

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest includes a crown with four thistles, a shield divided into four quarters (top-left: a saltire, top-right: a stag's head, bottom-left: a ship, bottom-right: an eagle), and a motto scroll at the bottom. The text "Agenda Item 3" is centered over the top half of the shield.

Agenda Item 3

Minutes

Draft

FALKIRK COUNCIL

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,
Falkirk on Wednesday 15 August 2018 at 9.30 a.m.**

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

OFFICERS: Donald Campbell, Development Management Co-ordinator
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Arlene Fraser, Committee Services Officer
Iain Henderson, Legal Services Manager
Russell Steedman, Network Co-ordinator

P49. Order of Business

The Convener varied the order of business. The following items have been recorded in the order that they were taken at the meeting.

P50. Apology

An apology was intimated on behalf of Councillor Bissett.

P51. Declarations of Interest

Councillor Alexander declared a non-financial interest in agenda item 6 (ref P55) as a member of the Scottish Ambulance Service Board at the time that the decision was taken to dispose of the site. He stated that he considered that he required to recuse himself from consideration of the item with regard to the Objective Test in the Code of Conduct.

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

P52. Minutes

Decision

- (a) the minute of meeting of the Planning Committee held on 19 June 2018 was approved, and**
- (b) the minute of meeting of the Planning Committee On-Site held on 6 August 2018 was approved.**

P53. The Falkirk Council (On Street Parking Space for Disabled Persons) (No TRO/DB/18/002) Order 2017 – Park Avenue, Dennyloanhead

The committee considered a report by the Director of Development Services on an application to reserve a parking space on Park Avenue, Dennyloanhead for disabled persons.

Decision

The committee agreed to make the Order in respect of the disabled person's parking space on Park Avenue, Dennyloanhead.

P54. Erection of Dwellinghouse at Land to the West of Rumah, Shieldhill Road, Reddingmuirhead for Mr Ashley Beaumont - P/18/0190/PPP (Continuation)

With reference to Minute of Meeting of the Planning Committee held on 19 June 2018 (Paragraph P42 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 dwellinghouse at land to the west of Rumah, Shieldhill Road, Reddingmuirhead.

With reference to Standing Order 33, the convener referred to a deputation request received from the applicant to be heard in relation to this item.

Councillor Coombes left the meeting at this point.

Councillor Alexander, seconded by Councillor McLuckie, moved that the deputation request be refused.

As an amendment, Councillor Hughes, seconded by Councillor Murtagh, moved that the deputation request be granted.

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) – Provost Buchanan, Councillors Alexander, Blackwood, Bouse, McLuckie and Munro.

For the Amendment (4) – Councillors Hughes, Kerr, McCue and Murtagh.

The committee accordingly refused the deputation request.

Councillor Coombes re-joined the meeting at this point.

Councillor Murtagh, seconded by Councillor Hughes, moved that committee, having exercised its planning judgement, grant planning permission in principle on the grounds that the site, while within the countryside, is considered suitable for the proposed development, the proposal would have benefits for and a positive impact on the amenity of the area, it would relate well to the surrounding area and it would be an enhancement to the green space and such grant to be subject to conditions determined by the Director of Development Services including a condition to the effect that the proposed dwellinghouse is positioned no closer than 80m from the gable end of Rumah, which is situated to the east of the site.

As an amendment, Councillor Coombes, seconded by Councillor Alexander, moved that committee refuse planning permission, for the following reason:-

1. the proposal would result in undesirable and unjustified housing growth within the countryside to the detriment of settlement separation and the rural character of the area. The proposal fails to accord with policies CG01 “Countryside” and CG03 “Housing in the Countryside” of the Falkirk Local Development Plan and Supplementary Guidance SG01 “Development in the Countryside”.

Informative:-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our outline reference number(s) 01A.

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 (9) – Provost Buchanan, Councillors Blackwood, Bouse, Hughes, Kerr, McCue, McLuckie, Munro and Murtagh.

For the Amendment (2) – Councillors Alexander and Coombes.

Decision

The committee, having exercised its planning judgement, granted planning permission in principle on the grounds that the site, while within the countryside, is considered suitable for the proposed development, the proposal would have benefits for and a positive impact on the amenity of the area, it would relate well to the

surrounding area and it would be an enhancement to the green space and such grant to be subject to conditions determined by the Director of Development Services including a condition to the effect that the proposed dwellinghouse is positioned no closer than 80m from the gable end of Rumah, which is situated to the east of the site.

Prior to consideration of the following item of business Councillor Alexander left the meeting in line with his declaration of interest. Councillor McLuckie, depute convener assumed the chair.

P55. Erection of Residential Care Home (Class 8 - Residential Institution) at Falkirk Ambulance Station, Windsor Road, Falkirk FK1 5EW for Mealmore Ltd - P/18/0100/FUL (Continuation)

With reference to Minute of Meetings of the Planning Committee held on 19 June 2018 (Paragraph P43 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 residential care home (class 8 – residential institution) at Falkirk Ambulance Station, Windsor Road, Falkirk.

With reference to Standing Order 33, the convener referred to a deputation request received from an objector to be heard in relation to this item.

Councillor Bouse, seconded by Councillor Blackwood, moved that the deputation request be refused.

As an amendment, Councillor Murtagh, seconded by Councillor Kerr, moved that the deputation request be granted.

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) – Provost Buchanan, Councillors Blackwood, Bouse, Coombes, McLuckie and Munro.

For the Amendment (4) – Councillors Hughes, Kerr, McCue and Murtagh.

The committee accordingly refused the deputation request.

In accordance with Standing Order 38.1 (x) the depute convener gave consent to Councillor Reid to speak in relation to the item of business, the said Member having duly given at least 24 hours notice.

Councillor Reid then addressed the committee.

Councillor McLuckie, seconded by Councillor Munro, moved that committee grant planning permission in accordance with the recommendations in the officer report.

As an amendment, Councillor Bouse, seconded by Councillor Hughes, moved that committee refuse planning permission on the grounds that the proposal constitutes overdevelopment of the site, the scale, mass and design of the proposed building would not be appropriate for the site and its setting and would have a detrimental impact on the amenity of the surrounding area.

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) – Provost Buchanan, Councillors Blackwood, Coombes, Kerr, McLuckie and Munro.

For the Amendment (4) – Councillors Bouse, Hughes, McCue and Murtagh.

Decision

The committee granted 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 this 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. The scheme must be approved in writing by the Planning Authority.**
 - 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) For the avoidance of doubt, prior to the occupation of the nursing home, the existing bell-mouth entrance off Greenhorns Well Crescent shall be removed and a standard dropped kerb footway crossing installed, all to the satisfaction of Falkirk Council.**
- (4) Before any work is commenced on the site a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.**
- (5) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.**
- (6) Samples of external materials to be used in the development 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.**

Reason(s):-

- 1. As these drawings and details constitute the approved development.**
- 2. To ensure the ground is suitable for the proposed development.**
- 3. To safeguard the interests of the users of the highway.**
- 4-5. To ensure that the existing trees are retained and protected during**
- 6. To safeguard the residential amenity of the area.**

Informative(s):-

- 1. Further guidance on the requirements of the Low and Zero Carbon Development condition can be found in Supplementary Guidance document SG15 'Low and Zero Carbon Development', available on our website.**

2. 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 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
3. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
4. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

e-mail - envhealth@falkirk.gov.uk

5. 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.

6. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02C, 03, 04C, 05C, 06C, 07C, 08, 09A, 10B, 11, 12, 13, 14 and 15.
7. Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times. If complaints are received about noise from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

Councillor Alexander re-joined the meeting following consideration of the previous item and resumed the chair.

- P56. Modification of Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to Planning Permission P/12/0546/FUL to provide a mechanism which allows the contribution amounts payable to reflect the final number of consented units on site at Land to the South of Mydub Farm, Glasgow Road, Denny for Avant Homes (Scotland MK) Ltd - P/18/0223/75M**

The committee considered a report by the Director of Development Services on an application for planning permission for the modification of planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to Planning Permission P/12/0546/FUL to provide a mechanism which allows the contribution amounts payable to reflect the final number of consented units on site at Land to the South of Mydub Farm, Glasgow Road, Denny.

Decision

The committee agreed to modify the Section 75 Planning Obligation attached to planning permission P/12/0546/FUL in accordance with the details as set out within the application, the reason being that the proposed modification is considered to satisfy all of the policy tests of Scottish Government Planning Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.

- P57. Substitution of House Types and Amendment of Layout (Amendment to Planning Permission P/12/0546/FUL) at Land to the South of Mydub Farm, Glasgow Road, Denny for Avant Homes (Scotland) Ltd - P/18/0025/FUL**

The committee considered a report by the Director of Development Services on an application for planning permission for the substitution of house types and amendment of layout (amendment to planning permission P/12/0546/FUL) at Land to the South of Mydub Farm, Glasgow Road, Denny.

Decision

The committee agreed that it is minded to grant planning permission subject to satisfactory conclusion of the modification to the Section 75 Obligation attached to planning permission P/12/0546/FUL as proposed by planning application P/18/0223/75M. The modification would satisfactorily secure:-

- **a developer contribution towards education provision at Denny Primary School, Denny High School and Nursery Provision;**
- **a developer contribution towards affordable housing, and**

- a developer contribution towards the delivery of the Denny Eastern Access Road (DEAR).

Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission subject to the following condition(s) and informative(s):-

1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this 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. Notwithstanding any details previously submitted, no dwellinghouse shall be occupied until such time as the following documents have been submitted to, and approved in writing by, the Planning Authority:-
 - (i) A copy of the appropriate sustainability label (at least Bronze Active), and
 - (ii) A statement of conformity which confirms that 10% of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies. Details and timescales of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Planning Authority.
3. Notwithstanding any details previously submitted, development shall not commence on site until such time as details of external finishes in respect of the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
4. Notwithstanding any details previously submitted, work shall not commence on site until such time as landscaping details, a planting schedule and a maintenance schedule have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the planting schedule shall include details of:-
 - Siting, numbers, species and heights (at time of planting) of all trees and shrubs to be planted;
 - Centre spacing, and

- A monitoring and maintenance schedule detailing proposed aftercare and replacement of planting which becomes damaged, or fails to become established, over a 5 year period following completion of planting. Thereafter, the planning shall be completed by the end of the first planting season following.

For the avoidance of doubt, the planting season shall be considered to run from April to September inclusively.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that 10% of carbon reduction is achieved by low and zero carbon generating technologies.
- 3-4. In the interests of visual amenity.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01B, 02-40, 41B, 42B and 43A.
2. 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.
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
4. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal, as legislation relating to the spread of dust is likely to affect this development.

e-mail - envhealth@falkirk.gov.uk

- 5. 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 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.**

P58. Redevelopment of Existing Farm Buildings to Form 6 Dwellinghouses and Erection of 4 Dwellinghouses at Burnhouse Farm, Denny FK6 6QY for Rustic ECO Properties Ltd - P/17/0437/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the redevelopment of existing farm buildings to form 6 dwellinghouses and erection of 4 dwellinghouses at Burnhouse Farm, Denny.

Decision

The committee agreed to continue consideration of this item of business to allow a combined inspection of the site and hearing session by committee.

P59. Erection of Dwellinghouse and Associated Works at the Wood Yard, Cauldcoats Holdings, Linlithgow EH49 7LX for Genius Loci Architectural Design - P/18/0175/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of dwellinghouses and associated works at the wood yard, Cauldcoats Holdings, Linlithgow.

The committee agreed to continue consideration of this item of business to allow a combined inspection of the site and hearing session by committee.