

FALKIRK COUNCIL

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

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors H Constable, Mahoney and McNeill.

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); Senior Forward Planning Officer; Planning Officer (B Vivian); Transport Planning Co-ordinator (K Collins); Roads Development Officer (C Russell); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: Councillor J Constable declared a non-financial interest in agenda item P43 (planning application P/08/0278/FUL) due to his connection with the Bo'ness Chemical Workers Social Club. Councillor Constable left the meeting during consideration of this item of business.

Councillor McLuckie declared a non-financial interest in agenda item P35 (planning application P/08/0353/FUL) due to his knowledge of the application. Councillor McLuckie left the meeting during consideration of this item of business.

Councillor Buchanan declared a non-financial interest in agenda item P44 (planning application P/07/1185/FUL) due to his written representation submitted on the planning application. Councillor Buchanan left the meeting during consideration of this item of business.

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

- Councillor Oliver informed the Committee that although he had not attended the site visits he would take part in consideration of planning applications P/08/0507/FUL, P/08/0353/FUL, P/08/0300/FUL, P/08/0995/FUL, P/09/0005/FUL, P/08/0886/FUL (minute P34, P35, P36, P37, P38 and P39) as he was sufficiently familiar with the sites.
- Councillor J Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0507/FUL and P/08/0353/FUL (minute P34 and P35) but that he would take

part in consideration of planning application P/08/0695/FUL (minute P33) as he was sufficiently familiar with the site.

- Councillor MacDonald informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0507/FUL and P/08/0353/FUL (minute P34 and P35) but that he would take part in consideration of planning application P/08/0695/FUL (minute P33) as he was sufficiently familiar with the site.
- Councillor Martin informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0695/FUL P/08/0995/FUL and P/09/0005/FUL (minute P33, P37 and P38) but that he would take part in consideration of planning applications P/08/0507/FUL, P/08/0353/FUL, P/08/0300/FUL and P/08/0886/FUL (minute P34, P35, P36 and P39) as he was sufficiently familiar with the sites.
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0695/FUL, P/08/0507/FUL, P/08/0353/FUL, P/08/0995/FUL, P/09/0005/FUL and P/08/0886/FUL (minute P33, P34, P35, P37, P38 and P39).

P32. MINUTES

There were submitted and **APPROVED**:-

- (a) Minute of Meeting of the Planning Committee held on 25 February 2009; and
- (b) Minute of Meeting of the Planning Committee held On Site on 19 March 2009.

P33. 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 FRANK STEWART AND FAMILY - P/08/0695/FUL (RETROSPECTIVE) (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P19 refers), Committee gave further consideration to Report (circulated) dated 18 February 2009 by the Director of Development Services and an additional Report (circulated) dated 23 March 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 Oliver, moved that the application be refused on the following grounds:-

- The land was previously used for agriculture;

- That the site was outwith the urban limit;
- That the caravans were not in keeping with the residential properties in the area; and
- That the development had added to increased usage of a narrow countryside road (Old Northfield Road).

By way of an Amendment, Councillor McLuckie, seconded by Councillor Lemetti, moved that the application be granted, subject to the conditions detailed within the Report.

On a division, 2 Members voted for the Motion and 5 for the Amendment.

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

- (1) The permission shall endure for the benefit of the applicants and their dependants within the travelling/gypsy community only.
- (2) The number of caravans occupying the site at any one time shall not exceed four.
- (3) No more than one caravan occupying the site at any one time shall be used by people who are not members of the applicant's family.
- (4) Within 3 months of the date of the decision, the application site shall be laid out in full accordance with approved plan 2/3 except as otherwise indicated in condition (5).
- (5) The planting indicated on approved plan 2/3 shall be fully implemented by the end of the first planting season following the date of this decision.
- (6) The bellmouth access indicated on approved plan 2/3 shall be maintained in a manner to ensure that surface water run off and loose material is not discharged onto the public road.
- (7) The parking spaces indicated on approved plan 2/3 shall be maintained at all times for vehicle parking, free of obstruction.
- (8) The sightlines indicated on approved plan 2/3 shall be maintained clear of any obstruction to visibility exceeding 1 metre in height above carriageway level at all times.
- (9) There shall be no open storage of scrap or waste, vehicle parts, tyres or other materials on the site.
- (10) The extent of hardstanding on the site shall be limited to the area indicated on approved plan 2/3.
- (11) Within 3 months of the date of the decision, the area marked on approved plan 3/3 as a possible extension to finished yard level shall be increased in level to 44.20 AOD.

Reason(s):-

- (1) In recognition of the particular needs of this travelling family, and to ensure that the site is not occupied by people for whom these needs do not apply.
- (2) To control the scale and nature of the development, in the interests of local amenity.
- (3) The site is considered suitable for only one family.
- (4-5,
9-10) To protect the visual amenity of the surrounding countryside.
- (6,8) To safeguard the interests of the users of the public highway.
- (7) To ensure that adequate car parking is provided.
- (11) To mitigate the potential for flood risk under a 200 year flow level increase by 20% to allow for climate change.

Informative(s):

- (1) If any unexpected ground conditions or suspect substances are encountered during any site works, the applicant should notify the Planning Authority immediately, as there would be a requirement to undertake further environmental risk assessment in relation to contaminated land.
- (2) The septic tank requires authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) and a Building Warrant from Falkirk Council.

P34. ERECTION OF 2 DWELLINGHOUSES AT SEAFIELD, SLAMANNAN ROAD, FALKIRK FK1 3AH FOR MR AND MRS A MCLAREN - P/08/0507/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P20 refers), Committee gave further consideration to Report (circulated) dated 18 February 2009 by the Director of Development Services and an additional Report (circulated) dated 23 March 2009 by the Director of Development Services on an application for detailed planning permission for the erection of two dwellinghouses at Seafield, Slamannan Road, Falkirk.

AGREED to GRANT planning permission, subject to appropriate conditions, as determined by the Director of Development Services, to include a condition limiting the height of the development so that it is in keeping with the existing residential property.

In accordance with his declaration of interest in the following item of business, Councillor McLuckie left the meeting and took no part in the discussion on the matter.

P35. ERECTION OF DWELLINGHOUSE (DETAILED) AT 39A AND 39B WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0EL FOR MR AND MRS MACDONALD - P/08/0353/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P17 refers), Committee gave further consideration to Report (circulated) dated 18 February 2009 by the Director of Development Services and an additional Report (circulated) dated 23 March 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 to **CONTINUE** this item of business to a future meeting to allow further consideration to be given to a submission received from the applicant's agent.

Councillor McLuckie re-entered the meeting following consideration of the above item of business.

P36. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P23 refers), Committee gave further consideration to Report (circulated) dated 19 February 2009 by the Director of Development Services and an additional Report (circulated) dated 20 March 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.

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

By way of an Amendment, Councillor Nicol, seconded by Councillor J Constable moved that the application be refused on road safety grounds and also on the basis that it would be contrary to the Development Plan.

On a division, 7 Members voted for the Motion and 2 for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to:-

- (a) The application being referred to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.
- (b) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act, in respect of measures to

promote travel to the proposed development by modes of transport other than private car and to secure improvements to the Gransable Road/A803 Polmont Road junction; including but not limited to the following:-

- (i) A maximum payment of £33,000 towards improvements at the Gransable Road/Polmont Road junction; and
 - (ii) The preparation of a Travel Plan Framework to be included in to the legal agreement, the focus being to identify the objectives, mechanisms and facilities to reduce the need to travel to the site by private car;
- (c) And thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to appropriate conditions including but not limited to the following:-
- (1) The development to which this permission relates must be begun within 5 years of the date of this permission.
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking area(s) shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
 - (3) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hard surfaces shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
 - (4) Before development commences, full details of the colour and specification of all retaining structures, walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
 - (5) Before development commences, amended site layout drawings to a scale of not less than 1:500 showing existing and proposed levels, the position and width of all proposed roads and footpaths including public access provision, visibility splays from the proposed vehicular access onto Gransable Road, the siting of all proposed buildings, SUDs and water features and, finished floor levels, shall be submitted and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. For the avoidance of doubt the drawings shall show the following:-
 - (a) the entrance carriageway to the proposed development shall be increased in width to 7.3m;
 - (b) the carriageway providing access to the coach/overflow parking area shall be increased in width to 7.3m;

- (c) the corner radii at the entrance/exit to the coach parking area shall be increased; and
 - (d) alterations to increase staff parking provision by an additional 10 spaces.
- (6) Before the development commences, a scheme of landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:-
- (a) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (b) the location of all new trees, shrubs, hedges and grass areas;
 - (c) a schedule of plants to comprise species, plant sizes and proposed numbers/species; and
 - (d) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments; and

The landscaping scheme shall be implemented in accordance with an approved phasing plan.

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the proposed development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (8) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing with this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the proposed development is brought into use.
- (9) Before the development commences, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.
- (10) The developer shall allow access at all reasonable times to any archaeologist/archaeological organisation approved by this Planning Authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, site contact person and name of archaeologist/archaeological organisation retained by the developer shall be submitted in writing not less than 14 days before development commences.

- (11) Before the development is brought into use, visibility splays of 9m x 120m shall be provided at the vehicular access to the site and permanently maintained free of obstructions exceeding one metre in height above the adjacent road channel level.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure an orderly and appropriate progression of development and to safeguard the amenity of the area.
- (3-6) To safeguard the visual amenity of the area.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure the site is drained in an acceptably sustainable manner and that drainage infrastructure is properly maintained.
- (9-10) To safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site which lies within an area of archaeological importance.
- (11) In the interests of road safety to ensure the provision and maintenance of adequate visibility at the site access.

P37. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P21 refers), Committee gave further consideration to Report (circulated) dated 18 February 2009 by the Director of Development Services and an additional Report (circulated) dated 20 March 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.

Councillor J Constable, seconded by Councillor Carleschi, moved that the application be refused on health and safety grounds.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Buchanan, moved to continue the matter to a future meeting to allow the applicant time to submit information and maps on cumulative emissions.

In accordance with Standing Order 19.8 and with the unanimous consent of the meeting, Councillors J Constable and Carleschi thereafter agreed to withdraw their Motion.

Accordingly, **AGREED** that consideration of this item of business be **CONTINUED** to a future meeting to allow the applicant time to submit information and maps on cumulative emissions.

P38. ERECTION OF 17.2 METRE HIGH MONOPOLE TELECOMMUNICATIONS MAST, 3 NO. ANTENNAS, 1 NO. 600MM AND 1 NO. 300MM TRANSMISSION DISHES, 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P22 refers), Committee gave further consideration to Report (circulated) dated 18 February 2009 by the Director of Development Services and an additional Report (circulated) dated 23 March 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 1.8 metre 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 a future meeting to allow the applicant time to submit information and maps on cumulative emissions.

P39. ERECTION OF DWELLINGHOUSE (DETAILED) ON LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR AND MRS KING - P/08/0886/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 25 February 2009 (Paragraph P18 refers), Committee gave further consideration to Report (circulated) dated 18 February 2009 by the Director of Development Services and an additional Report (circulated) dated 20 March 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 to **GRANT** detailed planning permission, subject to (a) deletion of the decking platform; and (b) the imposition of appropriate conditions, as determined by the Director of Development Services. If, as a consequence of the decking being deleted, consequential changes are required which are material and significant, then a new application would require to be submitted.

P40. ERECTION OF 14.2 METRE 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 Minute of Meeting of the Regulatory Committee held on 3 December 2008 and 28 January 2009 (Paragraphs R111 and R126 refer) and of the Planning Committee held on 25 February 2009 (Paragraph P12 refers), Committee gave consideration to Report (circulated) dated 17 March 2009 by the Director of Development Services to which were attached, as appendices, copies of the Reports to the aforementioned Committees 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 consideration of this item of business be further **CONTINUED** to a future meeting to allow the applicant more time to submit information on cumulative emissions requested by Members, at the site visit on 10 February 2009.

P41. CONVERSION OF PIGGERY TO FORM 3 DWELLINGS (DETAILED) AT 45 MANNERSTON HOLDINGS, LINLITHGOW EH49 7ND FOR MR RUSSELL - P/07/1229/FUL (CONTINUATION)

With reference to Minute of Meeting of the Regulatory Committee held on 28 January 2009 (Paragraph R137 refers), Committee gave further consideration to Report (circulated) dated 20 January 2009 and an additional Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission for the restoration and conversion of part of a disused piggery to form three dwellinghouses at 45 Mannerston Holdings, Linlithgow.

AGREED that consideration of this item of business be **CONTINUED** to allow further discussion between the applicant and officers from Development Services to discuss the options for the future of the central building.

P42. DELETION OF CONDITION 2 OF PLANNING PERMISSION F/2006/0702 ON LAND AT WOODSIDE, GLEN ROAD, TORWOOD FOR GILLIES GUTHRIE - P/08/0614/VRC

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application seeking deletion of Condition 2 of existing planning permission (F/2006/0702) which authorised the extension to a double garage to form an additional residential unit to the rear of the existing dwellinghouse on land at Woodside, Glen Road, Torwood.

Councillor Nicol, seconded by Councillor Buchanan moved that Condition 2 of planning permission (F/2006/072) be deleted.

By way of an Amendment, Councillor Carleschi, seconded by Councillor MacDonald moved that the application be refused, for the reasons outlined in the Report.

On a division, 5 Members voted for the Motion and 4 for the Amendment.

Accordingly, **AGREED** to approve the deletion of Condition 2 of planning permission (F/2006/072).

In accordance with his declaration of interest in the following item of business, Councillor J Constable left the meeting and took no part in the discussion on this matter.

P43. EXTENSION TO SOCIAL CLUB, BO'NESS CHEMICAL WORKERS SOCIAL CLUB, 69 LINLITHGOW ROAD, BO'NESS EH51 0DS FOR BO'NESS CHEMICAL WORKERS SOCIAL CLUB - P/08/0278/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a single storey extension to the existing Social Club at Bo'ness Chemical Workers Social Club, 69 Linlithgow Road, Bo'ness.

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

Councillor J Constable re-entered the meeting following consideration of the above item.

In accordance with his declaration of interest in the following item of business, Councillor Buchanan left the meeting and Councillor Nicol assumed the Chair.

P44. ERECTION OF 3 WAREHOUSE BUILDINGS AT BONDED WAREHOUSES, GLASGOW ROAD, DENNYLOANHEAD, BONNYBRIDGE FOR DIAGEO SCOTLAND LTD - P/07/1185/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission for the erection of three warehouse buildings at Bonded Warehouses, Glasgow Road, Dennyloanhead, Bonnybridge.

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

Following conclusion of the foregoing item of business, Councillor Buchanan re-entered the meeting and resumed the Chair.

Councillor Oliver left and re-entered the meeting during consideration of the following item of business.

Councillor J Constable left and re-entered the meeting during consideration of the following item of business.

P45. FORMATION OF WASTE RECYCLING FACILITY AT CRAIGEND WORKS, STANDBURN, FALKIRK FK1 2HY FOR RESTORATION AND DEVELOPMENTS LTD - P/08/0086/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission the formation of a waste recycling facility at Craigend Works, Standburn, Falkirk.

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

P46. ERECTION OF 14 FLATTED DWELLINGHOUSES AT LAND TO EAST OF 50 STATION ROAD, STATION ROAD, WHITECROSS FOR LAND 4 LEISURE LTD (DETAILED) - P/08/0888/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 14 flats in a single block, three and four storeys in height at 50 Station Road, Whitecross.

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

Councillors Carleschi and Nicol left and re-entered the meeting during consideration of the following item of business.

P47. MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, BUSINESS, HOTEL, LEISURE FACILITIES AND ANCILLARY WORKS (RENEWAL OF OUTLINE CONSENT REF: F/2004/0063) AT DRUM FARM, GRAHAMSDYKE ROAD, BO'NESS EH51 9SY FOR GRANGE ESTATE - P/08/0915/OUT

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application to renew an existing outline planning permission (F/2004/0063) granted on 24 November 2004.

Councillor J Constable, seconded by Councillor MacDonald, moved that the application be refused on the grounds that the land was formerly a greenfield site and was unsuitable for business and commercial development.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Lemetti moved that consideration of this item be continued to allow an inspection of the site by Committee.

In accordance with Standing Order 19.8 and with the unanimous consent of the meeting, Councillors J Constable and MacDonald thereafter agreed to withdraw their Motion.

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

Councillor Martin left and re-entered the meeting during consideration of the following item.

P48. MIXED USE DEVELOPMENT COMPRISING 54 FLATS AND RETAIL UNITS ON LAND TO THE SOUTH EAST OF 1 WILLIAMSON STREET, WILLIAMSON STREET, FALKIRK FOR PALISADE ESTATES - P/08/0799/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission for a mixed commercial and residential development comprising 54 flats and retail units on land to the south east of 1 Williamson Street, Falkirk.

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

P49. ERECTION OF 43 FLATTED DWELLINGS AND ASSOCIATED WORKS AT TORWOODLEA COMPLEX, BELLSDYKE ROAD, LARBERT, FK5 4EH FOR LINK HOUSING ASSOCIATION LTD - P/08/1013/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 43 flatted dwellings and associated works at Torwoodlea Complex, Bellsdyke Road, Larbert.

Councillor Carleschi, seconded by Councillor Martin, moved that the application be granted, as detailed within the Report.

By way of an Amendment, Councillor J Constable, seconded by Councillor MacDonald, moved that the application be continued to allow a finalised sum representing the required contribution to education provision to be determined.

In accordance with Standing Order 19.8 and with the unanimous consent of the meeting, the Amendment was then withdrawn with Councillor J Constable thereafter moving and Councillor MacDonald seconding the Amendment to the effect that planning consent be granted in accordance with the recommendations of the Report but subject to deletion of any delegated authority to officers to agree a reduced contribution towards education provision, any such agreement requiring to be a matter for Members to determine.

In accordance with Standing Order 19.7 and with the consent of his seconder and the Convener, Councillor Carleschi altered the text of his Motion to incorporate the terms of the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to the successful completion of an appropriate Legal Agreement requiring the payment of a pro-rata sum of £1,000 per dwelling (£43,000 in total) as a contribution to education provision at St Mungo's High School and Larbert High School as a result of the impact of the development. Any reduction in that figure would require to be agreed by Committee.

On completion of the Legal Agreement referred to above, it is remitted to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within 5 years from the date of this permission.
- (2) Prior to the commencement of any work on site details of intrusive site investigations and site investigation programmed in approved phase 1 and 2 site investigations shall be submitted for the assessment and written approval of the Planning Authority. No development shall commence, until all required remedial works are fully completed.
- (3) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hardstandings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.
- (5) Development shall not begin until details of landscape completion programme and subsequent maintenance has been submitted for the assessment and written approval of the Planning Authority. The development shall thereafter be implemented in accordance with the approved landscaping and phasing scheme by the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (6) The existing footways along the site boundary within Bellsdyke Road to the north and Broomage Avenue to the west shall be widened to 3 metres. The existing footway along the site boundary with Graham Avenue shall be reconstructed to a minimum width of 2 metres and include 2 pedestrian dropped kerb crossing points. All works shall be carried out in accordance with the 'Design Guidelines and Construction Standards in the Falkirk Council Area, October 1997, as amended January 2000.'
- (7) Prior to work commencing on site a detailed specification for the restoration and enhancement of the boundary wall to the north of the site shall be submitted for the written approval of the Planning Authority.

The wall shall thereafter be constructed in accordance with the approved specification prior to the occupation of the flats.

- (8) Prior to work commencing on site a detailed specification for underground surface water attenuation including design calculations for 1:100 and 1:200 year storm events and overflow provision shall be submitted for the written approval of the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3,5,7) To safeguard the visual amenity of the area.
- (4) To safeguard the environmental amenity of the area.
- (6) To safeguard the interests of the users of the highway.
- (8) To ensure that adequate drainage is provided.

P50. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A of the said Act.

P51. ERECTION OF 55 DWELLINGHOUSES AND 36 FLATS WITH ASSOCIATED ROADS AND INFRASTRUCTURE FOR LAND TO THE NORTH OF 44 NORTHFIELD ROAD, NORTHFIELD ROAD, DUNIPACE AT PERSIMMON HOMES EAST SCOTLAND - 05/0912/FUL

There was submitted Report (circulated) dated 17 March 2009 by the Director of Development Services (a) advising that an appeal has been lodged with the Court of Session by Persimmon Homes East Scotland against the decision of the Scottish Government Reporter following the Public Local Inquiry which took place in late 2008; and (b) seeking approval for the Council to defend the appeal.

AGREED:-

- (i) to note the Report, and
- (ii) to approve the Council's continued participation in the Court of Session proceedings in order to defend the appeal lodged by Persimmon Homes East Scotland against the Reporter's decision.