

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 28 MAY 2014 at 9.30 A.M.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
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
Katherine Chorley, Assistant Planning Officer
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Kirsty Hope, Assistant Planning Officer
Antonia Sobieraj, Committee Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Brent Vivian, Senior Planning Officer

P9. APOLOGIES

No apologies were intimated.

P10. DECLARATIONS OF INTEREST

No declarations were made.

P11. MINUTE

Decision

The minute of meeting of the Planning Committee held on 30 April 2014 was approved.

P12. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Baillie 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.

P13. DISCHARGE OF PLANNING OBLIGATION IN RESPECT OF PLANNING PERMISSION F/95/0456 WHICH RESTRICTED FOR ALL TIME COMING, THE OCCUPATION OF ANY DWELLINGHOUSE ERECTED ON THE SITE IN TERMS OF THAT PERMISSION TO A PERSON OR PERSONS CURRENTLY OR LAST EMPLOYED IN AGRICULTURE AS DEFINED IN SECTION 277(1) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, TOGETHER WITH THE DEPENDANTS OF SUCH PERSON OR PERSONS AT AGRICOLAE HOUSE, CEMETERY ROAD, AIRTH, FALKIRK, FK2 8JG FOR - MRS JEANETTE VIRGINIA SUTHERLAND – P/14/0041/75D

The Committee considered a report by the Director of Development Services on an application for full planning permission for the discharge of a planning obligation in respect of planning permission F/95/0456 which restricted for all time coming the occupation of the dwellinghouse authorised by said permission to a person or persons currently or last employed in agriculture as defined in section 277(1) of the Town and Country Planning (Scotland) Act 1997 together with the dependants of such person or persons.

Decision

The Committee agreed to discharge the Section 75 Agreement on the ground that it no longer serves a planning purpose.

P14. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH OF ELMVIEW, LARBERT FOR GLENBERVIE GOLF CLUB – P/14/0063/PPP

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on land to the north of Elmview, Larbert.

Decision

The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.

P15. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the said Act.

Councillor McNally entered the meeting during consideration of the following item of business.

P16. MODIFICATION OF PLANNING AGREEMENT ATTACHED TO PLANNING PERMISSION P/08/0296/FUL REMOVING THE REQUIREMENT TO MAKE A TRANSPORT CONTRIBUTION OF £550,000 ON LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART & MICKEL – P/13/0074/75M

The Committee considered a report by the Director of Development Services outlining the appeal decision issued by the Reporter from the Directorate of Planning and Environmental appeals, the legal assessment of that decision and the options available to the planning authority.

Decision

The Committee noted the DPEA decision to allow the appeal and agreed that no appeal to the Court of Session be pursued in relation to this matter.

P17. 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 (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 26 February and 26 March 2014 (Paragraphs P137 and P149 refer), 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 proposal of 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.

The Convener agreed an adjournment at 11.00 a.m. prior to full consideration of this item of business to allow officers to check with colleagues within the Economic Development section of Development Services in relation to the development of other sites within the area which would contribute to the DEAR and the marketing of these sites. The meeting reconvened at 11.25 a.m. with all Members present as per the sederunt. The Head of Planning and Transportation thereafter provided the Committee with clarification on the matters raised.

Decision

The Committee agreed that it is **MINDED** to **GRANT** planning permission 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 the following, with sums indexed linked from the date of any minded to grant decision by the Committee:-

- (a) A developer contribution towards education provision at Denny Primary School, Denny High School and nursery school provision. The developer contribution should consist of:-

| | | |
|----------------------|-----------------|----------------------------|
| Denny Primary School | £2600 per house | £798,200 for 307 dwellings |
| Denny High School | £2100 per house | £644,700 for 307 dwellings |
| Nursery Provision | £350 per house | £107,450 for 307 dwellings |
| Total | | £1,550,350 |

The nursery provision contribution should be paid in full no later than completion of the 50th unit. The contribution towards education provision at Denny Primary School should be paid in full no later than the completion of the 150th unit, payment to be phased in four payments with the first payment on commencement of the development and the remaining 3 payments aligned to the completion of each 50 units. The contribution towards education provision at Denny High School to be paid in full no later than the 200th unit with an agreement to pay a pro-rata proportion before this, if the development stalls for an agreed period of time.

- (b) A pro-rata developer contribution towards the construction of DEAR, in accordance with the terms of SPG "Delivery of Denny Eastern Access Road (DEAR)". The developer contribution is calculated at £3,383,900. Payment of the developer contribution is to be phased, with the first contribution comprising any sum directly met by the applicant (and, for the avoidance of doubt, not reimbursed by the Council) in relation to the proper and reasonable cost of works carried out by the applicant to construct the roundabout on Glasgow Road and the first part of DEAR, including the new roundabout to provide access to the residential development, as detailed on the drawing bearing the applicant's reference

RMDC/319/SL (1:500)/001 Revision N and the Planning Authority's reference 03B, ("the works"), said proper and reasonable costs to be fully vouched and demonstrated by the applicant to the satisfaction of the Director of Development Services. The nature and extent of the developer's contribution towards the works shall be the subject of written agreement and shall be quantified taking account of any potential funding available to the Council for delivery of the works. The residual monetary contribution (which shall be quantified by deduction of the developer's contribution in respect of the works from the total developer's contribution of £3,383,900) shall be paid in full by the applicant no later than:-

- The completion of the 251st dwellinghouse, including the 46 affordable housing units; or
- The completion of the 210th mainstream dwellinghouse, excluding the 46 affordable housing units,

whichever occurs first.

- (c) Development of 46 affordable housing units, the type, tenure, mix and means of delivery to be agreed in writing with the Planning Authority. Development of the housing development shall not progress beyond phase 1, as detailed on the drawing bearing the Planning Authority's reference 120A, until written agreement is secured.
- (d) A developer contribution towards the development of an adoptable standard footway at the north side of Nethermain Road, Denny to provide adequate pedestrian access to public transport links. The contribution required is £20,000 and is to be paid prior to the commencement of development.

In the event that an agreement has not been concluded with the applicant in respect of any or all of the above within a period of six months from the date of the Committee's agreement to be minded to grant planning permission, the application shall be referred back to the Planning Committee for further consideration.

Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission subject to the following conditions and informatives:-

- (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) Development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating how the development will minimise its energy use and, consequently, its carbon footprint through design, materials and any other integral features.
- (3) Development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating how the Falkirk Council Outdoor Access Network would be maintained free of obstruction during the development or, alternatively, what temporary arrangements would be put in place to mitigate any temporary closure. If temporary closure of any outdoor access footpath is proposed, the details to be submitted shall demonstrate how this would be achieved. For the avoidance of doubt, the outdoor access footpaths and access ways to be considered are numbered 012/327, 012/296, 012/340 and 012/343 as identified in the Falkirk Council Core Paths Plan May 2010.
- (4) There shall be no development which would have any physical impact on the Little Denny Burn until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating that the proposed box culvert to be formed at the Little Denny Burn shall be constructed to a satisfactory standard and designed to a 1 in 200 year flooding event standard.
- (5) Development shall not commence on site until such time as the scheme of archaeological work detailed in the Archaeological Written Scheme of Investigation has been carried out with the written approval of the Planning Authority.
- (6) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of drainage maintenance have been submitted to, and approved in writing by, the Planning Authority.
- (7)
 - (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 11A 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.
- (8) Notwithstanding any details previously submitted, there shall be no development on site, other than ground reprofiling works or works falling within phase 1 of the development as detailed on the drawing bearing the Planning Authority's reference 120A until such time as further phasing details have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the further phasing details to be submitted shall demonstrate the means by which pedestrian access to the transport network for the households already occupied shall be maintained and the Council's core footpath network, as detailed in the Falkirk Council Core Paths Plan May 2010, shall be safeguarded.
- (9) Notwithstanding any details previously submitted, development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating that the development of, and diversion of, culverts on site shall not constitute a flood risk either on or off site.
- (10) Notwithstanding any details previously submitted, there shall be no development on site, other than ground reprofiling or works falling within phase 1 of the development as detailed on the drawing bearing the Planning Authority's reference 120A, until such time as details of play equipment to be installed at the open space and a maintenance scheme have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the details shall include timing of installation of the play equipment with reference to phasing details to be submitted in compliance with condition 8.
- (11) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the implementation and future maintenance of the landscaping scheme have been submitted to, and approved in writing by, the Planning Authority.

- (12) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of external finishes in respect of the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
- (13) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of boundary treatments along the length of the proposed Denny Eastern Access Road have been submitted to, and approved in writing by, the Planning Authority.
- (14) There shall be no development of dwellinghouses, other than within phase 1 of the residential development as shown on the drawing bearing the Planning Authority's reference 120A, until such time as the temporary vehicular access to phase 1 of the residential development has been closed off with the written approval of the Planning Authority, in accordance with the drawing bearing the Planning Authority's reference 03B.
- (15) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation of the first junction within the proposed residential development have been submitted to, and approved in writing by, the Planning Authority, demonstrating that service vehicles shall be able to negotiate the junction.
- (16) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of final surfacing of roads and hard landscaped areas within the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
- (17) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation and surfacing of the footpath at the east side of Glasgow Road, as shown on the drawing bearing the Planning Authority's reference 121, have been submitted to, and approved in writing by, the Planning Authority.
- (18) No dwellinghouse shall be occupied until such time as the footpath at the east side of Glasgow Road, as shown on the drawing bearing the planning authority's reference 121 and referred to in condition 17, has been finished with the written approval of the Planning Authority.
- (19) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation of the footpath to be constructed from the proposed new roundabout at Glasgow Road running between plots 25 and 26 to the internal roadway at the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.

- (20) For the avoidance of doubt, the extent of road infrastructure to which this condition refers comprises of the new roundabout at Glasgow Road in its entirety to the north, south and west, as shown on the drawing bearing the applicants reference RMDL/319/SL (1:500)/001 Revision N and the Planning Authority's reference 03B, and also part of the Denny Eastern Access Road from the proposed new roundabout at Glasgow Road to a point measuring 50 metres eastward of the centre of the said roundabout (together referred to as "the initial road works"). There shall be no work on site in respect of the proposed residential development, other than ground reprofiling work, until such time as the initial road works have been completed to wearing course level, together with all necessary traffic management features, in accordance with the written approval of the Planning Authority.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the proposed development is energy efficient.
- (3) In order that satisfactory pedestrian access to the transport network and the Core Path Network is maintained.
- (4) To ensure that the proposed development does not constitute a flood risk either on or off the site.
- (5) To safeguard archaeological remains.
- (6) To ensure adequate drainage is safeguarded.
- (7) To ensure the ground is suitable for the proposed development.
- (8) In order that the Planning Authority can control phasing of the development beyond Phase 1.
- (9) To ensure that the proposed development does not constitute a flood risk either on or off the site.
- (10) To ensure a satisfactory standard of play equipment is installed.
- (11) To ensure that a satisfactory standard of landscape quality is maintained.
- (12-13) In the interests of visual amenity.
- (14-16) In the interests of safety of highway users.
- (17-19) To ensure the formation of pedestrian links to, form the proposed residential development.

- (20) To safeguard the safety of users of the wider road network at Glasgow Road and to ensure that there is a satisfactory standard of roadway in respect of site traffic taking access to and from the east side of the proposed new roundabout at Glasgow Road.

Informative:-

- (1) For the avoidance of doubt, the plans to which the decision refers bear the approved drawing numbers indicated on the Council's web site.