

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 3 NOVEMBER 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.

**APOLOGIES:** None.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Co-ordinator (B Raeburn); Network Co-ordinator (R Steedman); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:** Councillors McNeill and Nicol referred to involvement in the project to secure a suitable war memorial in Grangemouth to honour those who had fought in World War II but did not consider that this gave rise to a declarable interest in item 4 (P124) on the agenda, standing the terms of the Code of Conduct.

Councillor McLuckie declared a non-financial interest in agenda item 4 (P124) as a member of Falkirk Environment Trust, the Trust having provided financial support for this project, and advised that he would take no part in consideration or discussion of this item of business.

**P120. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 22 September 2010;
- (b) Minute of Meeting of the Planning Committee On Site held on 21 October 2010;  
and
- (c) Minute of Special Meeting of the Planning Committee held on 21 October 2010.

## **P121. REQUESTS FOR SITE VISITS**

Prior to consideration of the following items of business, and having heard requests by Members for site visits, the Committee agreed to the continuation of the application for a weight restriction at the A905 Beancross Road, Grangemouth and planning applications P/09/0872/FUL, P/10/0141/PPP, P/10/0262/PPP, P/10/0622/FUL, and P/10/0666/FUL (minute P122, P127, P129, P130, P131 and P132) to allow inspections of the sites by Committee.

In accordance with the foregoing decision, **NOTED** that the following item of business had been continued to a future meeting to allow an inspection of the site by Committee:-

## **P122. ROAD TRAFFIC REGULATION ACT 1984: 7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS ROAD, GRANGEMOUTH**

## **P123. ERECTION OF DWELLINGHOUSE (RENEWAL OF PLANNING PERMISSION P/07/0262/OUT) AT GARTHLAND, 49 GRAHAMSDYKE ROAD, BO'NESS EH51 9ED FOR MRS MCCULLOCH - P/10/0305/PPP (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 25 August and 22 September 2010 (Paragraphs P81 and P94 refer), Committee gave further consideration to Reports (circulated) dated 18 August and 15 September 2010 by the Director of Development Services and an additional Report (circulated) dated 26 October 2010 by the said Director on an application for planning permission in principle (for the renewal of formerly outline planning permission P/07/0262/OUT) for the erection of one dwellinghouse at Garthland, 49 Grahamsdyke Road, Bo'ness.

**AGREED** to **GRANT** planning permission in principle, 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 & 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 three years from the date of the grant of planning permission in principle; or
- (b) the expiration of six months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of six 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 three year period mentioned in sub-paragraph (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 five years from the date of the grant of the planning permission in principle; or
  - (b) the expiration of two 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) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) No development shall take place within the site until a scheme of archaeological investigation, including a timetable, has been submitted to and approved in

writing by the Planning Authority. The investigation shall, thereafter, be carried out in accordance with the approved detail.

- (9) Development shall not begin until a scheme for protecting the proposed dwellinghouse from transportation noise has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme have been implemented.
- (10) Excluding any garage facility, off street parking shall be provided at a rate of one space for a one and two bedroom dwelling and two spaces for a dwelling with three or more bedrooms.
- (11) A standard turning area, in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)', shall be formed within the confines of the site.
- (12) Vehicular access shall be taken from Grahamsdyke Road only.
- (13) The driveway shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (14) There shall be no obstruction to visibility over 1 metre in height, 2.5 metres from the edge of the carriageway along the full frontage of the application site.
- (15) Any access gates shall only open inwards.
- (16) Vehicular access to the application site shall be by means of a standard footway crossing, constructed in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997 (as amended January 2000)'.
- (17) The dwellinghouse shall not exceed 2 storeys in height.
- (18) For the avoidance of doubt no permission is given for the indicative layout.

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 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To ensure the ground is suitable for the proposed development.
- (8) To ensure that any archaeological remains are safeguarded.
- (9) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

- (10) To ensure that adequate car parking is provided.
- (11-16) To safeguard the interests of the users of the highway.
- (17) To safeguard the visual amenity of the area.
- (18) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01A.
- (2) The applicant is advised to liaise with Falkirk Council Development Management Unit during the preparation of the submission for approval of matters specified in conditions. For further advice, please contact the case officer, Ms Seidel (01324 504880).

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

**P124. EXTENSION TO MEMORIAL ON LAND TO THE SOUTH OF 211 BO'NESS ROAD, BO'NESS ROAD, GRANGEMOUTH FOR 1333 (GRANGEMOUTH) SQUADRON AIR TRAINING CORPS - P/10/0628/FUL**

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the extension to the existing war memorial by erecting a scale representation of a Spitfire airplane for 1333 (Grangemouth) Squadron Air Training Corps on land to the south of 211 Bo'ness Road, Bo'ness Road, Grangemouth.

**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.

Reason:-

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

Informative(s):-

- (1) For the avoidance of doubt, the plans to which the consent refers bear the reference numbers 01, 02, 03, 04, 05, 06, 07 and 08.
- (2) The applicant is advised to contact Falkirk Council Roads and Design Unit (01324 504733) to discuss directional signage requirements.

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

**P125. ERECTION OF 24 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS ON LAND TO THE SOUTH WEST OF 26 CADZOW AVENUE, CADZOW AVENUE, BO'NESS FOR FALKIRK COUNCIL - P/10/0508/FUL**

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the erection of 24 flatted dwellings, of 6 blocks of 2 storeys and associated roads and parking areas, on land comprising 0.45 hectares to the south west of 26 Cadzow Avenue, Cadzow Avenue, 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)
  - (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) 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".
- (4) Prior to the occupation of dwellinghouses, the cycle parking provision as shown on the approved drawings shall be installed on site.

- (5) Prior to the occupation of dwellinghouses, the car parking provision as shown on the approved drawings shall be completed and brought into use.
- (6) Prior to any works on site, a detailed drainage strategy, including the treatment of surface water run-off by sustainable drainage methods, shall be submitted to and approved in writing by the Planning Authority.
- (7) 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; and
  - (iv) programme for completion and subsequent maintenance.
- (8) Prior to any works on site, a flood risk assessment shall be submitted to and approved in writing by the Planning Authority.
- (9) Prior to the proposed junction with Cadzow Avenue being brought into use, it shall be formed with visibility splays of 2.4m by 30m, which shall thereafter be maintained at all times, in both directions, within which there shall be no obstruction to visibility over 0.6m in height.
- (10) The development shall be implemented in accordance with the approved drawings and any other submitted details which have 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) To safeguard the environmental amenity of the area.
- (3) To safeguard the interests of users of the highway.
- (4) To ensure the provision of bicycle storage.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure that adequate drainage is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To ensure against the risk of flooding.
- (9) In the interests of users of the highway.

- (10) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which the decision refer(s) bear the reference numbers 01, 02, 03A, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.
- (2) The applicant is advised that drainage should be by means of a separate system.
- (3) The applicant is advised to arrange the relocation of a bus shelter at Cadzow Avenue with the Transport Planning Unit.
- (4) A Travel Pack should be provided to occupants of the proposed flats. The Transport Planning Unit of Development Services will advise accordingly.

**P126. ERECTION OF 4 FLATTED DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LTD - P/10/0321/FUL**

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for the erection of four 2 bedroom flatted dwellings on private ground within a 2 storey building on land to the north of 17 Kinacres Grove, Bridgeness Road, Bo'ness.

Councillor Constable, seconded by Councillor A MacDonald, moved that the application be refused on the ground of its close proximity (closer than in the original application at part) to the adjoining mutual boundary and, given the height of the proposed building and the boundary fence, there would still be an issue of overlooking. Although more acceptable, the current application does not address some of the primary issues considered unacceptable previously. Councillor Constable produced information by the Director of Development Services in relation to this. The application was considered to be contrary to Policy BNS10 in the Bo'ness Local Plan and Policy SC2 in the emerging Local Plan.

The Convener agreed a 5 minute adjournment prior to full consideration of this item of business to allow the information provided to Councillor Constable by the Director of Development Services to be circulated to all Members of the Committee. The meeting reconvened with all Members present as per the sederunt, with the addition of Councillor C Martin declared that he would not take part in consideration of this item of business as he had not been party to earlier discussions thereon. Following the adjournment further clarification was provided by the Roads Unit of Development Services.

Following further discussion and having considered the contents of the memorandum to Councillor Constable from the Director of Development Services, the Committee **AGREED to CONTINUE** this item of business to allow the Director of Development Services to provide additional clarification to Members later at the meeting on the



proximity of the proposed properties on the site to the mutual boundary with existing properties.

In accordance with a decision taken at the start of the meeting, **NOTED** that the following item of business had been continued to a future meeting to allow an inspection of the site by Committee:-

**P127. ERECTION OF FOUR DWELLINGHOUSES ON LAND TO THE SOUTH OF 58 ANNET ROAD, ANNET ROAD, HEAD OF MUIR FOR MR MICHAEL O'NEILL - P/09/0872/FUL**

**P128. EXTENSION TO DWELLINGHOUSE (TWO STOREY TO SIDE) AT 2 BREADALBANE PLACE, POLMONT, FALKIRK FK2 0RF FOR JAMES AUCHINCLOSS - P/10/0603/FUL**

There was submitted Report (circulated) dated 26 October 2010 by the Director of Development Services on an application for full planning permission for a two storey extension to a dwellinghouse to match the height and width of the existing gable end of the existing property at 2 Breadalbane Place, Polmont, Falkirk.

On the basis that several precedents for this type of development exist in the surrounding area, **AGREED** to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services.

In accordance with decisions taken at the start of the meeting, **NOTED** that the following four items of business had been continued to a future meeting to allow an inspection of the various sites by Committee:-

**P129. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY FOR BETT HOMES - P/10/0141/PPP**

**P130. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY FK6 5HH FOR MR R MOWATT - P/10/0262/PPP**

**P131. EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET, FALKIRK FK2 7HU FOR ANDREA RE - P/10/0622/FUL**

**P132. EXTENSION TO DWELLINGHOUSE AT ANNFIELD, 19 POLMONT ROAD, LAURIESTON, FALKIRK FK2 9QQ FOR MR AND MRS RAE - P/10/0666/FUL**

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

The Committee thereafter continued consideration of the following continued item of business (application P/10/0321/FUL (minute P126)).

**P133. CONTINUED ITEM (P126): ERECTION OF 4 FLATTED DWELLINGS AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR BMR DEVELOPMENTS LTD - P/10/0321/FUL**

The Committee heard the Acting Head of Planning and Transportation confirm that the building had been moved back from Bridgeness Road and that part of the building was now proposed to be 5.5 metres in from the mutual boundary.

Councillors Constable and A MacDonald reaffirmed their original motion to refuse the application on the grounds detailed at minute P126. Councillor Constable reiterated his concern that the building is now proposed to be closer to the mutual boundary than previously.

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

At the behest of Councillor Nicol, the Convener thereafter asked whether the proposer of the motion and his seconder, would consider withdrawing their motion to allow an inspection of the site by Committee. This was declined and the original motion therefore stood. Councillors Nicol and McNeill thereafter left the meeting as they considered they did not have sufficient knowledge of the site to take an informed decision.

Notice of a further Amendment was given by Councillor Buchanan.

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

The Motion thereafter became the substantive Motion on which the further Amendment, to allow an inspection of the site by Committee, was moved by Councillor Buchanan and seconded by Councillor McLuckie.

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

Accordingly, **AGREED** to **REFUSE** planning permission on the grounds of the close proximity to the adjoining mutual boundary and concern in relation to overlooking, contrary to Policies BNS10 and SC2.