

The background of the slide is a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest features a crown with four thistles, a shield divided into four quarters (a castle, a stag, a ship, and an eagle), and a motto scroll at the bottom.

Agenda Item 3

Minutes

Draft

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held in the Municipal Buildings, Falkirk on Wednesday 24 April 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
Lynn Munro
Laura Murtagh

OFFICERS: Donald Campbell, Development Management Co-ordinator
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Jack Frawley, Committee Services Officer
David Gray, Environmental Protection Co-ordinator
Iain Henderson, Legal Services Manager
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Bernard Whittle, Development Management Co-ordinator

P5. Apologies

An apology was intimated on behalf of Councillor McCue.

P6. Declarations of Interest

There were no declarations of interest.

P7. Minutes

Decision

- (a) the minute of meeting of the Planning Committee held on 19 March 2019 was approved, and**
- (b) the minute of meeting of the Planning Committee – On-Site held on 1 April 2019 was approved.**

P8. 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 – Continuation.

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.

Councillor Bouse, seconded by Councillor Murtagh, moved that committee agrees 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. Within the first available planting season, the proposed landscaping details shall be introduced and completed, details of which shall be submitted to and approved in writing by the Planning Authority.
3. The use of the site shall be restricted to one principal caravan and one touring caravan.
4. This planning permission shall expire on 5 March 2021. Thereafter, unless otherwise agreed in writing with the Planning Authority, within 2 months of the date of expiry of permission, the site shall be cleared and laid in grass.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To safeguard the environmental amenity of the area.
- 3,4. To ensure that the Planning Authority can control the future use of the premises.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

As an amendment, Councillor Coombes, seconded by Councillor Munro, moved that committee agrees to continue the matter until the outcome of the interdict proceedings is known.

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 (4) – Councillors Alexander, Black, Bouse and Murtagh.

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

Decision

The committee agreed the amendment.

Councillor Hughes joined the meeting at this point.

P9. Erection of Dwellinghouse and Double Garage at Land to the South of East Bonhard, Linlithgow for Mrs Margaret Linkston – P/18/0712/FUL – Continuation.

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

Councillor Munro, seconded by Councillor Black, moved that committee agrees to grant planning permission as the proposal is, in the planning judgement of the committee, considered an appropriate infill development sympathetic to the surrounding area and in keeping with and respecting the character of the area, such grant to be subject to conditions as determined by the Director of Development Services.

As an amendment, Councillor Bouse, seconded by Councillor Alexander, moved that committee refuses to grant planning permission for the following reason(s):-

1. The proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration of an existing dwellinghouse, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site. As such, the principle of residential development of the application site is contrary to policies CG01 "Countryside" and CG03 Housing in the Countryside" and Supplementary Guidance SG01 "Development in the Countryside" of the Falkirk Local Development Plan" and Policies PE14 "Countryside" and HC05 "Housing in the Countryside" of the Proposed Falkirk Local Development Plan 2.

2. Supplementary Guidance SG01 "Development in the Countryside" provides detailed guidance to ensure a high standard of development. The proposed development includes facing brick walls, zinc sheeting roofing and aluminium windows. The materials proposed would not respect the local character of the application site and its setting in relation to other buildings. The proposed development does not accord with Policy D02 "Sustainable Design Principles" and Supplementary Guidance SG01 "Development in the Countryside" of the Falkirk Local Development Plan and Policy PE01 "Placemaking" of the Proposed Falkirk Local development Plan 2 in terms of design.

Informative(s):-

For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03B, 04, 05, 06, 07, 08, 09A, 10, 11, 12, 13 and 14.

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) – Provost Buchanan, Councillors Bissett, Black, Coombes, Grant, Hughes and Munro.

For the Amendment (4) – Councillors Alexander, Blackwood, Bouse and Murtagh.

Decision

The committee agreed the motion.

The committee agreed to vary the order of business. The following items are recorded in the order they were considered by the committee.

P10. Part Demolition of Dwellinghouse, Subdivision of Garden Ground and Erection of Dwellinghouse with Associated Infrastructure at 6 Booth Place, Falkirk, FK1 1BA for Mr John Anderson – P/19/0071/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the part demolition of dwellinghouse, subdivision of garden ground and erection of dwellinghouse with associated infrastructure at 6 Booth Place, Falkirk, FK1 1BA.

Decision

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

P11. Erection of Dwellinghouse at Land to the South of The Stables, Braeface Road, Banknock for Mr and Mrs Andrew Dodd – P/18/0672/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of Dwellinghouse at Land to the South of The Stables, Braeface Road, 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 (a) the existing and proposed finished levels and (b) 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. 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/MSK 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 CO2 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) 01A, 02B, 03A and 04A.**
- 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.**

P12. Formation of Vehicular Access at 138 Carronshore Road, Carron, Falkirk, FK2 8EB for Mr David Foley – P/19/0044/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the formation of a vehicular access at 138 Carronshore Road, Carron, Falkirk.

Decision

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

P13. Erection of Outbuilding (Retrospective) at 49 Norwood Avenue, Bonnybridge, FK4 1PY for Mr Bryan Benton – P/19/0056/FUL

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of outbuilding (retrospective) at 49 Norwood Avenue, Bonnybridge, FK4 1PY.

Decision

The committee agreed to continue consideration of this item to allow an unaccompanied inspection of the site by committee.

P14. Erection of 18 Dwellinghouses, 21 Flatted Dwellings, Associated Landscaping, Roads and Drainage Infrastructure at Land To The South of Hill of Kinnaird Farmhouse, Falkirk for CALA Homes (West) Ltd – P/18/0311/FUL - Continuation

The committee considered a report by the Director of Development Services on an application for planning permission for the erection of 18 dwellinghouses, 21 flatted dwellings, associated landscaping, roads and drainage infrastructure at Land To The South of Hill of Kinnaird Farmhouse, Falkirk for CALA Homes (West) Ltd.

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. Notwithstanding any details previously submitted, there shall be no work on any dwelling house or flatted block above foundation level until such time as details of the play area have been submitted to, and approved in writing by, this Planning Authority.**
- 4. Notwithstanding any details previously submitted, no development shall commence until the precise details of the proposed low and zero carbon development (LZCGT) measures**

have been submitted to and approved in writing by this Planning Authority. For the avoidance of doubt, details to be submitted shall include calculations relating to the Standard Assessment Procedure Energy rating (SAP) and demonstrate accordance with policy D04 "Low and Zero Carbon Development" and Supplementary Guidance SG15 "Low and Zero Carbon Development" of the Falkirk Local Development Plan. Thereafter, the development shall be carried out in accordance with the approved details.

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 ensure the provision of a satisfactory standard of play equipment.
4. To ensure that a satisfactory level of low and zero carbon development is achieved by the inclusion of on site 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, 02C, 03A, 04A and 05-15.
2. If any coaling mining feature is encountered during the development, the applicant is advised to contact The Coal Authority (tel 0345 762 6848).
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. 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.

P15. Exclusion of Public

The committee agreed in terms of section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the said Act.

The committee adjourned at 11.00am and reconvened at 11.10am with all members present as per the sederunt.

P16. Planning Permission Appeal by Ineos, Bo'ness Road, Grangemouth

The committee considered a report by the Director of Development Services which advised the Committee of the decision of the Scottish Ministers to uphold the appeal by Ineos on non-determination of the planning application for works adjacent to and within the confines of Ineos, Bo'ness Road, Grangemouth.

Councillor Alexander, seconded by Councillor Bouse, moved that committee:-

- (1) notes the decision of Ministers to uphold the application by INEOS to close off a section of the Bo'ness Road as part of their expansion and safety programmes;
- (2) further recognises conclusions of the council's external specialist legal advisors, Brodies, indicating that ultimately they believe there is little real prospect of securing a change of outcome, and
- (3) therefore accepts the advice of Brodies and determines not to appeal the decision of Ministers but would encourage dialogue among all parties in relation to mitigation and long term sustainable transport links.

As an amendment, Councillor Coombes, seconded by Councillor Black, moved that committee:-

- (1) notes the decision of the Scottish Minister to uphold the appeal by Ineos on non-determination of the planning application for works adjacent to and within the confines of Ineos, Bo'ness Road, Grangemouth;

- (2) instructs officers to lodge a statutory appeal to the court of session of the decision of Scottish Ministers for the reasons and on the grounds stated in the legal opinion from Brodies, and
- (3) agrees that consideration of the stopping up order application be deferred pending the outcome of the statutory appeal to the court of session.

In terms of Standing Order 22.2, a vote was taken by show of hands, there being 11 members present with voting as undernoted:-

For the Motion (6).

For the Amendment (5).

Decision

The committee agreed the motion.