

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 28 NOVEMBER 2012 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Chief Governance Officer; Head of Planning and Transportation; Development Manager; Senior Planning Officer (B Vivian); Accountancy Services Manager; Network Co-ordinator; Transport Planning Co-ordinator; Senior Forward Planning Officer (R Teed); Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

P130. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Alexander and Paterson.

P131. DECLARATIONS OF INTEREST

No declarations were made.

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

P132. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 31 October 2012; and
- (b) Minute of Meeting of the Planning Committee held on On-Site on 12 November 2012.

P133. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of an application for restriction on waiting and parking places (Amendment No.5 Order 2012) (item 7) and planning applications P/12/0501/FUL, P/12/0487/FUL and P/12/0180/FUL to allow inspections of the sites by the Committee.

P134. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/12/027) ORDER 2012 - ABERCAIRNEY CRESCENT, MADDISTON

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.TRO/DB/12/027 from a resident of Abercairney Crescent, Maddiston.

AGREED to make the Traffic Regulation Order referred to in the Report.

P135. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO 11/096) ORDER 2012 - BALFOUR CRESCENT, LARBERT

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.11/096 from a resident of Balfour Crescent, Larbert.

AGREED to make the Traffic Regulation Order referred to in the Report.

P136. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/12/013) ORDER 2012 - WINDSOR CRESCENT, MADDISTON

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.TRO/DB/12/013 from a resident of Windsor Crescent, Maddiston.

AGREED to make the Traffic Regulation Order referred to in the Report.

In accordance with the decision taking 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:-

P137. THE FALKIRK COUNCIL (RESTRICTION ON WAITING AND PARKING PLACES) (LARBERT AND STENHOUSEMUIR) (AMENDMENT NO 5) ORDER 2012

P138. EXPERIMENTAL 7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS ROAD, GRANGEMOUTH - UPDATE REPORT

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services on an experimental weight restriction to prohibit heavy goods vehicles on the A905 Beancross Road, Grangemouth between Earls Park Roundabout and Beancross Roundabout and due to expire on 7 April 2013 and providing options for a future Traffic Regulation Order.

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Councillor Carleschi, seconded by Councillor Meiklejohn, moved that a Traffic Regulation Order be promoted, promoting a weight restriction 24 hours a day 7 days a week as per paragraph 4.5 of the Report.

By way of an amendment, Councillor Black, seconded by Councillor McLuckie, moved the recommendation that a Traffic Regulation Order be promoted, promoting a weight restriction between 6 p.m. and 8 a.m. 7 days per week as per paragraph 4.4 of the Report.

On a division, 4 Members voted for the motion and 6 voted for the amendment.

Accordingly, **AGREED** to promote a Traffic Regulation Order promoting a weight restriction between 6 p.m. and 8 a.m. 7 days per week as per paragraph 4.4 of the Report.

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

P139. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE SOUTH OF 24 MUIREND COURT, DRUM ROAD, BO'NESS FOR MR ROBERT POW - P/12/0414/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 31 October 2012 (Paragraph P117 refers), Committee gave further consideration to Report (circulated) dated 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 20 November 2012 by the said Director on an application for planning permission in principle for the development of land for residential use including affordable housing on a grassed site, measuring 1.1 hectares, on land to the south of 24 Muirend Court, Drum Road, Bo'ness.

Councillor Turner, seconded by Councillor Carleschi, moved that the application be refused on the grounds of the inadequacy of the access to and egress from the site and associated road safety issues.

By way of an amendment, Councillor McLuckie, seconded by Councillor Mahoney, moved that Committee be minded to grant planning permission in principle in accordance with the recommendations in the Report, subject to condition 7 being amended by the Director of Development Services with wording as she considers appropriate to provide that the applicant shall be required to submit more detailed plans concerning roads, access, egress and parking for scrutiny and consideration by the Planning Committee at the detailed stage.

On a division, 4 Members voted for the motion and 6 voted for the amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the satisfactory conclusion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The Obligation is to secure:-

- A developer contribution towards education provision at St. Mungo's High School to be set at a rate of £900 per dwelling. The contribution would be phased to secure payment of 50% of the total contribution following completion of 50% of the proposed residential units and payment of the

remainder of the total contribution on completion of 75% of the proposed residential units; and

- Development of affordable housing, the tenure/type to be agreed in writing by the Planning Authority, at a minimum rate of 15% of the total number of residential units to be constructed on the site.
- (a) Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission in principle, subject to the following conditions, with condition 7 being amended by the Director of Development Services as she considers appropriate with wording to provide that the applicant shall require to submit more detailed information and plans concerning roads, access, egress and parking for scrutiny and consideration by the Planning Committee at the detailed stage:-
- (1) The 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:-
- (i) the siting, size, height, design & external appearance of the proposed development;
 - (ii) details of the access arrangements; and
 - (iii) 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:-
- (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (iii) 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 (i) above.

- (3) 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 200 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.
- (4) 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 rates. 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)
 - (i) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority;
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority;
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority; and
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (6) Open space within the site shall be provided at a rate of 49sqm per dwelling passive open space and 21sqm per dwelling active open space as defined in Supplementary Planning Guidance Note "Public Open Space, Falkirk Greenspace and New Development"
- (7) All roads, access and parking shall be constructed in accordance with the Council's Design Guidelines and Construction Standards for Roads in the Falkirk Area.
- (8) There shall be no work on site until such time as a coal mining conditions report has been submitted to, and approved in writing by, the Planning Authority.
- (9) An application for approval of matters specified in conditions shall include an assessment of existing footpath connections through the site and from the site to the surrounding area. The assessment shall include a statement demonstrating the means by which the footpath connections will be safeguarded/enhanced. 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.
- (10) An application for approval of matters specified in conditions shall be submitted in respect of a landscaping scheme. The Landscaping scheme shall include:-

- A record of existing trees at the site, the position, crown spread and identity of which is accurately depicted to scale on a drawing. The plan should indicate which trees it is proposed to retain;
- A planting schedule in respect of new landscaping/tree planting;
- A management and maintenance schedule;
- A planting timeframe; and
- A tree protection plan.

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.

Reason(s):-

- (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 proposed development shall not be subject to the risk of flooding or constitute a risk of flooding at areas outwith the application site.
- (4) To ensure adequate drainage.
- (5,8) To ensure that the application site is suitable for development.
- (6) To ensure that there is adequate open space, both active and passive.
- (7) To safeguard users of the highway and ensure that there is adequate parking provision.
- (9) To safeguard countryside access.
- (10) To ensure that there is adequate landscaping provided.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02.
- (2) For the avoidance of doubt Active Open Space includes the following sub categories:-
 - Informal play/recreation space - including multi use games areas, kick about pitches, skate parks, climbing areas;
 - Children's equipped play areas - generally equipped for children of primary school age and toddlers; and
 - Sports Areas - Large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports i.e. playing fields, golf courses, tennis courts, bowling greens; areas which are generally bookable.

Passive Open Space includes the following sub categories:

- Amenity greenspace - Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons e.g. road verges or greenspace in business parks, and used for a variety of informal social activities such as sunbathing, picnics or kickabouts;
- Other functional greenspaces - allotments, churchyards and cemeteries;
- Parks - Areas of land normally enclosed, designed, constructed, managed and maintained as a public park or garden;
- Green corridors - Routes including canals, river corridors and old railway lines, linking different areas within a town or city as part of a designated and managed network and used for walking, cycling or horse riding, or linking towns and cities to their surrounding countryside or country parks. These may link green spaces together;
- Natural/semi natural space - Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland or wetland areas; and
- Civic space - Squares, streets and waterfronts promenades, predominantly of hard landscaping that provide a focus for pedestrian activity and make connections for people and wildlife, where trees and planting are included.

There may be instances where certain types of open space display both active and passive qualities e.g. parks and accessible woodlands. Where there is doubt over whether a certain element of open space is to be considered as active or passive open space, this should be discussed and agreed with Council Officers.

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

P140. MIXED USE DEVELOPMENT INCLUDING 60 BED NURSING HOME, ASSOCIATED SPECIAL CARE UNIT, NEW HOUSING (INCLUDING AFFORDABLE HOUSING) AND ASSOCIATED OPEN SPACE, LANDSCAPING AND ACCESS ROADS ON LAND TO THE WEST OF 63 DRUMACRE ROAD, DRUMACRE ROAD, BO'NESS FOR MR ROBERT POW - P/11/0701/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 31 October 2012 (Paragraph P118 refers), Committee gave further consideration to Report (circulated) dated 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 20 November 2012 by the said Director on an application for planning permission in principle for the mixed use development including 60 bed nursing home, associated special care unit, new housing (including affordable housing) and associated open space landscaping and access roads on a site, measuring 2.198 hectares, on land to the west of 63 Drumacre Road, Bo'ness.

AGREED that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the satisfactory conclusion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The Obligation is to secure:-

- A developer contribution towards education provision at St. Mungo's High School to be set at a rate of £900 per dwelling. The contribution would be phased to secure payment of 50% of the total contribution following completion of 50% of the proposed residential units and payment of the remainder of the total contribution on completion of 75% of the proposed residential units; and
 - Development of affordable housing, the tenure/type to be agreed in writing by the Planning Authority, at a minimum rate of 15% of the total number of dwellings to be constructed at the proposed residential development.
- (a) Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission in principle, subject to the following conditions, which shall be amended by the Director of Development Services as she considers appropriate, to ensure that sufficient detail and information is provided by the applicant on access and egress to and from the development, roads, parking and the childrens' play area for scrutiny and consideration by the Planning Committee at the detailed stage:-
- (1) The 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:-

- (i) the siting, size, height, design & external appearance of the proposed development;
 - (ii) details of the access arrangements; and
 - (iii) 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:-
 - (i) the expiration of three years from the date of the grant of planning permission in principle; or
 - (ii) the expiration of six months from the date on which an earlier application for such approval was refused; or
 - (iii) the expiration of six 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 three year period mentioned in sub-paragraph (i) above.

- (3) 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 times as the approval of matters specified in conditions has been approved in writing by the Planning Authority.
- (4) 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.
- (5)
 - (i) No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No

part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.

- (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (6) Passive open space at the care home and special care unit shall be provided at a rate of 49sqm per 5 beds as defined in Supplementary Planning Guidance Note "Public Open Space, Falkirk Greenspace and New Development".
- (7) Open space at the proposed residential development shall be provided at a rate of 49sqm per dwelling passive open space and 21sqm per dwelling active open space as defined in Supplementary Planning Guidance Note "Public Open Space, Falkirk Greenspace and New Development".
- (8) There shall be no active or passive open space provided in accordance with conditions 6 and 7 of the permission within the area shaded yellow on the approved drawing bearing the Council's reference 05. All open space shall be provided within the area shaded green on the approved drawing bearing the Council's reference 05.
- (9) There shall be no vehicular connection between the residential and care home/special needs unit elements of the proposed development.
- (10) All roads, access and parking shall be constructed in accordance with the Council's Design Guidelines and Construction Standards for Roads in the Falkirk Area.
- (11) There shall be no work on site until such time as a coal mining condition report has been submitted to, and approved in writing by, the Planning Authority.
- (12) An application for approval of matters specified in conditions shall include an assessment of existing footpath connections through the site and from the site to the surrounding area. The assessment shall include a statement demonstrating the means by which the footpath connections will be safeguarded/enhanced. There shall be no work on site until such time as the approval of matters specified in conditions have been approved in writing by the Planning Authority.
- (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 record of existing trees at the site, the position, crown spread and identity of which is accurately depicted to scale on a drawing. The plan should indicate which trees it is proposed to retain;
 - A planting schedule in respect of new landscaping/tree planting;
 - A management and maintenance schedule;

- A planting timeframe; and
- A tree protection plan.

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.

- (14) There shall be no storage of any materials, plant or machinery of any kind, at any time, in the area shaded yellow on the approved drawing bearing the Council's reference 05.
- (15) The area shaded yellow on the approved drawing bearing the Council's reference 05, or any part thereof, shall be not at any time be enclosed in any way, or at any time, other than the line of the roadway to be formed providing access to the proposed care home.
- (16) Any means of enclosure proposed at the line of the proposed new access road from the west end of Drumacre Road should be submitted to, and approved in writing by, the Planning Authority prior to the commencement of development of the road.
- (17) An application for approval of matters specified in conditions shall include details of new parking spaces to be formed adjacent to the west end of Drumacre Road to replace any existing parking spaces which would be lost as a result of the formation of the new access road at the west side of the application site. The new parking spaces shall be formed with the written approval of the Planning Authority prior to the proposed care home being brought into use.

Reason(s):-

- (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 proposed development shall not be subject to the risk of flooding or constitute a risk of flooding at areas outwith the application site.
- (4) To ensure adequate drainage.
- (5,11) To ensure that the application site is suitable for development.
- (6,7,
13) To safeguard environmental amenity.
- (8,
14-16) To safeguard the use of the existing area of open space at the western section of the application site and the community access to the area of open space.
- (9) To prevent vehicular access to the care home and special car unit via the upgraded access from the east end of Drumacre Road as the upgraded track is

not suitable for emergency and other vehicles which would be required to take access to the care home and special needs facility.

- (10) To safeguard road users and ensure adequate parking.
- (12) To safeguard countryside access for walkers and hikers.
- (17) To ensure adequate parking provision.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which the consent refers bear the online reference numbers 01A, 02, 03, 04A and 05.
- (2) For the avoidance of doubt Active Open Space includes the following sub categories:-
 - Informal play/recreation space - including multi use games areas, kick about pitches, skate parks, climbing areas;
 - Children's equipped play areas - generally equipped for children of primary school age and toddlers; and
 - Sports Areas - Large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports i.e. playing fields, golf courses, tennis courts, bowling greens; areas which are generally bookable.

Passive Open Space includes the following sub categories:-

- Amenity greenspace - Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons e.g. road verges or greenspace in business parks, and used for a variety of informal social activities such as sunbathing, picnics or kickabouts;
- Other functional greenspaces - allotments, churchyards and cemeteries;
- Parks - Areas of land normally enclosed, designed, constructed, managed and maintained as a public park or garden;
- Green corridors - Routes including canals, river corridors and old railway lines, linking different areas within a town or city as part of a designated and managed network and used for walking, cycling or horse riding, or linking towns and cities to their surrounding countryside or country parks. These may link green spaces together;
- Natural/semi natural space - Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland or wetland areas; and
- Civic space - Squares, streets and waterfronts promenades, predominantly of hard landscaping that provide a focus for pedestrian activity and make connections for people and wildlife, where trees and planting are included.

There may be instances where certain types of open space display both active and passive qualities e.g. parks and accessible woodlands. Where there is doubt over whether a certain element of open space is to be considered as active or passive open space, this should be discussed and agreed with Council Officers.

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

P141. CHANGE OF USE OF VACANT INDUSTRIAL LAND FOR FORM CAR PARK AND FOR THE OPERATION OF AN OPEN AIR MARKET (TEMPORARY) ON LAND TO THE SOUTH EAST OF 1 WILLIAMSON STREET, WILLIAMSON STREET, FALKIRK FOR MR THOMAS MORGAN - P/12/0328/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 31 October 2012 (Paragraph P119 refers), Committee gave further consideration to Report (circulated) dated 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 20 November 2012 by the said Director on an application for full planning permission for the change of use of vacant industrial land from form car park and for the operation of a temporary open air market (car boot sales) on vacant land to the south east of 1 Williamson Street, Falkirk.

AGREED to **CONTINUE** consideration of the application to allow:-

- (1) Consultation to take place with the Town Centre Manager on the impact on Falkirk Town Centre;
- (2) Submission of an updated traffic impact assessment to include assessment of the traffic issues at the junction of Williamson Street and Arnot Street; and
- (3) Discussions to take place with the applicant in relation to surfacing and the lining of car parking spaces within the site.

P142. ERECTION OF 26 DWELLINGS COMPRISING FLATTED DWELLINGS, MAISONETTES AND TOWNHOUSES ON LAND TO THE SOUTH OF THE COTTAGES, GLENBURN ROAD, FALKIRK FOR PAGE-PARK ARCHITECTS - P/12/0322/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 31 October 2012 (Paragraph P120 refers), Committee gave further consideration to Report (circulated) dated 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 20 November 2012 by the said Director on an application for full planning permission for the erection of 26 residential units comprising four houses, four maisonettes and 18 flatted dwellings together with 29 car parking spaces within the site on vacant land to the south of the Cottages, Glenburn Road, Falkirk.

AGREED that Committee is **MINDED** to **GRANT** planning permission, subject to the conclusion of a Section 75 Planning Obligation to secure the financial contribution of £11,700 to address education capacity at St Mungo's RC High School.

Thereafter, on completion of the Planning Obligation the matter be remitted to the Director of Development Services to grant planning permission, and subject to the conditions that (a) the pond shall be deleted from the design; and (b) the bin store shall be redesigned and moved away from the vicinity of Mudale Court and the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to the commencement of development details of the position for relocation of the existing Glenburn Road bus shelter shall be provided for the written approval of Falkirk Council as Planning Authority.
- (3) Prior to the occupation of the twentieth residential unit, the existing footpath along the full length of the western site boundary shall be upgraded to adoptable standard in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (4) Prior to the occupation of the twentieth residential unit, an adoptable footpath, a minimum of two metres wide, shall be provided along the full frontage of the site adjacent to Glenburn Road in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (5)
 - (i) No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a

contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.

- (6) Acoustic glazing with a specification of 6/12/6 or acoustic equivalent for protecting the occupiers of the proposed dwellings, with windows on the Glenburn Road frontage, from transportation noise shall be specified and installed to ensure that internal levels with the windows closed do not exceed 45dB daytime and 35dB night-time, when measured as Laeq.T, and permanent ventilation be provided in order that windows can be kept closed without loss of ventilation.

Reason(s):-

- (1) To accord with the provisions of Section 28 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of public transport and access.
- (3-4) In the interests of pedestrian access.
- (5) To ensure the site is made suitable for residential development.
- (6) To protect residents from transportation noise.

Informative:-

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

P143. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE WEST OF SCHIEHALLION, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 31 October 2012 (Paragraph P112 refers), Committee gave further consideration to Report (circulated) dated 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 20 November 2012 by the said Director on an application for planning permission in principle for the erection of five detached dwellinghouses on land owned by Kingsbarn Equestrian Centre on a site adjacent to the B8028 Shieldhill to Slamannan Road on its northern side, approximately 1 kilometre to the west of Schiehallion, Falkirk.

AGREED to **CONTINUE** consideration of the application to allow further discussions to take place with the applicant in relation to access to the site and the potential to reduce the number of access points.

P144. ERECTION OF 2 DWELLINGHOUSES AND FORMATION OF ACCESS ROAD ON LAND TO THE EAST OF MEADOWBANK, BONNYBRIDGE FOR MR WILLIAM DOW - P/12/0107/FUL

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services on an application for full planning permission for the erection of two single storey detached dwellinghouses and the formation of an access road on a brownfield site on land to the south west of Banknock and to the east of Meadowbank, Bonnybridge.

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)
 - (i) No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Samples of all external finishing 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.
- (4) Development shall not begin until details of a 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; and
- (iv) programme for completion and subsequent maintenance.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3-4) To safeguard the visual amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01B, 02, 03, 04, 05, 06 and 07.
- (2) The applicants should be aware that this site is within the area covered by the SEPA indicative flood maps and is therefore identified as being potentially at risk of flooding. The topography of the site and surrounding landform should provide some degree of comfort in this regard however the responsibility for operational resilience remains the applicant's responsibility.

In accordance with the decision taking 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:-

P145. EXTENSION TO DWELLINGHOUSE AT 1 DUMYAT RISE, LARBERT FK5 4FL FOR MR S CUNNINGHAM - P/12/0501/FUL

P146. CONSTRUCTION OF WESTERN ACCESS TO EXISTING BRICKWORKS SITE INCLUDING NEW ROUNDABOUT ON A801 AND SUSTAINABLE DRAINAGE INFRASTRUCTURE AND CARRYING OUT OF REQUISITE EARTHWORKS AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORSTON WHITECROSS LIMITED - P/11/0308/FUL

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services on an application for full planning permission for the construction of a new western access road to serve the Whitecross Special Initiative for Residential Regeneration (SIRR) including the construction of a new roundabout on the A801 to the western edge of the new Whitecross Development area and associated sustainable drainage infrastructure and requisite earthworks at Manuel Works, Linlithgow.

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) Before the development commences, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, details of a scheme of soft landscaping and biodiversity enhancement (including measures to compensate for the loss of woodland within the Haining Wood Wildlife Site) shall be submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) An 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) The location of all proposed new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) A programme for completion and subsequent maintenance

Thereafter, the development shall be carried out in accordance with the approved details.

- (4) The Construction Environmental Management Plan (CEMP) required by Condition 2 of this permission shall include a Tree Protection Plan. The details of the Tree Protection Plan shall include the exact location and specification of the temporary fencing to protect the areas of retained habitat, and a Method Statement showing how the retained woodland and other habitat would be protected during construction of the proposed road and associated infrastructure. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are completed. The Planning Authority shall be notified within three days of the erection of the protective fencing to provide the Planning Authority with an opportunity to inspect the protective fencing once it is in place.
- (5) During construction of the development granted by the permission, no excavation, level changes, material storage or vehicle movements shall take place within the areas fenced off by the Protective Fencing indicated in the Tree Protection Plan.
- (6) Updated badger and otter surveys shall be carried out if the development approved by this planning permission does not commence within 12 months of the date of the previous survey for each respective species. The results of any updated survey required by this condition shall be submitted to and approved by the Planning Authority before the development commences.
- (7) The oak tree identified at Point C in the Survey for Bats and Bat Roosts prepared by Dr Susan Smith, dated October 2012, shall not be felled during the period mid December to mid March inclusive.

- (8) The proposed cyclepath link to the Union Canal footpath shall be fully completed in accordance with a timescale to be agreed in writing by the Planning Authority.
- (9) Before the development commences, the proposed arrangements for the safeguarding of the line of existing right of way CF 23 during both the construction and operational development phases, or the proposed arrangements for the provision of an alternative route shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (10) Before the development commences, the implementation of a programme of archaeological works shall be secured, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. Thereafter, development shall be carried out in accordance with the approved scheme.
- (11) Before the development commences, or any alternative timescale that may be agreed in writing by the Planning Authority, the design details, including drawings and calculations, for the proposed surface water drainage outfall culvert to the Manuel Burn shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason(s):-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) To ensure that construction related impacts of the proposed development are satisfactorily mitigated.
- (3) To safeguard/enhance the visual amenity and biodiversity of the area and ensure that adequate measures are put in place to compensate for the loss of woodland with Haining Wood Wildlife Site.
- (4-5) To safeguard the visual and environmental amenity of the area.
- (6-7) To safeguard the interests of protected species.
- (8) To ensure the timely provision of essential infrastructure to support sustainable modes of transport.
- (9) To safeguard the existing network of outdoor access routes in the local area.
- (10) To safeguard the local archaeological interest.
- (11) To ensure the suitable provision of surface water drainage.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01. 02, 03A, 04A, 05A, 06B, 07A, 08, 09, 10, 11, 12, 13, 14A, 15A, 16, 17A, 18, 19, 20, 21 and 22.
- (2) Scheduled Monument Consent is required for the proposed works within the Scheduled Area of the Union Canal to provide a new cycle path link to the Canal towpath.
- (3) The Construction Environmental Management Plan (CEMP) shall include: method statements to avoid adverse impacts along the Union Canal, including a contingency plan for any potential pollution events; a requirement that the south facing trunk of the partly dead oak at point C be soft-felled, with workers being made aware that there is a small possibility of bats being present; and measures to avoid the entrapment of otters within pits, ditches or pipes i.e. the capping of pipes at the end of each working day and escape ramps being placed within pits, ditches etc.

In accordance with the decision taking at the start of the meeting, **NOTED** the following two items had been continued to a future meeting to allow an inspection of the sites by Committee:-

P147. INSTALLATION OF RADIO ANTENNA AT 3 SUNNYBRAE TERRACE, MADDISTON, FALKIRK FK2 0LP FOR MR STUART MCNEILL - P/12/0487/FUL

P148. ERECTION OF MIXED USE BUILDING WITH 11 NO. UNITS (COMPRISING CLASS 1 AND 2 UNITS, AND CAFE) AND LIBRARY WITH COMMUNITY SPACE, FORMATION OF CAR-PARKING, AND UNDERTAKING OF PUBLIC REALM WORKS AND ANCILLARY WORKS AT 1 - 31 (ODDS) CHURCH WALK, DENNY FK6 6DF, 133 - 167A (ODDS) CHURCH WALK, DENNY FK6 6HS FOR FALKIRK COUNCIL - P/12/0180/FUL

P149. ERECTION OF 32 FLATS, 8 VILLAS AND ASSOCIATED ROADS, PARKING COURTYARDS AND SUDS AT MADDISTON PRIMARY SCHOOL, MAIN ROAD, MADDISTON, FALKIRK FOR FALKIRK COUNCIL - P/12/0363/FUL

There was submitted Report (circulated) dated 20 November 2012 by the Director of Development Services on an application for full planning permission for the erection of thirty two flatted dwellings, eight terraced dwellinghouses and associated roads, parking courtyards and associated sustainable urban drainage on a site at the former Maddiston Primary School and adjacent open space at Main Road, Maddiston, 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)
 - (i) No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (3) Acoustic glazing with a specification of 6mm/12mm/6mm or acoustic equivalent shall be installed on all windows facing onto Main Road from block E.
- (4) 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 the commencement of the development.
- (5) Prior to the occupation of the first dwelling on the site, the footpath link from the south west corner of the site to the existing footway on the east side of Main Road shall be upgraded and completed to an adoptable standard.
- (6) Prior to the start of work on site, details of the mechanism for the transfer of funds and timing of payments, to cover the required developer contributions totalling £426,480, shall be submitted to and approved in writing by the Planning Authority. Details shall include a breakdown of how a portion of the open space contribution will be used to provide the upgraded footpath link as referred to in condition 5.
- (7) Before any work starts on site, a scheme of landscaping including the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges

shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

Reason(s): -

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3-4) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (5) To ensure the footpath link is upgraded to an acceptable standard.
- (6) To ensure the required developer contributions are delivered.
- (7) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03B, 04A, 05-08, 09A, 10, 11A and 12-38 inclusive.