

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 lion rampant. Above the shield is a crown with four fleurs-de-lis. A banner at the bottom of the shield contains the motto 'ANE FOR A'.

Agenda Item 3

Minute

Draft

FALKIRK COUNCIL

Minute of meeting of Falkirk Council held in the Municipal Buildings, Falkirk on Monday 9 March 2020 at 9.30 a.m.

<u>Councillors:</u>	David Alexander	Fiona Collie	Cecil Meiklejohn
	David Balfour	Joan Coombes	Lynn Munro
	Lorna Binnie	Jim Flynn	Laura Murtagh
	Robert Bissett	Paul Garner	Malcolm Nicol
	Allyson Black	Nigel Harris	Alan Nimmo
	Jim Blackwood	Gordon Hughes	John Patrick
	Gary Bouse	James Kerr	Pat Reid
	Provost William Buchanan	Adanna McCue	Depute Provost Ann Ritchie
	Niall Coleman	John McLuckie	Robert Spears

<u>Officers:</u>	Karen Chambers, Committee Services Officer
	Kevin Collins, Transport Planning Co-Ordinator
	Ian Dryden, Development Manager
	Rhona Geisler, Director of Development Services
	Tracey Gillespie, Human Resources Manager
	Iain Henderson, Legal Services Manager
	Kenneth Lawrie, Chief Executive
	Colin Moodie, Chief Governance Officer
	Robert Naylor, Director of Children's Services
	Brian Pirie, Democratic Services Manager
	Stuart Ritchie, Director of Corporate & Housing Services
	Bryan Smail, Chief Finance Officer
	Russel Steedman, Network Co-Ordinator
	Amanda Templeman, Chief Finance Officer Health and Social Care Partnership

FC71. Sederunt

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Councillors Aitchison and Grant.

FC72. Declarations of Interest

There were no declarations of interest.

FC73. Coronavirus

The Chief Executive updated members on the position concerning the coronavirus. He provided an update on the impact of coronavirus nationally and locally and summarised the Council's arrangements to tackle the impact and to ensure the running of essential council services.

FC74. Minutes and Information Bulletin

- (a) Minute of Meeting of Falkirk Council held on 4 December 2019 - agreed as a correct record, subject to the insertion of Councillor James Kerr as being in attendance.
- (b) Minute of Meeting of Falkirk Council held on 22 January 2020 - agreed as a correct record;
- (c) Minute of Meeting of Falkirk Council held on 26 February 2020 - agreed as a correct record;
- (d) Volume of Minutes – Volume 3 2019/20 - noted and,
- (e) Information Bulletin – Volume 3 2019/20 – noted.

FC75. Questions

No questions were submitted.

FC76. Rolling Action Log

A rolling action log detailing decisions not yet implemented following the previous meeting on 4 December 2019 was provided.

Decision

Council noted the rolling action log.

Council adjourned at 10.45 am and reconvened at 10.55 am with all members present as per the sederunt.

FC77. Execution of Deeds

Council considered a report by the Director of Corporate and Housing Services with the purpose to provide details of those deeds which have been signed and sealed on behalf of the Council.

Decision

Council noted the signing and sealing of the Deeds listed in the appendix.

FC78. Minutes

- (a) Minute of Meeting of the Planning Committee (comprising all Members of Council) held on 21 October 2019 - agreed as a correct record;
- (b) Minute of Meeting of the Planning Committee (comprising all Members of Council) held on 14 November 2019 - agreed as a correct record; and
- (c) Minute of Meeting of the Planning Committee (comprising all Member of Council) held on 25 November 2019 - agreed as a correct record.

FC79. Development of Land for Residential Use (Including Affordable Housing), Community Facilities & Associated Development at Land to the South of Bo'ness Fire Station, Crawfield Lane, Bo'ness for MacTaggart & Mickel and AWG - P/19/0409/PPP

In line with Standing Order 33, Council decided to hear the deputation request submitted in relation to this item.

Colin Lavety, the agent on behalf of the applicant, addressed the Council.

Questions were then asked by members of the Committee.

Council considered a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential use (Including Affordable Housing) Community Facilities & Associated Development at Land to the South of Bo'ness Fire Station, Crawfield Lane, Bo'ness.

Decision

Council refused the application 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 or replacement of an existing house, 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;**

- (2) The application is, contrary to Policy HSG01 'Housing Growth' of the Falkirk Local Development Plan. The Council currently has a shortfall in the 5 year effective housing land supply and so will consider further releases of land for sustainable and effective development proposals in the following order of preference: urban capacity sites; additional brownfield sites; and sustainable greenfield sites. The site is an extensive greenfield site and the proposal represents a large scale housing development at odds with the settlement strategy for the area. The application, whilst being assessed as effective, may not have any on-site completions until after the adoption of the Falkirk Local Development Plan 2 (which will address the current housing land shortfall) and is not considered to be sustainable development. A more sustainable approach would be for the impacts of and opportunities for urban expansion in this area to be considered in a co-ordinated way through the local plan review process so the broader considerations of settlement growth, landscape impacts, urban form and infrastructure provision, including school provision, the road network and pedestrian/cycle facilities, could be assessed in the round, and the most optimal long term solutions devised;**
- (3) Granting the application (for a major housing development) could make it difficult to resist other applications which in combination may result in growth in the area of a strategic nature. The settlement strategy for this area should be properly considered through the local plan review process and not, de facto, by decisions on individual planning applications;**
- (4) The application is considered to be contrary to Policy RW04 'Agricultural Land, Carbon Rich Soils and Rare Soils' of the Falkirk Local Development Plan as the proposed development would result in the permanent loss of prime quality agricultural land in circumstances where there is no overriding need, particularly since the proposed development would be unlikely to be able to contribute to meeting the current effective housing land supply shortfall prior to the adoption of LDP2;**
- (5) Granting the application would be premature and prejudicial to consideration of strategic issues through the LDP2 process including settlement growth in the Bo'ness area. The appropriate procedure for testing the principle of development on the site is through the LDP2 process where the broader considerations relating to urban form, settlement growth, landscape and infrastructure provision can be properly considered in a co-ordinated way, and**

- (6) The LDP2 Examination Report is imminent and so the proposed development is unlikely to be able to contribute to meeting the current effective housing land supply shortfall prior to adoption of LDP2, at which point a new housing land target and additional allocations will become operative, and the calculation of the 5 year effective land supply will have fundamentally changed.

Informative(s):-

For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 05 and Supporting Documents.

FC80. Substantial Demolition of Former Farm Steading and Redevelopment to Form 12 Dwellinghouses, Erection of 69 Dwellinghouses, 30 Flatted Dwellings, Formation of Roundabout, Landscaping and Suds Pond at Woodend Farm, Hallglen Road, Hallglen, Falkirk FK1 2AT for Falkirk Council - P/19/0453/FUL

Council considered a report by the Director of Development Services on an application for planning permission for the Substantial Demolition of Former Farm Steading and Redevelopment to Form 12 Dwellinghouses, Erection of 69 Dwellinghouses, 30 Flatted Dwellings, Formation of Roundabout, Landscaping and Suds Pond at Woodend Farm, Hallglen Road, Hallglen, Falkirk.

Decision

The Council agreed that it was minded to grant planning permission subject to notification of its intention to grant permission to the Scottish Ministers. If the Scottish Ministers do not call in the application for their own determination, the Director of Development Services shall be authorised to grant planning permission subject to the following proposed conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and the supporting information 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 the Local Planning Authority;
- (2) No development shall commence on site until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
 - i) a programme and methodology of site investigation and recording;

- ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - vi) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- (3) No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 2, until such time as condition 2 has been complied with and the archaeological investigation has been carried out;
- (4) The demolition of Woodend Farm shall be carried out by hand or by hand-held tools only and the stone stored for re-use in reconstruction of the building, unless otherwise agreed in writing by the Local Planning Authority;
- (5) Replacement stone for the listed building shall match the existing stone as closely as possible in all respects. A petrographic analysis of the existing stone shall be undertaken to inform the choice of replacement stone. Stone replacement shall not commence until the petrographic analysis and details of the proposed replacement stone have been submitted to and approved in writing by the Local Planning Authority;
- (6) No construction/reconstruction of building/s shall take place until a sample panel of the materials to be used in the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development;
- (7) No development shall commence on site unless otherwise agreed by the Local Planning Authority until the following have occurred;
- i. A scheme of intrusive site investigations has been carried out, as recommended in the Coal Mining Risk Assessment Report (MM- EC, 10 May 2017(Contaminated

Land Survey, Appendix 5)).

- ii. A report on the findings of the intrusive site investigation report have been submitted to and approved in writing by the Local Planning Authority.**
 - iii. A scheme of remedial works have been submitted to and approved in writing by the Local Planning Authority.**
 - iv. The remedial works have been implemented.**
- (8)(i) No development shall commence on site unless otherwise agreed with the Local 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.**
- (9) Prior to the commencement of development, an updated phasing plan showing the location of the proposed works compound and construction vehicle parking area and including timescales for completion of the parking, cycle storage facilities, footway improvements, farm steading conversion and signalised crossing shall be submitted to and approved in writing and only**

the approved details shall be implemented;

- (10) Prior to the commencement of development 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;**
- (11) Prior to the commencement of development on the site, temporary tree protection fencing shall be erected in a position to first 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. The fencing shall not be removed until all construction work on the site is completed;**
- (12) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, confirmation shall be provided of the arrangements for the provision and phasing of financial contributions of £189,054 to be made to Childrens Services of Falkirk Council to mitigate the development impacts on Graeme High School and £84,672 to upgrade open space provision in the vicinity of the application site. Further, unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of development on site, the developer shall obtain confirmation of the level of financial contribution required towards healthcare provision in the local area (following consultation by the Local Planning Authority with the NHS) and shall submit a written timescale for payment of these contributions which shall require to be agreed with the Director of Development Services ;**
- (13) 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) 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 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 The Local 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 Local Planning Authority.

- (14) No part of the development shall be occupied until an updated Residential Travel Pack has been submitted to and approved in writing by the Local Planning Authority. The approved pack shall be provided to each residential unit at the time of first occupation;**
- (15) There shall be no tree, scrub, grassland clearance or demolition works within the bird nesting season (March to August inclusive), unless a nesting bird check has been carried out by a suitably qualified ecologist prior to commencement of the clearance works. Prior to the works commencing the findings of the nesting bird check shall be submitted to and approved in writing by the Local Planning Authority;**
- (16) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):**
- i. 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. location of new trees, shrubs, hedges and grassed areas**
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density**
 - iv. programme for completion and subsequent maintenance.**
- (17) Before the development is occupied, a Stage 2 Road Safety Audit shall be submitted to and approved in writing by this Planning Authority. Thereafter, within one month of the development being occupied, a Stage 3 Road Safety Audit shall be submitted for the written approval of this Planning Authority. Any required changes to the design as a consequence of the road safety audits shall be funded and implemented by the applicant.**
- (18) The above permission specifically excludes the wall repair and replacement details referred to in the submitted 'Woodend Farm, New Hallglen Road, Falkirk Structural Inspection of Stone Boundary Wall' report.**
- (19) The air quality mitigation measures shall be implemented in accordance with Appendix F of the 'ITP Energised Air Quality Assessment', unless otherwise agreed in writing by the Local Planning Authority.**
- (20) The bat mitigation measures shall be implemented in accordance with the 'Mitigation and Compensation Strategy' in Section 4 of the 'Bat Species Protection Plan', unless otherwise agreed in writing by the Local Planning Authority.**

Reason(s):-

- 1 . As these drawings and details constitute the approved development.**
- 2-3. To ensure that any archaeological remains are safeguarded.**
- 4. To preserve the original stonework from the building, to enable its reuse.**
- 5. To protect the fabric of the listed building by ensuring that the replacement stone is a suitable match to the existing.**
- 6. To enable the Planning Authority to consider this/these aspect(s) in detail.**
- 7-8. To ensure the ground is suitable for the proposed development.**
- 9. To enable the Planning Authority to consider this/these aspect(s) in detail.**
- 10-11. To safeguard the existing trees from damage during construction work.**
- 12. To ensure the impacts of the development are adequately mitigated and, in relation to healthcare provision, to ensure the development does not have a detrimental impact on healthcare provision within the local area.**
- 13. To ensure the development incorporates sustainable energy solutions.**
- 14. To encourage the use of sustainable travel options.**
- 15. To protect birds during the bird nesting season.**
- 16. To enable the Planning Authority to consider this/these aspect(s) in detail.**
- 17. To ensure the roads network is safe.**
- 18. Inadequate information has been provided and a further listed building consent would be required.**
- 19. To ensure the development does not have a detrimental impact on air quality.**
- 20. To protect bats and bat hibernation areas and encourage the survival of a protected species.**

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) 1, 02B-12, 13A, 14A-40, 41A-53A, 54A-61, 62A-86.**
- 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.

- 4. Under section 7(2) (b) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, recipients of consent to demolish a listed building are required to give Historic Environment Scotland notice of this consent being issued. This is to allow Historic Environment Scotland to record the building. This process can take up to 3 months.**
- 5. A licence is required in relation to the demolition of the farm steading. Advice for developers can be found at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing>**
- 6. Guidance on Crime Prevention Through Environmental Design can be found on www.securedbydesign.com Police Scotland have advised that there is a high risk of metal theft and or Plant thefts throughout Scotland, and appropriate security measures must be considered during the construction phase.**
- 7. The John Muir Way, where it bounds the site, shall remain free from obstruction associated with the construction activities during the proposed works.**

Council adjourned at 12.10 am and reconvened at 12.15 am with all members present as per the sederunt with the exception of Councillor McLuckie.

FC81. Development of Land for Residential Development with Associated Landscaping, Access and Infrastructure at Land to the South of Inner Lodge Carriden, Carriden Brae, Bo'ness for Stewart Milne Homes & John Paul, Malcolm Paul & Graeme Paul - P/19/0566/PPP

Council considered a report by the Director of Development Services on an application for planning permission in principle for the Development of Land for Residential Development with Associated Landscaping, Access and Infrastructure at Land to the South of Inner Lodge Carriden Brae, Bo'ness.

Decision

Council agreed to:-

- (a) Instruct the Director of Development Services to advise DPEA that this report, its attachments and minutes of the Council meetings held to consider the application constitute the Council's note of matters which the planning authority considers should be taken into account in determining the planning application;**
- (b) Indicate to DPEA that they would have been minded to refuse planning permission in principle for the reasons detailed below; and**
- (c) Indicate to DPEA that, in the event of the Reporter appointed to the appeal being minded to grant planning permission in principle, any such grant of planning permission in principle be subject to the satisfactory conclusion of a Section 75 Planning Obligation and planning conditions in the terms set out in the attached appeal response.**

Reason(s):-

- 1. The application is contrary to Policies CG01 'Countryside' and CG03 'Housing in the Countryside' of the Falkirk Local Development Plan, and to Falkirk Council Supplementary Guidance SG01 'Development in the Countryside', as none of the circumstances as detailed in Policy CG03, to support new housing in the countryside, are satisfied;**
- 2. The application is not supported by the Settlement Statement for the Bo'ness area under the Falkirk Local Development Plan, which states that the focus of new housing development in Bo'ness will be a Strategic Growth Area to the south-east of the town. The application site is not within this strategic growth area or any other allocation housing site within Bo'ness. The Settlement Statement under LDP2 is similar;**

- 3. The application is considered to be contrary to Policy HSG01 'Housing Growth' of the Falkirk Local Development Plan. The Council currently has a shortfall in the 5 year effective housing land supply and so will consider further releases of land for sustainable and effective development proposals in the following order of preference: urban capacity sites; additional brownfield sites; and sustainable greenfield sites. The site is an extensive greenfield site but the proposed development is not considered to be sustainable as it would be out of scale with the existing conservation village of Muirhouses, adversely impact on environmental assets of the area, including the setting of the village, Carriden House designed landscape and South Bo'ness Special Landscape Area, and result in the loss of trees and woodland and prime quality agricultural land. In addition, the site has relatively low accessibility to services and facilities, particularly for pedestrians;**
- 4. The application is considered to be contrary to Policy GN02 'Landscape' of the Falkirk Local Development Plan as the proposed development would not safeguard the distinctive landscape quality of this part of the South Bo'ness Special Landscape Area;**
- 5. The application is considered to be contrary to Policy GN04 'Trees, Woodland and Hedgerows' of the Falkirk Local Development Plan as the proposed development would result in the loss of ancient and semi-natural woodland which should be protected as a resource of irreplaceable value. This loss would be detrimental to local amenity and landscape interests;**
- 6. The application is considered to be contrary to Policy D02 'Sustainable Design Principles of the Falkirk Local Development Plan as the proposed development would not conserve and integrate sensitively with existing heritage features, its scale and siting would not respond sympathetically to the site's surroundings, and the site has relatively low accessibility by foot to local services and facilities particularly for pedestrians;**
- 7. The application is considered to be contrary to Policies D09 'Listed Buildings' and D12 'Historic Gardens and Designed Landscapes' of the Falkirk Local Development Plan as the proposed development would adversely affect the character of the Carriden House designed landscape and the setting of listed buildings within the designed landscape;**
- 8. The application is considered to be contrary to Policy RW04 'Agricultural Land, Carbon Rich Soils and Rare Soils' of the Falkirk Local Development Plan as the proposed development would result in the permanent loss of prime quality agricultural land in circumstances where there is no overriding need,**

particularly since the proposed development would be unlikely to be able to contribute to meeting the current effective housing land supply shortfall prior to the adoption of LDP2;

9. Granting the application would be premature and prejudicial to consideration of strategic issues through the LDP2 process including settlement growth in the Bo'ness area and extension of the Green Belt. The appropriate procedure for testing the principle of development on the site is through the LDP2 process where the broader considerations relating to urban form, settlement growth, landscape and infrastructure provision can be properly considered in a co-ordinated way, and
10. The LDP2 Examination report is imminent and so the proposed development is unlikely to be able to contribute to meeting the current effective housing land supply shortfall prior to the adoption of LDP2, at which point a new housing land target and additional allocations will become operative, and the calculation of the 5 year effective land supply will have fundamentally changed.