

**DRAFT AGENDA ITEM 1(c)**

**FALKIRK COUNCIL**

**MINUTE of SPECIAL MEETING of the PLANNING COMMITTEE held on THURSDAY 21 OCTOBER 2010 at 2.00 p.m.**

**PRESENT:** Councillors Buchanan, Constable, Lemetti, Mahoney, Martin, McLuckie, McNeill, Nicol and Thomson.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors A MacDonald and Oliver.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Transport Planning Co-ordinator; Transport Planning Officer (K Swanson); Flood Prevention Officer; Roads Development Officer (B Raeburn); Legal Services Manager (I Henderson), and Committee Services Officer (S Barton).

**DECLARATIONS OF INTEREST:** None.

**P115. DEVELOPMENT OF LAND FOR MIXED USE PURPOSES (RESIDENTIAL, EQUESTRIAN CENTRE & ASSOCIATED PARKING) AT FORRESTER QUARTER, BONNYBRIDGE, FK4 2HA FOR MR GEORGE LAWRENCE – P/10/0196/PPP**

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P103 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010 by the Director of Development Services on an application for planning permission in principle for the development of land for mixed use purposes (residential, equestrian centre & associated parking) to include 2 semi-detached dwellinghouses adjacent to the existing house and an indoor riding arena, stables and associated parking and 3 detached dwellinghouses on the west side of Dalnair Road at Forrester Quarter, Bonnybridge.

The Convener advised that he had received a letter of objection from the local Member, Councillor Gow, highlighting the concerns of her constituents and in particular the concerns over the increase in road traffic from the proposed development.

The Development Manager advised that a submission had been received from Education Services as a statutory consultee, advising that due to concerns with overcrowding at

Antonine Primary School, Education Services would be seeking a contribution of £2,150 per house.

Councillor McLuckie, seconded by Councillor Nicol moved that Committee be minded to grant planning permission in principle, subject to the satisfactory conclusion of a Section 75 agreement to secure a financial contribution for Education provision and with the inclusion of such conditions as the Director of Development Services deems appropriate, to include conditions relating to and specifically the phasing priority accorded to the equestrian centre element of the development..

By way of an Amendment, Councillor Constable, seconded by Councillor Thomson, moved that the application be refused as per the recommendation in the Report.

On a division, 6 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to the satisfactory conclusion of a Section 75 agreement to secure a financial contribution for Education provision in the sum of £2,150 per dwellinghouse and with the inclusion of such conditions as the Director of Development Services deems appropriate, to include conditions relating to and specifically the phasing priority accorded to the equestrian centre element of the development.

Councillor Constable left the meeting following conclusion of the foregoing item of business.

**P116. ALTERATIONS AT REAR OF PREMISES TO REMOVE EXISTING GARAGE, FORM NEW ACCESS WITH STEPS AND FORM LOADING BAY AT 3 PRETORIA PLACE, STATION ROAD, BRIGHTONS, FALKIRK FOR GIANNI CROLLA – P/10/0558/FUL**

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P99 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for detailed planning permission for alterations at the rear of premises to remove the existing garage and form a new access with steps and loading bay doors to serve the storeroom to an existing shop unit at 3 Pretoria Place, Station Road, Brightons, Falkirk.

**AGREED** to grant planning permission subject to the following condition(s):-

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

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our on line reference number(s) 01-07 inclusive.

- (2) 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.

The Committee **AGREED** to a short adjournment, the meeting adjourned at 2.55 p.m. and reconvened at 3.02 p.m. with all those present as per the sederunt with the exception of Councillor Constable.

**P117. PART CHANGE OF USE FROM AGRICULTURAL LAND TO OPERATE A FORESTRY/TREE SURGEON BUSINESS AND PROCESSING TIMBER AT 8 CAULDCOATS HOLDINGS, LINLITHGOW EH49 7LX FOR MR SANDY CROOK - P/10/0130/FUL**

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph P99 refers), Committee gave further consideration to Report (circulated) dated 15 September 2010, by the Director of Development Services on an application for planning permission for the part change of use from agricultural land (approximately 0.69 hectares in area including access road) to operate a forestry/tree surgeon business in conjunction with associated processing timber at 8 Cauldcoats Holdings on the north side of the A904 Linlithgow to South Queensferry Road.

Having heard the Convener, the Committee **AGREED** to continue consideration of the application to a future meeting to enable a further site visit to be undertaken, in order that Members could hear the chipping machinery in operation.

**P118. MIXED DEVELOPMENT COMPRISING OFFICES, LIGHT INDUSTRIAL UNITS AND GENERAL MANUFACTURING (CLASSES 4,5 & 6) AT LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR KEMFINE UK LTD P/08/0615/OUT**

With reference to Minute of Meeting of the Planning Committee held on 22 September 2010 (Paragraph 109 refers), Committee gave further consideration to Report (circulated) dated 20 September, by the Director of Development Services and an additional Report (circulated) dated 14 October 2010 by the said Director on an application for outline planning permission (now planning permission in principle) for a mixed use development comprising offices, light industrial units and general manufacturing (classes 4, 5 and 6) on a site extending to 18 hectares and located to the south of Forth Clyde Way, east of Glensburgh Road and north east of Earls Road, in close proximity to junctions 5 and 6 of the M9 motorway on land to the north west of Grangemouth Technology Park, Earls Road, Grangemouth.

**AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to the following conditions:-

- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:

- (i) the payment of a financial contribution of £415,000 towards the provision of the transport mitigation scheme at M9 Junction 6 as per the following drawings:
  - (a) Falkirk Council's drawing number A905/IA0151/02A/R relating to the improvement of the M9 trunk road junction at the Earlsgate Interchange (off-slip); and
  - (b) Falkirk Council's drawing number A905/IA0151/03A/R relating to the improvement of the M9 trunk road junction at the Earlsgate Interchange;
- (ii) The submission and approval of a Travel Plan Framework for the site, to include objectives for the overall delivery of more sustainable travel patterns at the outset of the development and the increase over time of the share of trips made by modes of transport other than by car; and the general measures to be taken to secure such objectives.

Thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) This 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 & external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (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 5 years from the date of the grant of 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 5 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this 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 this planning permission in principle; or
  - (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) Prior to the occupation of any of the proposed development a Travel Plan for said part, aimed at promoting sustainable travel modes and reducing the reliance on the private car, shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. In particular, the Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan.
- (5)
  - (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 the 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.
- (6) For the avoidance of doubt, the area of open space in the South West corner of the site - coloured blue on drawing no 6889\_118 (Site Plan) dated 12.06.08 - shall remain clear of development and be retained as open space.
- (7) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (8) Development shall not begin until details of earthworks have been submitted to and approved in writing by the Planning Authority. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Development shall be carried out in accordance with the approved details.

- (9) Prior to any works onsite, further details as to the quantity and location of existing woodland and important trees to be retained (and any additional planting) and connectivity with existing woodland corridors outwith the site, shall be submitted to and approved in writing by the Planning Authority.
- (10) Prior to any works on site, further details of the identification and categorisation of trees - following Bat Conservation Trust guidelines - which are planned for removal or tree surgery, shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include subsequent resurvey, mitigation and working methods where relevant.
- (11) Prior to any works on site, further details of site investigation, construction, operation impact and a proposed mitigation and compensation programme for bat habitats (including timings, lighting and bat box / brick installation) shall be submitted to and approved in writing by the Planning Authority.
- (12) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing by this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the development is brought into use.
- (13) No development shall commence on site until a scheme addressing (a) flood risk in the northern portion of the application site shaded in blue on Figure 3 of the report reference KC233/MS; (b) foul drainage; and (c) surface water drainage has been submitted to and approved by Falkirk Council in consultation with SEPA. This scheme shall include measures to reduce flood risk, including scope to reduce flood risk through diversion of existing drainage discharges.

Reasons:

- (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 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To accord with the requirements of SPP and PAN 75.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To ensure that the Planning Authority can control the future use of the premises.
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (8) To safeguard the interests of the users of the highway.
- (9– 12) To enable the Planning Authority to consider this/these aspect(s) in detail.

- (13) To assess residual flood risk associated with the northern part of the application site and measures to address such flood risk, to determine site drainage requirements to ensure that a satisfactory drainage scheme can be delivered and maintained in perpetuity, and to identify scope for reducing existing flood risk in the area.

Informatives:-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 07
- (2) 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.
- (3) For the avoidance of doubt, this permission does not imply nor infer that any structure will obtain approval from the Health and Safety Executive as the site lies within the consultation zone of a COMAH installation.
- (4) The applicant is advised that significant variation to current drainage arrangements may require authorization under CAR. In this respect, the applicant is advised to consult with SEPA.