the construction, decommissioning and operation of the site.
- (6) For the avoidance of doubt, any complaints of shadow flicker resulting from the development shall be investigated and remedied by the applicant, all with the written approval of the Planning Authority.
- (7) Prior to any works on site, further informatives shall be submitted to and approved in writing by the Planning Authority (in consultation with the Ministry of Defence) as to:-
- (a) the date construction starts and will be presumed to end
  - (b) the maximum height of construction equipment
  - (c) the latitude and longitude of the turbine and
  - (d) the form of aviation lighting to be employed.
- (8) For the avoidance of doubt, on the turbine's cessation of use, the site shall be remediated to arable farmland, all as specified within the application supporting statement.
- (9) For the avoidance of doubt, the turbine shall be fitted with infrared aviation lighting, all to the satisfaction of the Planning Authority (in consultation with the Ministry of Defence).

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,8) In the interests of visual amenity.
- (3) To ensure the ground is suitable for the proposed development.
- (4,6-7,9) To enable the Planning Authority to consider this/these aspect(s) in detail.

- (5) In the interests of highway safety.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refers bear our online reference number(s) 01, 02, 03, 04, 05 and 06.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise legislation which may affect this development.

Councillor McLuckie re-entered the meeting prior to consideration of the following item of business.

**P93. ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING CLUBHOUSE AT 86 BURNHEAD ROAD, LARBERT FK5 4BD FOR FALKIRK TRYST GOLF CLUB – P/07/0222/FUL**

There was submitted Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of 12 flats and demolition of existing clubhouse at 86 Burnhead Road, Falkirk.

**AGREED** that Committee **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 this permission.
- (2) All boundary treatments shall be completed prior to the occupation of any of the flats.
- (3) No work shall commence on site until details of landscaping have been approved in writing by the Planning Authority.
- (4) All landscaping shall be completed by the end of the first planting season following the occupation of the first flat. For the avoidance of doubt the date of the end of the planting season shall be taken to be 31 March.
- (5) The access roadway into the site, the two parallel parking bays on Burnhead Road and all footways shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”
- (6) Visibility Splays measuring 2.4 metres x 60 metres shall be provided in both directions from the car park access within which there should be no obstruction to visibility over 1 metre in height above carriageway level.
- (7) The parking area shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (8) Before development on the site begins details of a footpath link between points A and B on Drawing No PF-02C shall be submitted to and approved in writing by the Planning Authority. The footpath shall be constructed in accordance with the approved scheme before development of the flats begins.

- (9) Prior to any works commencing on site a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
  - a. The nature, extent and type(s) of contamination on the site.
  - b. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
  - c. Measures to deal with contamination during construction works.
  - d. Condition of the site on completion of decontamination measures.
  - e. Details of a monitoring programme following site redemption.
- (10) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (11) There shall be no work on site until such times as a drainage strategy has been submitted to, and approved in writing by the Planning Authority.
- (12) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5-7) To safeguard the interests of users of the highway.
- (8) To ensure the safety of pedestrians.
- (9, 10) To safeguard the environmental amenity of the area.
- (11) To ensure that adequate drainage is provided.
- (12) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**P94. ERECTION OF 9 DWELLINGHOUSES, LAND TO THE EAST OF 81 BURNHEAD ROAD, LARBERT FOR FALKIRK TRYST GOLF CLUB – P/07/0254/FUL**

There was submitted Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of 9 dwellinghouses, land to the east of 81 Burnhead Road, Larbert.

**AGREED** that Committee is **MINDED** to **GRANT** planning permission, subject to:-

- (a) the satisfactory completion of a Planning Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to a financial contribution of £18,900 towards education provision at Larbert High School.
- (b) and thereafter on conclusion of the Section 75 Planning Obligation 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 this permission.
  - (2) All boundary treatments shall be completed prior to the occupation of any of the dwellinghouses.
  - (3) All accesses, footways and the three parallel parking bays on Burnhead Road shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."
  - (4) 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 entire site frontage with Burnhead Road.
  - (5) All driveways shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
  - (6) Any access gates shall only open inwards.
  - (7) Prior to the occupation of any of the dwellinghouses drop kerbs shall be provided opposite each other on both the east and west footpaths on Burnhead Road from a point 2 metres north of plot 9. The drop kerbs shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."
  - (8) Prior to any works commencing on site, a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
    - a Nature, extent and type(s) of contamination on the site.
    - b. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
    - c. Measures to deal with contamination during construction works.
    - d. Condition of the site on completion of decontamination measures.
    - e. Details of a monitoring programme following site redemption.
  - (9) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.

- (10) There shall be no work on site until such time as a drainage strategy has been submitted to and approved in writing by the Planning Authority.
- (11) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3-6) To safeguard the interests of users of the highway.
- (7) To ensure the safety of pedestrians.
- (8, 9) To safeguard the environmental amenity of the area.
- (10) To ensure that adequate drainage is provided.
- (11) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

The Committee **AGREED** to adjourn for lunch. The meeting adjourned at 12.40 p.m. and reconvened at 1.50 p.m. with all Members present as per the sederunt.

**P95. ERECTION OF INDUSTRIAL/BUSINESS UNITS (CLASS 4,5,6) AND ERECTION OF CARE HOME AND CLOSE CARE UNITS (CLASS 8) AT LAND TO THE NORTH OF BO'NESS FIRE STATION, CRAWFIELD LANE, BO'NESS FOR MR AND MRS G MCLEAN – P/12/0141/PPP**

There was submitted Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the erection of industrial/business units (Class 4,5,6) and erection of care home and close care units (class 8) at land to the north of Bo'ness Fire Station, Crawfield Lane, Bo'ness.

After hearing from the Head of Planning and Transportation in relation to coal mining legacy issues, Committee agreed to the inclusion of Condition 17 below.

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

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 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 & external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (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 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) The first application for matters specified in the conditions of this permission shall include all details in respect of the industrial / business (Class 4, 5, 6) development that are required to satisfy the conditions of this permission.
- (4) An application for the approval of matters specified in conditions shall be submitted in respect of a flood risk assessment carried out with regard to a 1 in 1000 year flood risk event. There shall be no work on site until such time as the approval of matters specified in conditions has been approved in writing by the Planning Authority.
- (5) An application for the approval of matters specified in conditions shall be submitted in respect of a detailed drainage scheme, including micro drainage calculations, details of surface water runoff in accordance with sustainable drainage principles and detailing surface water flow routes. There shall be no work on site until such time as the approval of matters specified in conditions has been approved in writing by the Planning Authority.
- (6) An application for the approval of matters specified in conditions shall be submitted in respect of a noise impact assessment, conducted in terms of Planning Advice Note 1/2011 "Planning and Noise" to determine the impact of noise on the proposed development. The noise impact assessment shall include an assessment of the impact of noise from the proposed industrial / units on the proposed care home and close care units. The noise impact assessment shall also include a schedule of design features incorporated into the development to mitigate against the impact of noise on the development. There shall be no work on site until approval of matters specified in conditions have been approved in writing.
- (7) (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.
- (8) The proposed development shall include passive open space provided at a rate of 49 square metres per 5 beds in the care home and close care units and 17.5% of the total area of industrial / business use element of the proposed development.
- (9) The sketch drawings and layout plans accompanying the application are not approved.
- (10) The proposed development shall include public footways at the frontages of the application site with Linlithgow Road and Crawfield Lane which shall be a minimum of 2 metres wide.
- (11) The care home and close care units shall be designed to ensure that the principal elevation fronts onto Linlithgow Road.
- (12) All roads, access points, both vehicular and pedestrian, footways and parking shall accord with the Council's design guidelines and construction standards.
- (13) An application for approval of matters specified in conditions shall be submitted in respect of a landscaping scheme. The landscaping scheme shall include a 10 metre belt of tree and shrubs planting between the industrial / business and care home / close care elements of the proposed development. The landscaping scheme shall include a schedule for maintenance and replacement of any specimens being removed, becoming damaged or failure to become established within 3 years of the completion of the landscaping scheme on site. There shall be no work on site until such time as an approval of matters specified in conditions has been approved in writing.
- (14) The landscaping scheme approved in writing by the Planning Authority under the terms of condition 13 above shall be completed by the end of the first planting season following:-
- Occupation of the care home / close care units in respect of the care home element of the proposed development and
  - Occupation of the first industrial / business unit in respect of the industrial / business element of the proposed development.

For the avoidance of doubt:

- The 10 metre tree and shrub belt to be formed between the two elements of the proposed development shall be implemented in full following the occupation of the care home or occupation of the first industrial unit, whichever is the sooner and
- The planting season shall be taken to run from 1 October to 31 March.

- (15) The proposed industrial business units shall be used for the purpose of Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 only.
- (16) Within 6 months of the occupation of the care home / close care units, or such other timescale as may be agreed in writing by this Planning Authority, a Travel Plan shall be submitted to and agreed in writing by this Planning Authority. The Travel Plan will have particular regard to the provisions for walking, cycling and public transport access. The system of management monitoring review, reporting and implementation of the Travel Plan should continue as long as the development is occupied and records of implementation should be made available to the Planning Authority on request.
- (17) Before the proposed development starts intrusive site investigations shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Should these investigations confirm the need for remedial works to treat the areas of mine workings to ensure the safety and stability of the proposed development then these remedial works shall be carried out prior to commencement of the development.

Reasons:-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure that the development takes place in a planned and co-ordinated manner that makes provision for the industrial / business (Class 4, 5, 6) development.
- (4) To ensure that the proposed development shall not be at risk of flooding or contribute a risk of flooding at land out with the application site.
- (5) To ensure adequate drainage.
- (6) To ensure the proposed development is safeguarded from noise intrusion.
- (7) To ensure that the site is suitable for development.
- (8, 13 & 14) To safeguard environmental amenity.
- (9) The details shown on the drawings are not regarded as necessarily the only or best solution for development of the site.
- (10 & 12) To safeguard highway users and ensures adequate parking.
- (11) To ensure that the proposed development fits overall into the existing streetscape.
- (15) To allow the planning authority to control future use.
- (16) To be consistent with the requirements of Scottish Planning Policy and Falkirk Council Supplementary Planning Guidance Note "Travel Plans".



- (17) In accordance with Coal Authority advice and the recommendations of the Coal Mining Risk Assessment submitted by the applicant; to ensure the safety and stability of the proposed development.

In accordance with the decision taken at the start of the meeting, **NOTED** the following item had been continued to a future meeting to allow an inspection of the site by Committee.

**P96. ERECTION OF SINGLE WIND TURBINE (29.7 METRES HIGH TO HUB, 46.7 METRES HIGH TO BLADE TIP) (400 KW) AT OVERTON FARM, DENNY FK6 5JE FOR INTELLIGENT LAND INVESTMENTS – P/11/0560/FUL**

**P97. VARIATION OF CONDITION 33 OF PLANNING PERMISSION P/08/0296/FUL TO ALLOW OCCUPATION OF AFFORDABLE RESIDENTIAL UNITS PRIOR TO CONSTRUCTION OF A ROUNDABOUT AT THE JUNCTION OF STIRLING STREET AND NETHERMAINS ROAD AT LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART AND MICKEL – P/12/0364/VRC**

There was submitted Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for full planning permission for the variation of condition 33 of planning permission P/08/0296/FUL to allow occupation of affordable residential units prior to construction of a roundabout at the junction of Stirling Street and Nethermains Road at land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

Councillor Martin, seconded by Councillor Paterson, moved that the application be refused on the grounds that the permission had only been granted within the last 6 months; and that a condition of the permission required the provision of a new roundabout at the junction of Stirling Street/Nethermains Road, prior to occupation of the first residential unit.

By way of an amendment, Councillor Carleschi seconded by Councillor Alexander moved that consideration of the application be continued to a future meeting of the Committee to allow a visit to the site to be undertaken.

On a division, 5 Members voted for the motion and 7 for the amendment.

Accordingly **AGREED** to continue consideration of the application to allow a visit to the site to be undertaken.

In accordance with the decision taken at the start of the meeting, **NOTED** the following item had been continued to a future meeting to allow an inspection of the site by Committee.

**P98. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT LAND TO THE SOUTH OF THE STABLES, BRAEFACE ROAD, BANKNOCK FOR MR JOHN PENMAN - P/12/0124/PPP**

**P99. PROPOSAL FOR APPROVAL OF MATTERS SPECIFIED IN CONDITION 5 OF PLANNING PERMISSION REFERENCE P/07/0803/OUT (SUBMISSION OF MASTERPLAN) AT LAND TO THE EAST OF GILSTON FARM, GILSTON CRESCENT, POLMONT FOR HANSTEEN LAND LTD – P/12/0095/MSC (CONTINUATION)**

There was submitted Report (circulated) dated 12 September 2012 by the Director of Development Services on an application for approval of matters specified in condition 5 of planning permission reference P/07/0803/OUT (submission of masterplan) at land to the east of Gilston Farm, Gilston Crescent, Polmont.

**AGREED** to **GRANT** planning permission for the matters specified in condition 5 of planning permission P/07/0803/OUT.