

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 FEBRUARY 2013 at 9.30 A.M.

PRESENT: Councillors 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; Development Manager; Network Co-ordinator; Transport Planning Co-ordinator; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

P192. APOLOGIES

Apologies were intimated on behalf of Councillor Alexander.

P193. DECLARATIONS OF INTEREST

Councillor Paterson declared a non financial interest in Item 4 (minute P198) by virtue of her property ownership in the vicinity of the proposed Order and considered that she required to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct.

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/12/0566/FUL, P/12/0362/PPP, P/12/0410/FUL, P/12/0588/FUL and P/12/0611/FUL (minute P199, P200, P203, P204 and P205).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/12/0566/FUL (minute P199) but he would take part in consideration of planning applications P/12/0362/PPP, P/12/0534/LBC and P/12/0533/FUL (minute P200, P201 and P202) as he was sufficiently familiar with the sites.
- Councillor Buchanan informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/12/0566/FUL, P/12/0362/PPP, P/12/0534/LBC and P/12/0533/FUL (minute P199, P200, P201 and P202).

P194. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of the application for hazardous substances consent P/12/0597/HAZ to allow an inspection of the site by Committee and to consider the application P/12/0827/FUL and a request for a site visit as detailed at minute item P196.

P195. ORDER OF BUSINESS

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

P196. ERECTION OF NEW SOCIAL HOUSING CONSISTING OF 8 VILLAS AND 16 FLATS, ASSOCIATED ROADS, PARKING AND SUDS PROVISION ON LAND TO THE SOUTH OF GLENFUIR COURT, SUMMERFORD, FALKIRK FOR FALKIRK COUNCIL - P/12/0827/FUL

There was submitted Report (circulated) dated 19 February 2013 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 on land to the south of Glenfuir Court, Summerford, Falkirk.

In accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow a representative from the applicant, who was present as an observer at the meeting, to respond to Members questions.

The Committee thereafter reconvened normal business.

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

The Committee, being conscious of time constraints, was willing to meet for a Special meeting of the Committee following the site visit to take a decision on the application.

P197. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 30 January 2013;
- (b) Minute of Meeting of the Planning Committee held on On-Site on 11 February 2013;
and
- (c) Minute of Meeting of the Planning Committee held on On-Site on 15 February 2013.

In accordance with her declaration of interest, Councillor Paterson left the meeting prior to consideration of the following item of business.

P198. THE FALKIRK COUNCIL (7.5T PART-TIME WEIGHT RESTRICTION) (A905, BEANCROSS ROAD, GRANGEMOUTH) ORDER 2012

There was submitted Report (circulated) dated 25 January 2013 by the Director of Development Services seeking a decision on the Falkirk Council (7.5T Part-Time Weight Restriction) (A905, Beancross Road, Grangemouth) Order 2012 to prohibit, on a part time basis from 6 p.m. to 8 a.m. 7 days per week, vehicles over 7.5T on the A905 Beancross Road, Grangemouth between Earls Gate Park Roundabout and Beancross Roundabout.

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

Councillor Carleschi, seconded by Councillor Chalmers, moved that the Traffic Regulation Order not be made and that a Traffic Regulation Order be promoted, promoting a weight restriction 24 hours a day 7 days a week.

By way of an amendment, Councillor Black, seconded by Councillor C Martin, moved that the Traffic Regulation Order be made as detailed in the Report, and as promoted in line with the Committee decision of 28 November 2012, and that Roads officers monitor the impact of the Order and bring a Report back to Committee on its impact.

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

Accordingly, **AGREED:-**

- (1) To make the Traffic Regulation Order referred to in the Report, and as promoted in line with the Committee decision of 28 November 2012; and
- (2) That Roads officers monitor the impact of the Order and bring a Report back to Committee on its impact.

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

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillors Buchanan, Mahoney and Nicol.

Councillor Buchanan had left the Chair at the recess and consequently, prior to consideration of the following item of business, Councillor McLuckie assumed the role of Convener.

Councillor Mahoney re-entered the meeting during consideration of the following item of business but would take no part in consideration of this item of business.

P199. ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AND A SUBSTATION AT WEST KELT FARM, DENNY FK6 5NA FOR INTELLIGENT LAND INVESTMENTS LTD - P/12/0566/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P171 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the erection of a single wind turbine (measuring 225 kilowatts and 45.9 metres in height) with a temporary access track and substation (27 metre blade diameter) at West Kelt Farm, Denny.

Councillor Carleschi, seconded by Councillor Chalmers, moved that the matter be continued to allow consultation to be carried out with residents of Station Road.

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

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

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

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

- (1) Before the development commences, the exact details of the colour(s) of the proposed turbine and substation 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.
- (2) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), any excavated material shall be levelled, soiled and grassed over, and the access track and hardstanding areas shall be partially soiled and grassed over, to ensure that a minimum construction is retained solely for the purposes of maintenance/turning, in accordance with details submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), any existing landscape features (e.g. hedges, tracks, fences, trees) required to be removed/altered to enable access by construction vehicles, shall be reinstated in accordance with details approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (4) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine provided that the proposed turbine and access track shall not be sited any closer to Pond 10 (as identified in Great Crested Newt Appraisal prepared by ECOS Countryside Services LLP, dated 18 June 2012) than the respective distances to Pond 10 shown on the approved plans.
- (5) All construction works shall take place outwith the period 1 March to 31 October.
- (6) Before the development commences, a Species Protection Plan for Great Crested Newt shall be submitted to and approved in by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (7) Before the development commences, a Construction Method Statement in relation to any required vehicular access crossing of any watercourse shall be submitted to and approved in writing by the Planning Authority. The statement shall include full details of the nature of the proposed crossing. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) An archaeological watching brief shall be carried out during all ground breaking activities in accordance with a scheme approved in writing by the Planning Authority before the development commences.
- (9) At any time upon the direction of the Planning Authority, the wind turbine operator shall, at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbine in accordance with a scoping to be agreed in writing by the Planning Authority. The report shall be submitted for the written approval of the Planning Authority within one month of the direction of the Planning Authority, and shall include details of any required measures to mitigate noise disturbance.
- (10) Before the development commences, intrusive site investigation works shall be undertaken and the results of those intrusive works shall be submitted to and approved in writing by the Planning Authority in consultation with the Coal Authority. Any necessary remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, shall be carried out in accordance with an approved remediation strategy before the development commences.
- (11) Before the development commences, the proposed route for any abnormal loads on the trunk road network shall be approved by the Planning Authority in consultation with the Trunk Road Authority and/or operating company. Any accommodation measures required, including the temporary removal of street furniture, junction widening, traffic management shall similarly be approved by this Planning Authority in consultation with the Trunk Road Authority and/or operating company.
- (12) Before the development commences, any need for additional signing or temporary traffic control measures, due to the size and length of the loads being delivered, shall be agreed with the Planning Authority in consultation with the Trunk Roads Authority and/or operating company. Thereafter, the agreed

measures shall be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Planning Authority in consultation with the Trunk Roads Authority and/or operating company.

- (13) Before the development commences, the following details shall be submitted for the purpose of notification to the Ministry of Defence:-
- (i) The date construction starts and is planned to end;
 - (ii) The maximum height of construction equipment; and
 - (iii) The latitude and longitude of the proposed turbine.
- (14) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Within two months of the date on which the use ceases (unless otherwise agreed in writing by the Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by the Planning Authority.

Reason(s):-

- (1-3) To safeguard the visual amenity of the area.
- (4) To safeguard the visual amenity of the area and the interests of a protected species.
- (5-6) To safeguard the interests of a protected species.
- (7) To safeguard the water environment.
- (8) To safeguard possible archaeological resources in the area.
- (9) To safeguard the residential amenity of the area.
- (10) To ensure the ground is suitable for the proposed development.
- (11) To maintain safety for both Trunk Road traffic and traffic moving to and from the development, and to ensure that the transportation will not have any detrimental effects on structures within the route path.
- (12) To minimise interference with the safety and free flow of traffic on the Trunk Road Network.
- (13) To provide a consultee with the necessary information they require to safeguard aircraft safety.
- (14) To ensure the satisfactory removal of redundant wind turbine installations.

Informative(s):-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.

- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01-10, 11A and 12.
- (3) The applicant is advised to contact Falkirk Council (Roads Services) and Development Services (Structures Section) before the development commences to arrange pre and post construction road surveys. The Falkirk Council contacts are Alistair McEwan (Area Roads Officer), Roads Services, Earls Road, Grangemouth on telephone number 01324 501133 and Ralph Ridley (Bridges and Structure Design Co-ordinator), Abbotsford House, David's Loan, Falkirk on telephone number 01324 504825.
- (4) The applicant is advised to notify Falkirk Council of any abnormal load details through the email address: abnormalloads@falkirk.gov.uk.
- (5) The applicant is advised to cease all work on the affected part of the site in the event of any made ground, suspect material or odours being encountered during site works/operations following commencement of the development. In such an event, the applicant is advised to contact the Planning Authority immediately, carry out a Contaminated Land Risk Assessment in accordance with current guidance and legislation, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.

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

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

P200. DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR FALKIRK DISTRICT SCOUT COUNCIL - P/12/0362/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P173 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for planning permission in principle for the removal of the Scout Hall and the development of land for residential use on a site running into the adjacent woodland area of Blinkbonny Park at Gartcows Road, Falkirk.

Councillor Chalmers, seconded by Councillor Nicol, moved that the application be refused on the grounds of the development having an adverse effect on road safety and a detrimental effect on the amenity of the neighbouring properties.

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

On a division, 5 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** to **REFUSE** planning permission in principle on the grounds of the development having an adverse effect on road safety and a detrimental effect on the amenity of the neighbouring properties.

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

P201. FORMATION OF VEHICULAR ACCESS AND DRIVEWAY AND REMOVAL OF WALL AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0534/LBC (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P176 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for listed building consent for the formation of vehicular access/driveway at Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, at 26 Grange Terrace, Bo'ness.

AGREED to **REFUSE** listed building consent on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policies EQ12 - 'Conservation Areas' and EQ14 - 'Listed Buildings' in that the proposal has an adverse effect on the visual amenity of the area and does not preserve or enhance the character and appearance of the application site and the surrounding area.

P202. SUBDIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND ASSOCIATED WORKS AND FORMATION OF VEHICULAR ACCESS AND DRIVEWAY TO EXISTING DWELLINGHOUSE AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0533/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P177 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the erection of a single storey dwellinghouse and the formation of a driveway within the garden ground of Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, at 26 Grange Terrace, Bo'ness.

AGREED to **REFUSE** planning permission on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policies EQ12 - 'Conservation Areas' and SC8 - 'Infill Development and Subdivision of Plots' in that the proposal has an adverse effect on the visual amenity, does not preserve or enhance the character of the area in terms of its location, setting, the architectural style and materials of building, is detrimental to the privacy and amenity of neighbouring properties, there are concerns at the height of the property in comparison to neighbouring properties and the backland development nature of the proposal.

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

Councillor Buchanan resumed the Convenership of the meeting after the recess and prior to consideration of the following item of business.

Councillor Mahoney re-entered the meeting during consideration of the following item of business but would take no part in consideration of this item of business.

P203. FORMATION OF RAISED DECKING AREA AND DISABLED ACCESS RAMP TO FORM EXTERNAL SEATING AREA (RETROSPECTIVE) AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DP FOR MRS MHARI FRENCH - P/12/0410/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P170 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the formation of a raised timber decking area and disabled access ramp (in retrospect) to form an external seating area to the front of the Craiglee Inn, Redding Road, Reddingmuirhead, Falkirk.

AGREED to **GRANT** temporary planning permission for a period of one year and subject to the condition that the decking area be vacated by 10 p.m. each day and other appropriate conditions as determined by the Director of Development Services.

P204. EXTENSION TO LOUNGE BAR AT REDDING AND WESTQUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING AND WESTQUARTER UNITY CLUB - P/12/0588/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P180 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the erection of a single storey extension to accommodate an additional lounge/bar and seating area within the Redding and West Quarter Unity Club, Redding, Falkirk.

AGREED to **CONTINUE** consideration of the application to allow the applicant an opportunity to provide additional information to seek to address the concerns raised by the Coal Authority.

P205. CHANGE OF USE FROM CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) TO HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF FAN AT 6 WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0ES FOR NEW YORK PIZZA CO INC - P/12/0611/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P175 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for a change of use from a class 2, (financial, professional and other services) to a sui generis (hot food takeaway use) at 6 Waggon Road, Brightons, Falkirk.

AGREED to **CONTINUE** consideration of the application to allow officers to obtain information on the details of the removal of the yellow lining adjacent to the site.

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 and agreed that a decision on the application would be taken at a Special meeting of the Committee following the site visit:-

P206. REMOVAL OF CONDITION ATTACHED TO HAZARDOUS SUBSTANCES CONSENT P/10/0582/HAZ TO ALLOW STORAGE OF ETHANOL IN WAREHOUSES M, N AND S, INCREASING THE OVERALL MAXIMUM STORAGE QUANTITY TO 41,000 TONNES AT STORAGE UK, GRANGE LANE, GRANGEMOUTH FK3 8EG FOR DIAGEO (SCOTLAND) LTD - P/12/0597/HAZ

P207. ERECTION OF RECYCLING BUILDING AT KINNEIL KERSE RECYCLING CENTRE, GRANGEMOUTH ROAD, BO'NESS EH51 0PU FOR FALKIRK COUNCIL - P/12/0830/FUL

There was submitted Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for full planning permission for the erection of a recycling building at Kinneil Recycling Centre, Grangemouth Road, Bo'ness.

AGREED to **CONTINUE** consideration of the application to the next meeting to allow officers to obtain further information from the applicant in relation to the specific waste to be recycled.

The Committee was willing to consider the application at a Special meeting of the Committee to take a decision on the application on receipt of the requested information.

P208. ERECTION OF RECYCLING BUILDING AND FORMATION OF CONCRETE HARDSTANDING AT ROUGHMUTE REFUSE TRANSFER STATION, BONNYBRIDGE FOR FALKIRK COUNCIL - P/12/0831/FUL

There was submitted Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for full planning permission for the erection of a recycling building and the formation of a concrete hardstanding at Roughmute Refuse Transfer Station, Bonnybridge.

AGREED to **CONTINUE** consideration of the application to the next meeting to allow officers to obtain further information from the applicant in relation to the specific waste to be recycled.

The Committee was willing to consider the application at a Special meeting of the Committee to take a decision on the application on receipt of the requested information.