

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a diagonal beam of light. The top-right quadrant depicts a stag's head with antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on a rocky outcrop. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto "A NE FOR A".

Agenda Item 4

Minutes

Draft

FALKIRK COUNCIL

Minute of Meeting of the Planning Committee held remotely on Wednesday 21 April 2021 at 10.00 a.m.

Councillors: David Alexander (Convener)
Jim Blackwood
Gary Bouse
Provost W Buchanan (Depute Convener)
Dennis Goldie
Gordon Hughes
James Kerr
Adanna McCue
John McLuckie
Laura Murtagh
Malcolm Nicol
Alan Nimmo

Officers: Kevin Brown- Planning Officer
Karen Chambers – Committee Services Officer
Kevin Collins- Transport Planning Co-Ordinator
Sophie Dick – Graduate, Governance
Jack Frawley- Committee Services Officer
David Gray- Environmental Protection Co-Ordinator
Iain Henderson - Legal Services Manager
Stephen McClure - Planning Officer
Peter Reid – Manager (Growth and Investment)
Craig Russell- Senior Road Development Officer
Julie Seidel- Planning Officer
Alistair Shaw- Development Plan Co-Ordinator
Brent Vivian- Senior Planning Officer
Bernard Whittle- Acting Development & Building Standards Manager

P1. Welcome

The Convener welcomed everyone to the meeting. The Convener thanked Councillors Bissett and Coombes for their contributions to the Planning committee and welcomed Councillors Goldie and Nimmo to the committee.

P2. Apologies

There were no apologies.

P3. Declarations of Interest

Provost Buchanan declared an interest in item 8 as, at the time of the original application, a member of his family owned the land. Having regard to the objective test in the Code of Conduct, he stated that he considered that he required to recuse himself from taking part in the decision.

P4. Minute

Minute of Meeting of the Planning Committee held on 17 March 2021 was approved.

P5. Erection of Outbuilding and Hardstanding at Garvald House Fankerton Denny FK6 5HJ for Mr & Mrs M Masterson - P/20/0453/FUL

The committee considered a report by the Acting Director of Development Services on an application for the erection of outbuilding and hardstanding at Garvald House, Fankerton, Denny, FK6 5HJ for Mr and Mrs Masterson.

With reference to Standing Order 33.5 the convener referred to deputation requests received from Mr Forster and Mrs Bond, objectors, to be heard in relation to this item.

The committee agreed to hear the deputations.

With reference to Standing Order 33.5 the convener referred to a deputation request received from Andrew Bennie, agent for the applicant to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor Alexander seconded by Councillor McCue moved that the committee agrees to continue consideration of the matter to the next meeting of the committee to (1) allow further information to be provided by officers on badger activity and badger report(s) relative to the proposed development, (2) allow the applicant an opportunity to consider the objections received and (3) allow members of the committee an opportunity to individually visit the site to view its physical characteristics.

As an amendment, Councillor Blackwood seconded by Councillor Goldie moved that the committee agrees to continue consideration of the matter to the next meeting of the committee to (1) allow further information to be provided by officers on badger activity and badger report(s) relative to the proposed development, (2) allow the applicant an opportunity to consider the objections received and (3) allow the committee to carry out a site visit to the site together to view the physical characteristics of the site noting that such a

site visit would require to be conducted in line with coronavirus guidance and physical distancing requirements.

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 (5) – Councillors Alexander, Bouse, Hughes, McCue and Murtagh.

For the amendment (7) – Provost Buchanan, Councillors Blackwood, Goldie, Kerr, McLuckie, Nicol and Nimmo.

Decision

The committee agreed to continue consideration of the matter to the next meeting of the committee to (1) allow further information to be provided by officers on badger activity and badger report(s) relative to the proposed development, (2) allow the applicant an opportunity to consider the objections received and (3) allow the committee to carry out a site visit to the site together to view the physical characteristics of the site noting that such a site visit would require to be conducted in line with coronavirus guidance and physical distancing requirements.

P6. Change of Use from Class 1 (Shop) to Class 3 Food and Drink (Coffee Shop) at Unit N, Central Retail Park, Falkirk, FK1 1LW for Grantchester Developments (Falkirk) Limited - P/20/0571/FUL

The committee considered a report by the Acting Director of Development Services on an application for the change of use from class 1 (shop) to class 3 food and drink (coffee shop) at Unit N, Central Retail Park, Falkirk, FK1 1LW for Grantchester Developments (Falkirk) Limited.

Councillor Meiklejohn had made a request to the Convener in terms of Standing Order 38.1(x) to speak on this item of business. As she was unable to attend, she had submitted a written statement.

The committee agreed to hear the statement and it was read to the committee.

With reference to Standing Order 33.5 the convener referred to a deputation request received from Mrs Wilson, an objector, to be heard in relation to this item.

The committee agreed to hear the deputation.

With reference to Standing Order 33.5 the convener referred to a deputation request received from Colin Burnett, agent for the applicant to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor Alexander seconded by Councillor Bouse moved that the committee agrees to refuse the application on the grounds that material considerations are considered to outweigh the development plan with the proposed development being considered to have an adverse impact on nearby residential properties in terms of general loss of amenity, increase in noise levels, increase in volume of traffic, increase in parking issues, increase in carbon emissions, issues around safety and increase in litter.

As an amendment, Councillor Kerr seconded by Councillor Blackwood moved that the committee agrees to grant the application in accordance with the officer's recommendations.

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 (5) – Councillors Alexander, Bouse, Hughes, McCue and Murtagh.

For the amendment (7) – Provost Buchanan, Councillors Blackwood, Goldie, Kerr, McLuckie, Nicol and Nimmo.

Decision

The committee granted planning permission 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. Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby residential or commercial units. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.**
- 3. Unless otherwise agreed in writing with the Planning Authority, the opening hours to members of the public shall be limited to 06:00 hours and 21:00 hours on any given day.**

Reason(s):-

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

- 2-4. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion and safeguard the residential amenity of the surrounding 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 and 02.**
- 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. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**
- 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.

- 5. The operator is advised that deliveries and refuse collection should be limited to between 07:00 hours and 21:00 hours on any given day.**

- P7. Discharge of Section 75 Agreement attached to Planning Permission P/09/0866/FUL, which required the payment of £12000 towards the provision or upgrading of off-site open space and play provision required as a result of the development; and required that the flatted dwellinghouses built on site under that permission be used as Affordable Housing only and for no other purpose at The Royal British Legion, Park Terrace, Brightons, Falkirk, FK2 0HY for Link Group Limited - P/20/0234/75D**

The committee considered a report by the Acting Director of Development Services on an application for the discharge of section 75 agreement attached to planning permission P/09/0866/FUL, which required the payment of £12000 towards the provision or upgrading of off-site open space and play provision required as a result of the development; and required that the flatted dwellinghouses built on site under that permission be used as affordable housing only and for no other purpose at The Royal British Legion, Park Terrace, Brightons, Falkirk, FK2 0HY for Link Group Limited.

Decision

The committee agreed to discharge the Planning Obligation.

- P8. Modification of Planning Obligation Attached to Planning Permission P/11/0485/FUL Comprising:- 1. Deletion of the Plan 1 Attached to the S75 and the Substitution of the Application Plan Therefore, 2. Insertion of the Words "B" and "C" and" Between the Words "As" and "C" Where They Appear in Paragraph 1 of the Schedule Part 1, 3. Deletion of the Words "(parts of which are shown in greater detail on plan 2 and the lower right insert of plan 3" at Larbert House, Stirling Road, Larbert, FK5 4SB, for Mr James Moles – P/20/0611/75M**

The committee considered a report by the Acting Director of Development Services on an application for the modification of planning obligation attached to planning permission P/11/0485/FUL comprising:- 1. deletion of the plan 1 attached to the S75 and the substitution of the application plan therefore, 2. insertion of the words "B" and "C" and" between the words "as" and "C" where they appear in paragraph 1 of the schedule part 1, 3. deletion of the words "(parts of which are shown in greater detail on plan 2 and the lower right insert of plan 3" at Larbert House, Stirling Road, Larbert, FK5 4SB, for Mr James Moles.

Decision

The committee agree to modify the Planning Obligation.

The committee agreed to a short adjournment and reconvened with all members present as per the sederunt.

P9. Redevelopment of the Former Manuel Brickworks Site - Mixed Use Development Comprising Approximately 400 Residential Dwellings, Associated Local Retailing and Community Facilities (Classes 1, 2 and 3) and Approximately 29,000m2 Total Gross Area of Commercial Units (10% Class 4: Business & 90% Class 6 : Storage/Distribution) at Land to the East of Almondhall Farm, Falkirk for CWC Group - P/17/0792/PPP – Continuation

The committee considered a report by the Acting Director of Development Services on an application for the redevelopment of the former manuel brickworks site - mixed use development comprising approximately 400 residential dwellings, associated local retailing and community facilities (Classes 1, 2 and 3) and approximately 29,000m2 total gross area of commercial units (10% class 4: business & 90% class 6 : storage/distribution) at Land to the East of Almondhall Farm, Falkirk for CWC Group.

With reference to Standing Order 33.5 the convener referred to a deputation request received from Kerri McGuire, agent for the applicant, to be heard in relation to this item.

The committee agreed to hear the deputation.

Councillor McLuckie seconded by Councillor Blackwood moved that the committee, being satisfied on matters of access and transportation as addressed by the applicant in their proposals submitted to the Planning Authority and agreeing the benefits of the proposed development which are the potential economic and employment benefits, the reuse of a brownfield site and enhancement of Almond Castle and Haining Wood and which benefits/material considerations are considered to outweigh the development plan AGREES that it is minded to grant planning permission in principle subject to the completion, within 6 months of today's date (21st April 2021), of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services in respect of:-

1. A proportionate contribution towards addressing future capacity issues at Whitecross Primary School
2. A proportionate contribution towards addressing future capacity issues at Graeme High School
3. A proportionate contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout)
4. A contribution to fund diversion of the existing local bus service into the site
5. The provision of 25% of the residential units at the site as affordable housing
6. An open space contribution at the rate of £1911 per dwellinghouse and £955.50 per flat which will be determined by the amount and type of on-site provision and
7. A proportionate contribution towards addressing local healthcare impacts

and thereafter, on conclusion of the foregoing matters, remit to the said Director to grant planning permission in principle subject to appropriate conditions as determined by him.

The said Director shall be authorised to determine, acting reasonably, a phasing programme for completion of the upgrading works to Myrehead Road and Haining Road (in accordance with the details submitted by the applicants as aforesaid) in advance of commencement of defined phases of development on the site and a suspensive condition shall be imposed to that effect.

The said Director shall also be authorised to determine an appropriate and reasonable phasing programme, in consultation with the applicant, for the commencement of defined phases of the housing proposed for the site linked to completion/occupation of industrial/commercial development and a suspensive condition shall be imposed to that effect.

As an amendment, Councillor Hughes seconded by Councillor Bouse moved that the committee agrees to refuse the application for planning permission in principle in accordance with the recommendations in the officer's report.

Councillor Bouse gave notice of a further amendment.

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 Blackwood, Goldie, Kerr, McLuckie, Nicol and Nimmo

For the amendment (4) – Councillors Bouse, Hughes, McCue and Murtagh

Abstentions (1) - Councillor Alexander.

The motion was carried and was the substantive motion against which the further amendment would be considered.

The committee agreed to a short adjournment to rectify some technical issues and reconvened with all members present as per the sederunt.

As an amendment, Councillor Bouse seconded by Councillor Murtagh moved that the committee agrees that it is minded to grant planning permission in principle as anticipated by the motion but that an additional obligation, as determined by the Director of Development Services, shall be included within the terms of the section 75 planning obligation to the effect that if, within a defined period, as determined by the said Director, works of repair are required to the railway overbridge on Myrehead Road and these works of repair are related to the development and would not have been necessary but for the development, a proportionate

contribution towards the cost of the repairs shall require to be made be made.

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 Blackwood, Goldie, Kerr, McLuckie, Nicol and Nimmo

For the amendment (4) – Councillors Bouse, Hughes, McCue and Murtagh

Abstentions (1) - Councillor Alexander.

Decision

The committee, being satisfied on matters of access and transportation as addressed by the applicant in their proposals submitted to the Planning Authority and agreeing the benefits of the proposed development which are the potential economic and employment benefits, the reuse of a brownfield site and enhancement of Almond Castle and Haining Wood and which benefits/material considerations are considered to outweigh the development plan AGREED that it is minded to grant planning permission in principle subject to the completion, within 6 months of today's date (21st April 2021), of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services in respect of:-

- 1. A proportionate contribution towards addressing future capacity issues at Whitecross Primary School**
- 2. A proportionate contribution towards addressing future capacity issues at Graeme High School**
- 3. A proportionate contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout)**
- 4. A contribution to fund diversion of the existing local bus service into the site**
- 5. The provision of 25% of the residential units at the site as affordable housing**
- 6. An open space contribution at the rate of £1911 per dwellinghouse and £955.50 per flat which will be determined by the amount and type of on-site provision and**
- 7. A proportionate contribution towards addressing local healthcare impacts**

And thereafter, on conclusion of the foregoing matters, remit to the said Director to grant planning permission in principle subject to appropriate conditions as determined by him.

The said Director shall be authorised to determine, acting reasonably, a phasing programme for completion of the upgrading works to Myrehead Road and Haining Road (in accordance with the details submitted by the applicants, as aforesaid) in advance of commencement of defined phases of development on the site and a suspensive condition shall be imposed to that effect.

The said Director shall also be authorised to determine an appropriate and reasonable phasing programme, in consultation with the applicant, for the commencement of defined phases of the housing proposed for the site linked to completion/occupation of industrial/commercial development and a suspensive condition shall be imposed to that effect.

P10. Erection of Dwellinghouse including Formation of Shared Access at Land to the West of The Kilns, 6 Fairfields, Fairfields, Airth for Mr Tom Smith - P/20/0336/PPP

The committee considered a report by the Acting Director of Development Services on an application for the erection of dwellinghouse including formation of shared access at Land to the West of The Kilns, 6 Fairfields, Fairfields, Airth for Mr Tom Smith.

Councillor Murtagh seconded by Councillor Bouse moved that the committee agrees to refuse the application as the proposed development is contrary to the terms of Policy HC05 - Housing in the Countryside of the Local Development Plan 2 and Scottish Planning Policy and it is not considered that material considerations outweigh the development plan.

Councillor Kerr seconded by Councillor Goldie moved that the committee agrees to grant the application in accordance with the recommendations in the officer's report.

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 (5) – Councillors Alexander, Bouse, Hughes, McCue and Murtagh

For the amendment (7) – Provost Buchanan, Councillors Blackwood, Goldie, Kerr, McLuckie, Nicol and Nimmo.

Decision

The committee agreed to grant planning permission in principle subject to the following condition(s):-

- 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 work shall begin until the written approval 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. As part of the first application for the approval of Matters Specified in Conditions, a contaminated land assessment shall be submitted for the written approval of this Planning Authority. Before the dwellinghouse is occupied (1) any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and (2) any necessary remediation completion report/ validation certificate shall be submitted to and approved in writing by this Planning Authority.
3. No development shall take place on site until details of on-site low and zero carbon-generating technologies (LZCGT) necessary to meet a proportion of the overall energy requirements of the development have been submitted to and approved in writing by Falkirk Council as planning authority.

Reason(s):

- 1. To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2. To ensure the ground is suitable for the proposed development.
- 3. To ensure that full consideration is given to the achievement of Low and/or Zero Carbon Development in accordance with Falkirk Local Development Plan Policy D04 and Supplementary Guidance SG15, and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

Informative(s):

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

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.

P11. Erection of Dwellinghouse and Outbuilding, Including Formation of Shared Access at Fairview House, 5 Fairfields, Airth, Falkirk for Mr Trevor Taylor - P/20/0337/PPP

The committee considered a report by the Acting Director of Development Services on an application for the erection of dwellinghouse and outbuilding, Including formation of shared access at Fairview House, 5 Fairfields, Airth, Falkirk for Mr Trevor Taylor.

Decision

The committee agreed to grant planning permission in principle subject to the following condition(s):-

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 work shall begin until the written approval 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. As part of the first application for the approval of Matters Specified in Conditions, a contaminated land assessment shall be submitted for the written approval of this Planning Authority. Before the dwellinghouse is occupied (1) any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and (2) any necessary remediation completion report/ validation certificate shall be submitted to and approved in writing by this Planning Authority.
3. No development shall take place on site until details of on-site low and zero carbon-generating technologies (LZCGT) necessary to

meet a proportion of the overall energy requirements of the development have been submitted to and approved in writing by Falkirk Council as planning authority.

Reason(s):

- 1. To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.**
- 2. To ensure the ground is suitable for the proposed development.**
- 3. To ensure that full consideration is given to the achievement of Low and/or Zero Carbon Development in accordance with Falkirk Local Development Plan Policy D04 and Supplementary Guidance SG15, and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.**

Informative(s):

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

In terms of Standing Order 20.4 Councillor Murtagh requested that her dissent in respect of the decision taken be recorded.