

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 29 APRIL 2015 at 9.30 a.m.

COUNCILLORS: Baillie William Buchanan (Convener)
Colin Chalmers
Adrian Mahoney
Craig Martin
John McLuckie
John McNally
Cecil Meiklejohn
Malcolm Nicol
Alan Nimmo
Baillie Joan Paterson
Sandy Turner

OFFICERS: John Angell, Head of Planning and Transportation
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Elspeth Forsythe, Planning Officer
Rose Mary Glackin, Chief Governance Officer
Rhona Geisler, Director of Development Services
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Craig Russell, Roads Development Officer
Alastair Shaw, Development Plan Co-ordinator
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Brent Vivian, Senior Planning Officer
Bernard Whittle, Development Management Co-ordinator

P5. APOLOGIES

Apologies were intimated on behalf of Councillor Carleschi.

P6. DECLARATIONS OF INTEREST

No declarations were made.

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 visit he would not take part in consideration of planning application P/14/0587/FUL (minute P9) but he would take part in consideration of planning applications

P/14/0475/FUL and P/14/0094/FUL (minute P8 and P10) as he was sufficiently familiar with the sites.

- 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/14/0475/FUL and P/14/0094/FUL (minute P9 and P10).
- Baillie Paterson informed the Committee that as she had not attended the site visit she would not take part in consideration of planning application P/14/0587/FUL (minute P9) but she would take part in consideration of planning applications P/14/0475/FUL and P/14/0094/FUL (minute P8 and P10) as she was sufficiently familiar with the sites.

P7. MINUTES

Decision

- (a) **The minute of meeting of the Planning Committee held on 25 March 2015 was approved; and**
- (b) **The minute of meeting of the Planning On-Site Committee held on 13 April 2015 was approved.**

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

P8. ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND 6 FLATTED DWELLINGS WITH ASSOCIATED CAR PARKING AT SPAR AND FLAMES, SALMON INN ROAD, POLMONT, FALKIRK FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P133 refers), Committee (a) gave 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 shop, hot food take-away and 6 flatted dwellings with associated car parking at Spar and Flames, Salmon Inn Road, Polmont, Falkirk.

Councillor Turner, seconded by Councillor Chalmers, moved that the application be refused on the grounds that it was contrary to Policy SC6 of the Falkirk Council Local Plan, there would not be acceptable standards of traffic movement and there would be overlooking of the nursery.

Following a suggestion by Councillor Nicol that the Committee agree to continue consideration to allow officers to hold discussions with the applicant in relation to the concerns over window positioning, Councillor Turner with the agreement of his seconder, and with the unanimous consent of the meeting in accordance with Standing Order 20.9, withdrew his motion to allow the continuation of the matter.

Decision

The Committee agreed to continue consideration to allow officers to hold discussions with the applicant in relation to the concerns over window positioning in the development.

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

P9. ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 35 FOUNTAINPARK CRESCENT, BO'NESS FOR DA DEVELOPMENTS - P/14/0587/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P131 refers), Committee (a) gave 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 8 dwellinghouses and associated infrastructure on land to the north of 35 Fountainpark Crescent, Bo'ness.

Councillor Mahoney, seconded by Councillor McLuckie, moved that Committee be minded to grant planning permission in accordance with the recommendations within the report.

By way of an amendment, Councillor Turner, seconded by Councillor Meiklejohn, moved that the application be refused on the grounds that it was contrary to Policies SC2 and SC8 of the Falkirk Council Local Plan as there would remain insufficient parking provision which would have an adverse impact on road safety.

On a division, 7 Members voted for the motion and 2 voted for the amendment.

Decision

The Committee agreed that it is MINDED to GRANT planning permission subject to the satisfactory conclusion of a legal agreement/planning obligation within the terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £14,560 (£1,820 per unit) toward open space and play provision

Thereafter, on conclusion of the foregoing matter remit to the Director of Development Services 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 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;
 - (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; and
 - (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) No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented prior to occupation/use of the development commencing;
- (4) No development shall commence on site until a material schedule, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing; and
- (5) Prior to the occupation of any approved dwellinghouse, the access road, Fountainpark Crescent, across the full frontage of the site shall be brought up to an adoptable standard.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2,3) To ensure the ground is made suitable for the approved development.
- (4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.

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, 02A, 03, 04A, 05A, 06, 07, 08B, 09, 10 and Supporting Information.

The Convener agreed an adjournment at 10.55 a.m. prior to full consideration of the following item of business to allow members to read the contents of a letter received that morning from the Scottish Environmental Protection Agency (SEPA). The meeting reconvened at 11.05 a.m. with all Members present as per the sederunt, with the exception of Baillie Paterson and Councillor Mahoney.

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

Councillor Mahoney re-entered the meeting during consideration of the following item of business but would take no part in consideration of the item.

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

Councillor Mahoney left the meeting during consideration of the following item of business.

P10. USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DELIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P132 refers), Committee (a) gave 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 use of land for an end of

life vehicle decontamination and deliquidising facility and storage of scrap material (retrospective) at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge.

Councillor Chalmers, seconded by Councillor Meiklejohn, moved that consideration of the application be continued (a) for further consultation with the community with particular reference to screening arrangements, and (b) to await the outcome of the applicant's appeal against enforcement action taken by the Scottish Environmental Protection Agency (SEPA).

By way of an amendment, Baillie Paterson, seconded by Councillor Nimmo, moved that Committee grant planning permission in accordance with the recommendations within the report.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (6) - Baillie Buchanan; Councillors Chalmers, McNally, Meiklejohn, Nicol and Turner.

For the amendment (4) - Baillie Paterson; Councillors C Martin, McLuckie and Nimmo.

Decision

The Committee agreed to continue consideration of the application (a) for further consultation with the community with particular reference to screening arrangements, and (b) to await the outcome of the applicant's appeal against enforcement action taken by the Scottish Environmental Protection Agency (SEPA).

Councillors C Martin and McNally left the meeting during consideration of the following item of business.

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

P11. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH EAST OF VICTORIA COTTAGE, FALKIRK FOR THE FIRM OF JAMES SHANKS & SONS - P/14/0741/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a one and a half storey dwellinghouse on land measuring 2,340 square metres to the north east of Victoria Cottage, Falkirk.

Decision

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