

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 FEBRUARY 2009 at 9.30 A.M.

PRESENT: Councillors Buchanan, Carleschi, J Constable, Lemetti, A MacDonald, Mahoney, C Martin, McLuckie, McNeill and Nicol.

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors H Constable and Oliver.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Acting Legal Services Manager (D Blyth); Roads Development Officer (C Russell); Solicitor (P Gilmour) and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: None.

P9. MINUTES

There were submitted and **APPROVED:-**

- (a) Minute of Meeting of the Regulatory Committee held on 28 January 2009; and
- (b) Minute of Meeting of the Planning Committee held On Site on 10 February 2009.

Prior to the consideration of business, the Members listed below made the following statements:-

- Councillor Carleschi informed the Committee that as he had not been in attendance at some of the site visits, he would not take part in consideration of planning applications P/08/0617/OUT, P/08/0767/FUL and P/08/0766/FUL (minute P11, P15 and P16) but would take part in planning applications P/08/0912/FUL, P/08/0657/FUL and P/08/0246/FUL (minute P10, P12 and P13 and the application for listed building consent P/08/0245/LBC (minute P14).

P10. ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE ON LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MR S MCLEOD - P/08/0912/FUL (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph R136 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission to erect a large detached dwellinghouse and a detached garage on land to the north of Castlewood, Glen Road, Torwood.

Councillor Martin, seconded by Councillor Nicol moved that the application be granted, subject to the conditions detailed within the Report.

By way of an Amendment, Councillor Carleschi, seconded by Councillor MacDonald, moved that planning permission be refused on the following grounds:-

- The proposals are contrary to the Local Plan;
- The proposals would constitute an unacceptable intrusion into the countryside and would constitute an unacceptable use of agricultural land;
- The proposed dwelling was out of keeping with the neighbouring dwellings in scale and design and would be located outside the village boundary; and
- The site is a field rather than a gap site.

On a division, 7 Members voted for the Motion and 3 for the Amendment.

Accordingly **AGREED** to **GRANT** detailed planning permission, subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) No development shall commence on site until a series of tests for ground contamination have been carried out. Full details of the test results shall be submitted to the Planning Authority. Any necessary remedial work to make the ground safe shall be carried out before any work on the development commences.
- (3) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the access road.
- (4) Any access gates shall only open inwards.
- (5) At the proposed access to the site from Glen Road, there shall be no building, structure, tree, shrub or other obstruction to visibility above carriageway/footway level within a visibility splay of 2.4 metres by 70 metres in both directions.
- (6) Vehicular access to the dwellinghouse shall be by means of a dropped kerb footway crossing formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
- (7) The obscure glazing on the ground floor on the north gable (dining room windows), shall be maintained as such on the site in perpetuity.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In order to address any site contamination identified.
- (3-6) To safeguard the interests of the users of the highway.
- (7) To safeguard the privacy of the occupants of adjacent properties

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear Development Services' reference 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 14.
- (2) For the avoidance of doubt, the area of wall and fencing shown on the block plan (our ref. drawing 04) to the south of the site, outwith the site boundary, is not included within this permission.

P11. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (OUTLINE) ON LAND TO THE WEST OF 65 SLAMANNAN ROAD, SLAMANNAN ROAD, LIMERIGG, SLAMANNAN, FALKIRK FOR JAMES BELL LIMERIGG LIMITED - P/08/0617/OUT (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph R140 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for outline planning permission for residential purposes on land to the west of 65 Slamannan Road, Slamannan Road, Limerigg, Slamannan, Falkirk.

AGREED that the Committee is **MINDED TO GRANT** planning permission, subject to the application being referred to Scottish Ministers, it being a departure from the Development Plan, and thereafter, in the event that the application is not called in by Scottish Ministers, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions as so determined by her.

P12. ERECTION OF 14.2M HIGH MONOPOLE TELECOMMUNICATIONS MAST WITH 1 NO. 300MM TRANSMISSION DISH, EQUIPMENT CABINETS AND ANCILLARY WORKS, SITE TO THE WEST OF 71 BRECHIN DRIVE, GILSTON CRESCENT, POLMONT, FALKIRK FOR VODAFONE - P/08/0657/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Regulatory Committee held on 3 December 2008 and 28 January 2009 (Paragraphs R111 and R126 refer), Committee gave further consideration to Reports (circulated) dated 27 November 2008 and 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a 14.2 metre high monopole telecommunications mast with a 300mm transmission dish, equipment cabinets and ancillary works on a site to the west of 71 Brechin Drive, Gilston Crescent, Polmont, Falkirk.

AGREED that this item of business be **CONTINUED** to a future meeting to allow submission by the applicant of the information on cumulative emissions requested by Members, at the site visit on 10 February 2009.

P13. FORMATION OF DRIVEWAY (DETAILED) AT TIDINGS HILL, 15A CADZOW CRESCENT, BO'NESS, EH51 9AZ FOR MR AND MRS TONER - P/08/0246/FUL (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph R132 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the formation of a driveway at Tidings Hill, 15a Cadzow Crescent, Bo'ness.

AGREED that planning permission be **REFUSED** on the basis that the development would have a significantly detrimental impact on a Grade B listed building, would be unnecessary and out of keeping with the building.

P14. FORMATION OF DRIVEWAY (LISTED BUILDING CONSENT) AT TIDINGS HILL, 15A CADZOW CRESCENT, BO'NESS, EH51 9AZ FOR MR AND MRS TONER - P/08/0245/LBC (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph R133 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for listed building consent for the formation of a driveway at Tidings Hill, 15a Cadzow Crescent, Bo'ness.

AGREED that Listed Building Consent be **REFUSED** on the basis that the development would have a significantly detrimental impact on a Grade B listed building, would be unnecessary and out of keeping with the building.

P15. EXTENSION TO DWELLINGHOUSE AT 11 MANNERSTON HOLDINGS, LINLITHGOW, EH49 7NP FOR MR AND MRS GRANGER - P/08/0767/FUL (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph 131 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the extension to a dwellinghouse comprising (a) removal of an existing side extension and its replacement with a one and a half storey extension; and (b) erection of a further single storey extension to the rear of the dwellinghouse at 11 Mannerston Holdings, Linlithgow.

AGREED to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

Prior to consideration of the following item of business, Councillor Nicol advised that he had not been in attendance at the site visit and accordingly, would not participate in determination of the matter.

P16. SITING OF MOBILE SNACK VAN AT UNIT 2B ALEXANDER HOUSE, STEWART ROAD, FALKIRK, FK2 7AS FOR MISS N BAIN - P/08/0766/FUL (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph R135 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 by the Director of Development Services and an additional Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission to locate a mobile snack van at Unit 2B Alexander House, Stewart Road, Falkirk.

Councillor J Constable, seconded by Councillor McLuckie, moved that the application be refused for the reasons detailed in the Report.

By way of an Amendment, Councillor Lemetti, seconded by Councillor MacDonald, moved that planning permission be approved on the basis that a survey of prospective customers had established that there was a need for the development and, moreover, that the majority of the customers were within walking distance of the development thereby ameliorating any road safety issues.

On a division, 3 Members voted for the Motion and 4 for the Amendment.

Accordingly **AGREED** to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

P17. ERECTION OF DWELLINGHOUSE (DETAILED) AT 39A AND 39B WAGGON ROAD, BRIGHTONS, FALKIRK, FK2 0EL FOR MR AND MRS MACDONALD - P/08/0353/FUL

There was submitted Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey detached dwellinghouse at 39A and 39B Waggon Road, Brightons, Falkirk.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P18. ERECTION OF DWELLINGHOUSE (DETAILED) ON LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR AND MRS KING - P/08/0886/FUL

There was submitted Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey dwellinghouse on land to the east of 6 Erngarth Road, Bo'ness.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P19. USE OF LAND FOR THE ESTABLISHMENT OF A PRIVATE GYPSY/TRAVELLER PITCH AND ANCILLARY PORTACABINS AND HARDSTANDING (DETAILED) AT GLENVIEW, OLD NORTHFIELD ROAD, DENNY, FK6 6QY FOR MR F STEWART AND FAMILY - P/08/0695/FUL (RETROSPECTIVE)

There was submitted Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission (in retrospect) for the use of land to establish a permanent private gypsy/traveller pitch and ancillary portacabins and hardstanding at Glenview, Old Northfield Road, Denny.

Councillor J Constable, seconded by Councillor MacDonald, moved that the application be refused on the following grounds:-

- That the development was contrary to the Development Plan and premature with regard to the emerging Local Plan;
- That the development was out of keeping with the nature and character of the area;
- That the proposals to alleviate the following risk from the development were inadequate; and
- That adequate provision already existed within the district.

By way of an Amendment, Councillor Nicol, seconded by Councillor McLuckie moved that the application be continued for a site visit as they were not familiar with the area.

On a division, 3 Members voted for the Motion and 7 for the Amendment.

Accordingly **AGREED** that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P20. ERECTION OF 2 DWELLINGHOUSES AT SEAFIELD, SLAMANNAN ROAD, FALKIRK, FK1 3AH FOR MR AND MRS A MCLAREN - P/08/0507/FUL

There was submitted Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the erection of two dwellinghouses at Seafeld, Slamannan Road, Falkirk.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P21. INSTALLATION OF 3 NO. 3G ANTENNAS, EQUIPMENT CABINET, EXTENDED COMPOUND AND ANCILLARY DEVELOPMENT AT TELEPHONE EXCHANGE, BORROWSTOUN CRESCENT, BO'NESS, EH51 0PN FOR ARQIVA SERVICES LTD - P/08/0995/FUL

There was submitted Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the installation of three No. 3G antennas, an equipment cabinet, an extended compound and ancillary development at the Telephone Exchange, Borrowstoun Crescent, Bo'ness.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P22. ERECTION OF 17.2 METRE HIGH MONOPOLE TELECOMMUNICATIONS MAST, 3 NO. ANTENNAS, 1 NO. 600MM AND 1 NO. 300MM TRANSMISSION DISH, FORMATION OF COMPOUND WITH 1.8 METRE HIGH PALISADE FENCING, SITING OF OUTDOOR EQUIPMENT CABINET AND ANCILLARY DEVELOPMENT AT SITE TO THE WEST OF UNIT 2, BO'MAINS INDUSTRIAL ESTATE, LINLITHGOW ROAD, BO'NESS FOR VODAFONE LTD - P/09/0005/FUL

There was submitted Report (circulated) dated 18 February 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a 17.2 high monopole telecommunications mast, three antennas, one 600mm and one 300mm transmission dish, formation of a compound with 1.8metre high palisade fencing, siting of an outdoor equipment cabinet and ancillary development at the site to the west of Unit 2, Bo'mains Industrial Estate, Linlithgow Road, Bo'ness.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P23. ERECTION OF DISTILLERY, VISITOR CENTRE, RESTAURANT, 6 RETAIL UNITS, 1 BONDED WAREHOUSE, GATEHOUSE, SUDS'S POND AND LANDSCAPING WORKS ON LAND TO THE WEST OF CADGERS BRAE, POLMONT, FALKIRK FOR THE FALKIRK DISTILLERY - P/08/0300/FUL

There was submitted Report (circulated) dated 19 February 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a distillery, visitor centre, restaurant, 6 retail units, one bonded warehouse, gatehouse, SUDS's pond and landscaping works on land to the west of Cadgers Brae, Polmont, Falkirk.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

P24. ERECTION OF 55 DWELLINGHOUSES AND 36 FLATS WITH ASSOCIATED ROADS AND INFRASTRUCTURE AT LAND TO THE NORTH OF 44 NORTHFIELD ROAD, NORTHFIELD ROAD, DUNIPACE FOR PERSIMMON HOMES EAST SCOTLAND - 05/0912/FUL (RESULT OF APPEAL)

With reference to Minutes of Special Meetings of the Regulatory Committee held on 13 December 2007 and 6 August 2008 (Paragraphs R83 and R56 refer) and of the Regulatory Committee held on 6 October 2008 (Paragraph R80 refers), Committee gave consideration to a Report (circulated) dated 18 February 2009 by the Director of Development Services to which was attached, as appendices, copies of (a) the reports to committee on 6 August 2008 and 6 October 2008; (b) the Reporter's decision letter dated 19 January 2009; and (c) advice from Planning Consultants, Ryden, dated 22 July and 23 September 2008. The report detailed the background to the appeal, the decision in respect thereof and the treatment of the claim for expenses.

NOTED.