

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 23 SEPTEMBER 2009 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Carleschi and H Constable.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Acting Head of Planning and Transportation; Development Manager; Acting Legal Services Manager (D Blyth); Senior Planning Officer (A Finlayson); Roads Development Officer (B Raeburn); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

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

- 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/08/0911/FUL and P/09/0233/FUL (minute P80 and P81) but that he would take part in consideration of planning applications P/07/0897/FUL, P/09/0359/FUL and P/09/0334/FUL (minute P78, P79 and P82) as he was sufficiently familiar with the sites.
- Councillor MacDonald informed the Committee that as he had not attended the site visits but he would take part in consideration of planning applications P/08/0911/FUL and P/09/0233/FUL (minute P80 and P81).
- Councillor Mahoney informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/07/0897/FUL (minute P78).
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0359/FUL and P/09/0233/FUL (minute P79 and P81) but that he would take part in consideration of planning applications P/08/0911/FUL P/09/0334/FUL (minute P80 and P82) as he was sufficiently familiar with the sites.

P76. OPENING REMARKS

Prior to the commencement of business the Convener informed Members that planning application P/08/0111/FUL (agenda item 8) - Erection of 48 flats and associated infrastructure at Torwoodlea Complex, Bellsdyke Road, Larbert, had been withdrawn by the applicant.

P77. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 26 August 2009;
and
- (b) Minute of Meeting of the Planning Committee held On Site on 16 September 2009.

P78. FORMATION OF A NEW LINED CELL, THE DEPOSITION OF WASTE, RAISING OF LAND FORM LEVELS, BOUNDARY AND ANCILLARY EARTHWORKS, LANDSCAPING AND RESTORATION AT WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON FOR G R SERVICES (FALKIRK) LIMITED - P/07/0897/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 August 2009 (Paragraph P63 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services and an additional Report (circulated) dated 18 September 2009 by the said Director on an application for detailed planning permission for an extension of the existing landfill site at West Carron, Falkirk by means of a new landfill cell with a view to providing additional capacity for the disposal of commercial, industrial and domestic waste.

AGREED to **REFUSE** planning permission for the following reasons:-

- The application is contrary to the Development Plan;
- That the application would have an adverse impact on the amenity of the area and neighbouring properties; and
- That there had been no flood risk assessment undertaken and there was no information which would have been available for assessment.

P79. EXTENSION TO DWELLINGHOUSE AT 8 MANNERSTON HOLDINGS, LINLITHGOW EH49 7NP FOR MR DAVID LAWSON - P/09/0359/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 August 2009 (Paragraph P68 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services and an additional Report (circulated) dated 18 September 2009 by the said Director on an application for detailed planning permission for an extension of a single storey dwellinghouse to create a one and a half storey dwellinghouse incorporating additional bedrooms and floor space at 8 Mannerston Holdings, Linlithgow.

Councillor J Constable, seconded by Councillor Mahoney, moved that the application be refused in accordance with the recommendation contained in the Report.

By way of an Amendment, Councillor Nicol, seconded by Councillor McLuckie, moved that the application be approved.

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

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

Councillors J Constable and A MacDonald left the meeting prior to consideration of the following item of business.

P80. CHANGE OF USE, ALTERATIONS AND EXTENSION TO VACANT/REDUNDANT BARN TO PROVIDE OFFICES, ERECTION OF 468 SQM, GREENHOUSE AND ANCILLARY DEVELOPMENT COMPRISING ACCESS/EGRESS, CAR PARKING AND EXTERNAL PLANT STORAGE AND DISPLAY AREA AT MELONSPLACE FARM FALKIRK FK2 0BT FOR BENHOLM PLANT DISPLAYS - P/08/0911/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 August 2009 (Paragraph P64 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services and an additional Report (circulated) dated 18 September 2009 by the said Director on an application for the renovation and extension to an existing stone barn, the formation of new hardstanding and yard area and the replacement of agricultural buildings with greenhouses and external storage areas at Melonsplace Farm, Falkirk.

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

P81. ERECTION OF FEED STORE/HORSE SHELTER (PART RETROSPECTIVE) AT WESLEYMOUNT, CHURCH ROAD, CALIFORNIA, FALKIRK FK1 2BD FOR MR AND MRS LEACH - P/09/0233/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 August 2009 (Paragraph P65 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services and an additional Report (circulated) dated 18 September 2009 by the said Director on an application for detailed planning permission for the erection of a feed store/horse shelter (part retrospective) at Wesleymount, Church Road, California, Falkirk.

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

Councillors J Constable and MacDonald re-entered the meeting following consideration of the foregoing item of business.

P82. ERECTION OF TWO DWELLINGHOUSES AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE FK4 2DE FOR STEWART

**HOMES (SCOTLAND) LIMITED - P/09/0334/FUL
(CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 26 August 2009 (Paragraph P67 refers), Committee gave further consideration to Report (circulated) dated 18 August 2009 by the Director of Development Services and an additional Report (circulated) dated 18 September 2009 by the said Director on an application for detailed planning permission for the erection of 2 semi-detached one and a half storey dwellinghouses at Milnquarter Farm, Roman Road, Bonnybridge.

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

P83. ERECTION OF 6 FLATS AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LIMITED - (P/08/0773/FUL)

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 6 two bedroom flats within a three storey building on land to the north of 17 Kinacres Grove, Bridgeness Road, Bo'ness.

AGREED to CONTINUE consideration of this item of business to allow an inspection of the site by Committee.

P84. ERECTION OF 3 NO. DWELLINGHOUSES ON LAND TO SOUTH OF ST LUKE'S RC CHURCH, GLENVIEW AVENUE, BANKNOCK FOR ALEXANDER BROWN - P/09/0352/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 3 one and a half storey detached dwellinghouses on land to the south of St Luke's RC Church, Glenview Avenue, Banknock.

AGREED to CONTINUE consideration of this item of business to allow an inspection of the site by Committee.

P85. ERECTION OF 8 FLATS AND ANCILLARY WORKS ON LAND TO THE SOUTH OF 32 LOCHPARK PLACE, LOCHPARK PLACE, DENNY FOR FALKIRK COUNCIL - P/09/0180/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 2 two storey buildings, each containing 4 flats and ancillary works on land to the south of 32 Lockpark Place, Denny.

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

1. The development to which this permission relates must be begun within three years of the date of this permission;

2. Before the development commences, exact details of the colour and specification of all proposed external finishes and hard surface finishes shall be 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 proposed timber fencing shall be painted/stained a colour to be agreed in writing by the Planning Authority before the development commences; and
4. Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. 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 report/validation certificate shall be submitted to and approved in writing by the Planning Authority.

Reasons:

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2.-3. To safeguard the visual amenity of the area.
4. To ensure the ground is suitable for the proposed development.

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear reference numbers 02A, 03A, 04, 05, 06, 07 and 08.

P86. DEMOLITION OF HOTEL AND ERECTION OF 59 FLATS WITH ASSOCIATED ROADS, INFRASTRUCTURE AND LANDSCAPING AT WHYTESIDE HOTEL, 1 LEWIS ROAD, POLMONT, FALKIRK FK2 0XP FOR EADIE DEVELOPMENTS LIMITED - P/08/0071/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services advising that an appeal had been lodged against the non determination and deemed refusal of an application for detailed planning permission for the demolition of a disused hotel and restaurant and development of the site to form 59 flats in a number of blocks of three and four storeys in height on land currently occupied by the Whyteside Hotel, 1 Lewis Road, Polmont, Falkirk.

AGREED to defend the appeal at Public Inquiry as detailed in the Report.

Councillor Martin joined the meeting during consideration of the foregoing item of business but did not take part in the determination thereof as he had not been in attendance during the whole of the discussion.

P87. ERECTION OF 6 FLATTED DWELLINGS, 2 DWELLINGHOUSES AND ASSOCIATED WORKS AT LORRAINE COTTAGE, SOUTHCRAIGS ROAD, RUMFORD, FALKIRK FK2 0SR FOR JCS BUILDERS LIMITED - P/09/0215/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services advising that an appeal had been lodged against the non determination and deemed refusal of an application for detailed planning permission to demolish an existing single storey cottage and to erect 6 flats and 2 houses on the ground thereof, including off street parking at Lorraine Cottage, Southcraigs Road, Rumford, Falkirk.

Councillor McLuckie, seconded by Councillor Buchanan, moved that consideration of this item of business be continued to allow an inspection of the site by Committee.

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Mahoney, moved the recommendation in the Report, namely that the appeal against deemed refusal not be defended by the Council.

On a division, 6 Members voted for the Motion and 4 Members voted for the Amendment.

AGREED to CONTINUE consideration of this item of business to allow an inspection of the site by Committee.

P88. CHANGE OF USE OF PART OF EXISTING SHOP UNIT TO FORM HOT FOOD TAKEAWAY AT 18 WOODBURN STREET, FALKIRK FK2 9DS FOR MR AND MRS LALLI – P/07/0953/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission to change the use of part of an existing shop unit to form a separate hot food takeaway at 18 Woodburn Street, Falkirk.

AGREED to CONTINUE consideration of this item of business to allow an inspection of the site by Committee.

Councillor J Constable left the meeting prior to consideration of the following item of business.

P89. ERECTION OF 4 FLATS AND ANCILLARY WORKS ON LAND TO THE NORTH OF 46 CARSE CRESCENT, LAURIESTON FOR FALKIRK COUNCIL - P/09/0487/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 4 flats and associated garden ground and parking areas, utilising the existing vehicular access as a garage compound, on land to the north of 46 Carse Crescent, Laurieston.

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

1. The development to which this permission relates must be begun within three years of the date of this permission;

2.
 - (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites;
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination; and
 - (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
3. Development shall not begin until a scheme for protecting the new dwellings from noise from transportation has been submitted to and approved in writing by the Planning Authority. The flatted dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction 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. To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

Informative(s):

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

P90. ERECTION OF BISTRO WITH OUTSIDE SEATING AREA, 3 COTTAGES, 1 DWELLINGHOUSE AND ASSOCIATED CAR PARKING AND PICNIC AREA ON LAND TO THE NORTH EAST OF 1 CAUSEWAYEND, LINLITHGOW FOR CAUSEWAYEND BISTRO - P/09/0313/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning

permission for the erection of a café bistro, manager's dwelling and three holiday let cottages with associated car parking, landscaping and pedestrian footpath on land to the north east of 1 Causewayend, Linlithgow.

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

P91. USE OF LAND FOR THE SITING OF PORTABLE STRUCTURES, ERECTION OF FENCING AND KEEPING OF DOGS (TEMPORARY AND RETROSPECTIVE) AT DARNBOGUE FARM, PLEAN FK2 8RY FOR SCOTSTOCK (SC) LIMITED - P/09/0161/FUL

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on an application for detailed planning permission for the siting of eleven temporary buildings and temporary fencing for keeping of dogs and livestock at Darnbogue Farm, Plean.

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

Councillor Mahoney left the meeting following consideration of the foregoing item of business.

P92. CENTRAL RETAIL PARK, FALKIRK – REQUEST BY HAMMERSON UK PROPERTIES PLC TO AMEND SECTION 75 AGREEMENT

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services on a request by Hammerson UK Properties PLC to amend a Section 75 Agreement in respect of Unit 4 within Phase 2 of Central Retail Park, Falkirk, said Agreement having been concluded in 2001.

AGREED to amend the Section 75 Agreement covering Central Retail Park to allow up to 10% of the gross floor area of Unit 4 to be occupied by goods falling within the categories of 'prohibited uses' as defined in the Agreement.

The Convener agreed a 15 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt with the exception of Councillors J Constable and Mahoney.

P93. IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 - PROPOSED PROCEDURES FOR LOCAL REVIEW BODY MEETINGS

There was submitted Report (circulated) dated 15 September 2009 by the Director of Development Services seeking approval of proposed administrative procedures for the Planning Review Committee when undertaking local reviews.

NOTED that a report reviewing the first six months of operation of the Planning Review Committee would be submitted to the Committee in March 2010.

AGREED:-

- (a) That officers carry out all necessary administrative functions on behalf of the Planning Review Committee in connection with any review request prior to its initial meeting to consider the review; and
- (b) The procedural guidelines for the Planning Review Committee as detailed in Appendix 2 to the Report (as an interim position).

Councillor Martin left the meeting during consideration of the foregoing item of business.