

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: a bird), 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 Tuesday 19 March 2019 at 9.30 a.m.

COUNCILLORS: David Alexander (Convener)
Robert Bissett
Allyson Black
Jim Blackwood
Gary Bouse
Provost William Buchanan
Joan Coombes
David Grant
Gordon Hughes
Adanna McCue
Lynn Munro
Laura Murtagh

OFFICERS: Ian Dryden, Development Manager
Arlene Fraser, Committee Services Officer
David Gray, Environmental Protection Co-ordinator
Iain Henderson, Legal Services Manager
Russell Steedman, Network Co-ordinator
Bernard Whittle, Development Management Co-ordinator

P110. Apologies

There were no apologies.

P111. Declarations of Interest

Councillor Hughes declared a non-financial interest in agenda Item 5 (ref P114) as he has acted in a ward representative role on this and previous similar applications and stated that he considered that this required him to recuse himself from consideration of the item having had regard to the Objective Test in the Code of Conduct.

P112. Minute

Decision

The minute of meeting of the Planning Committee held on 20 February 2019 was approved.

P113. Erection of Dwellinghouse and Double Garage at Land to the South of East Bonhard, Linlithgow for Mrs Margaret Linkston – P/18/0712/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of dwellinghouse and double garage at land to the South of East Bonhard, Linlithgow.

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

As an amendment, Councillor Bouse, seconded by Councillor Murtagh, moved that committee agree not to continue consideration of the item to allow a combined inspection of the site and hearing session to be held and proceed to consider the application at this meeting.

In terms of Standing Order 22.1, a vote was taken by roll call, there being 12 members present with voting as undernoted:-

For the Motion (7) – Provost Buchanan, Councillors Bissett, Black, Coombes, Grant, Hughes and Munro.

For the Amendment (5) – Councillors Alexander, Blackwood, Bouse, McCue and Murtagh.

Decision

The Motion was carried.

In line with his earlier declaration of interest Councillor Hughes left the meeting prior to consideration of the following item.

Councillors Kerr and McLuckie, as local members, requested that they be allowed to speak in terms of Standing Order 38.1(x), having given prior notice of their intent. With the consent of the Convener, Councillors Kerr and McLuckie were each heard in relation to Item P114.

P114. Change of Use of Vacant Land to Form Private Permanent Gypsy/Traveller Pitch (One Static Caravan and One Tourer), Formation of Hardstanding and Car Parking, Erection of Fencing, Gates and Sheds (Part Retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mrs A Fowler – P/18/0522/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the change of use of vacant land to form private permanent gypsy/traveller pitch (one static caravan and one tourer), formation of hardstanding and car parking, erection of fencing, gates and sheds (part retrospective) at Wesleymount, Church Road, California, Falkirk.

Decision

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

Councillor Murtagh left the meeting following consideration of the previous item.

Councillor Hughes re-joined the meeting following consideration of the previous item.

P115. Alteration and Change of Use of Women's Refuge (Class 7) to Form 3 Flatted Dwellinghouses at 1-3 Seaview Place, Bo'ness for Hazeldean Properties Ltd – P/18/0710/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the alteration and change of use of women's refuge (class 7) to form 3 flatted dwellinghouses at 1-3 Seaview Place, Bo'ness.

Decision

The committee were minded to grant planning permission subject to the following conditions:-

- (a) Notification of the application to Scottish Ministers in relation to the HSE objection, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009; and**
- (b) Thereafter, remit to the Director of Development Services, to approve the application 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 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) For the avoidance of doubt, the replacement lintels shall match the existing lintels in terms of material, texture, colour and appearance.**

Reason(s):-

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

2. To preserve and enhance the character of the listed building.

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 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.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 07, 08A, 09, 10, 11A 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.

P116. Demolition of Fire Damaged Dwellinghouse and Erection of New Dwellinghouse at Linhouse Cottage, Linhouse Farm, Avonbridge, Falkirk, FK1 2JS for Mr and Mrs A Campbell – P/18/0637/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the demolition of fire damaged dwellinghouses and erection of new dwellinghouses at Linhouse Cottage, Linhouse Farm, Avonbridge, Falkirk

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. Notwithstanding any details previously submitted, the development shall not proceed above foundation level until such

time as details of materials have been submitted to, and approved in writing by, the Planning Authority.

3. Notwithstanding any details previously submitted, the development hereby approved shall not be occupied or brought into use 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 (i.e. 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 timetable 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 thereafter be implemented in accordance with the approved timetable and retained operation thereafter, unless otherwise agreed in writing by the Planning Authority.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that the proposed development respects the character of the application site and its setting.
3. To ensure that 10% of carbon reduction is achieved by low and zero carbon generating technologies.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-07, 08A and 09A.
2. 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.

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.

P117. Use of Land for Storage with 18 No. Containers at Depot, Dock Street, Bo'ness for Dianne Connachan - P/18/0598/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the use of land for storage with 18 no. containers at Depot, Dock Street, Bo'ness.

The committee refused planning permission for the following reasons:-

1. The visual impact of the proposed storage container units in terms of height and open views of the storage area would not respect the character and appearance of the Bo'ness Town Centre Conservation Area and would not be sympathetic to the application site's significantly residential and heritage use setting. The proposed development would not integrate sensitively in visual terms with the surrounding area. Accordingly, the proposed development does not accord with policies D10 "Conservation Areas", BUS03 "Business Areas with Potential for Redevelopment" and D02 "Sustainable Design Principles" and Supplementary Guidance SG16 "Listed Buildings and Unlisted Properties in Conservation Areas" of the Falkirk Local Development Plan.
2. The proposed development would not provide a satisfactory standard of access and egress arrangement to safeguard the interests of road users. Accordingly, the proposed development does not accord with policy D02 "Sustainable Design Principles" of the Falkirk Local Development Plan, and consequently therefore, does not accord with policy BUS03 "Business Areas with Potential for Redevelopment" of the Falkirk Local Development Plan.

Informative(s):-

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

P118. Application under Section 42 of the Town and Country Planning (Scotland) Act 1997, as Amended, for Variation of Deemed Planning Permission (Scottish Government Energy Consents Unit Ref EC00005229) to the Extent that Condition 18 thereof is modified as follows: Prior to the Commencement of the Development, Except for

Site Preparation, Ground and Enabling Works, the Remediation Works Identified in the Approved Remediation Strategy Shall be Carried out in Accordance with the Terms of that Strategy. No Part of the Development shall be Occupied Until a Remediation Completion Report or Validation Certificate has been Submitted to the Planning Authority and Approved at Site to the West of Forth Ports Plc, Central Dock Road, Grangemouth, for Forth Ports Limited – P/18/0324/VRC

The committee considered a report by the Director of Development Services on an application under Section 42 of the Town and Country Planning (Scotland) Act 1997, as Amended, for Variation of Deemed Planning Permission (Scottish Government Energy Consents Unit Ref EC00005229) to the extent that Condition 18 thereof is modified as follows: Prior to the Commencement of the Development, Except for Site Preparation, Ground and Enabling Works, the Remediation Works Identified in the Approved Remediation Strategy Shall be Carried out in Accordance with the Terms of that Strategy. No Part of the Development shall be Occupied Until a Remediation Completion Report or Validation Certificate has been Submitted to the Planning Authority and Approved at Site to the West of Forth Ports Plc, Central Dock Road, Grangemouth.

Councillor Black, seconded by Councillor Coombes moved that committee continue consideration of the item to allow a combined inspection of the site and hearing session by committee.

As an amendment, Councillor Bouse, seconded by Councillor Grant, moved that committee agree not to continue consideration of the item to allow a combined inspection of the site and hearing session to be held and proceed to consider the application at this meeting.

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 (5) – Provost Buchanan, Councillors Bissett, Black, Coombes and Munro.

For the Amendment (6) – Councillors Alexander, Blackwood, Bouse, Grant, Hughes and McCue.

The Amendment was carried.

Committee proceeded to consider the application.

Councillor Alexander, seconded by Councillor Grant moved that committee grant the application in accordance with the recommendations set out in the report.

As an amendment, Provost Buchanan, seconded by Councillor Black, moved that committee considers the original condition 18 imposed by the

Reporter is reasonable and there is no justification for it to be amended and accordingly refuses the application.

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 (5) – Councillor Alexander, Bouse, Grant, Hughes and McCue.

For the Amendment (6) – Provost Buchanan, Councillors Bissett, Black, Blackwood, Coombes and Munro.

Decision

The Amendment was carried.

Draft

Minute of meeting of the Planning Committee held On Site on Monday 1 April 2019 commencing at 9.30 a.m.

Councillors: David Alexander (Convener)
Provost William Buchanan (Depute Convener)
Allyson Black
Jim Blackwood
Gary Bouse
Gordon Hughes (Item P4 only)
Lynn Munro

Officers: Donald Campbell, Development Management Co-ordinator
John Milne, Senior Planning Officer (for application P/18/0522/FUL)
David Paterson, Planning Officer (for application P/18/0712/FUL)
Brian Pirie, Democratic Services Manager
Karen Quin, Senior Solicitor
Russell Steedman, Network Co-ordinator

P1. Apologies

Apologies were intimated on behalf of Councillors Bissett, McCue and Murtagh.

P2. Declarations of Interest

There were no declarations of interest.

P3. Change of Use of Vacant Land to Form Private Permanent Gypsy/Traveller Pitch (One Static Caravan and One Tourer), Formation of Hardstanding and Car Parking, Erection of Fencing, Gates and Sheds (Part Retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mrs A Fowler – P/18/0522/FUL

With reference to the minute of the meeting of the Planning Committee held on 19 March 2019 (ref P114), Committee gave further consideration to a report by the Director of Development Services on an application for the Change of Use of Vacant Land to Form Private Permanent Gypsy/Traveller Pitch (One Static Caravan and One Tourer), Formation of Hardstanding and Car Parking, Erection of Fencing, Gates and Sheds (Part Retrospective) at Wesleymount, Church Road, California, Falkirk.

The Convener introduced the parties present.

The Planning Officer outlined the nature of the application.

The applicant was heard in relation to the application.

Mr G Hughes, was heard in support of the application.

Questions were then asked by members of the committee.

Questions included the following:-

- The relevance of two interim interdicts to the operation of the meeting
- Ownership of the land and access rights
- Current and pending enforcement actions in regard to the land

Councillor James Kerr, a local member for the area, was heard in relation to the application and asked questions which included the following:-

- The definition of 'mutual vehicular access' in regard to access to the site
- Whether the response by the Roads Authority had been taken into account by the Planning officer
- The impact of the finding by the Directorate for Planning and Environmental Appeals in regard to a nearby property and whether the finding applied to the application site
- Whether works on the site had caused flooding

Councillor John McLuckie, a local member for the area, was heard in relation to the application and asked questions which included the following:-

- Whether the site was part of the site which was subject to the finding by the Directorate for Planning and Environmental Appeals and therefore subject to its restrictions
- The response by SEPA and why SEPA had not been consulted as a matter of course
- The location of the site in regard to the boundary for settlements, having regard to the Local Development Plan.

The Convener concluded by thanking the parties for their attendance. The matter would be determined by the Planning Committee on 24 April 2019.

P4. Erection of Dwellinghouse and Double Garage at Land to the South of East Bonhard, Linlithgow for Mrs Margaret Linkston – P/18/0712/FUL

With reference to the minute of the meeting of the Planning Committee held on 19 March 2019 (ref P113), Committee gave further consideration to a report by the Director of Development Services on an application for the Erection of Dwellinghouse and Double Garage at Land to the South of East Bonhard, Linlithgow.

The Convener introduced the parties present.

The Planning Officer outlined the nature of the application.

The applicant and her agent Mr J Jewitt were heard in relation to the application.

Questions were then asked by members of the committee.

Questions related to:-

- The drainage arrangements for the development
- Whether there was a flood risk
- The proposed building materials

Depute Provost Ritchie, a local member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance. The matter would be determined by the Planning Committee on 24 April 2019.