

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 29 OCTOBER 2014 at 9.30 A.M.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
Adrian Mahoney
Craig Martin
Cecil Meiklejohn
John McLuckie
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
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Alf Hillis, Environmental Health Officer
Kenny McNeill, Acting Head of Service (Support,
Resources and Infrastructure)
Craig Russell, Roads Development Officer
Antonia Sobieraj, Committee Services Officer
Richard Teed, Senior Forward Planning Officer

P69. APOLOGIES

Apologies were intimated on behalf of Councillors Nicol and McNally.

P70. DECLARATIONS OF INTEREST

Baillie Paterson declared a non financial interest in item 6 (minute P76) 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.

Councillor McLuckie declared a non financial interest in item 6 (minute P76) by virtue of being a Director of the Falkirk Environment Trust which had given funding on a number of occasions to the applicant organisation, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor C Martin entered the meeting during consideration of the following item of business.

P71. REQUESTS FOR SITE VISITS

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/14/0349/FUL, P/14/0336/FUL, P/14/0214/FUL and P/14/0140/PPP.

P72. REMARKS PERTINENT TO AGENDA ITEM 6

Prior to further consideration of business, the Chief Governance Officer informed the Committee that an action of Interim Interdict had been raised against the Council in relation to item 6 (minute P76) seeking to prevent the Planning Committee from determining the application at this meeting. The action was currently being heard at Falkirk Sheriff Court. The Convener, with the consent of all members present, agreed to hear this item later in the meeting than scheduled in the agenda to assess what may come out of the Court hearing.

P73. MINUTES

Decision

- (a) The minute of meeting of the Planning Committee held on 10 September 2014 was approved;
- (b) The minute of meeting of the Planning On-Site Committee held on 29 September 2014 was approved;
- (c) The minute of special meeting of the Planning Committee held on 29 September 2014 was approved, and
- (d) The minute of inquorate meeting of the Planning Committee held on 9 October 2014 was approved.

P74. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 10 September 2014 (Paragraph P57 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 development of land for residential use with associated car parking, servicing, landscaping and access at Firs Park, Firs Street, Falkirk.

Councillor Meiklejohn, seconded by Councillor Chalmers, moved rejection of the application on the ground that it was contrary to the Falkirk Council Local Plan (specifically opportunity ED. FAL05) and that the material considerations did not justify a departure from the Plan.

By way of amendment, Councillor Martin, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations in the report. Following a suggestion from Councillor Mahoney, supported by Councillor Turner, that consideration of the application be continued for further information, the motion and amendment were withdrawn with the unanimous consent of those present at the meeting in accordance with Standing Order 20.9.

Decision

The Committee agreed to continue consideration of this item of business in order for further information to be provided by the applicant on the applicant's efforts (i) to market the site for retail/leisure/business use; and (ii) to secure access to the site by way of the retail park.

P75. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 10 September 2014 (Paragraph P59 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 a change of use of land to form an extension to an existing residential caravan park and ancillary engineering operations (part retrospective) at 1-50 Beechtree Park, Denny.

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) (i) Development shall not continue 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 contamination 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 and approved in writing by 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.
- (3) Development shall not continue until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
- (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) location of new trees, shrubs, hedges and grassed areas;
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) programme for completion and subsequent maintenance.

Thereafter the landscaping shall be maintained in accordance with these details unless otherwise agreed in writing by the Planning Authority.

- (4) Unless otherwise agreed in writing with the Planning Authority, the occupation of the residential units hereby approved shall be limited to a person or persons outwith school age and at no time shall children of school age occupy the units as their sole permanent residence.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the visual amenity of the area.
- (4) In order to safeguard schools infrastructure provision within the wider catchment area.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01B and 02.**

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

P76. INSTALLATION OF A 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 (CONTINUATION)

The Committee was advised by Mr Donald Campbell that the interim interdict action had been refused at Falkirk Sheriff Court. It was agreed to circulate to all members of the Committee a letter dated 27 October 2014 from the solicitors for the objector who had raised the action of interim interdict. It was then agreed to have a 10 minute recess in order for the members of the Committee to read and consider the letter. The recess started at 10.15 a.m. and ended at 10.25 a.m.

Thereafter, with reference to Minutes of Meetings of the Planning Committee held on 10 September and 29 September 2014 (Paragraphs P55 and P66 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 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.

The Committee heard from the Chief Governance Officer on the arrangements made for the site visits and the expectations of parties invited to them. In addition, Mr Campbell confirmed that the location of the 'blimp' used to illustrate the proposed site for the turbine at the first site visit was accurate, being within 8m to 10m of the site identified at the second site visit, that distance being an acceptable allowance for micrositng where a variation of 10m to 20m is commonly used.

Councillor Martin, seconded by Baillie Buchanan, moved that consideration of this item of business be continued to allow a further inspection of the site by Committee.

By way of an amendment, Councillor Chalmers, seconded by Councillor Turner, moved that Committee grant planning permission in accordance with the recommendations in the Report. He noted that there had been clarification of the matters previously requested by Committee and the position of the marker at the original site inspection had been confirmed not to be inaccurate to the degree suggested.

On a division, 3 Members voted for the motion and 4 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) 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.
- (5) Prior to the initiation of development, the applicant shall confirm the exact colour of turbine colour, hub, blades and all approved infrastructure with the Planning Authority.
- (6) Prior to the initiation of development, the applicant shall provide a plan detailing any landscape features that require to be removed and reinstatement details and specification.
- (7) Prior to the initiation of development, a method statement shall be provided, confirming soiling and seeding works to ensure that the access road is reduced in width to 2.5 metres following construction.
- (8) All cable trenching shall follow the route of access.

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.
- (5-8) In the interests of visual amenity.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01- 06.
- (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.
- (3) The applicant will be required to negotiate pre and post construction road and bridge surveys with Falkirk Council's Roads Services, Earls Road, Grangemouth and Bridge and Structures Design, Abbotsford House, David's Loan, Falkirk.

Baillie Paterson and Councillor McLuckie re-entered the meeting following consideration of the foregoing item of business.

P77. 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 (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 10 September 2014 (Paragraph P56 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 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 to refuse the application on the basis that (a) the Market Report of Retail Development submitted by the applicant was factually inaccurate; and (b) they were not satisfied about the adequacy of the steps taken to implement the relevant condition and consequently were not satisfied that the Development Plan policies were met.

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

- P78. CONSTRUCTION OF UNDERGROUND ATTENUATION TANK ON LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP – P/14/0349/FUL**
- P79. DEMOLITION OF FORMER SCOUT HALL AND ERECTION OF 3 DWELLINGHOUSES AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR GRS HOMES LTD - P/14/0336/FUL**
- P80. DEMOLITION OF EXISTING VALET BAY AND ERECTION OF 4 NO. SINGLE STOREY COMMERCIAL UNITS (UNIT 1-3 CLASS 1 AND UNIT 4 CLASS 3) AT RUMFORD SERVICE STATION, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR N & N JAMAL PROPERTIES - P/14/0214/FUL**
- P81. DEMOLITION OF EXISTING STABLES AND DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT HOME FARM, DROVE LOAN, HEAD OF MUIR, DENNY FK6 5LH FOR MR STEVEN RUSSELL – P/14/0140/PPP**
- P82. INSTALLATION OF A 15M SMART METERING COMMUNICATIONS MAST WITH ANCILLARY EQUIPMENT AT SITE TO THE SOUTH EAST OF STANDRIGG, CALIFORNIA FOR HARLEQUIN GROUP – P/14/0437/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the installation of a 15 metre high lattice Smart meter communications mast and two meter cabinets, within a small compound and bounded by a 2.1 metre high chainlink fence, at a site to the south east of Standrigg, California.

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) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the communications mast and related apparatus shall be removed from the site. Within two months of the date on which the use ceases, the site shall be reinstated to a condition agreed with the Planning Authority.**

- (3) 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.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the removal of redundant telecommunications installations.
- (3) To ensure the ground is suitable for the proposed development.

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 and 5.
- (2) The Roads Manager within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
- (3) 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.

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

P83. ERECTION OF DWELLINGHOUSE, DOMESTIC OUTBUILDING AND TEMPORARY SITING OF RESIDENTIAL CARAVAN (PARTIALLY RETROSPECTIVE) ON LAND TO THE NORTH WEST OF ATLANTA, SLAMANNAN, FALKIRK FOR MR DUNCAN BENNIE - P/14/0499/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse with an associated outbuilding and the temporary siting of a residential caravan (partially retrospective) on a site comprising a vacant plot of land extending to 0.14 hectares, formerly the Shottrigg Farm steading, on land to the north west of Atlanta, Slamannan, 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 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)
 - (i) No development shall commence on site until a contaminated land assessment has been submitted to and approved in writing by the Planning Authority. 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.
 - (ii) Where contamination (as defined by Part (iiA) of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination should be submitted to and approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development on site, the remediation works must be carried out in accordance with the strategy approved at (ii) above. 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 approved in writing by the Planning Authority, unless otherwise agreed in writing by the local Planning Authority.
- (3) No development shall commence on site until a full specification for all exterior materials and finishes, including details of the proposed rooflights, exterior windows and doors shall be submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details.
- (4) No development shall commence on site until a specification for the re-use of all retained natural stone in the approved development is submitted to and approved in writing by the Local Authority. Thereafter development shall proceed in accordance with the approved details.
- (5) A residential caravan shall be sited in accordance with the approved plan (the online reference No. 01A) for a period not exceeding three years from the date of the permission unless otherwise agreed in writing with the Planning Authority. Thereafter all temporary residential accommodation shall be permanently removed from the site.
- (6) For the avoidance of doubt, the building hereby approved shall be for domestic purposes only, ancillary to the main use of the dwellinghouse.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the visual amenity of the countryside.
- (4) To ensure that stone from the former farm steading is retained and used in the development.
- (5) As the caravan is not a suitable permanent form of development.
- (6) To ensure that the property is used for domestic purposes only.

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) 01A, 02 and 03 and Supporting Documents.
- (3) The application site is in the vicinity of a High Pressure Gas Transition Pipeline. The Scotland Gas Network Code of Practice document SSW22 must be circulated and signed a minimum of seven days prior to the commencement of any works. Contact for advice is via Angus Robertson, Scotland Gas Networks on telephone number 0141 418 4158.