

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 DECEMBER 2009 at 9.30 A.M.**

**PRESENT:** Councillors Buchanan, Carleschi, Constable, Lemetti, A MacDonald, McLuckie, Mahoney, Nicol and Oliver.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors McNeill and C Martin.

**ATTENDING:** Acting Director of Law and Administration; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Transport Planning Officer (K Short); Roads Development Officer (B Raeburn); Senior Forward Planning Officer (R Teed); Team Leader, Legal Services (D Blyth); and Committee Officer (A Sobieraj).

**DECLARATION OF INTEREST:** Councillor MacDonald declared a non-financial interest in agenda item 12 (minute P141 relating to application P/09/0354/FUL) as an objector to an application for the grant of a new House in Multiple Occupation Licence at this location. Councillor MacDonald took no part in the consideration of this item of business.

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

- 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/09/0395/FUL and P/09/0139/OUT (minute P133 and P134) but that he would take part in consideration of planning applications P/09/0373/FUL, P/09/0468/FUL, P/09/0384/FUL and P/09/0128/FUL (minute P131, P132, P135 and P137) as he was sufficiently familiar with the sites.
- Councillor Constable informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0139/OUT and P/09/0128/FUL (minute P134 and P137) but that he would take part in consideration of planning applications P/09/0384/FUL and P/08/0804/FUL (minute P135 and P136) as he was sufficiently familiar with the sites.
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0139/OUT, P/08/0804/FUL and P/09/0128/FUL (minute P134, P136 and P137) but that he would take part in consideration of planning applications P/09/0373/FUL, P/09/0468/FUL, P/09/0395/FUL and P/09/0384/FUL (minute P131, P132, P133 and P135) as he was sufficiently familiar with the sites.
- Councillor Lemetti informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P136 and P137).

- Councillor MacDonald informed the Committee that he had not attended the site visits but that he would take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P136 and P137) 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/09/0468/FUL, P/09/0395/FUL and P/09/0139/OUT (minute P132, P133 and P134) but that he would take part in consideration of planning applications P/09/0373/FUL and P/09/0384/FUL (minute P131 and P135) as he was sufficiently familiar with the sites.
- Councillor McLuckie informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/0804/FUL and P/09/0128/FUL (minute P136 and P137).

## **P129. OPENING REMARKS**

Prior to the commencement of business the Convener informed Members that planning application P/09/0561/FUL (agenda item 13) - Change of Use from a Public Open Space to Private Garden Ground at 5 Rannoch Place, Stenhousemuir, Larbert had been withdrawn by the applicant.

## **P130. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 4 November 2009; and
- (b) Minute of Meeting of the Planning Committee On Site held on 23 November 2009.

## **P131. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P116 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director 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.

Councillor Buchanan, seconded by Councillor Nicol, moved that the application be approved, subject to the following additional conditions:-

- (1) That that area detailed on the map (circulated at meeting) and marked in yellow, is retained as an exclusion zone to allow users of the Core Path to enjoy the area safely and that the area marked in pink and orange can be used to relocate the site; and
- (2) That a three-month period be given for the relocation of the activity and that a report detailing completion of the relocation be submitted to the Committee within six months.

Following discussion, and in accordance with Standing Order 19.8, and with the unanimous consent of the meeting, Councillors Buchanan and Nicol agreed to withdraw their motion.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to allow discussions to take place with the applicant on what had been proposed in the motion.

**P132. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P121 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director 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. The Convener notified Committee of an email he had received from one of the local members, Councillor Waddell, and read the content of the email in full.

**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) The four car parking spaces and the turning area indicated on approved plan 02A shall be provided for the lifetime of the development and the turning area shall be maintained, at all times, free of obstruction.
- (3) Notwithstanding the provisions of Class 8 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, no other use within this class shall be undertaken without the express prior consent of the Planning Authority.

Reason(s):-

- (1) To accord with the provision of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of the users of the public highway.
- (3) In order to retain proper control over the use of the property.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the reference numbers 01, 02A, 03, 04, 05 and 06.
- (2) Should any made ground or suspect material be encountered during any site works, the applicant should inform the Planning Authority as there will be a requirement to undertake an appropriate environmental risk assessment in relation to contaminated land issues. An environmental risk assessment would require to be undertaken in accordance with current legislation and guidance and would be subject to review and approval by the Planning Authority.
- (3) Registration of the Care Home with the Care Commission will be required.
- (4) The Council's Social Work Service should be contacted regarding the establishment of a future relationship with the Service.

**P133. INSTALLATION OF REPLACEMENT WINDOWS (RETROSPECTIVE) AT MARKET HOUSE, 84 NORTH STREET, BO'NESS EH51 9NF FOR CIVIL AND STRUCTURAL PARTNERSHIP - P/09/0395/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P118 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director 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 **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

**P134. ERECTION OF DWELLINGHOUSE AT DYKEHEAD FARM, AVONBRIDGE, FALKIRK FK1 2JW FOR MR AND MRS WILLIAMSON - P/09/0139/OUT (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P122 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director 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 **GRANT** planning permission, subject to appropriate conditions, and to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, restricting the occupation of the house, both matters to be determined to the satisfaction of the Director of Development Services.

**P135. ERECTION OF 10 NO. FLATS AND DEMOLITION OF EXISTING BUILDING AT 1 GARTCOWS ROAD, FALKIRK FK1 5QU FOR MARGARET MACAULEY - P/09/0384/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 4 November 2009 (Paragraph P123 refers), Committee gave further consideration to Report (circulated) dated 27 October 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director 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 dwellings to a maximum height of three and a half storeys.

**AGREED** to **REFUSE** planning permission on the basis that:-

- (1) the proposed development would have an adverse impact on road safety; and
- (2) the height of the development would detract from the visual amenity of the area.

Councillors Lemetti and McLuckie left the meeting prior to consideration of the following item of business and Councillor Carleschi left the meeting during consideration of the item.

**P136. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE), ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AND FORMATION OF NEW VEHICULAR ACCESS AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P44 refers), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use, in retrospect, of former agricultural land and buildings to a stables, livery and riding school, siting of a temporary staff office and toilet accommodation and for the erection of temporary manager's living accommodation at Riverside Farm, Denny.

The initial proposals now incorporated the formation of a new vehicular access to the Farm.

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

**P137. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA (RETROSPECTIVE) AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR AND MRS RAE - P/09/0128/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 17 June 2009 (Paragraph P45 refers), Committee gave further consideration to Report (circulated) dated 10 June 2009 by the Director of Development Services and an additional Report (circulated) dated 25 November 2009 by the said Director on an application for detailed planning permission for the change of use, in retrospect, of agricultural land to form a floodlit outdoor schooling arena at Riverside Farm, Denny.

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

Councillors Carleschi and Lemetti re-entered the meeting following consideration of the foregoing item of business.

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

**P138. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE EAST OF AGRICULTURAL HOLDINGS NO 9, KILSYTH ROAD, HAGGS FOR MR DUNCAN - P/09/0522/OUT**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for outline planning permission for the development of land to the east of agricultural holdings at 9 Kilsyth Road, Haggs, located between the settlements of Haggs and Longcroft, for residential purposes.

Councillor Oliver, seconded by Councillor MacDonald, moved that the application be refused on the grounds that it was contrary to the Local, Development and Rural Plans and, in particular, that it was contrary to Policy BON 5 in not securing a visual separation between settlements and to Policy RURAL 1 in not establishing the necessity for a development of this nature in this location.

By way of an Amendment, Councillor Buchanan, seconded by Councillor Mahoney, moved that the application be granted as detailed in the Report.

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

Accordingly, **AGREED** to **REFUSE** planning permission on the basis that the application was contrary to the Local, Development and Rural Plans and, in particular, that it was contrary to Policy BON 5 in not securing a visual separation between settlements and to Policy RURAL 1 in not establishing the necessity for a development of this nature in this location.

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

**P139. ERECTION OF 9 SHOP UNITS AND ANCILLARY CAR PARKING ON LAND SOUTH WEST OF 2 BRIDGE STREET, BONNYBRIDGE FOR MANOR FOREST LIMITED - P/08/0828/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for the erection of 9 single storey retail units with ancillary internal car parking to the rear of the former Cooperative building, adjoining Bridge Street to the east and an unnamed tributary of the Bonny Water to the south, being on land south west of 2 Bridge Street, Bonnybridge.

**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, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (3) Before the development commences, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include, as appropriate:-
  - (i) existing and finished ground levels in relation to a fixed identified datum, preferably ordnance;
  - (ii) an indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
  - (iii) the location of new trees, shrubs, hedges and grassed areas;
  - (iv) a schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - (v) the location, height, colour and specification of all proposed walls, fences gates and any other means of enclosure;
  - (vi) existing and proposed services such as cables, pipe lines, sub-stations etc;
  - (vii) the location and specification of all hardsurface finishes;
  - (viii) other artefacts and structures such as street furniture i.e. seats, bins and external lighting; and
  - (ix) a programme for completion and subsequent maintenance.

Thereafter the development shall be completed in accordance with the approved details.

- (4) All approved soft landscaping works shall be completed in accordance with the approved details by the end of the first planting and seeding season following occupation of the first unit.
- (5) A 4.5 metre x 70 metres visibility splay shall be provided to the north and south of the proposed vehicular access, within which there shall be no restriction to visibility above carriageway level.
- (6) A 2 metre wide footway, constructed in accordance with Falkirk Council's Design Guidelines, shall be provided along the frontage of the site to Bridge Street before the first unit is occupied.

- (7) Three cycle spaces shall be provided on the site before the first unit is occupied, in accordance with a location and specification approved in writing by the Planning Authority.
- (8) The proposed pedestrian link for High Street shall (a) be completed before the occupation of the first unit; (b) accord with a specification approved in writing by the Planning Authority; and (c) provide unobstructed access at all times for the lifetime of the development.
- (9) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is 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 reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
- (10) Before the development commences, a Travel Plan shall be submitted to and 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.
- (2-4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.
- (6-8, 10) To ensure that adequate provision is made to promote sustainable modes of transport e.g. walking and cycling.
- (9) To ensure the ground is suitable for the proposed development.

Informative(s):-

- (1) The proposed vehicular access (via a footway crossing) will require a Minor Roadworks Consent, issued and approved by Road Services, Earls Road, Grangemouth.
- (2) The developer will be required to ensure that noisy work which is audible at the site boundary is conducted within the following hours:-

|                  |                   |
|------------------|-------------------|
| Monday to Friday | 0800 – 1800 Hours |
| Saturday         | 0900 – 1700 Hours |
| Sunday           | 1000 – 1600 Hours |

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

- (1) The disposal of surface water from the site is required to comply with General Binding Rules (GBRs) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The GBR's specify that



Sustainable Urban Drainage Systems (SUDs) will be required at the majority of sites, to dispose of surface water.

- (2) There may be waste management licensing implications arising from the importation of waste material such as soil for landscaping or any other purposes. SEPA as the licensing authority should be contacted.

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

**P140. ERECTION OF COMMUNITY SPORTS HALL AT BANKIER PRIMARY SCHOOL, BANKIER ROAD, BANKNOCK, BONNYBRIDGE FK4 1TF FOR FALKIRK COUNCIL - P/09/0706/FUL**

There was submitted Report (circulated) dated 30 November 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a multi use sports hall for community use, incorporating 3 indoor sports pitches and changing rooms, external finishes (including masonry stone, render and metal cladding), vehicular access and car parking at Bankier Primary School, Bankier Road, Banknock, Bonnybridge.

**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; 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) Prior to the commencement of work on site, full drainage layouts and calculations shall be submitted to and approved in writing by the Planning Authority.

- (4) 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 hard standings/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.
- (3) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include, as appropriate:-
  - (i) existing and finished ground levels in relation to a fixed datum preferably ordnance;
  - (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored;
  - (iii) location and design, including materials, of walls, fences and gates;
  - (iv) soft and hard landscaping works;
  - (v) existing and proposed services such as cables, pipelines, sub-stations; and
  - (vi) other artefacts and structures such as street furniture, play equipment programme for completion and subsequent maintenance.
- (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 areas.

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 ensure that adequate drainage is provided.
- (4-5) To safeguard the visual amenity of the area.
- (6-7) To ensure that the existing trees are retained and protected during construction work.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the reference numbers 01, 02, 03A - 015A inclusive, 16 and 17.

In accordance with his declaration of interest, Councillor MacDonald left the meeting prior to consideration of the following item of business.

**P141. TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH FK3 8HY FOR MR DHILLON - P/09/0354/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a two-storey extension at first floor level and alterations to the existing 48 bedroom hotel to provide 20 additional bedrooms, lounge and kitchen areas at 35 Kerse Road, Grangemouth.

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

Councillor MacDonald re-entered the meeting following consideration of the foregoing item of business.

**P142. MIXED USE DEVELOPMENT COMPRISING CHANGE OF USE OF SHOP/STORE TO HOT FOOD TAKEAWAY, AND EXTENSION TO REAR OVER TWO FLOORS TO PROVIDE TWO MAISONETTE FLATS AT 234 GRAHAMS ROAD, FALKIRK FK2 7BH FOR MR J AKTHAR - P/09/0214/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a mixed-use development comprising a change of use of a shop/store to a hot food takeaway, and an extension to the rear, over two floors, to provide two maisonette flats at 234 Grahams Road, Falkirk.

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

**P143. FORMATION OF MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL AND LEISURE/COMMERCIAL USES, REINSTATEMENT OF HARBOUR TO CREATE MARINA AND ASSOCIATED ROADS AND INFRASTRUCTURE ON LAND AT BO'NESS HARBOUR, UNION STREET, BO'NESS FOR ING RED UK (BO'NESS) LIMITED - 05/0571/OUT**

and

**FORMATION OF MIXED USE DEVELOPMENT INCLUDING 123 APARTMENTS, 75 TOWNHOUSES, 90 BEDROOM HOTEL, YACHT CLUB, RESTAURANTS/BARS, RETAIL, REINSTATEMENT OF HARBOUR TO CREATE MARINA AND ASSOCIATED ROADS AND INFRASTRUCTURE ON LAND AT BO'NESS HARBOUR, UNION STREET, BO'NESS FOR ING RED UK (BO'NESS) LIMITED - 05/0573/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services, and attached as appendices Reports by the said Director, and extract Minute of the meeting of the Regulatory Committee held on 19 April 2007 (Paragraphs R38 and R39 refer) on an application for detailed planning permission for (a) the formation of a mixed use development including residential and leisure/commercial uses, the reinstatement of a harbour to create a marina and associated

roads and infrastructure; and (b) the formation of a mixed use development including 123 apartments, 75 townhouses, a 90 bedroom hotel, a yacht club, restaurants/bars, retail, the reinstatement of a harbour to create a marina and associated roads and infrastructure, all relating to land at Bo'ness Harbour, Union Street, Bo'ness.

The applicant having intimated a change in development strategy for the site, an amendment to the terms of the Section 75 agreement previously agreed was sought.

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

**P144. EXTENSION TO HOT FOOD TAKEAWAY AT THE WILLOW, GLEBE STREET, DENNY FK6 6AA FOR MRS S M LI – P/09/0356/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for an extension to the front and rear of the existing property, operating as a hot food takeaway, and the replacement of the flat roof with a pitched roof at the Willow, Glebe Street, Denny.

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

**P145. EXTENSION TO DWELLINGHOUSE (CONSERVATORY TO REAR) AT 8 COLONSAY AVENUE, POLMONT, FALKIRK FK2 0UZ FOR MRS DUNNING - P/09/0687/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for a single storey extension by way of a conservatory to the rear of the existing extension operating as a dining room on the one and a half storey dwellinghouse at 8 Colonsay Avenue, Polmont, Falkirk.

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

**P146. EXTENSION OF EXISTING UNDERGROUND HOT WATER MAINS AT CALLENDAR HOUSE, CALLENDAR BOULEVARD, FALKIRK FK1 1YR FOR FALKIRK COUNCIL - P/09/0551/FUL**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for detailed planning permission for an extension to the existing underground hot water mains pipe serving Callendar House, an 'A' Listed Building, at Callendar Park, Callendar Boulevard, 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) Written notification of the date of the commencement of site works shall be provided at least 5 working days before initiation. The notification shall be provided to Falkirk Council, Abbotsford House, David's Loan, Falkirk, FK2 7YZ.
- (3) No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant 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 ensure that the development can be monitored in the context of the protected areas of the Antonine Wall and Callendar Park and Callendar House, as a Listed Building.
- (3) To ensure that the archaeological remains are safeguarded.

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.
- (2) The Water Regulation Advisory Scheme (WRAS) guideline should be followed when undertaking water service related groundworks.
- (3) Please note the presence of Scotland Gas Networks low/medium/intermediate gas mains exist in proximity to the site. No mechanical extractions should take place above or within 0.5 metres of the low pressure system, 2 metres of the medium pressure system and 3 metres of the intermediate pressure system. The applicant should where required confirm the position of gas mains using land dug trial holes.

**P147. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FORREST LIMITED - P/09/0457/OUT**

There was submitted Report (circulated) dated 25 November 2009 by the Director of Development Services on an application for outline planning permission for the development of farmland (approximately 1.2 hectares) for residential purposes on land to the north east of Burnside, Vellore Road, Maddiston.

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