

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 sailing ship on wavy lines representing water. The top-right quadrant shows a stag's head with antlers. The bottom-left quadrant shows a beaver. The bottom-right quadrant shows a grizzly bear. 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 3**

## **Minute**

Draft

**FALKIRK COUNCIL**

**Minute of Meeting of the Planning Committee held remotely on Wednesday 20 October 2021 at 10.00 a.m.**

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

**Officers:** Douglas Blyth, Team Leader, Legal Services  
Karen Chambers – Committee Services Officer  
John Cooney – Acting Planning Officer  
David Gray – Environmental Protection Co-Ordinator  
Colin Moodie, Chief Governance Officer  
Julie Seidel – Planning Officer  
Russell Steedman- Network Co-Ordinator  
Bernard Whittle- Acting Development & Building Standards Manager

**P46. Apologies**

Apologies were received from Councillor Goldie and Councillor Nimmo.

**P47. Declarations of Interest**

There were no declarations of interest.

**P48. Minute**

**Minute of Meeting of the Planning Committee held on 21 September 2021 was approved.**

**P49. The Falkirk Council (On-Street Parking Space for Disabled Persons)(Various Street No2) Order 20\_**

The committee gave consideration to a report by the Acting Director of Development Services on an (On-Street Parking Space for Disabled Persons) - (No TRO/DB/21/027/002) Order 20\_ at 14 Mary Street, Laurieston, Falkirk.

**Decision**

**The committee agreed to make the order.**

**P50. Construction of Outbuilding at Lin Mill, Main Street, Avonbridge, Falkirk, FK1 2NN for Mr Blair Martin - P/21/0415/FUL**

The committee gave consideration to a report by the Acting Director of Development Services on an application for the construction of outbuilding at Lin Mill, Main Street, Avonbridge, Falkirk, FK1 2NN for Mr Blair Martin – P/21/0415/FUL.

**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.**

**Reason(s):**

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

**Informatives:**

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

**P51. Demolition of Existing Kiosk Building, Erection of Petrol Filling Station with Associated Kiosk (Class 1), Jet Washes, Restaurant (Including Drive-Thru) (Class 3), Formation of Site Access, Parking Provision, Landscaping and Ancillary Works at Viewforth Filling Station, Airth, Falkirk, FK2 8PW for TG Convenience Stores Ltd - P/20/0398/FUL**

The committee gave consideration to a report by the Acting Director of Development Services on an application for the demolition of existing kiosk building, erection of petrol filling station with associated kiosk (class 1), jet washes, restaurant (including drive-thru) (class 3), formation of site access, parking provision, landscaping and ancillary works at Viewforth Filling Station, Airth, Falkirk, FK2 8PW for TG Convenience Stores Ltd - P/20/0398/FUL.

With reference to Standing Order 33.5 the convener referred to a deputation request received from Ms McGuire, on behalf of 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 agree to grant the application in accordance with the officer's recommendation.

As an amendment, Councillor Murtagh, seconded by Councillor Bouse moved the committee agree to refuse the application as it considered the application was contrary to the development plan and that there was significant risk to road safety.

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 (6) – Provost Buchanan, Councillors Alexander, Blackwood, Kerr, McLuckie and Nicol.

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

## **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. i Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**
  - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.**
  - iii. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.**
  - iv. 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.**

- 3. i. No development shall commence until:**
  - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;**
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.**
- ii. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**
- 4. Prior to the commencement of development on site, details of the proposed external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority and only the approved details shall be implemented.**
- 5. 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 12%, 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 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.**

- 6. The development hereby approved shall not be occupied or brought into use until the proposed segregated pedestrian and cycle path on the north side of Higginsneuk Ferry has been completed and brought into use.**
- 7. There shall be no means of direct access to the trunk road either pedestrian or vehicular.**
- 8. There shall be no drainage connections to the trunk road drainage system.**
- 9. Visibility splays measuring 2.4m x 215m shall be provide from both bellmouths onto Higginsneuk Ferry. There shall be no obstruction greater than 250mm in height within these splays.**
- 10. Both bellmouths shall be formed such that no loose material or surface water is discharged onto Higginsneuk Ferry.**
- 11. The development hereby approved shall be implemented in accordance with the recommendations of the Bat Survey by R & D Ecology dated 02.09.20. In the event that any bats or evidence of bats be found in the existing structures, the developer shall immediate stop work, seek advice from a licensed bat worker, and notify the Planning Authority. Works shall not recommence without the prior written approval of the Planning Authority.**

**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 site is suitable for the proposed development, in light of its location within the Coal Referral Area.**
- 4. To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.**
- 5. To ensure the development achieves the required CO2 emission reduction as a result of development.**
- 6. To safeguard the interests of the users of the highway.**
- 7. To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.**

8. To ensure that the efficiency of the existing drainage network is not affected.

9,10. To safeguard the interests of the users of the highway.

11. To safeguard protected species which may exist within the existing structures.

**Informatives:**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-03,04A-06A,07-08,09A,10-13,14A,15-19,20A,21-27,28A,29.

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 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. Care should be taken to minimise any air emissions / suppress dust created during construction. The Institute of Air Quality Management (IAQM) provides dust management guidance (<http://iaqm.co.uk/guidance/>) during the construction phase.

5. All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via their Customer Portal prior to any formal Technical Application being submitted. This will allow Scottish Water to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.



6. To obtain permission to work within the trunk road boundary, the developer should contact the Transport Scotland Area Manager on 0141 272 7100. They have also advised that the Operating Company (BEAR New South East) has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

**P52. Change of Use of Open Space to Private Garden Ground (Restrospective) at Kelimar, Glen Road, Torwood, Larbert, FK5 4SN for Ms P McKay - P/21/0323/FUL**

The committee gave consideration to a report by the Acting Director of Development Services on an application for the change of use of open space to private garden ground (restrospective) at Kelimar, Glen Road, Torwood, Larbert, FK5 4SN for Ms P McKay - P/21/0323/FUL.

**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.

**Reason(s):**

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

**Informatives:**

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

**P53. Erection of No. 2 Dwellinghouses and Associated Infrastructure at Land To The South East Of Whitstonedge, Falkirk for Mr Colin McCallum - P/21/0410/FUL**

The committee gave consideration to a report by the Acting Director of Development Services on an application for the erection of No. 2 dwellinghouses and associated infrastructure at Land To The South East Of Whitstonedge, Falkirk for Mr Colin McCallum - P/21/0410/FUL.

## **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. 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. Samples of all external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**

4. 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 12%, 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 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.

**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 safeguard the visual amenity of the area.
4. To ensure the development achieves the required CO2 emission reduction as a result of development.

**Informatives:-**

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, 02 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.**

**P54. Subdivision of Garden Ground and Conversion and Alteration of Existing Domestic Garage to Form Dwellinghouse at Glencrag, 4 Watson Street, Falkirk, FK2 7EX for Mr W Toye - P/21/0380/FUL**

The committee gave consideration to a report by the Acting Director of Development Services on an application for the subdivision of garden ground and conversion and alteration of existing domestic garage to form dwellinghouse at Glencrag, 4 Watson Street, Falkirk, FK2 7EX for Mr W Toye - P/21/0380/FUL.

**Decision**

**The committee refused planning permission for the following reason(s):-**

- 1. The proposed development would result in an overdevelopment of the plot, such that an adequate level of garden ground would not be provided for either the proposed or donor property. The density and disposition of the proposed dwelling would not provide an acceptable level of residential amenity, with poor outlook from lower windows and in close proximity to neighbouring dwellings. The donor property would have no off-street parking in an area where on-street parking is at a premium and the proposed parking for the new dwelling would be inadequate in size. The proposed development is assessed as being contrary to policies HC06 'Infill Development and Plot Sub Division' and IR09 'Parking' of the Falkirk Local Development Plan 2.**

**Informatives:**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 03 and Supporting Documents.**