

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 FEBRUARY 2015 at 9.30 a.m.

COUNCILLORS:

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

OFFICERS:

John Angell, Head of Planning and Transportation
Donald Campbell, Development Management Co-ordinator
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Allan Finlayson, Senior Planning Officer
Rhona Geisler, Director of Development Services
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Alf Hillis, Environmental Health Officer
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Bernard Whittle, Development Management Co-ordinator

P114. APOLOGIES

Apologies were intimated on behalf of Councillor Turner.

P115. 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 visit he would not take part in consideration of planning application P/14/0077/FUL (minute P118).
- Councillor Chalmers informed the Committee that, while he had not attended the site visit, he would take part in consideration of planning application P/14/0077/FUL (minute P118) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that, while he had not attended the site visit, he would take part in consideration of planning application P/14/0077/FUL (minute P118) as he was sufficiently familiar with the site.
- Councillor Meiklejohn informed the Committee that, while she had not attended the site visit, she would take part in consideration of planning application P/14/0077/FUL (minute P118) as she was sufficiently familiar with the site.
- Baillie Paterson informed the Committee that, while she had not attended the site visit, she would take part in consideration of planning application P/14/0077/FUL (minute P118) as she was sufficiently familiar with the site.

P116. REQUEST FOR SITE VISIT

Having heard requests by members for a site visit, the Committee agreed to the continuation of planning application P/14/0682/FUL (minute P119).

P117. MINUTES

Decision

- (a) **The minute of meeting of the Planning Committee held on 28 January 2015 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 9 February 2015 was approved.**

Councillor Mahoney left the meeting prior to consideration of the following item of business and re-entered during its consideration but took no part in consideration of the item.

Councillors Carleschi and C Martin entered the meeting during consideration of the following item of business.

P118. ERECTION OF 4 RETAIL UNITS AND 4 FLATS WITH ACCESS AND PARKING FACILITIES ON LAND TO THE OF EAST OF 22A GLASGOW ROAD, GLASGOW ROAD, DENNY FOR MR NIMI DHILLON - P/14/0077/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 January 2015 (Paragraph P111 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 two storey building comprising four retail units and four flatted dwellings, with associated access and parking facilities, on land to the east of 22A Glasgow Road, Glasgow Road, Denny.

Councillor McLuckie, seconded by Baillie Paterson, moved that planning permission be granted in accordance with the recommendations in the Report and with the additional informative relating to relevant parties working together to consider options to deter the potential for unauthorised parking.

By way of an amendment, Councillor McNally, seconded by Councillor Meiklejohn, moved that Committee continue consideration to obtain further information from the applicant in relation to addressing the parking issues at the site and the arrangements for refuse collection and associated issues.

On a division, 7 Members voted for the motion and 2 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) Notwithstanding the approved plans, the development shall not commence until exact details of the colour and specification of all proposed external finishing materials have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (3) The development shall not commence until exact details of the height, location, specification and colour of all proposed fences, walls and any other means of enclosure have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**

- (4) The development shall not commence until a contaminated land assessment has been submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out 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.
- (5) The development shall not be brought into use until acoustic glazing with a specification of 6mm/12mm/6mm or acoustic equivalent and permanent ventilation (to ensure that windows can be kept closed without loss of ventilation) have been installed in the proposed flatted dwellings, in accordance with details to be approved in writing by the Planning Authority before the development commences. The acoustic glazing shall ensure that the internal levels with the windows closed do not exceed 35dB daytime and 30dB night-time, when measured at LAeq,T.
- (6) Before each proposed retail unit is occupied, exact details of the measures proposed to mitigate the potential for elevated levels of noise/vibration from refrigeration/ventilation plant shall be submitted to and approved in writing by the Planning Authority, where the submission of such details is considered to be necessary by the Planning Authority in view of the proposed use of that unit. The scheme of mitigation shall ensure that future occupiers of the proposed flatted dwellings will not be subject to noise levels in excess of 35dB daytime and 30db night-time. The development shall be carried out in accordance with the approved details.
- (7) Before the development is brought into use, the proposed new access shall be constructed in a manner to ensure that no surface material or loose material is discharged onto the public road.
- (8) The development shall not commence until the applicant has demonstrated to the satisfaction of the Planning Authority that the proposed development would not be constructed over a culverted watercourse.

Reason(s):-

- (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.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the proposed development.
- (5) To ensure that the occupiers of the properties are safeguarded against excessive noise intrusion.
- (6) To ensure that the occupants of the property are safeguarded against excessive intrusion from noise and vibration.

- (7) To safeguard the interests of the users of the public highway.
- (8) It is contrary to good practice to build over culverted watercourses.

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) 01B, 02C, 03, 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 13A, 14 and 15.
- (3) Scottish Water have advised that, due to the size of the proposed development, it will be necessary for Scottish Water to assess the impact of the new demand on their existing infrastructure. With any development of 10 or more housing units, or equivalent, there is a requirement to submit to a fully completed Development Impact Assessment form to Scottish Water. These forms could be found at www.scottishwater.co.uk.
- (4) The applicant is advised to work together with the relevant parties to consider options to deter the potential for unauthorised parking.

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:-

P119. DEMOLITION OF RUINED FARMHOUSE, ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE, FORMATION OF ACCESS, CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN GROUND AT DOUBLEDYKES FARM, FALKIRK FOR MRS ALISON ARNOTT - P/14/0682/FUL

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

P120. RESIDENTIAL AND MIXED USE PHASED DEVELOPMENT FOR THE WHITECROSS SIRR, INCLUDING UP TO 1500 RESIDENTIAL UNITS, COMMUNITY AND ENTERPRISE FACILITIES, TRANSPORT AND ENVIRONMENTAL INFRASTRUCTURE AND EMPLOYMENT SPACE AT MANUEL WORKS, LINLITHGOW EH49 6LH FOR MORSTON ASSETS/ MWL MAXINE DURY - P/10/0188/PPP

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for a residential and mixed use phased development for the Whitecross SIRR, including up to 1500 residential units, community and enterprise facilities, transport and environmental infrastructure and employment space at Manuel Works, Linlithgow, said application having been the subject of a minded to grant decision on 18 May 2011. The purpose of the report was to (a) give an update on progress with the Section 75 planning agreement which had still to be concluded; (b) advise on changes to the masterplan drawings and the planning conditions, and (c) set out further representations received with regard to the application.

Decision

The Committee agreed:-

- (1) to continue consideration of this item to allow officers to provide further information for members by way of a briefing session for all Council members in relation to the current issues pertaining to this matter; and**
- (2) that thereafter the Director of Development Services would submit a report to a future meeting of the Committee for further consideration.**

NOTE: the Director of Development Services confirmed that no planning permission would be issued if the Planning Obligation was concluded in the interim.

The Convener agreed an adjournment at 11.10 a.m. The meeting reconvened at 11.20 a.m. with all Members present as per the sederunt.

P121. RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS, CONVERSION OF STABLES TO FORM 10 DWELLINGS, ERECTION OF 45 DWELLINGHOUSES, ASSOCIATED LANDSCAPING WORKS, AMENDMENTS TO A905 AND SITE ACCESS ROAD, DUNMORE PARK, FALKIRK FK2 8LP FOR MANOR KINGDOM (06/1099/FUL)

RESTORATION OF DUNMORE PARK HOUSE TO FORM 15 DWELLINGS AND CONVERSION OF STABLES TO FORM 10 DWELLINGS AT DUNMORE PARK, FALKIRK FK2 8LP (06/0377/LBC)

The Committee considered a report by the Director of Development Services on applications for full planning permission and listed building consent for the erection of 45 new dwellinghouses within the policies of Dunmore Park House and the restoration of the house and associated stables to create 25 residential units at Dunmore Park, Falkirk, application 06/1099/FUL having been the subject of a minded to grant decision on 27 February 2008 while application 06/0377/LBC was still outstanding pending information requested from the applicant. The purpose of the report was to seek direction from the Committee on these two long outstanding applications.

The Committee agreed:-

- (1) to continue consideration of the item to allow time for the required Planning Obligation to be concluded in terms satisfactory to the Director of Development Services which Planning Obligation shall require an amended education contribution of £416,500 and shall not require a contribution in relation to the provision of mains gas and drainage;**
- (2) in the event that the said Planning Obligation has been concluded to the satisfaction of the Director of Development Services by 31 August 2015, the said Director shall be authorised to grant planning permission subject to such conditions as are considered appropriate by her and continue to progress the assessment and determination of the related application for listed building consent. This will include referral to Historic Scotland, if minded to grant Listed Building Consent, and will also be subject to conditions considered appropriate by the said Director, and**
- (3) in the event that the said Planning Obligation has not been concluded to the satisfaction of the Director of Development Services by 31 August 2015, the matter shall be reported back to the Committee for further consideration.**

P122. UNDETERMINED “LEGACY” APPLICATIONS FOR PLANNING PERMISSION FOR HOUSING

The Committee considered a report by the Director of Development Services (a) detailing old ‘legacy’ applications and other applications where insufficient progress had been made to allow a determination; and (b) requesting consideration of the most appropriate way forward to progress the applications.

Decision

The Committee:-

- (1) Noted the report; and**
- (2) Agreed:-**
 - (a) that Planning Application P/07/0518/FUL by Konon Limited be reported to a future meeting of the Committee if it is still undetermined or not withdrawn by 30 June 2015;**

- (b) that other applications on which little progress was being made (as detailed below and in the Appendix to the report) be reported to a future meeting of the Committee if they are still undetermined or not withdrawn by the timescales detailed on the Appendix to the report or the dates detailed below if different:-

| <u>Application No.</u> | <u>Applicant</u> |
|----------------------------|--|
| F/2004/0178 06/0377/LBC | County Homes Mrs Jeanette Sutherland (See minute ref: P121) |
| 06/1099/FUL | Mrs Jeanette Sutherland (See minute ref: P121) |
| P/07/0635/FUL | JAD Homes Ltd |
| P/09/0508/OUT | MacTaggart and Mickel |
| P/10/0188/PPP | Morston Assets/MWL Maxine Dury (See minute ref: P120) |
| P/10/0360/PPP | I and H Brown Ltd |
| P/10/0512/PPP | British Waterways (Scotland) and Falkirk Council |
| P/11/0142/PPP | Stewart Homes |
| P/12/0314/PPP | Ms Jackie Kemp - 30 June 2015 |
| P/12/0543/PPP | Mr Mark Agnew - 30 September 2015, and |

- (c) the current practice of index linking developer contributions from the date of the minded to grant decision, unless otherwise agreed.