

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 APRIL 2010 at 9.30 A.M.**

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

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration; Acting Head of Planning and Transportation; Development Manager; Development Management Coordinator (D Campbell); Roads Development Officer (C Russell); Transport Planning Officer (K Short); Team Leader, Legal Services (D Blyth); and Committee Officer (A Sobieraj).

**DECLARATION**      None  
**OF INTEREST:**

The Convener agreed a 15 minute recess to allow Members to fully consider the Reports by the Director of Development Services contained within the Supplementary Agenda which had only recently been issued to Members following meetings of the Planning Committee On Site held on 15 and 16 April 2010. The meeting reconvened with all Members present as per the sederunt.

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

- 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/09/0849/FUL, P/09/0364/FUL and P/09/0449/FUL (minute P9, P10 and P13) but that he would take part in consideration of planning applications P/09/0743/FUL, P/09/0897/FUL and P/08/1012/OUT (minute P11, P12 and P14) as he was sufficiently familiar with the sites.
- Councillor Carleschi informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL, P/09/0897/FUL and P/09/0449/FUL (minute P9, P10, P11, P12 and P13) as he was sufficiently familiar with the sites.
- Councillor A MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/09/0449/FUL (minute P13) but that he would take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL, P/09/0897/FUL and P/08/1012/OUT (minute P9, P10, P11, P12 and P14) as he was sufficiently familiar with the sites.

- 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/09/0849/FUL, P/09/0743/FUL and P/09/0449/FUL (minute P9, P11 and P13) but that he would take part in consideration of planning applications P/09/0364/FUL, P/09/0897/FUL and P/08/1012/OUT (minute P10, P12 and P14) as he was sufficiently familiar with the sites.
- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL, P/09/0897/FUL and P/09/0449/FUL (minute P9, P10, P11, P12 and P13).
- Councillor McNeill informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/09/0849/FUL, P/09/0364/FUL, P/09/0743/FUL and P/09/0449/FUL (minute P9, P10, P11 and P13) but that he would take part in consideration of planning application P/09/0897/FUL (minute P12) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that, while he had not attended the site visit, he would take part in consideration of planning application P/08/1012/OUT (minute P14) as he was sufficiently familiar with the site.

## **P7. OPENING REMARKS**

Prior to the commencement of business, the Convener invited the Development Manager to provide an update on the West Carron Landfill, Stenhouse Road, Carron.

A further update was provided on the proposal for a joint Working Group and options for monitoring the site. Having been advised of the involvement of SEPA, it was agreed that a representative therefrom would be asked to attend the next meeting of Committee to advise Members about the action they were taking.

## **P8. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 24 March 2010;
- (b) Minute of Meeting of the Planning Committee On Site held on 30 March 2010;
- (c) Minute of Special Meeting of the Planning Committee held on 30 March 2010;
- (d) Minute of Meeting of the Planning Committee On Site held on 15 April 2010, subject to the addition of apologies from Councillor A MacDonald on the sederunt; and
- (e) Minute of Meeting of the Planning Committee On Site held on 16 April 2010, subject to the addition of apologies from Councillor A MacDonald on the sederunt.

**P9. ERECTION OF DWELLINGHOUSE WITH INTEGRATED DOMESTIC GARAGE AT KERSIE BANK, KERSIE TERRACE, SOUTH ALLOA, STIRLING, FK7 7NJ FOR MR GARY PATERSON – P/09/0849/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P199 refers), Committee gave further consideration to Report (circulated) dated 16 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for the erection of a dwellinghouse with an integrated domestic garage at a site currently forming part of the existing Paterson's Garden Buildings site at Kersie Bank, Kersie Terrace, South Alloa.

Councillor C Martin, seconded by Councillor Nicol, moved that the Committee be minded to grant the application subject to a Section 75 Agreement, restricting the use and occupation of the dwellinghouse and to appropriate conditions, on the grounds that the material considerations outlined in the report outweighed the presumption in favour of the Development Plan.

By way of an Amendment, Councillor Carleschi, seconded by Councillor A MacDonald, moved that the application be refused in accordance with the recommendations in the Report.

On a division, 5 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to the satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The purpose of the agreement will be to restrict occupation of the living accommodation to a person employed in the business. Thereafter, on conclusion of the agreement, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions.

**P10. USE OF LAND TO FORM 6 PERMANENT GYPSY/TRAVELLER HOUSEHOLDS AND 2 VISITOR PITCHES WITH FACILITIES FOR ACCESS, PARKING, FENCING, SCREENING AND UTILITY UNITS AT BIRCHWOOD FARM, BONNYBRIDGE FK4 2ET FOR MRS MARY KENNEDY – P/09/0364/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P200 refers), Committee gave further consideration to Report (circulated) dated 16 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission, in retrospect, for the use of land to form 6 permanent gypsy/traveller sites, two visitor pitches with facilities for access, parking, fencing, screening and utility units and extending to 1.39 hectares, lying in open countryside to the south of High Bonnybridge.

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

- (1) The application was contrary to Development Plan Policy RURAL 1 and Policies EQ19 and SC4A in the Finalised Draft Local Plan (Deposit Version); and
- (2) The weight of the material considerations was insufficient to overcome the presumption in favour of the Development Plan.

**P11. ERECTION OF DWELLINGHOUSE AT CAVALIER INN, CROSS BRAE, SHIELDHILL, FALKIRK FK1 2EQ FOR MR MCMILLAN – P/09/0743/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P203 refers), Committee gave further consideration to Report (circulated) dated 16 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for the erection of a one and a half storey dwellinghouse in the yard/garden area at the rear of the Cavalier Inn public house, Cross Brae, Shieldhill, Falkirk.

Councillor McLuckie, seconded by Councillor Nicol, moved that the application be granted on the basis that the changes from the original application had reduced the height of the building, the site would be excavated and reduced by 6 feet, there was precedent in neighbouring developments and there was sufficient light to the neighbouring properties.

By way of an Amendment, Councillor A MacDonald, seconded by Councillor Thomson, moved that the application be refused in accordance with recommendations in the Report.

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

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

**P12. CHANGE OF USE OF SHOP TO CAFÉ, SHOP AND HOT FOOD TAKEAWAY AT 3 PRETORIA PLACE, STATION ROAD, BRIGHTONS FK2 0UF FOR GIANNINO'S RESTAURANT LTD – P/09/0897/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P206 refers), Committee gave further consideration to Report (circulated) dated 17 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for a change of use of an existing vacant shop unit to a café and delicatessen with an element of a hot food takeaway, including the demolition of a previous rear extension and storage area, the formation of a small car parking area and the installation of a ventilation stack on the rear of the property facing south onto this parking area, all located on the ground floor of an existing stone built building two storeys in height at 3 Pretoria Place, Station Road, Brightons, Falkirk and to the south of Polmont railway station.

**AGREED** to **REFUSE** planning permission on the basis that the proposed development would be detrimental to the amenity of local residents, would have an adverse impact on adjoining land uses, had insufficient parking and would result in congestion to the detriment of road safety.

**P13. ERECTION OF DWELLINGHOUSE AT 2 SCOTT AVENUE, POLMONT, FALKIRK, FK2 0PN FOR MR E SOMERVILLE – P/09/0449/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P207 refers), Committee gave further consideration to Report (circulated) dated 17 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for full planning permission for the erection of a two storey detached dwellinghouse located on the southern part of former garden ground at 2 Scott Avenue, Polmont, Falkirk.

**AGREED** to **CONTINUE** consideration of the application to allow dialogue to take place between the applicant and officers from Development Services on the scale of the house and the close proximity of the driveway access to the road bend.

The Convener agreed a 10 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt.

**P14. ALTERATION AND EXTENSION TO HOTEL TO PROVIDE APPROXIMATELY 200 ADDITIONAL BEDROOMS, ERECTION OF SPA AND LEISURE FACILITIES, FORMATION OF NEW ACCESS JUNCTION, CAR PARKING FACILITIES, ASSOCIATED ROADS AND INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME, HARD AND SOFT LANDSCAPING AND WOODLAND PLANTING AT GLENBERVIE HOUSE, LARBERT FK5 4SJ FOR GLENBERVIE HOUSE HOTEL LTD – P/08/1012/OUT (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 March 2010 (Paragraph P208 refers), Committee gave further consideration to Report (circulated) dated 19 March 2010 by the Director of Development Services and an additional Report (circulated) dated 20 April 2010 by the said Director on an application for outline planning permission (now planning permission in principle) for the alteration and extension to a hotel to provide approximately 200 additional bedrooms, the erection of a spa and leisure facilities, the formation of a new access junction, car parking facilities, associated roads and infrastructure, including a sustainable urban drainage scheme, hard and soft landscaping and woodland planting on a site in the countryside close to the M876 to the south and accessed from the A9 by a single track carriageway leading to the existing Glenbervie House Hotel and bounded by Glenbervie Golf Course to the north west and north east. Glenbervie Garden Centre and Nursery bounds part of the south east part of the site and is screened by mature woodland.

Councillor Constable, seconded by Councillor A MacDonald, moved that the application be continued to allow a flood risk assessment be undertaken and for further consideration of the application to take place thereafter.

By way of an Amendment, Councillor C Martin, seconded by Councillor Mahoney, moved that the Committee be minded to grant planning permission in principle in accordance with the recommendation in the Report with the proviso that the application for detailed planning permission come back before the Committee.

On a division, 5 Members voted for the Motion and 7 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle in accordance with the recommendation in the Report subject to the understanding that future applications for full consent for the site would be the subject of reports to Committee for consideration.

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

**P15. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE EAST OF AGRICULTURAL HOLDINGS NO 9, KILSYTH ROAD, HAGGS FOR MR DUNCAN – P/10/0064/PPP**

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the development of land on a site extending to 1.58 hectares, lying between the settlements of Haggs and Longcroft, for residential purposes.

Councillor Buchanan, seconded by Councillor McLuckie, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

By way of an Amendment, Councillor Oliver, seconded by Councillor Carleschi, moved that the application be refused on the grounds that it was contrary to the Development Plan and was detrimental to road safety.

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

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

- (a) the satisfactory completion of an agreement in the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the payment of financial contributions towards:-
  - (i) the upgrade of the A80/M80 slip road junction onto A803 Kilsyth Road, calculated at the rate of £800 per unit; and
  - (ii) the provision and upgrade of educational facilities at Denny High School, calculated at the rate of £1,000 per unit; and

- (b) and thereafter on the conclusion of the foregoing matters, remit to the Director of Development Services to grant detailed planning permission subject to the following conditions:-
- (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements; and
  - (c) details of landscaping of the site.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-
  - (a) the expiration of 3 years from the date of the planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph 2 (a) above.

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (a) the expiration of 5 years from the date of the grant of the planning permission in principle; and
  - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) The construction and layout of all roads and footways shall comply with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (5) The vehicular access to the site shall be from Kilsyth Road, at a location to be approved in writing by the Planning Authority, and constructed as a bellmouth junction, in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.

- (6) Visibility splays of 4.5 metres x 70 metres shall be provided in both directions of the new vehicular access, within which there shall be no obstruction to visibility above carriageway level.
- (7) There shall be no individual driveway access onto Cumbernauld Road unless otherwise agreed in writing by the Planning Authority. Any provision of driveway access onto Cumbernauld Road shall necessitate the provision of a 2 metre wide footway along the entire site frontage to Cumbernauld Road, constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (8) A pedestrian cycleway link shall be provided from the site to Cumbernauld Road, constructed in accordance with the Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (9) The development shall be carried out in accordance with the recommendations of the Outline SUDs and Surface Water Drainage Strategy prepared by Sir Frederick Snow and Partners Limited, dated October 2009. Before the development commences, design calculations and surface water drainage details, which shall include a Flood Risk Assessment for any watercourse receiving the surface water discharge, shall be submitted to and approved in writing by the Planning Authority.
- (10) Before the development commences, a Contaminated Land Assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
- (11) Before the development commences, a scheme for protecting the proposed dwellinghouses from transportation noise, which shall ensure that the internal levels with the windows closed do not exceed 45 dB daytime and 35 dB night time, when measured as LAeqT, and which includes ventilation measures, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed and maintained in accordance with the approved details.
- (12) The existing mature trees along the Cumbernauld Road boundary shall be retained unless otherwise agreed in writing by the Planning Authority.
- (13) The existing stone wall along the Kilsyth Road frontage shall be made good and relocated where it is required to be removed to accommodate the proposed vehicular access and visibility splays.
- (14) A play facility shall be provided on the site, in accordance with details to be approved in writing by the Planning Authority. The details shall include the type and location of play equipment, seating, fences, walls, litter bins and surface treatment of the play area.

Reason(s):-



- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 39 of the Town and Country Planning (Scotland) Act 1997.
- (4,6) To safeguard the interests of the users of the public highway.
- (5,7) To safeguard the interests of the users of the public highway and the visual amenity of the area.
- (8) To provide infrastructure to promote sustainable modes of transport, for example, cycling and walking.
- (9) To ensure the provision of adequate and sustainable drainage.
- (10) To ensure the ground is suitable for the proposed development.
- (11) To ensure the occupants of the properties are safeguarded against excessive noise intrusion.
- (12-13) To safeguard the visual amenity of the area.
- (14) To ensure that adequate play facilities are provided.

Informative(s):-

- (1) A travel pack should be provided for each dwellinghouse, advising of the nearest bus services/stop locations, the nearest cycling and walking routes, safer routes to schools and local facilities, etc.
- (2) A fully completed Development Impact Assessment form will require to be submitted to Scottish Water. Capacity at the water and wastewater treatment works is unable to be reserved in advance of formal agreement with Scottish Water.
- (3) Disposal of surface water from the site is required to comply with General Binding Rules (GBR's) 10 and 11 of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) (as amended).

**P16. ERECTION OF 10 DWELLINGHOUSES, FORMATION OF NEW ACCESS AND ROAD, PROVISION OF OPEN SPACE AND PAVILION, ASSOCIATED INFRASTRUCTURE INCLUDING A SUSTAINABLE URBAN DRAINAGE SCHEME AND LANDSCAPING ON LAND TO THE NORTH OF CASTLEWOOD, GLEN ROAD, TORWOOD FOR MACLAREN PARK DEVELOPMENTS LTD – P/09/0781/PPP**

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the

erection of ten dwellinghouses, the formation of a new access and road, the provision of open space and a pavilion, associated infrastructure including a sustainable urban drainage scheme and landscaping on land, extending to 1.95 hectares, lying towards the north end of the village and consisting of an open field known as MacLaren Park to the north of Castlewood, Glen Road, Torwood.

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

**P17. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT GREYRIGG RESERVOIRS, CALIFORNIA, FALKIRK FOR MR CHRISTOPHER FERRIE – P/09/0790/PPP**

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on a site extending 0.4 hectares, and bounding the road junction between the B8028 and the C53 Boxton Road incorporating a mini roundabout, at Greyrigg Reservoirs, California, Falkirk.

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

**P18. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT SCHOOL HOUSE, WELLPARK TERRACE, BONNYBRIDGE FK4 1LR FOR MR DAVID MANGAN – P/10/0072/PPP**

There was submitted Report (circulated) dated 13 April 2010 by the Director of Development Services on an application for planning permission in principle for the sub division of rear garden ground and the erection of an additional dwellinghouse at School House, Wellpark Terrace, Bonnybridge.

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