

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 26 FEBRUARY 2014 at 9.30 A.M.**

**COUNCILLORS:**

Baillie William Buchanan (Convener)  
Steven Carleschi  
Adrian Mahoney  
Craig Martin  
Cecil Meiklejohn  
John McLuckie  
John McNally  
Malcolm Nicol  
Alan Nimmo  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:**

John Angell, Head of Planning and Transportation  
Ian Dryden, Development Manager  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Stuart Henderson, Environmental Health Officer  
John McPeake, Trainee Planning Officer  
John Milne, Senior Planning Officer  
Anna Perks, Biodiversity Officer  
Julie Seidel, Planning Officer  
Antonia Sobieraj, Committee Officer  
Russell Steedman, Network Co-ordinator

**P124. APOLOGIES**

Apologies for absence were intimated on behalf of Councillor Chalmers.

**P125. 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 he would not take part in consideration of planning applications P/13/0012/FUL and P/13/0663/VRC (minute P130 and P131) but he would take part in consideration of planning application P/13/0689/FUL (minute P129) as he was sufficiently familiar with the site.

- Councillor Meiklejohn informed the Committee that, while she had not attended the site visits, she would take part in consideration of planning applications P/13/0689/FUL, P/13/0012/FUL and P/13/0663/VRC (minute P129, P130 and P131) as she was sufficiently familiar with the sites.

## **P126. REQUESTS FOR SITE VISITS**

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/13/0741/FUL, P/13/0754/FUL, P/14/0009/ADV, P/13/0760/FUL and P/12/0546/FUL.

## **P127. MINUTES**

### **Decision**

- (a) **The minute of meeting of the Planning Committee held on 29 January 2014 was approved; and**
- (b) **The minute of the meeting Planning Committee held On Site on 10 February 2014 was approved.**

## **P128. 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, 22 August and 18 September 2013 and 29 January 2014 (Paragraphs P46, P59, P84 and P116 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.

With reference to Standing Order 33, Baillie Buchanan referred to applications received from (1) Grahamston, Middlefield and Westfield Community Council, and (2) Andrew Bennie (Planning) Limited, the agent for the applicant, for admission to the meeting as deputations to be heard in relation to this item of business.

The Committee consented to hear the deputations.

Mr McKerrell, Chair, Grahamston, Middlefield and Westfield Community Council gave details of concerns by the Community Council on the loss of an important facility in the local area, the amount and suggested use of the proposed contribution and the insufficient level of community consultation. This was followed by Mr Bennie, Andrew Bennie (Planning) Limited, the agent for the applicant, detailing on the history of the site and the application.

Members then asked questions of Mr McKerrell and Mr Bennie.

With the consent of the meeting, Ms Jones, Sportscotland and Mr Finnie, Falkirk Community Trust, who were present as observers at the meeting, responded to Members questions.

The Committee thereafter reconvened normal business.

Baillie Buchanan, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations detailed in the Report dated 13 August 2013 and subject to there being a requirement, in relation to paragraph 8.1(a), for the Council to consult with the local community as to where the developer contribution monies would be spent. In the event that no agreement is reached on the said spend within three years from the date of the commencement of development, the matter would be brought back to the Committee to determine where the said monies would be spent.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Turner, moved that the application be refused on the grounds that the development was contrary to Falkirk Council Local Plan Policies SC11 'Developer Contributions to Community Infrastructure' and COM.5 'Developer Contributions' and the terms of Policy INFO2 of the emerging Local Development Plan.

Councillor Turner gave notice of a further amendment.

On a division, 7 Members voted for the motion and 4 for the amendment.

In terms of Standing Order 20.7, the motion became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that Committee be minded to grant the application in accordance with the terms of the substantive motion but with an amendment to the effect that the level of the developer contribution be increased from £40,000 to £100,000.

On a division, 7 Members voted for the motion and 4 voted for the amendment.

## **Decision**

**The Committee agreed that it is MINDED to GRANT planning permission in principle subject to the following conditions:-**

- (a) Approval of an appropriate legal agreement to secure financial mitigation in the sum of £40,000 from the applicant toward sports provision, it being noted that, in relation to the said sum of £40,000, the Council will consult with the local community in relation to where the developer contribution monies will be spent. In the event that no agreement is reached on the said spend within three years from the date of the commencement of development, the matter would be brought back to the Committee to determine where the said monies will be spent; and**

- (b) Referral of any decision to approve to Scottish Ministers, due the presence of a registered hazardous installation and thereafter, on conclusion of the foregoing, to remit to the Director of Development Services to grant planning permission subject to:-
- (1) As part of any application for Matters Specified in Conditions, a Contaminated Land Assessment shall be submitted for the written approval of the Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (2) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) Development shall not begin until a Drainage Assessment has been submitted to and approved in writing by the Planning Authority.
- (4) The development hereby approved shall be limited to no more than 16 units.
- (5) For the avoidance of doubt, any development proposal exceeding 16 units shall incur a requirement for commuted payment towards Education provision on a pro-rata basis of £900 per unit, details to be submitted to and approved in writing by the Planning Authority.

**Reason(s):-**

- (1-2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure the ground is suitable for the proposed development.
- (4) To ensure that the development is adequately drained.
- (5) To allow the Planning Authority to control the capacity of the site in relation to educational provision in the area.

**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 the decision refer(s) bear the online reference number 01.

The Convener agreed an adjournment at 11.25 a.m. prior to consideration of the following item of business. The meeting reconvened at 11.40 a.m. with all Members present as per the sederunt.

**P129. CHANGE OF USE FROM CLASS 1 (SHOP) TO HOT FOOD TAKE-AWAY (SUI-GENERIS) AT 52 HIGH STATION ROAD, FALKIRK FK1 5QX FOR MR & MRS IJAZ SARDAR - P/13/0689/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 29 January 2014 (Paragraph P118 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 full planning permission for the change of use from a class 1 (shop) to a hot food take-away (sui-generis) at 52 High Station Road, Falkirk.

**Decision**

**The Committee agreed to continue consideration for further information.**

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

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

**P130. ERECTION OF DETACHED DWELLINGHOUSE ON LAND TO THE WEST OF BARRDEN, MARCHMONT AVENUE, POLMONT FOR APSIS SOLUTIONS (CONSTRUCTION) LTD - P/13/0012/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 29 January 2014 (Paragraph P117 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 full planning permission for the erection of a detached dwellinghouse on land to the west of Barrden, Marchmont Avenue, Polmont.

**Decision**

The Committee agreed to refuse planning permission on the basis that the proposal is contrary to Falkirk Council Local Plan Policies SC3 'Housing Development in the Countryside', Policy SC8 'Infill Development and Subdivision of Plots' and EQ27 'Watercourses' in that the proposed development is not required for the pursuance of a countryside activity or involves the rehabilitation or conversion of existing rural buildings, a section of the Polmont Burn corridor would be lost to the residential development, there would be a detrimental impact on visual amenity, loss of trees and vegetation and the proposed building would be of an inappropriate scale and massing.

**P131. AMENDMENT TO PLANNING PERMISSION P/07/1129/REM - CHANGE GROUND FLOOR COMMERCIAL UNITS TO RESIDENTIAL UNITS (COMPRISING 4 FLATS) ADJUSTMENT TO POSITION OF ENTIRE FLATTED BLOCK - 0.5 METRES TO THE NORTH AND 0.5 METRES TO THE EAST AT 1 - 11 (ODD) CROWN CRESCENT, LARBERT FK5 4XP FOR CALA MANAGEMENT LTD - P/13/0663/VRC (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 29 January 2014 (Paragraph P119 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 amendment to planning permission P/07/1129/REM to change the ground floor commercial units to residential units (comprising 4 flats) and adjusting the position of the entire flatted block, 0.5 metres to the north and 0.5 metres to the east, at 1-11 (odd) Crown Crescent, Larbert.

**Decision**

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

- (1) The applicants submit to the Director of Development Services for approval, a marketing strategy for the four commercial units and following the grant of such approval, the applicants shall market the said commercial units for a period of not less than one year in line within the approved strategy. In the event that there has been no take up of the said commercial units within said period of one year, the developer shall be entitled to change the said ground floor commercial units to residential units (comprising four flats); and
- (2) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation had been agreed in writing by Falkirk Council as Planning Authority.

**Reason(s):-**

- (1) To ensure that adequate opportunity is provided for commercial occupation as previously approved in planning permissions P/07/1129/REM and P/2002/0611.
- (2) As these drawings and details constitute the approved development.

**Informative(s):-**

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01- 03.
- (3) For the avoidance of doubt the development shall comply with all conditions of planning permission P/07/1129/REM.

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

**P132. ERECTION OF REPLACEMENT FARMHOUSE AND OUTBUILDING ANNEXE, INCORPORATING GARAGE AND ESTATE OFFICE ON LAND TO THE WEST OF NETHERVIEW COTTAGE, BONNYBRIDGE FOR BLACK BULL ESTATES LTD - P/13/0741/FUL**

**P133. SUB DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT 92 BANKHEAD CRESCENT, DENNYLOANHEAD, BONNYBRIDGE FK4 1RX FOR MR BARRY SAVILLE - P/13/0754/FUL**

**P134. DISPLAY OF NON-ILLUMINATED ADVERTISEMENTS (RETROSPECTIVE) AT 84 HIGH STATION ROAD, FALKIRK FK1 5QX FOR REGENCY RACING - P/14/0009/ADV**

Baillie Paterson left and re-entered the meeting during consideration of the following item of business.

**P135. MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 75 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ATTACHED TO PLANNING PERMISSION P/09/0457/OUT TO THE EXTENT THAT CLAUSE 5, THE REQUIREMENT THAT ALL RESIDENTIAL UNITS ERECTED WITHIN THE SITE WILL BE AFFORDABLE HOUSING IS REMOVED AND IS REPLACED WITH REQUIREMENT THAT 25% OF ALL RESIDENTIAL UNITS ERECTED WITHIN THE SITE WILL BE AFFORDABLE HOUSING ON LAND TO THE NORTH EAST OF BURNSIDE, MADDISTON, FALKIRK FOR MANOR FORREST LTD - P/13/0795/75M**

The Committee considered a report by the Director of Development Services on an application to modify a planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to planning permission P/09/0457/OUT to the extent that clause 5 (the requirement that all residential units erected within the site will be affordable housing) be removed and replaced with the requirement that 25% of all residential units erected within the site will be affordable housing on land to the north east of Burnside, Maddiston, Falkirk.

Councillor Carleschi, seconded by Councillor McNally, moved that consideration of this item of business be continued to allow an inspection of the site by Committee.

By way of an amendment, Councillor C Martin, seconded by Councillor McLuckie, moved that Committee grant planning permission in accordance with the recommendations in the Report.

Councillor Turner gave notice of a further amendment.

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

In terms of Standing Order 20.7, the amendment became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that the application be refused on the grounds of there being no evidence that affordable units had to date been effectively marketed by the applicants and that there was insufficient information to merit a modification of the original consent.

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



## **Decision**

**The Committee agreed to modify the Section 75 Planning Obligation requiring 100% affordable housing and to reduce the requirement to 25% affordable housing.**

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:-

- P136. DEMOLITION OF GARAGE PREMISES AND ERECTION OF CLASS 1 SHOP UNIT WITH ANCILLARY DELICATESSEN (CLASS 1) AND FORMATION OF CAR PARK AT 50 DALDERSE AVENUE, FALKIRK FK2 7EG FOR DAVID'S KITCHEN LTD - P/13/0760/FUL**
- P137. PROPOSAL FOR 307 NEW HOMES (INCLUDING 46 AFFORDABLE HOMES) AND DENNY EASTERN ACCESS ROAD (DEAR), INCLUDING PROVISION OF GREENSPACE, SUSTAINABLE URBAN DRAINAGE AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE SOUTH OF MYDUB FARM, GLASGOW ROAD, DENNY FOR BETT HOMES & CALLENDAR ESTATES - P/12/0546/FUL**