

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 SEPTEMBER 2013 at 9.30 A.M.

COUNCILLORS:

David Alexander
Colin Chalmers
Adrian Mahoney
Craig Martin
Cecil Meiklejohn
John McLuckie (Convener)
Alan Nimmo
Baillie Joan Paterson
Sandy Turner

OFFICERS:

Shona Barton, Committee Services Officer
Donald Campbell, Development Management Co-ordinator
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Craig Russell, Roads Development Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer

ALSO ATTENDING:

Stuart Grimes and Sean Caswell, SEPA.

P77. APOLOGIES

Apologies for absence were intimated on behalf of Baillie William Buchanan and Councillor Malcolm Nicol.

P78. DECLARATIONS OF INTEREST

No declarations were made.

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 relating to planning application P/13/0405/FUL (minute P82) and the previous site visit relating to planning application P/10/0762/FUL (Minute P85) he would not take part in consideration of these items.

- Councillor Alexander informed the Committee that as he had not attended the site visit relating to planning application P/13/0405/FUL (minute P82) he would not take part in consideration of this item.

P79. REQUEST FOR SITE VISIT

Councillor Turner requested that the Committee conduct a site visit prior to consideration of application P/13/0505/75D (minute P87). Having heard from Councillor McLuckie, the Committee agreed that the request would be considered further during discussion of the item.

P80. MINUTES

Decision

- (a) The minute of the meeting of the Planning Committee held on 22 August 2013 was approved; and
- (b) The minute of the meeting of the Planning Committee held On Site on 2 September 2013 was approved.

P81. CHANGE OF USE OF OFFICE (CLASS 2) TO FORM HOT FOOD TAKE-AWAY (SUI GENERIS) AND EXTERIOR ALTERATIONS AT 11 MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR MR JATESH SANDHU - P/13/0317/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraphs P66 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for change of use of office (Class 2) to form a hot food take away and exterior alterations at 11 Maggie Woods Loan, Falkirk.

Councillor Chalmers, seconded by Councillor Turner moved that Committee refuse the application on the ground that the proposal is contrary to policy EP9 of the Falkirk Council Local Plan.

By way of an amendment, Councillor McLuckie, seconded by Baillie Paterson moved that Committee grant the application in accordance with the recommendations in the report.

On a division, 4 Members voted for the motion and 5 for the amendment.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (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.

- (2) Anti-vibration fixings shall be utilised where appropriate with the cooking odour extraction system equipment. A plan of the final layout of the cooking odour extraction system, including the details of the fixings, shall be submitted to and approved in writing by the Planning Authority prior to work commencing on-site.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To safeguard the environmental amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (3) Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise/odour nuisance occurring at nearby dwellings. If complaints are received about noise/odour from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

P82. ENGINEERING WORKS TO CREATE UNDERGROUND ATTENUATION STORAGE, ASSOCIATED INFRASTRUCTURE AND ACCESS AND BUNDING AT NORTH BROOMAGE PLAYING FIELDS, BROOMAGE CRESCENT, LARBERT FOR FALKIRK COUNCIL - P/13/0405/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraph P70 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission for engineering works to create underground attenuation storage, associated infrastructure and access and bunding at North Broomage Playing Fields, Broomage Crescent, Larbert.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) Prior to the commencement of development a phasing and implementation programme shall be submitted for the written approval of Falkirk Council including amendments as required. The phasing programme shall confirm the anticipated commencement date, duration of works and completion date. The programme shall also provide details of measures to allow continued pedestrian circulation in the vicinity of the site.
- (2) Prior to the commencement of works details of the restoration of the site and replacement landscaping specifications, including a programme of implementation, shall be submitted for the written approval of the Planning Authority including amendment as required.

Reason(s):-

- (1) To control the approved development.
- (2) In the interests of environmental amenity.

Informative(s):-

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

P83. MODIFICATION OF PLANNING AGREEMENT ATTACHED TO PLANNING PERMISSION P/08/0296/FUL REMOVING THE REQUIREMENT TO MAKE A TRANSPORT CONTRIBUTION OF £550,000 AT LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART AND MICKEL - P/13/0074/75M (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 22 August 2013 (Paragraph P71 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for the modification of a planning agreement attached to planning permission P/08/0296/FUL removing the requirement to make a transport contribution of £550,000 at land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

Decision

The Committee refused to modify the Planning Obligation attached to planning permission P/08/0296/FUL for the following reason(s):-

- (1) The agreed transport contribution forming part of the Section 75 Planning Obligation is considered to meet the relevant tests as set out in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).
- (2) Granting the application would be contrary to Policy TRANS.3 of the Falkirk Council Structure Plan and Policy ST7 of the Falkirk Council Local Plan, which require the identification of suitable measures to mitigate the impact of development proposals on the road network.
- (3) Granting the application is not supported by Falkirk Council's Supplementary Planning Guidance Note for Delivery of Denny Eastern Access Road (DEAR), which sets out a cost sharing approach to the funding of DEAR based on the level of the traffic impact of each development as a percentage of the overall traffic impact from all of the proposed development sites in the area on Denny Cross and/or DEAR. The contribution of the proposed development to the overall traffic impact was identified and agreed in the assessment of planning application P/08/0296/FUL.
- (4) It has not been demonstrated that there has been any change of circumstances to justify granting the application contrary to the terms of the Falkirk Council Development Plan.

P84. DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS AND SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 25 June 2013 and 22 August 2013 (Paragraphs P46 and P59 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on an application for planning permission in principle for the demolition of existing buildings and the development of land for residential purposes at Castings Community Sports and Social Club, Etna Road, Falkirk.

Decision

The Committee noted the contents of the additional report, and agreed to continue consideration of the application to a future meeting of the Committee.

P85. TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION OF ORGANIC WASTE INCLUDING LIME TREATMENT AT JAWCRAIG BRICKWORKS, FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS - P/10/0762/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 1 February 2012, 7 March 2012, 25 June 2013 and 22 August 2013 (Paragraphs P136, P152, P38 and P65 refer), Committee gave (a) further consideration to reports by the Director of Development Services, and (b) considered an additional report by the said Director on

an application for full planning permission for the temporary storage, treatment and distribution of organic waste including lime treatment at Jawcraig Brickworks, Falkirk.

Representatives from SEPA were in attendance and were heard in response to questions asked by Members of the Committee.

Decision

The Committee agreed to refuse planning permission on the grounds that the proposed development would have an unacceptable impact on the amenity of the local environment and community in particular in relation to noise, dust, odour, disturbance and traffic impact.

P86. 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

The Committee considered a Report providing feedback from the Chief Medical Officer and Public Health Directorate at the Scottish Government following letters sent to Scottish Ministers on behalf of the Committee asking that a national investigation be undertaken into the effects of black mould on premises in the vicinity of bonded warehouses.

Decision

Noted the contents of the Report.

P87. DISCHARGE OF PLANNING OBLIGATION WHICH RESTRICTS THE OCCUPANCY OF THE DWELLINGHOUSE APPROVED UNDER PLANNING PERMISSION P/09/0849/FUL TO THE MANAGER, OPERATOR OR OTHER PERSON EMPLOYED OR LAST EMPLOYED FULL TIME, IN THE ADJACENT BUSINESS, PATERSON GARDEN BUILDINGS, KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, INCLUDING DEPENDANTS OF SUCH A PERSON, AND SHALL BE USED FOR NO OTHER PURPOSE IN ALL TIME COMING AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING FK7 7NJ FOR GARY PATERSON – P/13/0505/75D

The Committee considered a report by the Director of Development Services on an application to modify an existing planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 which restricted the occupation of the dwellinghouse (approved under Planning Permission P/09/0849/FUL) to the manager, operator or other person employed or last employed full time in the adjacent business, Paterson Garden Buildings, Kersie Bank, Kersie Terrace, South Alloa.

Copies of the previous Reports to Committee and guidance received from the Chief Planner were also considered.

Councillor C Martin seconded by Councillor Mahoney moved that Committee agree to the discharge of the Section 75 Agreement as per the recommendations in the Report.

By way of an amendment, Councillor Turner seconded by Councillor Chalmers moved that the application be continued to allow an inspection of the site by Committee.

On a division 5 Members voted for the motion and 4 for the amendment.

Decision

The Committee agreed to discharge the Section 75 Agreement on the ground that it was not necessary to make the proposed development acceptable in planning terms.

Councillor Martin left the meeting during discussion of the following item of business.

P88. ERECTION OF WIND TURBINE, CONSTRUCTION OF SUB-STATION BUILDING AND CRANE PAD AND UPGRADING OF ACCESS TRACK AT GARDRUM FARM, FALKIRK FK1 2DQ FOR WIND HARVEST - P/12/0516/FUL

The Committee considered a report by the Director of Development Services on an application for planning permission for the erection of a wind turbine, construction of sub-station and crane pad and upgrading of access track at Gardrum Farm, Falkirk.

Decision

The Committee agreed to grant planning permission subject to the following conditions:-

- (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.**
- (2) Prior to operation, the proposed turbine shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.**
- (3) Prior to initiation of development, the applicant shall inform, in writing, the Ministry of Defence of:**
 - the date construction will start and end,**
 - the maximum height of construction equipment, and**
 - the latitude and longitude of the turbine.**

- (4) Should complaints of noise be received as a result of the operation of the wind turbine, the operator shall, at its expense, employ an independent consultant (not financially involved) approved by the Planning Authority to assess the level of noise emissions from the wind turbine in relation to that specified in the original application (35dB(A)) at the nearest noise sensitive receptor. The report shall be submitted to the Planning Authority for perusal with a view to prevent noise disturbance.

Reason(s):

- (1) As these drawings and details constitute the approved development.
- (2) The development would not be acceptable without these additional works.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1-35.
- (2) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.