

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest is a shield divided into four quarters. The top-left quarter shows a castle tower. The top-right quarter shows a stag's head with antlers. The bottom-left quarter shows a sailing ship on the water. The bottom-right quarter shows a crowned eagle with spread wings. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A NE FOR A'.

# **Agenda Item 3**

## **Minute**

Draft

**FALKIRK COUNCIL**

**Minute of Meeting of the Planning Committee held in the Municipal Buildings,  
Falkirk on Wednesday 12 September 2018 at 9.30 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  
Lynne Munro  
Laura Murtagh

**OFFICERS:** Douglas Blyth, Team Leader  
Ian Dryden, Development Manager  
Arlene Fraser, Committee Services Officer  
Iain Henderson, Legal Services Manager  
Russell Steedman, Network Co-ordinator  
Bernard Whittle, Development Management Co-ordinator

**P64. Apologies**

There were no apologies.

**P65. Declarations of Interest**

There were no declarations of interest at this point.

**P66. Minutes**

**Decision**

- (a) the minute of meeting of the Planning Committee held on 15 August 2018 was approved, and**
- (b) the minute of meeting of the Planning Committee On-Site held on 27 August 2018 was approved.**

**P67. 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 - Continuation**

With reference to Minute of Meeting of the Planning Committee held on 15 August 2018 (Paragraph P58 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 redevelopment of existing farm buildings to form 6 dwellinghouses and erection of 4 dwellinghouses at Burnhouse Farm, Denny.

With reference to Standing Order 33, the convener referred to 3 deputation requests received from the applicant and 2 objectors to be heard in relation to this item.

Councillor Blackwood, seconded by Councillor Munro, moved that the deputation requests be refused.

As an amendment, Councillor Bouse, seconded by Councillor Hughes, moved that the deputation requests be granted.

Councillor McLuckie gave notice of a further amendment to continue the application to allow additional information recently received on access proposals to be considered by officers.

Following discussion on the terms of the further amendment, and with the consent of the convener and unanimous agreement of all members present, Councillors Blackwood, Munro, Bouse and Hughes, agreed to withdraw the motion and amendment.

**Decision**

**The committee agreed to continue consideration of this item of business to allow additional information received on access proposals to be considered by officers.**

**P68. Erection of Dwellinghouse and Associated Works at the Wood Yard, Cauldcoats Holdings, Linlithgow EH49 7LX for Genius Loci Architectural Design - P/18/0175/FUL - Continuation**

With reference to Minute of Meeting of the Planning Committee held on 15 August 2018 (Paragraph P59 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 and associated works at the wood yard, Cauldcoats Holdings, Linlithgow.

## **Decision**

The committee, having exercised its planning judgement, granted planning permission on the basis that it was satisfied (1) that the development meets the terms of Policy CG03 “Housing in the Countryside” in that it is housing required for the pursuance of the management of a business for which a countryside location is essential, and (2) on matters of road safety and such grant be subject to conditions determined by the Director of Development Services including a condition relating to the reconfiguration of the access to the site from the junction with the A904 to be submitted to and approved in writing by this Planning Authority.

**P69. Erection of 3 Dwellinghouses and Associated Access Road (Renewal of Planning Permission P/15/0320/FUL) at Roughmute Transport Depot, Larbert, FK5 3NP for Ian Craig Haulage Ltd – P/18/0358/FUL**

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of 3 dwellinghouses and associated access road (renewal of planning permission P/15/0320/ful) at Roughmute Transport Depot, Larbert.

## **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 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) Development shall not begin until a scheme for protecting the dwellinghouses from noise from transport and commercial sources has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.**
- (4) For the avoidance of any doubt or ambiguity there shall be no pedestrian or vehicle access to the site from the adjacent haulage yard.**
- (5) Prior to the commencement of development, full details of lighting proposals for the access onto the A8004 shall be submitted to and approved in writing by this Planning Authority.**
- (6) Prior to the commencement of development, details of measures to prevent vehicles turning right onto the A8004 shall be submitted to and approved in writing by this Planning Authority.**
- (7) Prior to the commencement of development, a surface water drainage strategy shall be submitted to and approved in writing by this Planning Authority.**
- (8) Prior to the development being occupied, visibility splays measuring 2.4 x 60 metres shall be provided in both directions, from both accesses, onto the A8004. There shall be no obstruction to visibility greater than 260mm in height above carriageway level within the splay.**

- (9) Prior to the development being occupied, the access shall be formed in a manner to ensure that no loose material or surface water drainage is discharged onto the public road.**
- (10) Prior to the commencement of development, the details of the colour and specification of all proposed external finishing materials shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- (11) Prior to the commencement of development, the details of the height, location, colour and specification of all proposed fences, walls, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**

**Reason(s):-**

- 1. These drawings and details constitute the approved development.**
- 2. To ensure the ground is suitable for the proposed development.**
- 3. To protect occupants of the dwellinghouses from transportation noise.**
- 4. To avoid potential conflict between residential and commercial users.**
- 5-6. To safeguard the interests of the users of the highway.**
- 7. To ensure that adequate drainage is provided.**
- 8-9. To safeguard the interests of the users of the highway.**
- 10-11. To safeguard the visual amenity of the area.**

**Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01. The decision also refers to plans 02A, 03A, 04A, 05, 06, 07 and 08 approved under P/15/0320/FUL.**
- 2. The applicant shall ensure that noisy work which is audible at the site boundary is only conducted between the following hours:**

**Monday to Friday 08:00 - 18:00 hours**

**Saturday 08:00 - 17:00 hours**

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

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

- 3. 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.

4. Scottish Water have advised that the development proposals impact on existing Scottish Water assets. Any conflict with assets identified may be subject to restrictions on proximity of construction. The applicant is advised to contact the Scottish Water Asset Impact Team at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

**P70. Erection of Detached Dwellinghouse with Integral Garage (Plot 2) at Land to the South of The Stables, Braeface Road, Banknock for Mr & Mrs David Fleming – P/18/0397/FUL**

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of detached dwellinghouses with integral Garage (Plot 2) at land to the South of The Stables, Braeface, Banknock.

**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 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) The development shall not commence until the precise details of the colour and specification of all proposed external finishing materials and surface materials have been submitted to and approved in writing by this Planning Authority. The roof profile/form shall also be subject to further consideration for approval in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) The development shall not commence until a scheme of soft landscape works has been submitted to and approved in writing by this Planning Authority. The details of the scheme shall include (as appropriate):-
  - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;

- (ii) The location of all new trees, shrubs, hedges and grassed areas;
  - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
  - (iv) A programme for subsequent maintenance.
- (4) Unless otherwise agreed, the proposed dwellinghouse shall not be occupied until the soft landscape works as indicated on the Landscape Plan approved under P/16/0660/MS C have been fully completed to the satisfaction of the Planning Authority.
- (5) The proposed dwellinghouse shall not be occupied until it has been confirmed that there is a visibility splay measuring 4.5 metres x 54 metres in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there is no obstruction to visibility greater than 1 metre above carriageway level.
- (6) The proposed dwellinghouse shall not be occupied until it has been confirmed that there is a visibility splay measuring 4.5 metres x 48 metres in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there is no obstruction to visibility greater than 1 metre above carriageway level.
- (7) The proposed dwellinghouse shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened to a position to the west of the access that will serve the 6 private dwellinghouses, in accordance with precise details to be agreed in writing by this Planning Authority.
- (8) The individual driveway shall be formed so that its gradient does not exceed 1 in 10.
- (9) The development hereby approved shall 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 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.

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order), no development within Class 3E (Gates, Fences, Walls or any other Means of Enclosure) shall be undertaken without the express prior consent of this Planning Authority.

**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2-4. To safeguard the visual amenity of the area.
- 5-7. In the interests of road safety.
8. To ensure the construction is fit for purpose.
9. To ensure the development achieves the required CO2 emission reduction as a result of development.
10. To safeguard the visual amenity of the area.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01,02A and 03.
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 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 the boundary

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

4. In the event that unexpected contamination is encountered following the commencement of development, the applicant is advised to notify the Planning Authority immediately, carry out a contaminated land assessment, undertake any necessary remediation works and only commence the development with the prior written approval of the Planning Authority.

5. **Care should be taken to minimise air emissions / suppress dust created during construction. The Institute of Air Quality Management (IAQM) provides dust management guidance for the construction phase.**

**P71. Declaration of Interest**

Councillor Coombes declared a non-financial interest in agenda items 8 & 9 (ref P72 & P73) as she had, subsequent to the committee's initial consideration of application P/17/0733/CPE and its decision to canvass information, attended a public meeting of neighbouring residents. While she did not consider that she had prejudged the matter or demonstrated bias, the Code of Conduct for Councillors states that if a member proposes to take part in the decision making process, they must not give grounds to doubt their impartiality and there should not be occasion for suspicion of bias or prejudgement. Having regard to the objective test in the Code of Conduct, Councillor Coombes stated that she would recuse herself from consideration of the items.

Councillor Coombes, as a local member, requested that she be allowed to speak in terms of Standing Order 38.1(x), having given prior notice of her intent. With the consent of the Convener, Councillor Coombes was heard in relation to items P72 & P73 and thereafter, left the meeting.

**P72. Use of Land and Premises as Materials and Soil Treatment Facility (Class 5 General Industrial) at Carron Works, Stenhouse Road, Carron, Falkirk, FK2 8UW for ATG Group – P/17/0733/CPE**

The committee considered a report by the Director of Development Services on an application for planning permission for the use of land and premises as materials and soil treatment facility (class 5 general industrial) at Carron Works, Stenhouse Road, Carron.

The committee adjourned at 10.20 a.m. and reconvened at 10.25 a.m. with all members present as per the sederunt, with the exception of Councillor Coombes.

Councillor Bouse, seconded by Councillor Hughes moved that committee refuse the application for the following reasons:-

It is considered that there is insufficient information on lawfulness to satisfy the planning authority.

The authority has not received evidence that is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities.

The site has been subject to significant periods of inactivity particularly between 2012 and 2015 and then 2016 to date. There is a lack of evidence to demonstrate any activity that took place in 2015/16.

The application covers a building on the site and external areas. Information received by the authority indicates that there has been no activity on the external area since around 2012 and it is understood this was a requirement by SEPA in terms of an amendment to their licence. It is understood that there may be soil in the building but there has been no dealing with this since 2016. The building would appear to be in poor state of repair. A section of the roof would appear to have collapsed. This constitutes evidence of abandonment of use.

It is acknowledged that waste management licences have been in place for the site but the condition of the site and lack of activity for very prolonged periods is considered to amount to abandonment of use of the site.

As an amendment, Councillor Munro, seconded by Councillor Kerr, moved that committee continue consideration of the item to allow a combined inspection of the site and hearing session by committee.

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 Alexander, Bissett, Blackwood, Bouse, Hughes, McCue, McLuckie and Murtagh.

For the Amendment (2) – Councillors Kerr and Munro.

### **Decision**

**The committee agreed the Motion.**

### **P73. Use of Land and Premises as Materials and Soil Treatment Facility (Class 5 General Industrial) at Carron Works, Stenhouse Road, Carron, Falkirk, FK2 8UW for ATG Group – P/18/0351/CPE**

The committee considered a report by the Director of Development Services on an application for planning permission for the use of land and premises at materials and soil treatment facility (class 5 general industrial) at Carron Works, Stenhouse Road, Carron, Falkirk.

### **Decision**

**The committee refused the application for the following reasons:-**

**It is considered that there is insufficient information on lawfulness to satisfy the planning authority.**

**The authority has not received evidence that is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities.**

**The site has been subject to significant periods of inactivity particularly between 2012 and 2015 and then 2016 to date. There is a lack of evidence to demonstrate any activity that took place in 2015/16.**

**The application covers a building on the site and external areas. Information received by the authority indicates that there has been no activity on the external area since around 2012 and it is understood this was a requirement by SEPA in terms of an amendment to their licence. It is understood that there may be soil in the building but there has been no dealing with this since 2016. The building would appear to be in poor state of repair. A section of the roof would appear to have collapsed. This constitutes evidence of abandonment of use.**

**It is acknowledged that waste management licences have been in place for the site but the condition of the site and lack of activity for very prolonged periods is considered to amount to abandonment of use of the site.**