

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 Tuesday 25 October 2022 at 10.00 a.m.

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

Officers: Kevin Brown, Planning Officer
Katherine Chorley, Planning Officer
Ian Dryden, Development, Building Standards & Climate Manager
Arlene Fraser, Committee Services Officer
Jack Frawley – Team Leader - Committee Services
David Gray, Environmental Protection Co-ordinator
Iain Henderson – Legal & Procurement Manager
Alexandra Lewis, Planning Officer
Stephen McClure, Planning Officer
Gary McGregor, Roads, Bridges & Flooding Co-ordinator
Craig Russell, Senior Roads Development Officer
Julie Seidel-Gregory, Planning Officer
Brent Vivian, Senior Planning Officer

P45. Apologies

Apologies were intimated on behalf of Councillor Collie.

P46. Declaration of Interest

There were no declarations.

P47. Minute

The Minute of Meeting of the Planning Committee held on 21 September 2022 was approved.

P48. Order of Business

The following items are recorded in the order in which they were considered at the meeting.

P49. Construction of 229 Dwellinghouses with Associated Access, Parking, Landscaping, Open Space and Drainage (Phase 1 subject to detailed approval). Planning Permission in Principle is also sought for further Residential Development with Potential Commercial / Community Use (Phase 2) and Associated Access, Parking, Landscaping, Open Space and Drainage at Land To The South Of Bo'ness Fire Station, Crawfield Road, Bo'ness for Robertson Residential Group Ltd, AWG Property Ltd, Mactaggart and Mickel Homes Ltd and The Partners of and the Trustees for the firm for Messrs Robert Pow - P/22/0009/FUL

The Development, Building Standards & Climate Manager provided the committee with a verbal update and highlighted that there were outstanding matters relating to site drainage which required further work prior to determination of the application.

Decision

The Committee agreed to continue consideration of the item to a future meeting.

P50. 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 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.

With reference to Standing Order 33.5, the Convener referred to a deputation request received from, Iain Hynd, agent, and Ian Conway, to be heard in relation to this item.

The committee agreed to hear the deputation.

Following discussion the Development, Building Standards & Climate Manager gave an undertaking to provide updates to the Committee on progress with this application.

Decision

The committee agreed that it was minded to grant planning permission in principle subject to:-

- (a) The completion within 6 months of a Planning Obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Place Services in respect of:-**
 - (i) A contribution towards addressing future capacity issues at St Margaret's Primary School at the rate of £5038.61 per dwellinghouse and £1732.24 per flat;**
 - (ii) A contribution towards addressing future capacity issues at Graeme High School at the rate of £2673.97 per dwellinghouse and £712.60 per flat;**
 - (iii) A contribution towards addressing future children's nursery capacity issues at the rate of £1794.10 per dwellinghouse and £538.46 per flat;**
 - (iv) A proportionate contribution towards the upgrade of M9 Junction 4 (Lathallan Roundabout);**
 - (v) A contribution to fund diversion of the existing bus service into the proposed development site;**
 - (vi) A contribution to fund a new bus service to link the site to Polmont Railway Station;**
 - (vii) A proportionate contribution towards addressing healthcare capacity issues or the provision of land within the site to accommodate a new healthcare facility;**
 - (viii) The provision of 25% of the residential units at the site as affordable housing; and**
 - (ix) A contribution towards improving the network of active travel routes in the local area which will be determined by any agreement to the developer carrying out the identified improvement works in lieu of a contribution.**
- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Place 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 the 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). The development of each respective development phase shall not commence until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The development shall be carried out in accordance with each approval. The specified matters are:-**

- a) Detailed masterplans for each development phase, as informed by the Development Framework prepared by Barton Willmore, dated December 2021;
- b) The timing/phasing of the development, as informed by the Development Framework prepared by Barton Willmore, dated December 2021;
- c) Existing and proposed site levels;
- d) Proposed finished floor levels;
- e) The siting of the buildings;
- f) The design of the buildings;
- g) The external appearance of the buildings;
- h) Details of the access arrangements, including the new street layout and design of the new burn crossings;
- i) Details of soft and hard landscaping and open space provision, including recreational facilities;
- j) The provision of pedestrian and cycle facilities, including links to the wider area;
- k) Details of proposed boundary treatments;
- l) A landscape and visual impact assessment of the detailed proposals for Phase 3B as indicated in the Development Framework;
- m) The provision of public art;
- n) Archaeological recording;
- o) Tree protection measures;
- p) A construction environmental management plan;
- q) Updated surveys for protected species surveys as described in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment prepared by ITP Energised, dated August 2020;
- r) An invasive species survey;
- s) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated August 2020;
- t) Burn corridor enhancement measures including burn restoration;
- u) A detailed surface water drainage strategy, including design and calculations, as informed by the Drainage Assessment prepared by Dougall Baillie Associates, dated September 2020;
- v) Measures to address flood risk, as informed by the Flood Risk Assessment prepared by Kaya Consulting Limited, dated October 2020;
- w) A contaminated land assessment;
- x) Measures to mitigate noise impacts, as informed by the outline mitigation set out in the Noise Impact Assessment prepared by ITP Energised, dated October 2020, tailored to the detailed design layout;
- y) Measures to mitigate odour impacts, as informed by the mitigation set out in the Odour and Dust Risk Assessment

prepared by ITP Energised, dated October 2020, tailored to the detailed design layout;

- z) The provision of a bus route and related bus infrastructure;
 - aa) A travel plan and a residential development travel information pack, as informed by the travel plan framework contained in the Transport Assessment prepared by Dougall Baillie Associates, dated October 2021;
 - bb) Off-site road improvement works;
 - cc) Stage 2 road safety audits;
 - dd) The provision of on-site low and zero carbon generating technologies, and potential for heat networks, as informed by the Energy Strategy approved under condition 2(a) of this planning permission;
 - ee) Car-parking, including the provision of electric vehicle charging points as part of significant new commercial or community uses;
 - ff) Facilities for the collection and storage of waste including recyclable materials; and
 - gg) A retail impact assessment (if required under condition 24).
2. The first application for Approval of Matters Specified in Conditions shall be accompanied by the following details for the written approval of this planning authority (unless otherwise agreed):-
- a) An updated site-wide energy strategy;
 - b) A site-wide public art strategy;
 - c) A burn corridor restoration and enhancement plan for the Gilston Burn, and
 - d) A site-wide phasing strategy for engineering works to reshape the land surface treatment of the land pending built development, including any opportunities for advanced planting.
3. The first application for Approval of Matters Specified in Conditions for each development phase shall be accompanied by a detailed masterplan for that development phase for the written approval of this planning authority.
4. The number of residential units shall not exceed 500 (unless otherwise agreed by this planning authority in consultation with Transport Scotland).
5. The phasing of the housing as indicated in the Development Framework shall proceed sequentially, commencing with phase 1A and ending with phase 3B (unless otherwise agreed or required by a condition of this planning permission).
6. The details of the soft landscaping shall include (as appropriate):-

- a) **An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
 - b) **The location of all proposed new trees, shrubs, hedges and grassed areas;**
 - c) **A schedule of plants to comprise species, plant sizes, proposed numbers/ densities and nursery stock sizes;**
 - d) **Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid replacement; and**
 - e) **A programme for completion and subsequent maintenance.**
- 7. Any tree/shrub planting adjacent to the railway boundary shall be positioned at a minimum distance from the boundary which is greater than the predicated mature height of the planting.**
- 8. A suitable trespass proof fence of at least 1.8 metres in height shall be provided adjacent to the railway boundary, in accordance with details to be submitted for the written approval of this planning authority, including arrangements for future maintenance and renewal.**
- 9. There shall be no Sustainable Urban Drainage Scheme (SUDS) sited within 10 metres of the railway boundary.**
- 10. There shall be no works that affect trees within each development phase until any necessary tree protection fencing for that phase is in place in accordance with the approved tree protection plan, and the planning authority has confirmed in writing that it is satisfied with the fencing as erected.**
- 11. The temporary tree protection fencing shall remain in place until all works within the relevant development phase have been completed (unless otherwise agreed). There shall be no tree removal, excavation, level changes, trenching, material storage or machinery access within the fenced off areas.**
- 12. There shall be no tree, scrub or grassland clearance within the bird nesting season (March to August inclusive) unless a nesting bird check is carried out by a suitably qualified ecologist prior to commencement of the clearance works. The findings of any nesting bird check shall be submitted to and approved by this planning authority prior to the works commencing.**
- 13. Each application for Approval of Matters Specified in Conditions shall be accompanied by an updated protected species survey for the written approval of this planning authority, if more than 12 months has lapsed since the carrying out of the last survey covering the relevant development phase.**

- 14. The details in relation to any new culvert and/ or realignment of Gilston Burn at the proposed new roundabout at Gilston Crescent shall be subject to the written approval of this planning authority in consultation with SEPA as part of the relevant application for Approval of Matters Specified in Conditions. In consideration of approval of the details, it shall be demonstrated that there is no increased flood risk to downstream or nearby receptors and the culvert is able to convey the 1 in 200 year plus climate change flow with an appropriate freeboard.**
- 15. The details of any proposed restoration measures within the southern extent near to the current channelised right hand bend, currently defined as functional floodplain, shall be subject to the written approval of this planning authority in consultation with SEPA as part of the requirement for a burn corridor restoration and enhancement plan under Condition 2(c) of this permission. As part of consideration of approval of the details, it shall be demonstrated that there is no increased flood risk to downstream or nearby receptors and there is no built development within any change to the functional floodplain due to proposed restoration works.**
- 16. No residential unit within Phase 2B, 3A or 3B as indicated in the Development Framework shall be occupied until the new roundabout on Gilston Crescent and the bus route through the site have been fully constructed, unless otherwise agreed in writing by this planning authority. The roundabout shall be constructed in general accordance with Drawing No. 20100-SK-11 Rev A prepared by Dougall Baillie Associates, dated 13 October 2020, subject to approval of the detailed design as informed by the road safety audit process.**
- 17. No residential unit shall be occupied until the A803 Main Street/Gilston Park junction has been fully upgraded, unless otherwise agreed in writing by this planning authority. The upgrade works shall be carried out in general accordance with Drawing No. 20100-SK-10 prepared by Dougall Baillie Associates, dated 30 September 2020, subject to approval of the detailed design as informed by the road safety audit process.**
- 18. No more than 150 residential units shall be occupied until the A803 Main Street/ Station Road/ Greenpark Drive and the A803 Main Street/ Bo'ness Road (Kirk Entry) junctions have been fully upgraded, unless otherwise agreed in writing by this planning authority. The upgrade works shall be carried out in general accordance with Drawing No. 20100-SK-13 Rev B prepared by Dougall Baillie Associates, dated 25 October 2021, subject to approval of the detailed design as informed by the road safety audit process.**

- 19. The development shall not commence until appropriate mitigation measures have been approved by this Planning Authority in consultation with Transport Scotland to address the impact of the development at M9 Junction 4 (Lathallan Interchange). The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals, generally as illustrated in Dougall Baillie Associates' Drawing No. 20100-SK-22, dated 21 December 2021, or a financial contribution in lieu of the said physical works. The precise details of the physical works or the level of financial contribution required shall be approved by this planning authority in consultation with Transport Scotland.**
- 20. A Stage 3 road safety audit for each junction referred to in conditions 15, 16 and 17 of this permission shall be submitted to and approved in writing by this planning authority prior to the works to provide or improve each of these junctions being brought into use.**
- 21. The first application for Approval of Matters Specified in Conditions involving land within Phase 2A as indicated in the Development Framework shall include proposed measures for the future treatment and function of Nicolton Road. The timing/phasing of implementation of the approved measures shall be subject to the written approval of this planning authority.**
- 22. No development beyond Phase 1A shall be occupied until the approved flood mitigation measures have been fully constructed.**
- 23. Where it is demonstrated to the satisfaction of the planning authority that a local energy centre or heating system is not feasible, each development phase shall be future-proofed for connection to future heat networks, in accordance with details to be approved in writing by this planning authority (unless otherwise agreed).**
- 24. Any application for Approval of Matters Specified in Conditions which includes retail development proposals in excess of 1000 square metres gross floorspace shall be accompanied by a retail impact assessment.**

Reason(s):-

- 1. To ensure that the matters referred to 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 that the site-wide matters referred to are given full consideration at the start of the detailed planning process.**

3. To ensure good place-making and a co-ordinated approach to design.
4. The proposed development and the assessment of its effects on infrastructure are predicated on a maximum number of 500 dwellings.
5. To ensure a logical sequence of development and good placemaking.
6. To safeguard the visual amenity of the area.
7. To control the impact of leaf fall on the operational railway.
8. In the interests of public safety and the protection of Network Rail infrastructure.
9. To protect the stability of the adjacent railway lines and the safety of the rail network.
- 10-11. To safeguard the visual amenity of the area.
- 12-13. To safeguard the interests of bird species.
- 14-15. To ensure that the matters referred to are given full consideration, including potential impacts on flood risk.
- 16-18. To ensure the provision of necessary road infrastructure works linked to the appropriate stage of the development.
19. To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road.
20. In the interests of road safety.
21. To ensure that the matters referred to in respect of Nicolton Road are given full consideration.
22. To ensure that flood risk to the development is mitigated to an acceptable level.
23. To provide for the opportunity for future connections to a heat network.
24. To consider the impact of significant retail development proposal on town and local centres.

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 07B, 09, 10 and 11.**
- 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 set out in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).**

P51. Construction of Dwellinghouse at Wester Banknock, Banknock, Denny, FK6 5NA for Mr McGregor Drummond - P/22/0300/FUL - Continuation

The committee considered an update 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.

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

The committee agreed to hear the deputation.

Councillor Redmond, seconded by Provost Bissett, moved that the committee agrees to grant planning permission, subject to appropriate conditions determined by the Director of Place Services, on the basis of the following grounds and material considerations:-

- (1) That the committee is satisfied as to the design and materials of the proposed development and that it would harmonise with the surrounding buildings;
- (2) That the application site is considered to be infill land in a farm steading and the committee is satisfied that the site was formerly occupied by a farm building;
- (3) That the development would be sustainable development on brownfield land and utilise sustainable approaches; and
- (4) That the committee is satisfied that the proposed access is suitable for the additional traffic that would be generated.

As an amendment, in substitution for the motion, Councillor Bouse, seconded by Councillor Sinclair, moved that the Planning Committee refuse planning permission for the following reason(s):-

- (1) The principle of residential development is not supported as 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, enabling development or a private Gypsy/Traveller site. The application is therefore contrary to policies PE14 'Countryside' and HC05 'Housing in the Countryside' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG01 'Development in the Countryside'.
- (2) A current shortfall in the 5 year supply of effective housing land is acknowledged by the Council. The proposed development is not considered to be sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other Development Plan policies. The application is not supported by policy HC01 'Housing Land' of the Falkirk Local Development Plan 2.
- (3) The applicant has not demonstrated that a suitable access can be achieved to serve the proposed house which would accord with the National Roads Development Guide (SCOTS, 2014). The development would not be in the best interests of road safety.

Informative:-

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

In terms of Standing order 22.1, the vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (7) – Provost Bissett, and Councillors Buchanan, Forrest, Kelly, Kerr, Redmond and Stainbank.

For the amendment (3) – Councillors Bouse, Murtagh and Sinclair.

Decision

The Committee agreed the motion.

The Committee adjourned at 11.40am and reconvened at 11.55am with all members present as per the sederunt.

P52. 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 – Continuation

The committee considered an update 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 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. No development shall commence on site until the proposed surface water drainage strategy and associated design detail (as appropriate) has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
- 3. 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.

- 4. 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.**

5. The stables and paddock hereby approved, shall be used for domestic purposes only.
6. All approved landscaping works shall be implemented by the end of the first planting and seeding season following occupation of the dwellinghouse hereby approved.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that adequate drainage is provided.
3. To ensure the development achieves the required CO2 emission reduction as a result of development.
4. To safeguard the visual amenity and rural character of the area.
5. To safeguard the residential amenity of surrounding dwellings.
6. To safeguard the visual amenity and rural character 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 - 13 and Supporting Documents.
3. 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.
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.

P53. Construction of Dwellinghouse at Land to the South of Greyrigg Farm, Falkirk for Unique Developments Scotland Ltd - P/22/0310/FUL - Continuation

The committee considered an update 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.

Councillor Kerr, seconded by Councillor Kelly, moved that the Committee agrees to grant planning permission, subject to appropriate conditions determined by the Director of Place Services (including conditions in relation to tree survey and protection plan, drainage impact assessment, coal mining and zero carbon), on the basis of the following grounds and material considerations:-

1. That the committee is satisfied with the design and materials of the proposed development:
2. That it is considered persuasive in this case that the application site contains an existing site of a disused building which site shall be utilised; and
3. That the committee is satisfied as to matters of road safety and access.

As an amendment in substitution of the motion, Councillor Bouse, seconded by Councillor Forrest, moved that the Committee requests a survey analysis is conducted by Roads Services including analysis on access arrangements, the proposed visibility splay and their relationship to the speed on the road. The committee requests that this information is reported to it and that the matter is continued to a future meeting of the committee for these purposes.

Councillor Murtagh gave notice of a further amendment.

As the amendment took the form of a procedural motion, in line with Standing Order 20.7, the vote was first taken for or against that procedural proposal.

In terms of Standing order 22.1, the vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the procedural proposal (5) – Councillors Bouse, Forrest, Murtagh, Sinclair and Stainbank.

Against the procedural proposal (5) – Provost Bissett and Councillors Buchanan, Kelly, Kerr and Redmond.

There being an equality of votes the Convener then exercised his casting vote against the procedural proposal. The procedural proposal was accordingly defeated and the original motion became the substantive motion against which the further amendment would be moved.

As a further amendment, in substitution of the motion, Councillor Murtagh, seconded by Councillor Sinclair, moved that the Planning Committee refuses planning permission for the following reason(s):-

- (1) The principle of residential development is not supported as 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, and therefore is contrary to policies PE14 - Countryside, HC01 - Housing Land, and HC05 - Housing in the Countryside of the Falkirk Local Development Plan and Supplementary Guidance SG01- Development in the Countryside.
- (2) The development would not respect the settlement pattern of the countryside area or respond sympathetically to the site's surroundings. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to Policy PE01 - Placemaking of the Falkirk Local Development Plan and IR05 - Travel Hierarchy and Transport Assessment.
- (3) The applicant has not demonstrated that a safe access, with the required level of visibility, can be achieved in accordance with the National Roads Development Guide, and the proposals would therefore not be in the best interests of road safety.
- (4) The applicant has not demonstrated that the proposal would have an acceptable impact on existing ecology and trees on site. The proposal is therefore contrary to Policies PE19 - Biodiversity and Geodiversity and PE20 - Trees, Woodland and Hedgerows of the Falkirk Local Development Plan, and Supplementary Guidance SG07 - Biodiversity and Development, and SG10 - Trees and Development.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, and Supporting Documents.

In terms of Standing order 22.1, the vote was taken by roll call, there being 10 members present with voting as undernoted:-

For the motion (6) – Provost Bissett and Councillors Buchanan, Kelly, Kerr, Redmond and Stainbank.

For the further amendment (4) – Councillors Bouse, Forrest, Murtagh, and Sinclair.

Decision

The Committee agrees to grant planning permission, subject to appropriate conditions determined by the Director of Place Services (including conditions in relation to tree survey and protection plan, drainage impact assessment, coal mining and zero carbon), on the basis of the following grounds and material considerations:-

- 1. That the committee is satisfied with the design and materials of the proposed development:**
- 2. That it is considered persuasive in this case that the application site contains an existing site of a disused building which site shall be utilised; and**
- 3. That the committee is satisfied as to matters of road safety and access.**

Prior to consideration of the following item, Councillor Kerr stated that he had a connection to this item by reason of having previously built a dwellinghouse at a nearby plot but stated that he had no knowledge of the developer of this application. He stated that, having applied the objective test in the Councillors' Code of Conduct, he did not consider that he had an interest that required to be declared.

P54. Construction of 2 Dwellinghouses and Detached Domestic Garages at Land to the South of 7 Blackbraes Road, Falkirk for Alchemy Development - P/22/0095/FUL

The committee considered an update report by the Director of Place Services on an application for the construction of 2 dwellinghouses and detached garages at land to the south of 7 Blackbraes Road, Falkirk for Alchemy Development – P/22/0095/FUL.

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 until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coalmine workings, and;

b) any remediation works and/or mitigation measures to address land instability arising from shallow workings, as may be necessary, have been implemented on site in full in order to

ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 4. 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 shallow coalmine workings.**
- 1. Prior to works commencing on-site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.**
- 2. Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):**
 - i. existing and finished ground levels in relation to a fixed datum, preferably ordnance**
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored**
 - iii. location and design, including materials, of walls, fences and gates**
 - v. soft and hard landscaping works**
- 3. 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.
- 2-4. To ensure the ground is suitable for the proposed development.
- 5-6. To safeguard the visual amenity of the area.
7. To ensure the development achieves the required CO2 emission reduction as a result of development.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05 and 06.
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.

- P55. Discharge of Planning Obligation Attached to Planning Permission F/90/0530 which Restricts the Occupancy of the Dwellinghouse (now known as Forresters Cottage, Torwood, FK5 4SW) to a Person Employed in the Management and Supervision of a Tree Nursery Operation at Torwood Nursery, by Torwood Castle, near Dunipace at Forresters Cottage, Torwood, Larbert, FK5 4SW for Mr and Mrs John and Dorothy Taylor - P/22/0285/75D**

The committee considered a report by the Director of Place Services on an application for the discharge of planning obligation attached to planning permission F/90/0530 which restricts the occupancy of the dwellinghouse (now known as Forresters Cottage, Torwood, FK5 4SW) to a person employed in the management and supervision of a tree nursery operation at Torwood Nursery, by Torwood Castle, near Dunipace at Forresters Cottage,

Torwood, Larbert, FK5 4SW for Mr and Mrs John and Dorothy Taylor - P/22/0285/75D.

Decision

The Committee agreed to discharge the Planning Obligation for the following reason:-

- (1) It is considered that the Section 50 Legal Agreement attached to planning permission F/90/0530 does not meet all of the tests for a planning obligation under Planning Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.**