

**P71. Erection of 3 Dwellinghouses and Road at Land to the East of Maple Lodge, Braeface Road, Banknock, Bonnybridge for Mr John Penman - P/19/0649/PPP – Continuation**

The committee considered a report by the Acting Director of Development Services on an application for the erection of 3 dwellinghouses and road at land to the east of Maple Lodge, Braeface Road, Banknock, Bonnybridge.

With reference to Standing Order 33.5 the convener referred to a deputation request received from the applicant, Mr Penman, to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor Bouse seconded by Councillor Bissett moved that the committee agrees with the officer recommendations in the report to grant planning permission in principle subject to a satisfactory section 75 condition being concluded.

Councillor Coombes seconded by Councillor McLuckie moved that the committee agrees to refuse the application for planning permission as it is contrary to Policies PE14 'Countryside' and HC05 'Housing in the Countryside' of Falkirk Local Development Plan 2 (LDP2) as the proposed development does not meet any of the circumstances prescribed in the policy to support new housing in the countryside. The proposal therefore represents unjustified housing in the countryside within the terms of these policies and the applicant has failed to demonstrate to the satisfaction of the planning authority that there are material planning considerations to otherwise justify granting planning permission contrary to the terms of the LDP2.

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 (8) – Provost Buchanan, Councillors Alexander, Bissett, Bouse, Hughes, McCue, Murtagh and Nicol.

For the amendment (2) - Councillors Coombes and McLuckie

**Decision**

**The committee agreed that it is Minded to Grant planning permission in principle subject to:-**

- 1. The submission by the applicant of up to date and accurate accounts of the proceeds from disposal of the plots granted planning permission P/12/0124/PPP and expenditure of these proceeds to the satisfaction of the Director of Development Services;**
- 2. The conclusion, to the satisfaction of the Director of Development Services, of an obligation within the terms of Section 75 of the**

**Town and Country Planning (Scotland) Act 1997 within 6 months to secure:-**

- (i) The investment into the business at Cloybank of the whole proceeds of all and any disposals (sale, lease or other disposal) from the application site after deduction of any required payment to the heritable creditor and reasonable costs incurred in the disposals and in site servicing. All such deductions will require to be to the satisfaction of the Director of Development Services, acting reasonably. A phased scheme of such investment shall be determined to the satisfaction of the Director of Development Services linked to the occupation of the individual dwellinghouses on the application site;**
  - (ii) Payment of an education contribution at the rate of £4398 per dwellinghouse towards increasing the capacity of Bankier Primary School with payment for each individual dwellinghouse being required in advance of the commencement of construction of the dwellinghouse; and**
  - (iii) Payment of an open space contribution at the rate of £1911 per dwellinghouse towards improving open space facilities in the local area with payment for each individual dwellinghouse being required in advance of the commencement of construction of the dwellinghouse, or alternatively the provision of suitable on-site open space facilities as may be agreed by the Director of Development Services;**
- (a) And thereafter, on satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle, subject to the following conditions:-**
- (1) Plans and particulars of the matters specified below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No works shall begin until the written approved of the authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:-**
    - (a) The siting of the building(s);**
    - (b) The design of the building(s);**
    - (c) The external appearance of the building(s);**
    - (d) Details of the access arrangements;**
    - (e) Details of landscaping of the site; and**
    - (f) Details of proposed boundary treatments.**

- (2) The number of dwellinghouses shall be restricted to a maximum of three;**
- (3) The first application for the approval of matters specified in conditions shall be accompanied by the following information for consideration for approval by this Planning Authority:-**
  - (a) A design statement;**
  - (b) Opportunities for the provision of a footpath connection(s) from the site to the wider path network on the estate;**
  - (c) A drainage strategy and associated design details;**
  - (d) An energy statement demonstrating compliance with Policy IR13 of the Falkirk Local Development Plan 2; and**
  - (e) Details of the widening of the existing private access to 5.5 metres.**
- (4) The development shall not commence until a contaminated land assessment has been submitted to and approved in writing by this Planning Authority. The development shall not be brought into use until any necessary remedial works have been implemented in accordance with an approved remediation strategy, and any necessary remediation completion report/ validation certificate has been submitted to and approved in writing by this Planning Authority, and**
- (5) Parking for the proposed development shall be provided in accordance with the National Roads Development Guide.**

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.**
- (2) Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.**
- (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) In the event of unexpected contaminated land being encountered following the commencement of the development, the applicant is advised to ensure that all work on the affected part of the site ceases, the Planning Authority is notified immediately, a contaminated land assessment and any necessary remediation works are carried out, and development only recommences with the prior written approval of the Planning Authority.**