

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 depicts a stag's head with large antlers. The bottom-left quadrant contains a beaver. The bottom-right quadrant shows a grizzly bear standing on its hind legs. 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 at Lesser Town Hall,
Falkirk on Wednesday 21 September 2022 at 12.00 a.m.**

Councillors: Provost Robert Bissett
Gary Bouse
William Buchanan (Convener)
Fiona Collie
Gordon Forrest
James Kerr
Alf Kelly (Depute Convener)
Laura Murtagh
Jack Redmond
Iain Sinclair
Euan Stainbank

Officers: Katherine Chorley, Planning Officer
Ian Dryden, Development, Building Standards & Climate Manager
Arlene Fraser, Committee Services Officer
Jack Frawley – Team Leader - Committee Services
Iain Henderson – Legal & Procurement Manager
Ryan McDonagh, Graduate Planner
Craig Russell, Senior Roads Development Officer
Julie Seidel-Gregory, Planning Officer
Crawford Sibbald, Environmental Health Officer
Brent Vivian, Senior Planning Officer

P28. Death of Queen Elizabeth II

This was the first meeting since the death of Queen Elizabeth II on 8 September 2022. In a mark of respect to the late Queen, the Convener led the committee in observing a two minute's silence.

P29. Order of Business

The Convener varied the order of business. The following items have been recorded in the order that they were taken at the meeting.

P30. Apologies

Apologies were intimated on behalf of Councillor Brown.

P31. Declaration of Interest

There were no declarations at this stage.

P32. Minute

The Minute of Meeting of the Planning Committee held on 31 August 2022 was approved, subject to the following amendment at the conclusion of item P23, namely:

The committee agreed to adjourn at 12.30 p.m. and reconvened at 1.10 p.m. with all members present as per the sederunt, with the exception of, Councillor Stainbank.

P33. Subdivision and Extension of Dwellinghouse to form New Dwellinghouse at 6 Booth Place, Falkirk, FK1 1BA for Mr and Mrs J Anderson - P/22/0239/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the subdivision and extension of dwellinghouse to form new dwellinghouse at 6 Booth Place, Falkirk, FK1 1BA for Mr and Mrs J Anderson -P/22/0239/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Councillor Lorna Binnie, 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, Graeme and Pam Sinclair, objectors, 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 late deputation request received from Ryan Marshall, the agent for the applicant, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee granted 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. 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.**

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To safeguard the visual amenity of the area.

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) 01 and 02A.
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 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.

P34. Change of Use of Vacant Land to Form Private Permanent Gypsy/Traveller Pitch (One Static Caravan and One Tourer), Formation of Hardstanding, Car Parking and Erection of Shed (Retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mr Alister Fowler - P/22/0108/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the change of use of vacant land to form private permanent gypsy/traveller pitch (one static caravan and one tourer), formation of hardstanding, car parking and erection of shed (retrospective) at Wesleymount, Church Road, California, Falkirk, FK1 2BD for Mr Alister Fowler - P/22/0108/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Terry McWilliams, a representative for the applicant, to be heard in relation to this item but noted that she was, due to unforeseen circumstances, unable to attend the meeting and had passed on her apologies.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Lorna Robertson, an objector, to be heard in relation to this item.

The committee agreed to hear the deputation however, Ms Robertson was unable to join the meeting via remote access due to technical issues.

The committee agreed to a short recess and reconvened with all members present as per the sederunt. As a result of the technical issues, a short statement provided in writing by Ms Robertson was read to the committee.

Decision

The committee agreed to continue the matter to a future meeting of the Planning Committee in order to allow officers to check the ownership position of the application site and, as required, to serve notice of the application on the owner.

The committee agreed to adjourn at 1.25 p.m. and reconvened at 2.00 p.m., with all members present as per the sederunt.

P35. Mixed Use Development, Including Residential, Employment, Commercial and Retail Use, Open Space and Landscaping with Associated Infrastructure at Land to the East of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Ltd - P/20/0493/PPP – Continuation

The committee considered an update report by the Director of Place Services on an application for the mixed use development, including residential, employment, commercial and retail use, open space and landscaping with associated infrastructure at land to the east of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Ltd - P/20/0493/PPP.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

P36. Construction of Dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond - P/22/0300/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond - P/22/0300/FUL.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

P37. Erection of 6 Dwellinghouses at Land to The North of Aldi, Greenpark Drive, Polmont for Abhainn Developments - P/20/0617/FUL - Continuation

The committee considered an update report by the Director of Place Services on an application for the erection of 6 dwellinghouses at land to the north of Aldi, Greenpark Drive, Polmont for Abhainn Developments - P/20/0617/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Philip Neaves and Stephen Miles, representatives for the applicant, to be heard in relation to this item.

The committee agreed to hear the deputation.

Provost Bissett seconded by Councillor Buchanan moved that the committee agrees to grant the application in accordance with the officer's recommendations.

As an amendment, Councillor Forrest seconded by Councillor Kerr moved that the committee refuse the application for the following reasons:-

1. The proposed development is considered contrary to Falkirk Local Development Plan 2 Policy PE01 (Placemaking) as it would not respond sympathetically to the site and its setting in terms of scale, siting and design.
2. The proposed development is considered contrary to Falkirk Council Local Development Plan Policy PE16 (Protection of Open Space) as it would result in unacceptable loss of open space and woodland.
3. The proposed development is considered contrary to Falkirk Local Development Plan 2 Policy PE20 (Trees, Woodland and Hedgerows) as the removal of safe and healthy trees would have a detrimental impact on local amenity.

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 (9) – Provost Bissett; Councillors Bouse, Buchanan, Collie, Kelly, Murtagh, Redmond, Sinclair and Stainbank.

For the amendment (2) –Councillors Forrest and Kerr.

Decision

The committee granted 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. No development shall commence on site until such time as details of surface water runoff treatment have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, details shall include confirmation of acceptance of surface water to the Scottish Water network where appropriate and only the approved details shall be implemented.**
- 4. There shall not at any time be any fencing or walls erected, within or at the perimeter of, the open space areas outwith private**

garden boundaries other than those details shown on the layout drawing bearing the Planning Authorities reference 03B and the tree retention/removals drawing bearing the Planning Authorities reference 06A.

- 5. Prior to commencement of development on site and notwithstanding any details previously submitted, the development shall not commence until such time as details of a landscape plan and maintenance schedule has been submitted to and approved in writing by the Planning Authority and only the approved details shall be implemented.**
- 6. Prior to commencement of development on site and notwithstanding any details previously submitted, an updated tree protection plan shall be submitted to and approved in writing by the Planning Authority. The protection fencing shall be in place prior to the commencement of development and retained for the duration of construction work. For clarity, there shall not at any time be materials, plant or machinery of any kind kept or stored within any tree protected area whilst the tree protection fencing is in place.**
- 7. Notwithstanding any details previously submitted, the development shall not proceed beyond foundation level until such time as details of acoustic fencing adjacent to the southern boundary of the site have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the acoustic fencing should be constructed using interlocking panels on steel beams and cross supports with suitable concrete foundations and where the density of the panels exceeds 10kg/m². The fencing shall be constructed in place prior to occupation of the dwellings and retained in perpetuity.**
- 8. Prior to occupation commencing and notwithstanding any details previously submitted, all habitable rooms at south facing elevations shall be fitted with acoustic glazing and trickle vents to comply with BS 8233 Table 4 noise criteria.**
- 9. No development shall commence on site until such time as the site has firstly been inspected by a licensed bat worker and a consequent report submitted to and approved in writing by the planning authority, demonstrating that there are no roosting bats at the application site or if bats are present, specifying mitigation measures. Thereafter all mitigation measures detailed shall be adhered to.**
- 10. There shall be no construction work at the application site between the months of March to August inclusive unless a report has been submitted to and approved in writing by the planning authority. The report shall be prepared by a suitably qualified person demonstrating that there are no nesting birds at the site or that any nests present are no longer in use.**

11. 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 ensure that adequate drainage is provided.
4. To ensure public access to public open space areas.
5. To ensure that that landscape areas become satisfactorily established.
6. To safeguard trees to be retained at the development site.
- 7-8. To satisfactorily mitigate the impact of any noise from the adjacent retail development.
9. To safeguard the interests of roosting bats.
10. To safeguard the interests of nesting birds.
11. To ensure a satisfactory level of carbon reduction.

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) 01, 02, 03B, 04C, 05A, 06A, 07, 08C, 09B, 10B, 11A, 12 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.

P38. Extension to Flatted Dwelling (Dormer) at 26A Braehead, Bo'ness, EH51 9DW for Mr Scott Livingstone - P/22/0289/FUL

The committee considered a report by the Director of Place Services on an application for the extension to flatted dwelling (dormer) at 26A Braehead, Bo'ness, EH51 9DW for Mr Scott Livingstone - P/22/0289/FUL.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Scott Livingston, applicant and David Boyle agent, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee agreed to grant planning permission as it was satisfied (1) that the proposed development would not offend the visual amenity or neighbourhood amenity of the surrounding area and would be in line with the established character of the area and (2) with the scale, design and materials of the proposed development and that such grant of permission shall be subject to appropriate conditions and informatives as determined by the Director of Place Services.

Councillor Murtagh left the meeting during consideration of the previous item.

P39. Declaration of Interest

Councillor Collie declared a non-financial interest in the following Item P40 as she had been involved in a number of enquiries relating to Cloy Bank and, having regard to the objective test in the Councillors' Code of Conduct, considered that she required her to recuse herself from consideration of the item.

Councillor Collie left the meeting at this point.

P40. Modification of Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to Planning Permission P/12/0124/PPP at Land to The South of The Stables, Braeface Road, Banknock - for Mr John Penman - P/22/0060/75M

The committee considered a report by the Director of Place Services on an application for the modification of planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 attached to planning permission P/12/0124/PPP at land to the south of the stables, Braeface Road, Banknock - for Mr John Penman - P/22/0060/75M.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, David Fleming, to be heard in relation to this item.

The committee agreed to hear the deputation.

Decision

The committee agreed:

- 1. to the proposed modification to the Planning Obligation; and**
- 2. that the Planning Authority reimburse Mr David Fleming for the open space contribution he had previously paid.**

Councillor Bouse left the meeting during consideration of the previous item.

The committee agreed to a short adjournment and reconvened with all members present as per the sederunt, with the exception of Councillors Bouse, Collie, Murtagh and Sinclair.

P41. Construction of Dwellinghouse at Land to The East Of 1 Hillcrest Square, Hillcrest Square, Reddingmuirhead for Cedarwood Developments Scotland Ltd - P/22/0279/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse at land to the east of 1 Hillcrest Square, Hillcrest Square, Reddingmuirhead for Cedarwood Developments Scotland Ltd - P/22/0279/FUL

Decision

The committee is minded to grant planning permission subject to:-

- (a) Conclusion of a Legal Agreement in terms satisfactory to the Director of Development Services within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:**

- A financial contribution of £1,400 towards open space provision in Shieldhill; and
- A financial contribution of £2,673.97 for Braes High School.

(b) Thereafter, remit to the Director of Development Services, to approve the application 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. No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site.**

The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.

- 4. No development shall commence on site until a material schedule, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.**
- 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. No development shall commence on site until a suitable wayleave agreement is concluded in writing with the Council, a copy of the agreement shall be submitted to and recorded in writing by the Planning Authority. The depth of the sewer shall be checked and where required encased in concrete. There shall be no structures, including fence post or trees, over the line of the pipe in perpetuity.**

Reason(s):-

- 1. As these drawings and details constitute the approved development.**
- 2-3. To ensure the ground is suitable for the proposed development.**
- 4. To safeguard the visual amenity of the area.**
- 5. To ensure the development achieves the required CO2 emission reduction as a result of development.**
- 6. To ensure the future maintenance of the surface water sewer pipe within the site.**

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) 01, 02A, 03A, 04, 05 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.

4. Roads Services within Development Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.

P42. Construction of Dwellinghouse with Associated Development Including Outbuilding and Stables at Site To The North West of 47 Mannerston Holdings, Blackness for Mr and Mrs James and Kathryn Thomson - P/22/0360/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse with associated development including outbuilding and stables at site to the north west of 47 Mannerston Holdings, Blackness for Mr and Mrs James and Kathryn Thomson - P/22/0360/FUL.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.

Councillor Murtagh re-joined the meeting after consideration of the previous item.

P43. Extensions to Dwellinghouse at 18 Netherby Road, Airth, Falkirk, FK2 8LQ for Mr Pawel Kowal - P/22/0237/FUL

The committee considered a report by the Director of Place Services on an application for the extensions to dwellinghouse at 18 Netherby Road, Airth, Falkirk, FK2 8LQ for Mr Pawel Kowal - P/22/0237/FUL.

Decision

The committee refused planning permission for the following reasons:-

- 1. The scale, massing and design of the proposed development would not be sympathetic to the existing building, adjoining property or surrounding area. The proposed development would be an overdevelopment of the modest single-storey dwellinghouse and would introduce features, such as a full height side extension and front dormer, which would be at odds with the character of the surrounding area. The application is contrary to policy HC08 'Residential Extensions and Alterations' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG03 'Residential Extensions and Alterations'.**

Informative(s):-

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

P44. Construction of Dwellinghouse at Land To the South of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd - P/22/0310/FUL

The committee considered a report by the Director of Place Services on an application for the construction of dwellinghouse at land to the south of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd - P/22/0310/FUL.

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

The committee agreed to hear the deputation.

Decision

The committee agreed to continue consideration of the item in order to allow the committee to carry out a site visit to view the physical characteristics of the site.