

FALKIRK COUNCIL

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

COUNCILLORS: Baillie William Buchanan (Convener)
Colin Chalmers
Steven Carleschi
Paul Garner
Adrian Mahoney
Craig Martin
John McLuckie
Malcolm Nicol
Martin Oliver
Baillie Joan Paterson
Sandy Turner

OFFICERS: John Angell, Head of Planning and Transportation
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, development Management Co-ordinator
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Antonia Sobieraj, Committee Services Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Brent Vivian, Senior Planning Officer
Bernard Whittle, Development Management Co-ordinator

P88. APOLOGIES

Apologies were intimated on behalf of Councillor Nimmo.

P89. DECLARATIONS OF INTEREST

No declarations were made.

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

- 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/15/0136/PPP (minute P92).

P90. REQUEST FOR SITE VISIT

Having heard a request by a member for a site visit, the Committee agreed to the continuation of planning application P/15/0475/FUL (minute P98) and thereafter submitted for consideration to a Special meeting of the Committee on 7 December 2015.

P91. MINUTES

Decision

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

P92. PROPOSED CYCLEWAY BETWEEN DENNY AND FALKIRK AT SITE TO THE SOUTH EAST OF DENNY CEMETERY FOR FALKIRK COUNCIL - P/15/0136/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 October 2015 (Paragraph P75 refers), Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director on an application for planning permission in principle for the construction of a 3 metre wide cycleway/footpath between the Three Bridges Roundabout on the A883 at Falkirk to land to the south of Denny Cemetery including a spur from the cycleway and passing Roughmure Refuse Centre and tying into the path network on land to the south of Bonnybridge Primary School, Bonnybridge.

Decision

The Committee agreed to grant planning permission in principle 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) Plans and particulars of the matters specified below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:-

- (a) The siting, design, materials, and construction arrangements of all bridges and viaducts along the route of the proposed cycleway.
 - (b) Details of the finalised route of the cycleway including finalised levels details for the cycleway and including any areas of cut and fill.
 - (c) Details of the siting, design, materials and construction arrangements for all boundary treatments and gates along the length of the cycleway.
 - (d) Details of proposed drainage arrangements along the length of the cycleway.
 - (e) Details of proposed lighting arrangements along the length of the cycleway.
 - (f) Details of all soft landscaping works along the route of the cycleway shall be submitted for written approval. These details shall include:-
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and in the case of damage, proposals for restoration.
 - (ii) location of new trees, shrubs, hedges and ground cover.
 - (iii) schedule of plants to comprise species, plan sizes and proposed number / density.
 - (iv) programme for completion and subsequent maintenance.
 - (g) Details of site reinstatement and landscaping works within all construction compounds and construction access routes shall be submitted for written approval.
- (3) (a) 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.
- (b) 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.

- (c) 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.
- (4) No development shall commence on site until a scheme detailing intensive site investigations/work undertaken into Coal Mining Legacy issues at the site has been submitted to and approved in writing by the Planning Authority. Details submitted shall include a report on the findings arising from these investigations and details of remedial work where required. Thereafter, remedial works shall be fully implemented in accordance with the approved scheme.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To enable the Planning Authority to consider these aspects in detail.
- (3,4) To ensure that 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) 01C, 02B-05B, 06A, 07, 08A, 09-12, 13A-17A inclusive.
- (2) Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as Planning Authority has been given, and the development shall be carried out in accordance with that approval.

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

P93. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE FK4 2DE FOR STEWART HOMES - P/11/0142/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 19 August and 28 October 2015 (Paragraphs P56 and P79 refer), Committee (a) gave further consideration to reports to those meetings by the Director of Development Services; and (b) considered an additional report by the said Director on an application for

planning permission in principle for the development of land for residential purposes on a site at Milnquarter Farm, Roman Road, Bonnybridge.

Councillor Carleschi, seconded by Councillor Mahoney, moved that (1) Committee indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the reasons detailed in the report, and (2) the report dated 28 October 2015 and Appendices 1 to 5 of that report form the Council's response to be issued to Scottish Ministers.

By way of an amendment, Councillor McLuckie, seconded by Councillor C Martin, moved that consideration of the application be continued to allow further information to be provided on (1) agreement with the applicant with respect to the level of provision of the total number of housing units as affordable housing units; (2) agreement with the applicant in relation to the level of developer contributions for education provision; (3) agreement with the applicant in relation to provision of an updated Traffic Impact Assessment; and (4) any impact of development on the Antonine Wall World Heritage 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 (6) - Councillors Carleschi, Chalmers, Garner, Mahoney, Oliver and Turner.

For the amendment (5) - Baillies Buchanan and Paterson; Councillors C Martin, McLuckie and Nicol.

Decision

The Committee agreed to (1) indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the reasons detailed in the report, and (2) the report dated 28 October 2015 and Appendices 1 to 5 of that report forming the Council's response to be issued to Scottish Ministers.

P94. CHANGE OF USE OF PUBLIC OPEN SPACE TO PRIMARY SCHOOL GROUNDS AND ERECTION OF FENCE (RETROSPECTIVE) ON LAND TO THE NORTH OF BANKIER PRIMARY SCHOOL, BANKIER ROAD, BANKNOCK FOR FALKIRK COUNCIL – P/15/0460/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 October 2015 (Paragraph P82 refers), Committee (a) gave further consideration to a report to that meeting 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 change of use of public open space to primary school grounds and the erection of a 2.8 metre high steel mesh fence (retrospective) on a site consisting of a grassed amenity area within an existing open space on land to the north of Bankier Primary School, Bankier Road, Banknock.

Decision

The Committee agreed to continue consideration of the application to obtain confirmation from Children's Services (Education) in relation to arrangements for free access to the site by the community outwith school hours. The application would thereafter be considered further at a Special meeting of the Committee on 7 December 2015.

P95. ERECTION OF SUPPORT NEEDS SECONDARY SCHOOL, ASSOCIATED LANDSCAPING, CAR PARKING AND PUPIL DROP OFF FACILITIES AT MORAY PRIMARY SCHOOL, MORAY PLACE, GRANGEMOUTH FK3 9DL FOR FALKIRK COUNCIL - P/15/0476/FUL

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a two storey support needs secondary school, associated landscaping, car parking and pupil drop off facilities on a site to the west of Oxgang Road and comprising 1.97 hectares of private open space forming part of the grounds of the Moray Primary School and Oxgang School and the Support Service Complex, Moray Place, Grangemouth.

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) The proposed 7-a-side football pitch measuring 60 metres x 4 metres plus 3 metres run-off areas and the proposed Multi Use Games Area (MUGA) measuring 36 metres x 18 metres, formed to include football and basketball use, shall be completed and available for use within one calendar year of the date of the opening of the new school. Prior to commencement of the proposed development on site, full details of the proposed football pitch and MUGA (to include specification and contractor details) shall be submitted to, and be approved in writing by the Planning Authority. For the avoidance of doubt, the new grass football pitch shall be designed and constructed by a Sports and Play Construction Association (SAPCA) registered pitch contractor or similarly recognised pitch contractor.
- (3) Before any trees or vegetation is removed from the site, steps shall be taken to ensure that any trees to be retained shall be protected in accordance with British Standards 5837: 2012 "Trees in Relation to Design, Demolition and Construction - Recommendations". Thereafter, the trees shall remain so protected during the course of the development hereby approved. Furthermore, before any trees or vegetation is removed from the site the applicant shall notify the Planning

Authority that the steps referred to in the condition have been carried out and the Planning Authority shall confirm satisfaction in writing.

- (4) The removal of vegetation and trees from the application site shall take place between the months of March through to September inclusive. If this is not deemed to be possible, any proposal to remove trees and/or vegetation outwith the timeframe shall be submitted to the Planning Authority, and have the written approval of the Planning Authority prior to the removal of the trees and/or vegetation, and that any such proposal is verified by a qualified ecologist.
- (5) Before any trees or vegetation are removed from the site, the applicant shall submit to, and have approved in writing by, the Planning Authority, details of bat roosting and bird nesting boxes to be installed at trees to remain on site. For the avoidance of doubt, these details shall include construction details of the boxes, numbers of boxes, placement height and location and timescales for the installation of the boxes.
- (6) The landscaping works shall be as detailed on the drawing bearing the Planning Authority's reference 11B shall be completed within one calendar year of the date of the opening of the proposed development and shall thereafter be maintained in accordance with the approved landscape maintenance schedule.
- (7) Notwithstanding any details previously submitted, there shall be no work carried out to construct the proposed new school building until such time as samples of finishing materials have been submitted to, and approved in writing by, the Planning Authority.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that there is adequate recreation, play and sports facilities for the functioning of the proposed new school and the wider Moray Primary School and Oxbang School and Support Service campus.
- (3) To ensure that trees to be retained at the site are satisfactorily protected during the course of the proposed development.
- (4) To ensure satisfactory protection of roosting bats and nesting birds and their habitat.
- (5) To ensure satisfactory protection of roosting bats and nesting birds and their habitat.
- (6) To safeguard the landscape amenity of the application site and its setting.
- (7) 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, 02, 03A, 04A, 05A, 06A, 07A, 08A, 09, 10, 11B, 12, 13A, 14, 15, 16, 17 and 18.
- (2) The proposed development should be carried out in accordance with Section 5 of the supporting document "Ecology Report".
- (3) The applicant is advised to seek the advice of the Roads Authority in respect of the extension of the 20 mph zone along the frontage of the proposed development and any traffic signage which may be required.
- (4) 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 Health Manager.

- (5) 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.

P96. 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 Minutes of Meetings of the Planning Committee held on 29 April 2015 (Paragraphs P9 refers), Committee (a) gave further consideration to a report to that meeting by the Director of Development Services; and (b) considered an additional report by the said Director in respect of an application for full planning permission for the erection of 8 semi-detached dwellinghouses on the north side of Fountainpark Crescent, Bo'ness.

Decision

The Committee:-

- (1) noted the report; and
- (2) agreed to continue consideration of the application to allow officers to liaise with the applicants on the satisfactory conclusion of the Section 75

Planning Obligation or Section 69 Agreement and if the Obligation or Agreement has not been concluded to the satisfaction of the Director of Development Services in advance of the January 2016 meeting of the Committee, the matter will be put before that Committee meeting for consideration and potential refusal.

P97. EXTENSIONS TO DWELLINGHOUSE AND INSTALLATION OF FLUE AT 15 RAE STREET, STENHOUSEMUIR, LARBERT FK5 4QP FOR MR IAN EDWARDS - P/15/0605/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 rear extension to a dwellinghouse measuring approximately 7.1 metres by 4.4 metres and a side entrance porch measuring 2.2 metres by 2.9 metres at 15 Rae Street, Stenhousemuir, Larbert.

Decision

The Committee agreed to grant planning permission subject to the following condition:-

- (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.

Reason:-

- (1) As these drawings and details constitute the approved development.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this 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) 01, 02, 03A, 04A, 05B, 06A and 07B.
- (3) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (4) The site is within a smoke control area, as designated under Clean Air Act (1993). To comply with this legislation the stove installed either

needs to be using an authorised fuel or be on the list of exempt appliances. It is an offence to allow smoke to be emitted from such an appliance within a smoke control area. Further information on exempt appliances or authorised fuels can be found at: <http://www.uksmokecontrolareas.co.uk//index.php>. It is noted that the stove is DEFRA approved for use in United Kingdom Smoke Control Areas.

In accordance with the decisions 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:-

- P98. CHANGE OF USE FROM VACANT LAND TO RETAIL CAR SALES AREA (PART RETROSPECTIVE) ON LAND TO THE SOUTH OF 2 HIGH STATION ROAD, HIGH STATION ROAD, FALKIRK FOR MS CLAIRE STEVENSON – P/15/0475/FUL**