

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 4 NOVEMBER 2009 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillor Nicol.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Acting Legal Services Manager (D Blyth); Roads Development Officer (B Raeburn); Environmental Health Officer (S Henderson); and Committee Officer (A Sobieraj).

ALSO IN

ATTENDANCE: Senior Animal Welfare Officer (D Woolfries), Stirling Council.

DECLARATIONS None.
OF INTEREST:

P104. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 23 September 2009;
- (b) Minute of Special Meeting of the Planning Committee held on 6 October 2009; and
- (c) Minute of Meeting of the Planning Committee On Site held on 20 October 2009.

P105. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 September 2009 (Paragraph P83 refers), Committee gave further consideration to Report (circulated) dated 15 September 2009 by the Director of Development Services and an additional Report (circulated) dated November 2009 by the said Director 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 REFUSE planning permission on the basis that the application:-

- (1) Would involve the loss of open space, contrary to national and local policy guidelines;
- (2) Would have an adverse impact on the amenity of the area; and
- (3) Would have an adverse impact on road safety in the area.

P106. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 September 2009 (Paragraph P84 refers), Committee gave further consideration to Report (circulated) dated 15 September 2009 by the Director of Development Services and an additional Report (circulated) dated 27 October 2009 by the said Director 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 GRANT planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Before the development commences, exact details of the colour and specification of all proposed external finishes 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, details of the location, height, colour and construction of all proposed fences, walls 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.
- (4) Before the development commences, details of the plant sizes and numbers, density in respect of the proposed beech hedge, shall be submitted to and approved in writing by the Planning Authority.
- (5) The hedge shall be planted in accordance with the approved details by the end of the first planting season following the completion of the first dwellinghouse. Any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.
- (6) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouses are occupied, 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 certificates shall be submitted to and approved in writing by the Planning Authority.
- (7) Before the development commences, exact details of the window specification for the proposed dwellinghouses 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.

- (8) Before the development commences, details of the proposed surface water drainage arrangements 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.
- (9) The new driveways shall meet the public road at right angles and be constructed at a gradient not exceeding 1 in 10 and in a manner to ensure that no surface water or loose material is discharged onto the public road.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To safeguard the visual amenity of the area.
- (6) To ensure the ground is suitable for the proposed development.
- (7) To ensure the occupants of the property are safeguarded against excessive noise intrusion.
- (8) To ensure that adequate drainage is provided.
- (9) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refers bear our reference numbers 01B, 02, 03, 04, 05, 06, 07, 08, 09A, 10A, 11, 12A, 13A, 14, 15A, 16A, 17 and 18A.
- (2) The requirement to provide a 2 metre wide footway, footway crossings and a visitor parking bay will require either a Minor Roadwork's Consent, issued by Road Services, Earls Road, Grangemouth, or Road Construction Consent.
- (3) There are existing bus stops on Glenview Avenue, immediately opposite the proposed development site, which could require to be relocated, at the expense of the developer.
- (4) Surface water drainage from the development is required to comply with General Binding Rules 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). In order to comply with CAR, SEPA recommends the use of sustainable urban drainage systems.
- (5) The Environmental Protection Unit has advised that the window specification should be confirmed as being 4-6-4, with a preference for a more soundproof double glazing unit being installed.
- (6) Noisy works audible at the site boundary should be conducted between the following hours only:

Monday to Friday	0800 - 1800
Saturday	0900 - 1700
Sunday / Bank Holidays	1000 – 1600

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior written approval of the Environmental Health Manager.

P107. ERECTION OF 6 FLATTED DWELLINGS, 2 DWELLINGHOUSES AND ASSOCIATED WORKS AT LORRAINE COTTAGE, SOUTHCRAIGS ROAD, RUMFORD FK2 0SR FOR JCS BUILDERS LIMITED – P/09/0215/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 September 2009 (Paragraph P87 refers), Committee gave further consideration to Report (circulated) dated 15 September 2009 by the Director of Development Services and an additional Report (circulated) dated 27 October 2009 by the said Director advising that an appeal had been lodged against 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.

AGREED:-

- (1) That that the appeal against non-determination and deemed refusal of this application is not challenged by Falkirk Council; and
- (2) To include in the letter to the Reporter the Committee's concerns regarding the removal of established trees on the site and the development's overshadowing of neighbouring properties.

P108. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 September 2009 (Paragraph P88 refers), Committee gave further consideration to Report (circulated) dated 15 September 2009 by the Director of Development Services and an additional Report (circulated) dated 27 October 2009 by the said Director 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 **REFUSE** planning permission on the basis that the application was detrimental to the amenity of the local area and to the interests of road safety.

P109. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 September 2009 (Paragraph P90 refers), Committee gave further consideration to Report (circulated) dated 15 September 2009 by the Director of Development Services and an additional

Report (circulated) dated 27 October 2009 by the said Director 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 that Committee is **MINDED** to **GRANT** planning permission, subject to:-

- (a) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act which retains the bistro, manager's house and three holiday let units as a single planning unit, retaining the individual uses and ensuring that no piecemeal sale or change of use takes place, and
- (b) Securing such measures as to ensure the satisfactory upgrade and maintenance of the pedestrian pathway via the application site and Almond Road/Bridge No. 50.
- (c) On conclusion of the foregoing matters, to remit to the Director of Development Services to grant planning permission subject to the following conditions:-
 - (1) The development to which the permission relates must be begun within three years of the date of the 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.
 - (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) No development shall take place until fencing has been erected in a manner and position to be agreed with the Planning Authority at the canal bank to prevent spillage of materials and no development shall take place within the fenced area until the prior written approval of the Planning Authority has been given.
 - (4) Within 6 months of the date of this permission, 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.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no further development shall take place on the site without prior planning permission having been granted by the Planning Authority.
- (6) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- (7) Provision shall be made for the parking of bicycles in appropriate racks to the satisfaction of the Planning Authority. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. Thereafter the facilities approved will be provided before the use of the premises commences.
- (8) Prior to any works on site, a strategy for illumination of the buildings, car park and pathways shall be submitted to and approved in writing by the Planning Authority.
- (9) The bistro shall only be open to the public between the hours of 08.00 hours and 22.00 hours.
- (10) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority to address flood and drainage design issues as identified in the letter dated 31 August, 2009 from Halcrow Group Limited (ref WBFCFD/110 author J Tricker).
- (11) Vehicular access to the site shall be by means of a bellmouth access, designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area", formed and completed prior to the operation of the Bistro or occupation of the residential elements.
- (12) Prior to the occupation of the development, a visibility splay measuring 2.5m x 215m in a westerly direction shall be provided in perpetuity from the vehicular access. There shall be no obstruction to visibility greater than 600mm above carriageway level within this splay.
- (13) Prior to the occupation of the development, a visibility splay measuring 2.5m x 70m in an easterly direction shall be provided in perpetuity, to the extent practicable with the site boundary. There shall be no obstruction to visibility greater than 600mm above carriageway level within this splay.
- (14) The vehicular access shall be constructed such that no loose material or surface water is discharged onto the public road.
- (15) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to odour and noise control to the Bistro. Such information shall include a detail specification of the cooking odour extraction system, including its proposed location on the external facade of the property, and; measures employed to control noise emissions from any extraction or ventilation systems. Such measures as approved shall be implemented and completed prior to the opening of the Bistro.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard the environmental amenity of the area.
- (4,8) To safeguard the visual amenity of the area.
- (5) To ensure that the Planning Authority can control the future use of the premises.
- (6) To ensure that adequate car parking is provided.
- (7,15) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (9) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (10) The development would not be acceptable without these additional works.
- (11-14) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear Development Services' reference numbers.
- (2) It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; offenders may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.
- (3) All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (4) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of this application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (5) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (6) Prior to any works on site, the applicant should seek confirmation that Scheduled Ancient Monument Consent need not be required from Historic Scotland.

NOTED that consideration would be given by the Roads Authority to the need for appropriate signage to address any road safety issues.

P110. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 23 September 2009 (Paragraph P91 refers), Committee gave further consideration to Report (circulated) dated 15 September 2009 by the Director of Development Services and an additional Report (circulated) dated 27 October 2009 by the said Director 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.

Councillor Carleschi, seconded by Councillor Oliver, moved that the application be refused on the grounds that it would result in a loss of amenity in the area and would have an adverse impact on road safety.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Mahoney, moved that the application be granted in accordance with the recommendations detailed in the Report.

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

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

- (1) The permission shall be valid for a limited period until 30 November 2010 or one calendar year from the date of the decision, whichever is the later, and by that time the use shall cease and the buildings and fencing shall be removed from the site.
- (2) Unless otherwise agreed in writing by the Planning Authority, within one calendar month of the date of the permission, the access from Moss Road shall be upgraded to 6 metres in width for a minimum distance of 15 metres back from the channel line at Moss Road.
- (3) Unless otherwise agreed in writing by the Planning Authority, within one calendar month of the date of the permission, the access road shall be formed so that it meets Moss Road at right angles and shall be constructed in a manner that ensures surface water run-off does not discharge, or loose material be carried out onto the public road.
- (4) Unless otherwise agreed in writing by the Planning Authority within 1 calendar month of the date of the permission visibility splays (within which there shall be no obstruction to visibility above carriageway level), to achieve as close to a minimum standard of 2.4 metres x 210 metres in both directions from the access to Moss Road shall be provided.

Reason(s):-

- (1) To ensure that the Planning Authority can control the future use of the premises.
- (2, 4) To safeguard the interests of the users of the highway.

Councillors Carleschi, Oliver and McLuckie left and re-entered the meeting during consideration of the following item of business and took no part in the decision.

P111. PROPOSED REPAIRS TO TERRACE OF SHOPFRONTS INCLUDING REPLACEMENT OF TWO SHOPFRONTS, REMOVAL OF PAINT FROM STONE AND RE-PAINTING OF SHOPFRONTS AT 95-107 NORTH STREET, BO'NESS FOR FALKIRK COUNCIL – P/09/0605/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission for work to be carried out to properties at 95-107 North Street, Bo'ness comprising:-

- the redecoration of a shopfront, the repair of a door and a terrazzo door step, new timber and a canvas canopy at the commercial property known as 'Baby Box' at 95 North Street;
- the replacement of a shopfront, including a stone riser, a hard wood frame, toughened glass and a terrazzo step at the commercial property known as 'Stavs' at 99 North Street;
- the redecoration of a shopfront and the repair of decorative 'Buttercup Dairy' tiles to the doorway and the removal of a canopy box at the Opticians at 101 North Street;
- the redecoration of the shopfront at the commercial property known as 'Dimensions' at 105 North Street;
- the replacement of a shopfront, including a stone riser, a hard wood frame, toughened glass and a new terrazzo step at the commercial property known as 'Indulgence' at 107 North Street; and
- the replacement of 3 doors, door entry systems, mortar repairs and repainting to the upper residential flatted properties at the location.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Development shall not commence on site until samples of the paint to be used on the stonework and shopfronts of the development have been submitted for the consideration of the Planning Authority and no work shall begin until written approval has been given.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In order that the works do not detract from the appearance of the building and Outstanding Conservation Area.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear Development Services' reference 01 and 02.

P112. DISPLAY OF NON-ILLUMINATED ADVERTISEMENTS AT 95–107 NORTH STREET, BO’NESS FOR FALKIRK COUNCIL – P/09/0606/ADV

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for advertisement consent for the display of non-illuminated advertisements in 4 shops at 95-107 North Street, Bo’ness.

AGREED to GRANT advertisement consent subject to the following conditions:-

- (1) Development shall not commence on site until samples of the paint to be used on the signage have been submitted for the consideration of the Planning Authority and no work shall begin until written approval has been given.

Reason(s):-

- (1) In order that the works do not detract from the appearance of the building and Outstanding Conservation Area.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear Development Services’ reference 01 and 02.

Councillor McNeill left the meeting prior to consideration of the foregoing item of business and re-joined it prior to consideration of the following item of business.

P113. EXTENSION TO EXISTING NURSERY SCHOOL AT INCHYRA NURSERY SCHOOL, TINTO DRIVE, GRANGEMOUTH FK3 0DZ FOR FALKIRK COUNCIL – P/09/0541/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission for a single storey extension with a partly flat and partly pitched roof to the existing nursery school at Inchyra Nursery School, Tinto Drive, Grangemouth, to be erected on ground which currently consists of car parking and grassed amenity areas.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to the commencement of any work on site, a contaminated land assessment shall be approved in writing by the Planning Authority. The contaminated land assessment shall determine the nature and extent of any contamination of 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. Where contamination (as defined by Part 11a of the Environmental Protection Act 1990) is identified, the assessment shall include a detailed remediation strategy which shall demonstrate how the site can be made suitable for its intended use by the removal of risks caused by the contamination, including timescales.

- (3) In circumstances where a contaminated land assessment approved in writing by the Planning Authority identified contamination (as defined by Part 11a of the Environmental Protection Act 1990) and a detailed remediation strategy has subsequently been approved in writing by the Planning Authority, no part of the development shall be occupied until such times as a contamination remediation report has been approved in writing by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the environmental amenity of the area.

P114. 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 LIMITED – P/08/0995/FUL

With reference to Minutes of Meetings of the Planning Committee held on 25 February, 25 March and 22 April 2009 (Paragraphs P21, P37 and P11 refer), Committee gave consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services to which were attached, as appendices, copies of the Reports to the aforementioned Committees by the said Director and correspondence with the International Commission on Non-ionizing Radiation Protection and the Scottish Government, on an application for detailed planning permission for the installation of three additional 3G antennas at roof height onto an existing telephone exchange building together with an equipment cabinet, an extended compound and ancillary development at Borrowstoun Crescent, Bo'ness.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) In the event that any of the equipment hereby approved, or installed subsequently, becomes obsolete or redundant it shall be removed not later than 6 months from the point that it becomes obsolete or redundant

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To minimise the impact on visual amenity.

Informative(s):-

- (1) Should any made ground or suspect material be encountered during any site works, the Planning Applicant shall inform the Planning Authority immediately, as there will be a requirement for the Planning Applicant to undertake an appropriate environmental risk assessment in relation to contaminated land

issues. The environmental risk assessment should be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:-

- (1) The nature, extent and type(s) of contamination within the site.
- (2) Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.
- (3) Measures to deal with contamination during construction works.
- (4) Condition of the site on completion of decontamination measures.
- (5) Details of monitoring programme following site redemption.

P115. 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 LIMITED – P/09/0005/FUL

With reference to Minutes of Meetings of the Planning Committee held on 25 February, 25 March and 22 April 2009 (Paragraphs P21, P37 and P12 refer), Committee gave consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services to which were attached, as appendices, copies of the Reports to the aforementioned Committees by the said Director and correspondence within the International Commission on Non-ionizing Radiation Protection and the Scottish Government, on an application for detailed planning permission for the erection of a 17.2 metre high monopole style telecommunications mast with 3 antennas and 2 transmission dishes located at the far north western corner of Bo'mains Industrial Estate, said development to be enclosed by 1.8 meter high palisade fencing, to match the existing boundary fencing of the Industrial Estate.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) In the event that any of the equipment hereby approved, or installed subsequently, becomes obsolete or redundant it shall be removed not later than 6 months from the point that it becomes obsolete or redundant

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To minimise the impact on visual amenity.

Informative(s):-

- (1) Should any made ground or suspect material be encountered during any site works, the Planning Applicant shall inform the Planning Authority immediately, as there will be a requirement for the Planning Applicant to undertake an appropriate environmental risk assessment in relation to contaminated land issues. The environmental risk assessment should be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:-

- (1) The nature, extent and type (s) of contamination within the site.
- (2) Measures to treat/remove contamination to ensure the site is fit for the proposed end-use.
- (3) Measures to deal with contamination during construction works.
- (4) Condition of the site on completion of decontamination measures.
- (5) Details of monitoring programme following site redemption.

P116. USE OF LAND FOR OUTDOOR SPORTS (AIRSOFT) AND ERECTION OF ANCILLARY SHELTERS AND FORMATION OF CAR PARK ON LAND TO THE SOUTH OF GREENRIGG FARM, FALKIRK FOR PLAYERS OF WAR AIRSOFT – P/09/0373/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission to increase the frequency of use of the application site for war gaming to a maximum of once a week and a minimum of twice a month, and for the erection of ancillary shelters and the formation of a car park on land to the south of Greenrigg Farm, Falkirk.

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

P117. ERECTION OF 5 NO. DWELLINGHOUSES ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD FOR ROY MITCHELL DESIGN LIMITED – P/09/0525/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 5 one and a half storey dwellinghouses of traditional design character with access via three new vehicular accesses from Glen Road on land to the south east of Byways, Glen Road, Torwood.

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

- (1) The application is contrary to the Development Plan and there are no material considerations such as countryside use that would justify a departure from the Development Plan; and
- (2) There is no recognized emerging housing need locally that would justify a departure from the Development Plan.

P118. INSTALLATION OF REPLACEMENT WINDOWS (RETROSPECTIVE) AT MARKET HOUSE, 84 NORTH STREET, BO'NESS EH51 9NF FOR CIVIL AND STRUCTURAL PARTNERSHIP – P/09/0395/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission for the installation of replacement timber sash and case windows with UPVC windows (retrospective) at Market House, 84 North Street, Bo'ness, which building, albeit unlisted is situated within the Bo'ness Town Centre Outstanding Conservation area.

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

Councillor Martin entered the meeting during consideration of the foregoing item of business but took no part in consideration thereof.

P119. ERECTION OF BLOCK OF 5 NO. INDUSTRIAL UNITS (CLASS 5) ON LAND TO THE NORTH OF 2 CENTRAL BOULEVARD, LARBERT FOR FALKIRK COUNCIL – P/09/0390/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission to erect a single storey building containing 5 industrial units (class 5) on land to the north of 2 Central Boulevard, Larbert.

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

- (1) The development to which the permission relates must be begun within three years of the date of the 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.

- (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) No development shall take place until details of the materials to be used on the external surfaces of the dwellings, 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.
- (4) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration.
 - (ii) location of new trees, shrubs, hedges and grassed areas.
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density.
 - (iv) programme for completion and subsequent maintenance.
- (5) Any access gates shall only open inwards.
- (6) Before any work is commenced on the site a notice stating “PRESERVED” shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
- (7) Before any work is commenced on the site a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off area.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3-4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.
- (6-7) To ensure that the existing trees are retained and protected during construction work.

P120. ERECTION OF 4 NO. FLATTED DWELLINGS AND RE-ROOFING/RE-CLADDING OF HIGH RISE BLOCK AT 11 – 146 EASTBURN TOWER, EASTBURN DRIVE, FALKIRK FK1 1TU FOR FALKIRK COUNCIL – P/09/0430/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission to create four further flatted dwellings within the existing high rise block known as Eastburn Tower, to refurbish the exterior of the building, to re-roof it and to form additional parking at 11-146 Eastburn Tower, Eastburn Drive, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to commencement of development, details of the proposed area for the storage of construction materials and equipment which shall be located to avoid any damage to the Antonine Wall World Heritage Site shall be submitted to and approved by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the Antonine Wall World Heritage Site.

Informative(s):-

- (1) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

P121. CHANGE OF USE FROM DWELLINGHOUSE TO TEENAGE CHILDREN'S CARE HOME AT 11 DUKE STREET, DENNY FK6 6NR FOR FTS CARE LIMITED – P/09/0468/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission for the change of use of a dwellinghouse to a teenage children's care home catering for up to four children, at 11 Duke Street, Denny.

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

P122. ERECTION OF DWELLINGHOUSE AT DYKEHEAD FARM, AVONBRIDGE, FALKIRK FK1 2JW FOR MR AND MRS WILLIAMSON – P/09/0139/OUT

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for outline planning permission for the erection of a dwellinghouse to be used as full time accommodation for the manager of the existing riding school and ancillary accommodation for persons who wish to stable horses overnight while travelling to country wide equestrian events, at Dykehead Farm, Avonbridge, Falkirk.

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

P123. ERECTION OF 10 NO. FLATS AND DEMOLITION OF EXISTING BUILDING AT 1 GARTCOWS ROAD, FALKIRK FK1 5QU FOR MARGARET MACAULEY – P/09/0384/FUL

There was submitted Report (circulated) dated 27 October 2009 by the Director of Development Services on an application for detailed planning permission for the demolition of the existing detached cottage at 1 Gartcows Road, Falkirk and the erection of ten flatted dwellinghouses to a maximum height of three and a half storeys.

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