

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a prominent tower. The top-right quadrant depicts a stag's head with large antlers. The bottom-left quadrant shows a three-masted sailing ship on the water. The bottom-right quadrant features a grizzly bear standing on its hind legs. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto in Gaelic.

# **AGENDA ITEM**

**3(a)**

**Minute**

**FALKIRK COUNCIL**

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,  
Falkirk on Wednesday 26 October 2016 at 9.30 a.m.**

**COUNCILLORS:** Baillie William Buchanan (Convener)  
Steven Carleschi  
Colin Chalmers  
Paul Garner  
Adrian Mahoney  
Craig Martin  
John McLuckie  
Alan Nimmo  
Martin Oliver  
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  
Rose Mary Glackin, Chief Governance Officer  
Iain Henderson, Legal Services Manager  
Martin Macniven, Environmental Health Officer  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator

**P60. Apologies**

Apologies were intimated on behalf of Councillor Nicol.

**P61. Declarations of Interest**

Baillie Buchanan declared a non financial interest in item 14 (minute P68) by virtue of him being related through marriage to the applicant, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

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/16/0393/FUL (minute P61).

- Councillor McLuckie informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/16/0360/FUL, P/16/0385/FUL and P/16/0393/FUL (minute P59, P60 and P61) as he was sufficiently familiar with the sites.

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

#### **P61. Requests for Site Visits**

Having heard requests by members for site visits, the Committee agreed at the start of the meeting to the continuation of planning applications P/16/0112/FUL, P/16/0114/PPP and P/16/0423/FUL.

In accordance with his declaration of interest, Baillie Buchanan left the Chair and the meeting prior to consideration of the request to continue consideration of application P/16/0476/FUL to visit the site and Councillor McLuckie assumed the role of Convener. Thereafter, the Committee agreed to continue to a site visit.

Following the item of business, Baillie Buchanan re-entered the meeting and resumed the Convenership of the meeting.

#### **P62. Minutes**

##### **Decision**

- (a) **The minute of meeting of the Planning Committee held on 14 September 2016 was approved subject to Councillor Carleschi being added to the intimated apologies for the meeting; and**
- (b) **The minute of meeting of the Planning Committee On-Site held on 26 September 2016 was approved.**

#### **P63. The Falkirk Council (On-Street Parking Space for Disabled Persons (No.TRO/DB/16/042)) Order 2016 – Steps Street, Stenhousemuir**

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council Steps Street, Stenhousemuir (On-Street Parking Space for Disabled Persons) (No TRO/DB/16/042) Order 2016.

##### **Decision**

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

Councillors Carleschi and Turner left and re-entered the meeting during consideration of the following item of business.

**P64. Erection of 15 Dwellinghouses, Retail Unit and Associated Infrastructure at Bowling Club, Glen Crescent, Glen Village, Falkirk FK1 2AQ for Alpha Glen Developments Ltd - P/16/0360/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 14 September 2016 (Paragraph P54 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 erection of 15 dwellinghouses, a retail unit and associated infrastructure at the Bowling Club, Glen Crescent, Glen Village, Falkirk.

Councillor Chalmers, seconded by Councillor Carleschi, moved that Committee continue consideration of the application to allow (1) the undertaking of a Traffic Impact Assessment at peak times on both Glen Crescent and Falkirk Road to measure and record the volume of vehicular traffic; (2) the applicant to provide further information and proposals on the layout of the retail area and the development in general with regard to the potential to accommodate further parking; and (3) information to be provided by Falkirk Community Trust and the Council's Children's Services on future proposals for Hallglen Community Centre and Ettrick Dochart Community Hall with that information then being assessed by Development Services in terms of its impact on the assessment for open space contributions.

By way of an amendment, Baillie Paterson, seconded by Councillor C Martin, moved that Committee be minded to 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 11 members present with voting as undernoted:-

For the motion (7) - Councillors Carleschi, Chalmers, Garner, Mahoney, McLuckie, Oliver and Turner.

For the amendment (4) - Baillies Buchanan and Paterson; and Councillors Martin and Nimmo.

**Decision**

**The Committee agreed to continue consideration of the matter to allow:-**

- (1) the undertaking of a Traffic Impact Assessment at peak times on both Glen Crescent and Falkirk Road to measure and record the volume of vehicular traffic;**

- (2) the applicant to provide further information and proposals on the layout of the retail area and the development in general with regard to the potential to accommodate further parking; and**
- (3) information to be provided by Falkirk Community Trust and the Council's Children's Services on future proposals for Hallglen Community Centre and Ettrick Dochart Community Hall with that information then being assessed by Development Services in terms of its impact on the assessment for open space contributions.**

Councillor Nimmo left the meeting prior to consideration of the following item of business.

**P65. Extension to Dwellinghouse at 11 Callendar Park View, Falkirk FK1 1SX for Mr Shraz Khaliq - P/16/0385/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 14 September 2016 (Paragraph P52 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 two storey extension to a modern two storey detached dwellinghouse incorporating the existing domestic garage and including on the ground floor a study room with a front entrance area and on the first floor accommodating two additional bedrooms and a shower room.

**Decision**

**The Committee agreed to refuse planning permission on the basis that:-**

- (1) The proposed two storey extension by reason of its overall scale, massing and location in relation to neighbouring properties and to the north on Cromwell Road would have an unacceptable adverse visual impact on the amenity of these properties and the surrounding area. The proposed extension is therefore contrary to HSG07 of the Falkirk Local Development Plan to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.**
- (2) The proposed two storey extension due to its overall size and proximity to the neighbouring dwellings on Cromwell Road would overshadow neighbouring gardens which would have an unacceptable overbearing impact on the residential amenity of neighbouring properties. The proposed extension is therefore contrary to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's**

**Supplementary Guidance SG03 'Residential Extensions and Alterations'.**

- (3) The proposed two storey extension due to its proximity to neighbouring dwellings on Cromwell Road and positioning of windows would overlook the neighbouring gardens and habitable rooms which would therefore have a detrimental impact on the privacy of the neighbouring properties. The proposed extension is therefore contrary to HSG07 'Residential Extensions and Alterations' of the Falkirk Local Development Plan and Falkirk Council's Supplementary Guidance SG03 'Residential Extensions and Alterations'.**

**P66. Change of Use of Public Open Space to Garden Ground and Erection of Boundary Fence (Retrospective) at 32 Howieson Avenue, Bo'ness EH51 9JG for Mr David Stewart - P/16/0393/FUL (Continuation)**

With reference to Minute of Meeting of the Planning Committee held on 14 September 2016 (Paragraph P53 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 garden ground and the erection of a boundary fence (in retrospect) at 32 Howieson Avenue, Bo'ness.

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 Committee refuse planning permission on the grounds of the loss of amenity and a vital area of open space and that the development proposal would be contrary to policy INF03 'Protection of Open Space'.

In terms of Standing Order 22.1 a vote was taken by roll call, there being 9 members present with voting as undernoted:-

For the motion (5) - Baillie Paterson; and Councillors Mahoney, C Martin, Nimmo and McLuckie.

For the amendment (4) - Baillies Buchanan; and Councillors Carleschi, Oliver and Turner.

Councillor Garner abstained.

## **Decision**

**The Committee agreed that it was minded to grant planning permission subject to the satisfactory completion, within six months, of a Legal Agreement within the terms Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997 in terms satisfactory to the Director of Development Services in respect of the payment of a financial contribution towards qualitative improvements in other parts of the green network, to offset the loss of an area of open space, to the sum of £1,323.**

**And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following informative.**

### **Informative:-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 - 03.**

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

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

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

**P67. Alterations and Change of Use from Retail/Offices to Hotel and Alterations, Extension and Change of Use from Office and Hairdressers to Hotel (Partially Retrospective) at 22 and 26 Princes Street, Falkirk FK1 1NE and 2, 4, & 6 Kerse Lane, Falkirk FK1 1RG for Mr Stuart Crawford – P/16/0162/FUL**

With reference to Minutes of Meeting of the Planning Committee held on 17 August and 14 September 2016 (Paragraphs P33 and P49 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 full planning permission for the change of use of two units operating as retail/offices and associated alterations (partially in retrospect) adjoining a hotel comprising several buildings, the main building being category B listed, on a site surrounded by a mixture of both commercial and residential properties and fronting onto Kerse Lane and Princes Street, Falkirk.

## **Decision**

**The Committee agreed, Councillor Chalmers dissenting, to grant planning permission subject to the following condition(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 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 works commencing on the shop frontages and rear extension to the units on Kerse Lane, details of the materials to be used on the external surfaces of the building, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.**

## **Reason(s):-**

- (1) As these drawings and details constitute the approved development.**
- (2) To enable the Planning Authority to consider this/these aspect(s) in detail.**

## **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, 03A, 04A, 05A, 06A, 07A, 08A and 09.**
- (2) All noise generated from musical entertainment within the premises shall be inaudible within nearby properties to the satisfaction of Falkirk Council Environmental Health.**
- (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 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) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); minegas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.**

**It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.gov.uk](http://www.coal.gov.uk)**

**Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.**

**Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at [www.groundstability.com](http://www.groundstability.com)**

**If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.gov.uk](http://www.coal.gov.uk)**

Councillor Carleschi left the meeting prior to consideration of the following item of business.

Councillor Carleschi 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.

**P68. Erection of 2 Storey Dwellinghouse with Ancillary Detached Garage on Land to the East of 31 Kilsyth Road, Kilsyth Road, Haggs for Mr and Mrs Cooper – P/14/0161/FUL**

The Committee considered a report by the Director of Development Services in relation to a previously granted planning permission for the erection of a two storey dwellinghouse with an ancillary detached garage on land to the east of 31 Kilsyth Road, Kilsyth Road, Haggs.

**Decision**

**The Committee, having noted the undertaking by the owner of the entire H10 site that she (a) has no intention now or in the future of allowing development of the site with the exception of the self build house which is the subject of the application P/16/0359/FUL; and (b) will support removal of the site from the Falkirk Local Development Plan, agreed to refund, with interest and Council legal fees, the financial contribution of £7,640 paid in respect of planning application P/14/0161/FUL.**

Councillors Carleschi and Oliver left the meeting following consideration of the foregoing item of business.

In accordance with the decisions 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:-

**P69. Demolition of Existing Buildings/Structures Erection of Shop (Class 1) (2040 sq.m) with Associated Landscaping, Car Parking, Servicing and Formation of Access (King Street) at 44 Tryst Road, Stenhousemuir, Larbert FK5 4QH for Ramoyle Group – P/16/0112/FUL**

**P70. Erection of Restaurant/Public House, Associated Infrastructure Including Roads, Car Parking and Amenity Spaces, Pedestrian Access and Landscaping at 44 Tryst Road, Stenhousemuir, Larbert FK5 4QH for Ramoyle Group – P/16/0114/PPP**

**P71. Change of Use from a Vacant Retail Unit (Class 1) to a Hot Food Takeaway (Sui Generis); Installation of Extraction/Ventilation Equipment and External Alteration at 24 High Street, Bonnybridge FK4 1DA for DPSK Ltd – P/16/0423/FUL**

The Convener agreed a short adjournment at 12.10 p.m. The meeting reconvened at 12.12 p.m. with all Members present as per the sederunt following the return of Councillor Carleschi.

**P72. Formation of Access Track at Polmont Golf Club, Simpson Drive, Maddiston, Falkirk FK2 0LS for Fine Energy - P/16/0469/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the development of an alternative access track, to serve a wind turbine granted planning permission on 24 February 2016 (ref: P/15/0580/FUL) to reduce the impact of development on the functioning of the golf course at Polmont Golf Club, Simpson Drive, Maddiston, Falkirk.

In accordance with Standing Order 38.1(x), the Convener gave consent to Councillor Hughes to speak in relation to this item of business, the said Member having duly given at least 24 hours notice. Copies of a paper read out by Councillor Hughes were issued to members for information.

**Decision**

**The Committee agreed to continue consideration to allow officers the opportunity for further discussion with the applicant and appropriate officers, as required, in relation to the times of construction work at the site, truck movements along Simpson Drive/Sunnybrae Terrace, traffic speed along Simpson Drive/Sunnybrae Terrace and drainage and infrastructure.**

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:-

**P73. Erection of 2 Dwellinghouses at Inches House, Bellsdyke Road, Larbert FK5 4EL for Mr John Pollock – P/16/0476/FUL**

**P74. Extension to Dwellinghouse at 2 Princess Gate, Slamannan Road, Falkirk FK1 5BP for Mr Gordon Murray – P/16/0498/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for a single storey rear extension to a semi detached category B listed building at 2 Princess Gate, Slamannan Road, Falkirk and measuring approximately 4 metres by 4 metres.

With reference to Standing Order 33, Baillie Buchanan referred to an application received from Dr Kurt Mills, an objector, for admission to the meeting to be heard in relation to this item of business.

The Committee consented to hear the deputation.

Dr Mills gave details of his concerns over the proposed development, as the owner of the neighbouring property, including the adverse effect on the character and appearance of the B listed building, the impact on privacy, the loss of natural light to his rear garden and the overdevelopment of the site.

The Committee thereafter reconvened normal business.

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

**P75. Extension to Dwellinghouse at 2 Princess Gate, Slamannan Road, Falkirk FK1 5BP for Mr Gordon Murray – P/16/0499/LBC**

The Committee considered a report by the Director of Development Services on an application for listed building consent for a single storey rear extension to a semi detached category B listed building at 2 Princess Gate, Slamannan Road, Falkirk and measuring approximately 4 metres by 4 metres.

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