

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 SEPTEMBER 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
Donald Campbell, Development Management
Co-ordinator
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
John Milne, Senior Planning Officer
Craig Russell, Roads Development Officer
Antonia Sobieraj, Committee Services Officer

P46. APOLOGIES

No apologies were intimated.

P47. DECLARATIONS OF INTEREST

Councillor C Martin referred to his decision reached previously on another application by the same applicant as intimated to the meeting of the Committee on 25 June 2013 and advised he would not take part in further consideration of the application dealt with under Item 7, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Baillie Paterson declared a non financial interest in item 9 (minute P55) by virtue of her partner being a member of the applicant company, in consequence of which she recused 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 Chalmers informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/14/0291/FUL and P/14/0038/FUL (minute P52 and P53).
- 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/14/0197/FUL, P/14/0291/FUL, P/14/0038/FUL and P/14/0342/FUL (minute P51, P52, P53 and P54).
- Bailie Paterson informed the Committee that, while she had not attended the site visits, she would take part in consideration of planning applications P/14/0197/FUL, P/14/0291/FUL, P/14/0038/FUL and P/14/0342/FUL (minute P51, P52, P53 and P54) as she was sufficiently familiar with the sites.

P48. REQUESTS FOR SITE VISITS

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/13/0234/PPP and P/12/0196 /FUL.

P49. MINUTES

Decision

- (a) **The minute of meeting of the Planning Committee held on 20 August 2014 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 1 September 2014 was approved, subject to the addition of Councillor Carleschi as being in attendance for applications P/14/0291/FUL and P/14/0038/FUL.**

P50. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/13/070) ORDER 2013 – PARK AVENUE, LAURIESTON

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/13/070) Order 2013 to reserve a parking space for disabled persons on park Avenue, Laurieston.

Decision

The Committee agreed to make the Traffic Regulation Order referred to in the Report.

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

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

P51. DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2 DWELLINGHOUSES AT BETSYLEA, 2 HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR MR ROSS CRAIG – P/14/0197/FUL – CONTINUATION

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P34 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the demolition of a two storey dwellinghouse and the erection of two semi detached dwellinghouses at Betsylea, 2 Hillview, High Bonnybridge, Bonnybridge.

Decision

The Committee considered that the dwellinghouses proposed by the development would be within the footprint of the existing dwellinghouse and there would be an enhancement to visual amenity and roads in the vicinity of the development and agreed that it is MINDED to GRANT planning permission subject to the submission to and approval of the Director of Development Services of a Coal Mining Risk Assessment all in terms satisfactory to the said Director. Thereafter, upon the approval of the said Director of the Coal Mining Risk Assessment to grant planning permission subject to appropriate conditions as determined by the said Director.

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

P52. EXTENSION TO DWELLINGHOUSE (DORMERS) AT 20 SNEDDON PLACE, AIRTH, FALKIRK FK2 8GH FOR MR CRAIG GARDENER – P/14/0291/FUL – CONTINUATION

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P35 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the extension to a single storey detached dwellinghouse by way of a flat roofed dormer which would wrap around the side and rear elevations of the property at 20 Sneddon Place, Airth, Falkirk.

Decision

The Committee did not consider that the proposed development gave rise to a breach of policy SC9 and accordingly agreed to grant planning permission subject to appropriate conditions as determined by the Director of Development Services.

In accordance with his declaration of interest, Councillor Martin left the meeting prior to consideration of the following item of business. Councillor Chalmers also left the meeting at this point.

P53. SITE PREPARATION, THE DRILLING OF AN EXPLORATION BOREHOLE (REQUIRING 24 HOUR OPERATION) TO REMOVE A CORE OF COAL FOR SAMPLING AND RESTORATION OF THE SITE FOLLOWING CESSATION OF DRILLING OPERATIONS ON LAND TO THE NORTH EAST OF GRANGEVIEW, FALKIRK FOR DART ENERGY (EUROPE) LTD – P/14/0038/FUL – CONTINUATION

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P38 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the preparation of a site, the drilling of an exploration borehole (requiring 24 hour operation), the removal of a core of coal for sampling and restoration of the site following cessation of drilling operations on a site approximately 500 metres west of the mudflats forming the Skinflats Nature Reserve/Special Protection Area (SPA)/Ramsar site and the bank of the River Forth on land to the north east of Grangeview, Falkirk.

Councillor Carleschi, seconded by Councillor Turner, moved that Committee continue consideration of the application to await the outcome of the Public Inquiry into an application by the same applicant at another site.

By way of an amendment, Baillie Paterson, seconded by Councillor McLuckie, moved that the application be approved as detailed in the report.

On a division, 4 Members voted for the motion and 5 voted 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 the 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) Falkirk Council as Planning Authority directs that unless the development hereby permitted has already begun, the permission will lapse after a period of two years beginning with the date of the permission. This direction replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for the permission.
- (3) Temporary measures to the surrounding road network as detailed in the RPS Technical Note dated 8 July 2014 shall be carried out, removed and the road reinstated to the satisfaction of Falkirk Council.
- (4) Any plant or machinery to be installed within the site shall be removed on completion of mining operations.
- (5) Before any excavation work is commenced on the site, a Site Management Scheme must be submitted for approval by the Planning Authority. The Scheme should detail:-
 - (i) the extent of soil stripping;
 - (ii) the extent and location of storage areas for top-soil and other recoverable materials;
 - (iii) provisions for weed control;
 - (iv) provisions for diverting and maintaining any watercourses/ culverts;
 - (v) provisions for draining the site;
 - (vi) provisions for protecting the drainage systems of adjoining land;
 - (vii) provisions for ensuring that standing water is not allowed to gather on the site;
 - (viii) provisions for dealing with any noise or dust nuisance; and
 - (ix) provisions for storage on site of any oil, fuel, lubricant, paints or solvent.
- (6)
 - (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 IIA 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.
- (7) Unless otherwise agreed in writing with Falkirk Council in consultation with SNH and RSPB, no development other than drilling operations shall take place during the months of October - April inclusive.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the Planning Authority can control the future use of the site.
- (3) To safeguard the interests of uses of the highway.
- (4) To ensure that the Planning Authority can control the future use of the site.
- (5) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (6) To ensure the ground is suitable for the proposed development.
- (7) To safeguard the environmental amenity of the area, due to the potential for disturbance to pink footed geese associated with the Firth of Forth SPA.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 1, 2, 3, 4, 5, 6 and 7.
- (2-3) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning the proposal in respect of noise legislation which may affect the development.

- (4) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of the application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (5) 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.
- (6) The direction above replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for the permission.
- (7) The developer is advised to agree the extent and method of pre and post development road surveys with Falkirk Council's Roads Services, Earls Road, Grangemouth.

Councillors Chalmers, Mahoney and Martin re-entered the meeting prior to consideration of the following item of business.

Councillors Nimmo and McNally left and re-entered the meeting prior to consideration of the following item of business.

Baillie Paterson and Councillor Meiklejohn left the meeting prior to consideration of the following item of business.

Baillie Paterson and Councillors Meiklejohn and Nicol re-entered the meeting during consideration of the following item of business.

P54. EXTENSION TO DWELLINGHOUSE AND ERECTION OF GARAGE AT 567 MAIN STREET, STENHOUSEMUIR, LARBERT FK5 4QD FOR MR WILLIAM CLARKSON – P/14/0342/FUL – CONTINUATION

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P40 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the extension to a single storey semi detached dwellinghouse and the erection of a garage at 567 Main Street, Stenhousemuir, Larbert.

Decision

The Committee did not consider the extension to be unsympathetic to the existing building nor to the surrounding area and consequently did not conclude that there would be an unacceptable adverse impact on the building and to the surrounding area or that it would have an unacceptable overbearing impact on the adjoining dwellinghouse. Planning permission was accordingly granted subject to appropriate conditions as determined by the Director of Development Services.

P55. INSTALLATION OF A SINGLE WIND TURBINE, NEW ACCESS ROAD, HARDSTANDING, SUBSTATION BUILDING, TRANSFORMER HOUSING AND AREA FOR MICROSITING ON LAND TO THE SOUTH OF WESTERGLLEN FARM, FALKIRK FOR BESPOKE COMMUNITY DEVELOPMENT COMPANY - P/14/0203/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a single wind turbine measuring 50 metres to hub and 79 metres to blade tip located on a site to the north of Greenrigg Farm on agricultural land accessed via an existing farm track off the B803 Falkirk to Slamannan Road and to the south of Westerglen Farm, Falkirk. The proposal also included a new access road, hardstanding, substation building, transformer housing and an area for micrositng.

Decision

The Committee agreed (a) to continue consideration of this item of business to allow an inspection of the site by Committee on 29 September 2014; and (b) that further consideration of the application take place at a special meeting of the Planning Committee to take place on the same day as the site visit.

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

P56. DELETION OF CONDITION 1 OF PLANNING PERMISSION P/13/0663/VRC REQUIRING THE MARKETING OF COMMERCIAL UNITS AT 1-11 (ODD) CROWN CRESCENT, LARBERT FK5 4XP FOR CALA HOMES WEST LTD - P/14/0339/VRC

The Committee considered a report by the Director of Development Services on an application for the deletion of condition 1 of planning permission P/13/0663/VRC requiring the marketing of ground floor commercial units at 1-11 (odd) Crown Crescent, Larbert.

Decision

The Committee agreed (a) to continue consideration of this item of business to obtain the marketing strategy from the applicants referred to in Condition 1 of planning permission P/13/0663/VRC; and (b) that the matter would thereafter be further considered at a future meeting of the Committee.

In accordance with the decision taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

P57. DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK FK2 7AY FOR EAST STIRLINGSHIRE FC – P/13/0234/PPP

P58. DISCHARGE OF PLANNING OBLIGATION IN RESPECT OF PLANNING PERMISSION F/81/176 WHICH RESTRICTED IN ALL TIME COMING THE DWELLINGHOUSE ERECTED ON THE SUBJECTS TO OCCUPATION ONLY BY PERSONS EMPLOYED IN AGRICULTURE AND THEIR DEPENDANTS, AND FURTHER REQUIRED THAT THE DWELLINGHOUSE WHICH THE NEW DWELLINGHOUSE REPLACED SHALL NEVER AT ANY TIME BE OCCUPIED AS A DWELLINGHOUSE AND SHALL BE USED AS A FARM OUTBUILDING AT MYOTHILL MAINS, DENNY FK6 5HH FOR MR McISSAC RUSSELL P/14/0190/75D

The Committee considered a report by the Director of Development Services on an application for the discharge of a section 50 agreement restricting occupancy of the dwellinghouse at Myothill Mains, Denny to persons employed in agriculture and their dependants. The report set out the site history, the reason from the application and the current relevant Scottish Government guidance.

Decision

The Committee agreed to the discharge of the Planning Obligation.

In accordance with the decision taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

P59. CHANGE OF USE OF LAND TO FORM EXTENSION TO EXISTING RESIDENTIAL CARAVAN PARK AND ANCILLARY ENGINEERING OPERATIONS (PART RETROSPECTIVE) AT 1-50 BEECHTREE PARK, DENNY FK6 6BU FOR BEECHTREE PARK HOMES – P/12/0196/FUL