



Agenda Item 5

Minute

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held remotely on Wednesday 17 June 2020 at 9.30 a.m.

COUNCILLORS: David Alexander (Convener)
Provost W Buchanan (Depute Convener)
Robert Bissett
Allyson Black
Jim Blackwood
Gary Bouse
Gordon Hughes
James Kerr
Adanna McCue
Lynn Munro
Laura Murtagh

OFFICERS: Karen Chambers, Committee Services Officer
Ian Clementson, Systems Development Officer
Katherine Chorley, Planning Officer
Kevin Collins, Transport Planning Co-Ordinator
Ian Dryden, Development & Buildings Standards Manager
Jack Frawley, Committee Services Officer
David Gray, Environmental Protection Co-Ordinator
Iain Henderson, Legal Services Manager
John Milne, Senior Planning Officer
Stephen McClure, Planning Officer
Julie Seidel, Planning Officer
Russell Steedman, Roads Co-Ordinator
Brent Vivian, Senior Planning Officer

P14. Welcome

The Convenor welcomed everyone to the remote meeting and set out the procedures to be followed in respect of discussion of the applications and questions to be asked. The Convenor thanked Councillor Grant for his contribution to the Planning Committee and welcomed Councillor Kerr to the committee.

P15. Apologies

An apology was submitted from Councillor Joan Coombes.

P16. Declarations of Interest

Councillor Black declared a non- financial interest in agenda item 10 as she is a board member of Forth Valley Health Board and accordingly considered that this required her to recuse herself from consideration of the item having had regard to the objective test in the Code of Conduct.

P17. Minute

Minute of Meeting of the Planning Committee held on 20 May 2020 was approved.

P18. Redevelopment of the Former Manuel Brickworks Site – Mixed Use Development Comprising Approximately 400 Residential Dwellings, Associated Local Retailing and Community Facilities (Classes 1, 2 and 3) and Approximately 29,000m2 Total Gross Area of Commercial Units (10% Class 4: Business & 90% Class 6: Storage/Distribution) at Land To The East Of Almondhall Farm, Falkirk for CWC Group - P/17/0792/PPP – Continuation

With reference to Minute of Meeting of the Planning Committee held on 28 August 2019 (Paragraph P43 refers), the Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on Redevelopment of the Former Manuel Brickworks Site – Mixed Use Development Comprising Approximately 400 Residential Dwellings, Associated Local Retailing and Community Facilities (Classes 1, 2 and 3) and Approximately 29,000m2 Total Gross Area of Commercial Units (10% Class 4: Business & 90% Class 6: Storage/Distribution) at Land To The East Of Almondhall Farm, Falkirk.

With reference to standing order 38.1 (x) the Convener referred to a request to be heard from Councillor McLuckie in respect of this item. The Convener, having given his consent, then invited Councillor McLuckie to address the committee.

With reference to Standing Order 33.5 the convener referred to a deputation request received from the applicant's agent, Kerri McGuire, in relation to this item. The deputation had been submitted by way of a written submission in accordance with the decision of Council of 6th May 2020.

The committee agreed to receive the deputation.

The committee adjourned to consider the deputation submission.

The committee adjourned at 9.37 a.m. and reconvened at 9.45 a.m. with all members present as per the sederunt.

Provost Buchanan seconded by Councillor Black moved that the committee considers that the following material considerations are of such weight as to indicate that the development plan should not be afforded priority:-

- That the proposal would be a suitable mixed use development;
- That the proposal uses brownfield land and offers the prospect of developing and remediating a very substantial derelict site;
- That there is a substantial business element which could promote job creation;
- That the proposal offers the potential to enhance Almond Castle, Haining Wood and the Union Canal and access to them;
- That the proposal would result in new greenspace within the site.

The committee, accordingly, agrees that it is minded to grant planning permission in principle subject to the completion, within 6 months of 17th June 2020, of a Section 75 obligation under the Town and County Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-

- an education contribution at a rate of £4800 per dwellinghouse and £1050 per flat towards addressing future capacity issues at Whitecross Primary School;
- an education contribution in accordance with Revised SG10 'Education and New Housing Development' towards addressing future capacity issues at Graeme High School;
- a transport contribution to fund diversion of the existing local bus service into the site;
- a transport contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout);
- the provision of 25% of the units at the site as affordable housing;
- an open space contribution at the rate of £1911 per dwellinghouse (£882 for active open space and £1029 for passive open space), which will be determined by the amount and type of on-site provision;
- a healthcare contribution towards addressing local healthcare impacts,

and thereafter on conclusion of the foregoing matters, remit to the said Director to grant planning permission in principle subject to appropriate conditions as determined by her including suspensive conditions that the development shall not be commenced until (1) the provision of a two way overbridge on Myrehead Road and (2) the provision of a 3m wide cycleway/footway with 2m buffer area on Haining Road. In the event that the Section 75 obligation is not concluded within six months of 17th June 2020, the matter will be referred back to Planning Committee by officers for further consideration.

As an amendment, Councillor Murtagh seconded by Councillor Bouse moved that the committee agrees to continue consideration of the application in order to allow for further discussion to take place between officers and the applicant in relation to potential planning conditions, section

75 obligations and suspensive planning conditions in relation to provision of a two way overbridge on Myrehead Road and a 3m wide cycleway/footway with a 2m buffer area on Haining Road with officers to report back to committee on the outcome of the discussions.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (5) – Provost Buchanan and Councillors Bissett, Black, Blackwood and Kerr.

For the amendment (6) – Councillors Alexander, Bouse, Hughes, McCue, Munro and Murtagh.

Decision

The committee agreed to continue consideration of the application in order to allow for further discussion to take place between officers and the applicant in relation to potential planning conditions, section 75 obligations and suspensive planning conditions in relation to provision of a two way overbridge on Myrehead Road and a 3m wide cycleway/footway with a 2m buffer area on Haining Road with officers to report back to committee on the outcome of the discussions.

P19. Erection of Visitor Centre to Include Information / Exhibition Space, Arts and Craft Workshop, Restrooms, Café and Retail Area and 22 Bungalows at Land To The North Of East Lodge, Airth for George Russell Construction Limited - P/19/0578/PPP

The committee considered a report by the Director of Development Services on an application for the erection of visitor centre to include information/exhibition space arts and craft workshop, restrooms, café and retail area and 22 bungalows at Land to the North of East Lodge, Airth.

Provost Buchanan seconded by Councillor Kerr moved that the committee, having had regard to the Equality Act 2010 and the public sector equality duty and being satisfied with the housing element and the reasoning provided by the applicant as set out in the report in relation to the proposed +55 age restriction, considers that the following material considerations are of such weight as to indicate that the development plan should not be afforded priority:-

- That the proposal would enhance tourism and leisure provision in the area;
- That the proposal would bring economic and employment benefits to the area;
- That the proposal would enhance recreational and leisure space in the area;

- That road traffic improvements would result from the provision of a roundabout access.

The committee, accordingly, agrees that it is minded to grant planning permission in principle subject to the completion of a Section 75 obligation under the Town and County Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-

- A contribution towards Active and Passive Open Space;
- The provision of 25% of the units at the site as affordable housing;
- Public Transport provision (bus schedules and new bus stop(s));
- Restriction in perpetuity of the ownership and occupation of the houses to persons over the age of 55 and that no house shall be occupied by any child of school age or younger as their only or main residence;
- Subject to the determination of the Director of Development Services that such an obligation would meet the tests of Scottish Government Circular 3/2012, should the restriction on ownership and occupancy referred to in the preceding bullet point be discharged or removed in respect of any house at any time, that an appropriate level of education contribution would be determined by the authority and would require to be paid to it by the owner within 28 days of notice by the authority;
- Phasing of development to ensure completion of the visitor centre;
- Definition of floor areas to ensure visitor centre is the principal use;
- Retention of land for Passive Open Space/Landscaping;
- A healthcare contribution towards addressing local healthcare impacts;
- Provision of a roundabout access serving the A905/B9124

and thereafter on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions as determined by her.

As an amendment, Councillor Murtagh seconded by Councillor Hughes moved that the committee agrees to continue consideration of the matter in order for officers to hold further discussions with the applicant. Officers are requested to bring a report back to committee including the following:-

- The applicant's detailed justification for the introduction of a restriction to occupancy of the houses to those over 55 years of age;
- Further detail on the demand and need for housing as proposed by the applicant;
- A legal view on the enforceability of an occupancy restriction to those aged over 55;
- Detail on the phasing arrangements for the proposed development;
- The terms of planning conditions and Section 75 obligations;
- Assessment of impact on the greenbelt;
- Assessment of viability;
- Assessment of school capacity issues.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (8) – Provost Buchanan and Councillors Alexander, Bissett, Black, Blackwood, Bouse, Kerr, Munro.

For the amendment (3) – Councillors Hughes, McCue and Murtagh.

Decision

The committee, having had regard to the Equality Act 2010 and the public sector equality duty and being satisfied with the housing element and the reasoning provided by the applicant as set out in the report in relation to the proposed +55 age restriction, considered that the following material considerations were of such weight as to indicate that the development plan should not be afforded priority:-

- **That the proposal would enhance tourism and leisure provision in the area;**
- **That the proposal would bring economic and employment benefits to the area;**
- **That the proposal would enhance recreational and leisure space in the area;**
- **That road traffic improvements would result from the provision of a roundabout access.**

The committee, accordingly, agreed that it was Minded to Grant planning permission in principle subject to the completion of a Section 75 obligation under the Town and County Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-

- **A contribution towards Active and Passive Open Space;**
- **The provision of 25% of the units at the site as affordable housing;**
- **Public Transport provision (bus schedules and new bus stop(s));**
- **Restriction in perpetuity of the ownership and occupation of the houses to persons over the age of 55 and that no house shall be occupied by any child of school age or younger as their only or main residence;**
- **Subject to the determination of the Director of Development Services that such an obligation would meet the tests of Scottish Government Circular 3/2012, should the restriction on ownership and occupancy referred to in the preceding bullet point be discharged or removed in respect of any house at any time, that an appropriate level of education contribution would be determined by the authority and would require to be paid to it by the owner within 28 days of notice by the authority;**
- **Phasing of development to ensure completion of the visitor centre;**

- **Definition of floor areas to ensure visitor centre is the principle use;**
- **Retention of land for Passive Open Space/Landscaping;**
- **A healthcare contribution towards addressing local healthcare impacts**
- **Provision of a roundabout access serving the A905/B9124.**

and thereafter on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions as determined by her.

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.**

The committee adjourned at 1.10 p.m. and reconvened at 2.00 p.m. with all members present as per the sederunt.

P20. Alteration and Change of Use of Restaurant (Class 3) to House in Multiple Occupancy (Sui Generis) at 60B La Porte Precinct, Grangemouth, FK3 8BG for REWD Group - P/19/0756/FUL

The committee considered a report by the Director of Development Services on alteration and change of use of restaurant (class 3) to house in multiple occupancy (Sui Generis) at 60B La Porte Precinct, Grangemouth.

Decision

The committee agreed that it is Minded to Grant Planning Permission subject to:-

- (a) Notification of the application to Scottish Ministers in relation to the HSE objection, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009;**
- (b) Thereafter, remit to the Director of Development Services, to approve the application subject to the following condition(s):-**
 - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**

Reason(s):-

- 1. As these drawings and details constitute the approved development.**

Informative(s):-

- 1. Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.**
- 2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.**
- 3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:**

Monday to Friday 08:00 - 19:00 Hours

Saturday 08:00 - 13:00 Hours

Sunday / Bank Holidays No noise audible at site boundary

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

P21. Erection of Dwellinghouse and Associated Infrastructure at Hillview, Glen Road, Torwood, Larbert, FK5 4SN for Mr & Mrs Gillies Guthrie - P/20/0083/PPP

The committee considered a report by the Director of Development Services on an application for the erection of dwellinghouse and associated infrastructure, including change of use of quarry to garden ground at Hillview, Glen Road, Torwood, Larbert.

With reference to Standing Order 33.5 the convener referred to a deputation request received from the applicant Mr Gillies Guthrie, in relation to this item. The deputation had been submitted by way of a written submission in accordance with the decision of Council of 6th May 2020.

The committee agreed to allow the deputation.

The committee considered the deputation submission.

Provost Buchanan seconded by Councillor Kerr moved that the committee considers that the following material considerations are of such weight as to indicate that the development plan should not be afforded priority:-

- The proposed development would take place within a satisfactory location being within the existing residential curtilage and not extending beyond the current site;
- The proposed development would enhance the amenity of the area;
- The proposed development would be beneficial to and in the interests of road traffic and safety.

and that the committee, accordingly, agrees to grant planning permission in principle subject to conditions as determined by the Director of Development Services including conditions on contaminated land, intrusive site investigations in relation to historic mining legacy and parking.

As an amendment, Councillor Bouse seconded by Councillor Blackwood moved that the committee agrees to refuse the application for planning permission in principle in accordance with the recommendations in the officer's report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (3) – Provost Buchanan and Councillors Black and Kerr.

For the amendment (8) – Councillors Alexander, Bissett, Blackwood, Bouse, Hughes, McCue, Munro and Murtagh.

Decision

The committee refused the planning application for the following reason(s):-

- 1. The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to policies CG01 'Countryside', CG03 'Housing in the Countryside', D02 'Sustainable Design Principles' and D03 'Urban Design' and Supplementary Guidance SG01 'Development in the Countryside' of the Falkirk Local Development Plan.**
- 2. The proposed development would result in further sporadic ribbon development, leading to overdevelopment of the site at the western countryside approach to Torwood, which would have an unacceptable impact on the rural setting of Torwood. The applicant has not demonstrated that both the donor and proposed dwellinghouses would have an adequate level of**

usable garden ground, including off-street parking, post development which may impact the level of residential amenity which could be achieved for existing and proposed residents.

3. The proposed development does not accord with the National Roads Development Guide (SCOTS, 2014) in relation to road safety as the proposed development would result in an increase in traffic at an access with poor visibility.

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 and Supporting Documents.

P22. Erection of Dwellinghouse and Associated Infrastructure at Land To The North West Of 1 Broom Farm Steading, Falkirk for Antonine Developments - P/20/0133/PPP

The committee considered a report by the Director of Development Services on an application for the erection of dwellinghouse and associated infrastructure at Land to the North West of 1 Broom Farm Steading, Falkirk.

Decision

The committee considers that the following material considerations are of such weight as to indicate that the development plan should not be afforded priority:-

- The planning history of Broom Farm which has evolved over time and has involved an existing successful conversion which this proposed development would complement;
- The location is considered to be a suitable site for development in visual terms in accordance with the application;
- The development proposes a separate private access which would be beneficial from a road safety perspective.

The committee, accordingly, agrees to grant planning permission in principle subject to conditions as determined by the Director of Development Services including conditions on:

- Contaminated land;
- Intrusive site investigation in relation to historic mine workings;
- Appearance level/ landscaping;
- Consideration of the low/zero carbon policy.

Informative(s):-

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

Councillors Black and Munro left the meeting.

P23. Erection of Church with Associated Community Facilities (Class 10 - Non Residential Institution), at Land To The North East Of Unit 1 Kinnaird Village Centre, McIntyre Avenue, Larbert for Grace Church Larbert - P/19/0407/FUL

The committee considered a report by the Director of Development Services on an application for the erection of church with associated community facilities (class 10 – non-residential institution) at land to the north east of unit 1 Kinnaird Village Centre, McIntyre Avenue, Larbert.

With reference to Standing Order 33.5 the convener referred to six deputation requests received; one from the applicant's agent and five from objectors.

The committee were asked to consider whether to accept the deputation requests.

Provost Buchanan seconded by Councillor Blackwood moved that the committee agrees to continue the matter for the purposes of holding a hearing on the application after the point at which COVID-19 restrictions have been lifted sufficiently to allow a hearing to take place. Officers are requested to speak to the applicant in relation to potential extension of the determination period. If there is no clarity on the timing of a hearing by the August planning committee, the matter will be brought back to committee to consider alternative approaches consistent with any decisions of Council.

As an amendment, Councillor Bissett seconded by Councillor Alexander moved that the committee agrees to receive the written deputations submitted to this meeting and proceed to determine the application.

Councillor Murtagh gave notice of a further amendment.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 9 members present with voting as undernoted:-

For the motion (4) – Provost Buchanan and Councillors Blackwood, Hughes, and Kerr.

For the amendment (5) – Councillors Alexander, Bissett, Bouse, McCue and Murtagh.

Decision

The committee agreed to receive the written deputations submitted to this meeting and proceed to determine the application.

Notice of a further amendment having previously been given by Councillor Murtagh, the amendment agreed as above then became the substantive motion against which the further amendment was considered. In terms of the further amendment, Councillor Murtagh seconded by Provost Buchanan moved that the committee agrees, subject to a decision of Council allowing for it to take place, to continue the matter to the August committee to allow the parties who submitted the deputation requests to be heard in a remote video conference meeting. If further deputation requests are made then the committee would decide whether to hear them. If Council does not agree that to be possible then the matter will be brought back to the August committee to decide how to take matters forward.

Councillor Kerr left the meeting.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 8 members present with voting as undernoted:-

For the motion (2) – Councillors Alexander and Bissett.

For the amendment (6) – Provost Buchanan and Councillors Blackwood, Bouse, Hughes, McCue and Murtagh.

Decision

The committee agreed, subject to a decision of Council allowing for it to take place, to continue the matter to the August committee to allow the parties who submitted the deputation requests to be heard in a remote video conference meeting. If further deputation requests are made then the committee would decide whether to hear them. If Council does not agree that to be possible then the matter will be brought back to the August committee to decide how to take matters forward.