

**FALKIRK COUNCIL**

**Minute of Special Meeting of the Planning Committee held in the  
Municipal Buildings, Falkirk on Monday 5 March 2018 at 11.25 a.m.**

**COUNCILLORS:**

David Alexander (Convener)  
Robert Bissett  
Jim Blackwood  
Gary Bouse  
Provost William Buchanan  
Joan Coombes  
Gordon Hughes  
James Kerr  
Adanna McCue  
John McLuckie  
Lynn Munro  
Laura Murtagh

**OFFICERS:**

Douglas Blyth, Team Leader, Legal Services  
Kevin Collins, Transport Planning Co-ordinator  
Christopher Cox, Sustainable Transport Co-ordinator  
Ian Dryden, Development Manager  
Alexandra Lewis, Planning Officer  
Colin Moodie, Chief Governance Officer  
Craig Russell, Roads Development Officer  
Julie Seidel, Planning Officer  
Antonia Sobieraj, Committee Services Officer

**P108. Apologies**

No apologies were intimated.

**P109. Declarations of Interest**

Councillor Kerr declared a non financial interest in item 3 (minute P110) by virtue of him being an applicant for planning permission on part of the site under consideration eight years ago and having been a former member of Shieldhill and California Community Council, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

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

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

**P110. Erection of 91 Dwellinghouses and Associated Infrastructure on Land to the South West of Tappernail Farm, Reddingmuirhead for Persimmon Homes (East Scotland) – P/17/0504/FUL (Continuation)**

With reference to Minute of Meetings of the Planning Committee held on 24 January and 20 February 2018 (Paragraphs P79 and P96(b) refer), Committee (a) gave further consideration to a report to the meeting on 24 January 2018 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 91 dwellinghouses and associated infrastructure on land to the south west of Tappernail Farm, Reddingmuirhead.

In accordance with Standing Order 33.2, the Convener referred to the three deputation requests noted on the agenda for the meeting from the applicant, Reddingmuirhead and Wallacestone Community Council and Shieldhill and California Community Council to be heard in respect of this item of business.

Following discussion, the Committee agreed that all parties had been given ample opportunity to be heard at the Planning Committee on Site on 5 February 2018, during which there had been lengthy presentations by the parties. Further information had subsequently been provided by email to all members and had been assessed by the Director of Development Services and included in the report to this meeting. The Committee considered that it had sufficient information within the papers as submitted and that the deputations not be heard.

The Convener thereafter advised the Committee that correspondence had been received that morning relating to the application from (1) Reddingmuirhead and Wallacestone Community Council by email (i) submitting apologies for non attendance as a deputation; and (ii) providing comments as an objector; and (2) Angus Macdonald, MSP by letter in support of local community concerns. The Committee agreed to a short adjournment at 11.35 a.m. to allow members to receive copies of this correspondence. The meeting reconvened at 11.40 a.m. with all Members present as per the sederunt with the exception of Councillor Kerr.

The Convener invited the Development Manager to comment on the information received. The Development Manager advised that no new pertinent information had been submitted to change the content or

recommendation within the report. The Committee agreed that it had sufficient information to allow it to take a decision in respect of the application.

Councillor McLuckie, seconded by Councillor Coombes, moved that Committee be minded to grant planning permission in accordance with the recommendations within the report, subject to the deletion of the condition relating to a financial contribution towards bus service provision as, in light of the limited usage of the current bus services in the area, the 5 tests within circular 3/2012 were not met in particular as not being sufficiently related to the proposed development or being fair and reasonable in scale and kind.

By way of an amendment, Councillor McCue, seconded by Councillor Bouse, moved that Committee refuse planning permission on the ground that the proposed development did not accord with Local Development Plan housing opportunity H69 and would represent an overdevelopment of the site.

Councillor Murtagh gave notice of a further amendment.

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) - Provost Buchanan and Councillors Bissett, Blackwood, Coombes, McLuckie and Munro.

For the amendment (5) - Councillors Alexander, Bouse, Hughes, McCue and Murtagh.

In terms of Standing Order 20.7, the motion became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Murtagh, seconded by Councillor Bouse, moved that Committee be minded to grant planning permission in accordance with the full 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 (6) - Provost Buchanan and Councillors Bissett, Blackwood, Coombes, McLuckie and Munro.

For the amendment (5) - Councillors Alexander, Bouse, Hughes, McCue and Murtagh.

## **Decision**

**The Committee agreed that it was Minded to Grant planning permission subject to the conclusion of a Legal Agreement within six months of the date of the Minded to Grant decision and index linked from that date in respect of a financial contribution of £254,800 (£2,800 per unit) towards the Braes High School and nursery provision and the provision of 23 units (25% of 91 units) affordable housing (social rented accommodation to be accommodated on site).**

**Thereafter, to 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 shall 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;**

- (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, including mine entries on site. 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 mitigation measures shall be implemented prior to 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.
- (5) No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.
- (6) Within three months of the occupation of the last residential unit occupied on site, all road and footway construction shall be completed in accordance with the approved site plan.
- (7) The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:-
  - (i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
  - (ii) a Statement of Conformity which confirms that 10%, of the required CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.

**Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

- (8) No development shall commence on site until a public art proposal, to be developed on site, is submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.**

**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.**
- (4,8) To safeguard the visual amenity of the area.**
- (5) To safeguard the environmental amenity of the area.**
- (6) To safeguard the interests of the users of the highway.**
- (7) To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of 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- 10, 11F, 13 - 16, 18 -21, 22A, 23, 24A, 25C, 26A, 27 - 30 and Supporting Documents.**
- (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 - 19:00 Hours**

**Saturday 08:00 - 13:00 Hours**

**Sunday / Bank Holidays No noise audible at site boundary**

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