

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 AUGUST 2015 at 9.30 a.m.**

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

**OFFICERS:** Sharon Agnew, Senior Flooding 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  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator  
Richard Teed, Senior Forward Planning Officer  
Bernard Whittle, Development Management Co-ordinator

**P45. APOLOGIES**

No apologies were intimated.

**P46. DECLARATIONS OF INTEREST**

No declarations were made.

Prior to consideration of business, the Member below made the following statement:-

- 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/15/0218/FUL and P/15/0101/FUL (minute P50 and P51).

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

**P47. OPENING REMARKS**

Prior to the commencement of business, the Convener informed Members that he would invite the Development Manager to provide information pertinent to agenda item 10 planning application P/11/0142/PPP (minute P55), following which the Committee agreed to continue consideration of the matter to the October Committee to allow officers an opportunity to consider a recent request for additional information by the Directorate for Planning and Environmental Appeals.

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

**P48. MINUTES**

**Decision**

- (a) The minute of meeting of the Planning Committee held on 25 June 2015 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 3 August 2015 was approved.

**P49. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO.TRO/DB/13/098) ORDER 2014 - COLLEGE CRESCENT, FALKIRK**

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/13/098) Order 2014 to reserve a parking space for disabled persons on College Crescent, Falkirk.

**Decision**

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

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

**P50. FORMATION OF VEHICLE ACCESS AT 14 GLOWRORUM DRIVE, HEAD OF MUIR, DENNY FK6 5PJ FOR MR IRFAN HAMID - P/15/0218/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committees held on 25 June 2015 (Paragraph P41 refer), 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 formation of a private driveway measuring 3.6 metres in width to provide access to an adjoining vacant plot of land on a site forming part of the garden ground of 14 Glowrorum Drive, Head of Muir, Denny.

**Decision**

The Committee agreed to grant planning permission subject to the following conditions with condition 3 having been amended to include the words “The details submitted for approval shall show any means of access along the western plot boundary being for pedestrian access only”:-

- (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) The existing boundary walls to be retained as denoted on approved plan 02A, shall be retained and maintained for the lifetime of the development hereby approved.
- (3) Within six months of the date of the new vehicular access being brought into use the western plot boundary shall be provided with a precise form of boundary treatment to be approved in writing by the Planning Authority. The details submitted for approval shall show any means of access along the western plot boundary being for pedestrian access only. Thereafter, the boundary treatment shall be retained and maintained in accordance with the approved details for the lifetime of the development hereby approved.
- (4) Vehicular access to the site shall be by means of a standard dropped kerb footway crossing, designed and constructed in accordance with details to be approved in writing by the Planning Authority.
- (5) The driveway shall be constructed at a maximum gradient of 10% and in a manner to ensure that no loose material or surface water is discharged onto the public road.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-3) To safeguard the visual amenity of the area.

(4-5) To safeguard the interests of the users of the public highway.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02A.
- (2) The applicant is advised that formation of the dropped kerb will require a Minor Roadworks Consent. Roads Services should be contacted on 01324 506070 to obtain the relevant application form.
- (3) The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:-
  - Monday to Friday 08:00 - 18:00 Hours
  - Saturday 09:00 - 17:00 Hours
  - Sunday/Bank Holidays 10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit; and

- (4) 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.

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

**P51. CHANGE OF USE OF LAND TO FORM EXTENSION TO GARDEN GROUND, ERECTION OF OUTBUILDINGS AND FENCING (RETROSPECTIVE) AT CULLOCH VIEW, MOSSCASTLE ROAD, SLAMANNAN, FALKIRK FK1 3EL FOR MRS ROSALIND FERRIER - SMITH - P/15/0101/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committees held on 25 June 2015 (Paragraph P40 refer), 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 (in retrospect) for the change of use to land to form private garden ground, the retention of four garden buildings and the erection of fencing around the site at Culloch View, Mosscastle Road, Slamannan, Falkirk.

Copies of photographs submitted by the applicant and objectors together with those taken by the Roads Development Unit and the Planning Case Officer relating to the site were circulated at the meeting for information.

## Decision

The Committee agreed to grant planning permission subject to (1) the addition of a condition relating to the applicant putting in a drainage channel or soakaway within six months of the grant of permission within their garden to deal with the normal rainfall, and (2) the following condition:-

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended (or any order revoking, re-enacting or modifying that Order) (with or without modification) no development shall be carried out on the site beyond that hereby granted planning permission without the prior approval of the Planning Authority.

## Reason:-

- (1) To allow the Planning Authority to control any further development in relation to visual amenity and any potential increase in flood risk as a result of the development.

## Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A and 03.
- (2) Scottish Water have requested that the applicant contact them directly regarding existing infrastructure under the site. The applicants have been made aware of this, however a further copy of the information can be provided on request.

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

## **P52. RESIDENTIAL DEVELOPMENT, VEHICULAR ACCESS, OPEN SPACE AND LANDSCAPING ON LAND AT AIRTH CASTLE, AIRTH, FALKIRK FOR COUNTY HOMES - F/2004/0178**

The Committee considered a report by the Director of Development Services on an application for full planning permission for residential development, vehicular access, open space and landscaping on land at Airth Castle, Airth, Falkirk.

## Decision

The Committee agreed to continue consideration of the application and that if the required Section 75 Planning Obligation was not concluded and the application determined by 30 October 2015, the Director of Development Services be authorised to refuse planning permission.

**P53. UPDATE REQUESTED**

Prior to the further consideration of business, the Convener invited the Development Manager to provide information for the next meeting of the Committee on application P/10/0188/PPP - Whitecross SIRR.

Prior to consideration of the following item of business the Chief Governance Officer was heard providing clarification for Councillor Meiklejohn as an objector to the planning application prior to being a member of the Committee and having regard to the objective test in the Councillors' Code of Conduct.

**P54. ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS AND ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE (DETAILED) ON LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR NU-CAR AUTO SALVAGE - P/07/0518/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of 99 dwellinghouses consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking, open space and SUDS infrastructure on vacant land to the north west of Cockburn Works, Gowan Avenue, Falkirk.

Councillor Mahoney, seconded by Baillie Paterson, 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 Carleschi, moved that consideration of the application be continued to allow (1) an updated Traffic Impact Assessment to be carried out; (2) a Committee site visit to take place, and (3) for Officers to have further discussion with the applicant in relation to an alternative access to the site.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 11 members present with voting as undernoted:-

For the motion (7) - Baillies Buchanan and Paterson; Councillors Mahoney, C Martin, McLuckie, Nicol and Nimmo.

For the amendment (3) - Councillors Carleschi, Meiklejohn and Turner.

Councillor Chalmers abstained.

**Decision**

**The Committee agreed that Committee was MINDED to GRANT planning permission subject to the completion of a Planning Obligation relating to:-**

- (i) the payment of a sum of £181,500 to secure the future education provision as a result of the proposed development at St. Mungo's High School and Bainsford Primary School; and
- (ii) timescales for the phasing of development in relation to the above developer contribution.

The Committee provided authority for the refusal of planning permission under delegated powers should the required legal obligation not be successfully concluded and the application determined by 30 October 2015.

On completion of the legal obligation referred to in paragraph 6.1 above the Committee On completion of the Planning Obligation referred to above, the Committee authorise the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission;
- (2) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority;
- (3) Development shall not commence until details of two traffic calming features, to be installed at the northern end of Alma Street and Russel Street, have been submitted to and approved by Falkirk Council. The features shall be designed in accordance with the "National Roads Development Guide" (SCOTS, 2014), and installed prior to the occupation of the thirty fourth residential unit;
- (4) All approved traffic calming and road infrastructure works shall be implemented prior to the occupation of approved residential units unless otherwise agreed in writing with the Planning Authority;
- (5) Development shall not begin until an amended contaminated land assessment has been submitted for the approval of the Planning Authority. The amended assessment shall include revisions required in the memorandum from Falkirk Council's Environmental Protection Unit (Ref: 79488) dated 13 May 2008;
- (6) Development shall not begin until a noise survey to determine the effects of existing industrial/commercial activities on the approved residential units has been submitted to the Planning Authority. The survey shall be conducted in accordance with BS 4142 and approved, amended as necessary, by the Planning Authority;

- (7) All approved landscaping works shall be implemented not later than the end of the first planting and seeding season following the occupation of the last residential unit on the development;
- (8) Before development begins a scheme for the provision of the play area and related open space area and other areas of open space/landscaping outwith individual residential plot boundaries, as outlined (drawing ref: 290.01.01b) shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given. Details to be submitted included:-
  - (a) Type and location of play equipment, seating, fences, walls and litter bins.
  - (b) Surface treatment of the play area proposals for the implementation/phasing of play area in relation to the construction of houses on the site.
  - (c) Landscape planting and phasing details.
  - (d) Proposed public artwork to be located adjacent to the Forth and Clyde Canal.
  - (e) Maintenance arrangements for all hard and soft landscaping works.
- (9) All works required for the provision of the play area and open space shall be implemented in accordance with the scheme approved in writing with the Planning Authority by the end of the first planting and seeding season following the occupation of the last residential unit on the development, and
- (10) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

**Reasons:-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3,4) To safeguard the interests of the users of the highway.
- (5,6) To safeguard the environmental amenity of the area.
- (7-9) To ensure that adequate landscaping/play facilities are provided.
- (10) To safeguard the visual amenity of the area.



**Informative(s): -**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02 etc.**
- (2) All drainage should comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.**

**P55. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE WEST OF SCHIEHALLION, WESTER SHIELDHILL, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP**

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the for the erection of five detached dwellinghouses on land owned by Kingsbarn Equestrian Centre on a site adjacent to the B8028 Shieldhill to Slamannan Road on its northern side, approximately 1 kilometre to the west of Schiehallion, Falkirk.

**Decision**

**The Committee agreed to refuse the application for planning permission in principle for the following reason:-**

**The applicant had failed to conclude a Section 75 Planning Obligation as required by the minded to grant decision made by the Committee on 30 January 2013.**

In accordance with the decisions taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting (Paragraph P47 refers).

**P56. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE, FK4 2DE FOR STEWART HOMES - P/11/0142/PPP**

**P57. DISCHARGE OF PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION F/93/0766 WHICH RESTRICTED OCCUPATION OF THE DWELLINGHOUSE NOW KNOWN AS MUIRFIELD HOUSE, EAST BANKNOCK FARM, DENNY FK6 5NA TO A PERSON OR PERSONS (TOGETHER WITH DEPENDANT OR DEPENDANTS, IF ANY, OF THAT PERSON) EMPLOYED ON A FULL TIME BASIS IN AGRICULTURE AT EAST BANKNOCK FARM AT MUIRFIELD HOUSE, DENNY FK6 5NA FOR MR ALEXANDER STEVENSON – P/15/0338/75D**

The Committee considered a report by the Director of Development Services on an application for the discharge of the planning obligation attached to planning permission F/93/0766 which restricted occupation of the dwellinghouse now know as Muirfield

House, East Banknock Farm, Denny to a person or persons (together with dependant or dependants, if any, of that person) employed on a full time basis in agriculture at East Banknock Farm, Muirfield House, Denny.

**Decision**

**The Committee agreed to the discharge of the Planning Obligation.**