

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 1 DECEMBER 2010 at 10.00 A.M.*

*** The meeting commenced at 10.00 A.M due to adverse weather conditions.**

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Constable, Mahoney and Oliver.

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

DECLARATION OF INTEREST: Councillor A MacDonald advised that he had made a submission at an early stage in the process in respect of item 3 on the agenda (P144) but did not consider that this gave rise to a declarable interest in terms of the Councillors' Code of Conduct.

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

- Councillor Thomson informed the Committee that as she had not attended the site visits she would not take part in consideration of a weight restriction at the A905 Beancross Road, Grangemouth and planning applications P/09/0872/FUL, P/10/0141/PPP, P/10/0622/FUL, P/10/0666/FUL and P/10/0130/FUL (minute P144, P145, P146, P148, P149 and P150) but that she would take part in consideration of planning application P/10/0262/PPP (minute P147) as she was sufficiently familiar with the site.
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of a weight restriction at the A905 Beancross Road, Grangemouth and planning applications P/09/0872/FUL, P/10/0141/PPP, P/10/0622/FUL, P/10/0666/FUL and P/10/0130/FUL (minute P144, P145, P146, P148, P149 and P150) but that she would take part in consideration of planning application P/10/0262/PPP (minute P147) as he was sufficiently familiar with the site.
- 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/09/0872/FUL, P/10/0141/PPP and P/10/0262/PPP (minute P145, P146 and P147).

- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/09/0872/FUL, P/10/0141/PPP, P/10/0262/PPP, P/10/0666/FUL and P/10/0130/FUL (minute P145, P146, P147, P149 and P150).
- 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/09/0872/FUL, P/10/0141/PPP and P/10/0262/PPP (minute P145, P146 and P147).
- Councillor C Martin informed the Committee that he had not attended the site visits 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, P/10/0666/FUL and P/10/0130/FUL (minute P144, P145, P146, P147, P148, P149 and P150) but that he would take part in consideration of the items as he was sufficiently familiar with the sites.
- Councillor A MacDonald informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0622/FUL, P/10/0666/FUL and P/10/0130/FUL (minute P148, P149 and P150).

P142. MINUTES

There was submitted and **APPROVED**:-

- (a) Minute of Meeting of the Planning Committee held on 3 November 2010;
- (b) Minute of Meeting of the Planning Committee held On-Site on 18 November 2010; and
- (c) Minute of Meeting of the Planning Committee held On-Site on 19 November 2010.

P143. ON-STREET PARKING SPACES FOR DISABLED PERSONS, CASTINGS AVENUE, FALKIRK

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services seeking a decision on three applications for disabled parking spaces numbered 10/035, 10/060 and 10/063 from residents of Castings Avenue, Falkirk.

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

P144. ROAD TRAFFIC REGULATION ACT 1984: 7.5T (WITH ACCESS) WEIGHT RESTRICTION, A905 BEANCROSS ROAD, GRANGEMOUTH (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P122 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services and an additional Report (circulated) dated 24 November 2010 by the said Director requesting that consideration be given to initiating proceedings for a Traffic Regulation Order for a 7.5T weight restriction on the A905 Beancross Road, Grangemouth between the Earls Park and Beancross roundabouts.

The Convener read out a letter from Councillor Spears, one of the local members, in relation to this matter. There was also circulated, copy of a letter from Cathie Peattie, MSP, to local residents and a summary of the responses thereto.

AGREED to promote a Traffic Regulation Order in terms of the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999 to commence the implementation of the Order for a 7.5T (With Access) Weight Restriction to apply from 6.00 p.m. to 8.00 a.m. Monday to Friday and at weekends from 6.00 p.m. on Friday evening through to 8.00 a.m. on Monday morning, to monitor the effectiveness of the said Order and to review it after one year of operation.

Councillors Lemetti, Nicol and McNeill left the meeting prior to the consideration of the following item of business.

Councillors Carleschi and Thomson left the meeting prior to consideration of the following item of business and re-entered the meeting during it.

P145. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P127 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services and an additional Report (circulated) dated 24 November 2010 by the said Director on an application for full planning permission for the erection of four detached two storey dwellinghouses on land at the end of an established cul de sac to the south of 58 Annet Road, Head of Muir.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Development shall not begin until a scheme for protecting the new dwellinghouses from noise from transportation has been submitted to and approved in writing by the Planning Authority. The dwellinghouses shall not be

brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.

- (3) Prior to the start of work on site details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) Prior to the occupation of the dwellinghouses, an unclimbable barrier of a type approved in writing by the planning authority shall be provided and maintained in perpetuity along the boundary of the site with the M876 trunk road.
- (5) Before any works start on site and notwithstanding the details on the approved plans, a scheme of landscaping indicating the siting, numbers, species, heights (at time of planting), future management and aftercare including retention / replanting of all trees, shrubs and hedges to be planted shall be submitted to and approved in writing by this planning authority thereafter all planting and aftercare shall be carried out in accordance with the terms of the approved scheme.

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 occupants of the property are safeguarded against excessive noise intrusion.
- (3) To safeguard the visual amenity of the area.
- (4) To safeguard the interests of the users of the highway.
- (5) In the interests of visual amenity and to ensure landscaping works are completed at an appropriate stage in the development of the site.

Informative(s):-

- (1) This application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02A, 03, 04 and 05A.
- (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.

P146. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF 1 SOUILLAC DRIVE, SCLANDERSBURN ROAD, DENNY FOR BETT HOMES - P/10/0141/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P129 refers), Committee gave further consideration to Report dated 26 October 2010 by the Director of Development Services and an additional Report (circulated) dated 24 November 2010 by the said Director on an application for planning permission in principle for the erection of one detached two storey dwellinghouse on land to the west of 1 Souillac Drive, Sclandersburn Road, Denny.

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

- (1) There would be an adverse impact on road safety;
- (2) The land is identified as public open space in the Development Plan and development would result in a significant loss of open space in the area; and
- (3) Development in accordance with the application would have an adverse impact on the amenity of the area, its character and appearance.

P147. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT WESTER MAILING, DENNY FK6 5HH FOR MR R MOWATT - P/10/0262/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P130 refers), Committee gave further consideration to a Report by the Director of Development Services dated 26 October 2010 and an additional Report (circulated) dated 24 November 2010 by the said Director on an application for planning permission in principle for the erection of an agricultural worker's dwellinghouse at Wester Mailing, Denny.

AGREED that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the satisfactory completion of a legal 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 dwellinghouse to a person solely or mainly, or last, employed in the local area in agriculture, as defined in Section 277 of the Town and Country Planning Act 1997 ("the relevant person") or a child, spouse or co-habitant (as defined in Section 25 of the Family Law (Scotland) Act 2006) of the relevant person either residing with the relevant person or predeceased by the relevant person while living with the relevant person in the dwellinghouse. Thereafter on conclusion of the foregoing agreement to remit to the Director of Development Services to grant planning permission, subject to appropriate conditions.

Councillors Lemetti, Nicol and McNeill re-entered the meeting following consideration of the foregoing item of business.

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

**P148. EXTENSION TO DWELLINGHOUSE AT 17 RUSSEL STREET, FALKIRK
FK2 7HU FOR ANDREA RE – P/10/0622/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P131 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services and an additional Report (circulated) dated 24 November 2010 by the said Director on an application for full planning permission for the extension to a one and a half storey semi detached dwellinghouse at 17 Russel Street, Falkirk.

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

- (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 plan(s) to which the decision refer(s) bear the online reference number 01.
- (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.
- (3) The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

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

P149. EXTENSION TO DWELLINGHOUSE AT ANNFIELD, 19 POLMONT ROAD, LAURIESTON, FALKIRK FK2 9QQ FOR MR & MRS RAE - P/10/0666/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 3 November 2010 (Paragraph P132 refers), Committee gave further consideration to Report (circulated) dated 26 October 2010 by the Director of Development Services and an additional Report (circulated) dated 24 November 2010 by the said Director on an application for full planning permission for an extension to a dwellinghouse by the erection of a dormer window to extend above the single storey element to rear of the dwellinghouse, at Annfield, 19 Polmont Road, Laurieston, Falkirk.

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

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

P150. 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 (CONTINUATION)

With reference to Minutes of Meeting of the Planning Committee held on 22 September 2010 and the Special Meeting of the Planning Committee on 21 October 2010 (Paragraphs P99 and P118 refer), Committee gave further consideration to Report (circulated) dated 15 September 2010 by the Director of Development Services and an additional Report (circulated) dated 24 November 2010 by the said Director on an application for full 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 timber processing at 8 Cauldcoats Holdings on the north side of the A904 Linlithgow to South Queensferry Road.

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

- (1) The development to which the permission relates must be begun within three years from the date of the permission.
- (2) Notwithstanding any details previously submitted, and prior to the commencement of development on site, all hedging at the site's frontage with the A904, and at the boundary of the adjacent land to the west where it fronts the A904 (as shown coloured green on the approved location plan, which for the avoidance of doubt bears Falkirk Council's reference 01A), shall be removed. Thereafter there shall be no obstruction above 1 metre in height within the area coloured yellow on the approved siteline plan, which for the avoidance of doubt bears Falkirk Council's reference 04.
- (3) Prior to the proposed development being brought into use, the access to the site shall be reconfigured to form a 7 metre wide bellmouth, with the written

approval of the Planning Authority. The reconfigured access shall incorporate measures to ensure that no surface water, or loose material, is discharged onto the public A904 road. Measures to prevent the discharge of surface water, or loose material, onto the public A904 road shall have the prior written approval of the Planning Authority.

- (4) Notwithstanding any details previously submitted, a screen planting scheme shall be submitted to the Planning Authority, and shall be approved in writing by the Planning Authority. The landscaping scheme shall comprise predominantly of native broadleaf species and shall detail:-

- Dimensions of planting areas.
- Exact proportions of each species (%).
- Planting densities, separation to be no greater than three metres.
- Nursery stock sizes which shall consist of 40-60cm high transplants.
- Methods of protection.
- A maintenance schedule.

Screen planting shall be carried out within the first planting season of the date that the proposed development is brought into use (for the avoidance of doubt, the planting season shall be considered to be October to March).

- (5) There shall not at any time be any timber, whether processed or non processed, stored outwith the areas identified for storage purposes on the approved site plan (which for the avoidance of doubt, bears the Planning Authority's reference number 02).
- (6) Notwithstanding any details previously submitted, there shall not be any timber stored, whether processed or non processed, at a height greater than 4 metres.
- (7) There shall not at any time be any machinery operated for the chipping, shaving or any other treatment of timber outwith the confines of the proposed shed.
- (8) Notwithstanding any details previously submitted, hours of operation shall be limited to 8.00 a.m. to 6.00 p.m. Monday to Friday and 9.00 a.m. to 1.00 p.m. on Saturday. There shall be no processing of timber or movement of timber by mechanical means outwith these times.
- (9) There shall not at any time be any on-site sale of timber, whether processed or non processed, or timber products of any kind.
- (10) The permission shall ensure for the benefit of the applicant only, and shall not be exercised by any other person.
- (11) 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.
- (12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the application site shall only be used for the operation of

a forestry/tree surgery business and processing of timber, as hereby approved, and no other use shall be undertaken without the prior permission of the Planning Authority.

- (13) Notwithstanding any details previously submitted, details of finishing materials in respect of the proposed shed shall be approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2, 3) To safeguard the interests of users of the A904 public road.
- (4, 6,
13) To safeguard the visual amenity of the area.
- (5) To safeguard the visual amenity of the area and to prevent escalation of the use of the land for the operation of a forestry/tree surgery business and processing of timber.
- (7-8) To ensure that occupants of dwellinghouses in the area, and adjacent land, are protected against excessive noise and dust intrusion.
- (9, 10,
12) To ensure that the Planning Authority can control the future use of the application site.
- (11) 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 documents to which the consent refer are plans bearing the reference numbers 01, 02 and 03 and supporting documents' chipper details and supporting statement.
- (2) If contamination, as defined by Part 11a of the Environmental Protection Act 1990, is encountered during the development, the applicant should contact the Environmental Services Unit.

Councillor A MacDonald re-entered the meeting prior to consideration of the following item of business.

P151. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK FK2 0BN FOR CENTRAL SCOTLAND HOUSING GROUP - P/10/0258/PPP

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for planning permission in principle for the development of an existing field for residential purposes within the countryside at Parkhall Farm, Vellore Road, Maddiston, Falkirk.

Councillor Buchanan, seconded by Councillor McLuckie, moved that the application be continued for further information with particular reference to the provision of affordable housing.

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

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

Accordingly, **AGREED** to **CONTINUE** consideration for further information.

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

P152. REMOVAL OF EXISTING TEXTURED PAINT FROM STONEMWORK, REFURBISHMENT AND REPAINTING SHOPFRONT AND REPLACEMENT OF WINDOWS AT 13 NORTH STREET, BO'NESS EH51 0AQ FOR FALKIRK COUNCIL - P/10/0730/FUL

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for full planning permission for the removal of existing textured paint from stonework, the refurbishment and repainting of a shopfront and the replacement of windows within a category B listed building within the Bo'ness Town Centre Conservation Area at 13 North Street, Bo'ness.

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

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

Reason:-

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

Informative:-

- (1) For the avoidance of doubt, the plans to which the consent refers bear the reference numbers 01A, 02, 03 and 04.

Councillor Carleschi re-entered the meeting during consideration of the following item of business.

P153. SUBDIVISION AND CHANGE OF USE OF CLASS 1 SHOP UNIT TO FORM 3 CLASS 2 UNITS AND ALTERATIONS TO SHOPFRONT AT 53 SOUTH STREET, BO'NESS EH51 9HA FOR SHANTER SECURITIES LTD. - P/10/0548/FUL

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for full planning permission for the subdivision and change of use of a former class 1 shop unit to form three class 2 units and alterations to a shopfront at 53 South Street, Bo'ness.

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

P154. USE OF LAND FOR THE SITING OF PORTABLE STRUCTURES, ERECTION OF FENCING AND THE KEEPING OF DOGS (RENEWAL OF TEMPORARY PLANNING PERMISSION P/09/0161/FUL) AT DARNBOGUE FARM, PLEAN FK2 8RY - P/10/0638/FUL

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for the renewal of temporary planning permission for the siting of eleven temporary buildings and temporary fencing for keeping of dogs and livestock at Darnbogue Farm, Plean.

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

- (1) The development would have an adverse impact on the visual amenity of the area and would not be sympathetic with the surrounding area;
- (2) The grant of further temporary consent for the development offends against Policy EQ19;
- (3) The grant of further temporary consent leading to extended use of the current road access has adverse implications for road safety and appropriate access; and
- (4) The development is not essential in a rural location.

P155. ERECTION OF DWELLINGHOUSE FOR THE FISHERY MANAGER ON LAND AT WHINNIE MUIR WOOD, WEST OF TORWOOD HEAD COTTAGE, LARBERT FOR MR RAYMOND MCCLURG - P/10/0483/FUL

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for full planning permission for the erection of a dwellinghouse over two floors consisting, on the ground floor, of a living room, family room, study/office, dining room, kitchen, utility room, shower room and hall and, on the upper floor, consisting of three bedrooms, bathroom and landing providing

accommodation for the fishery manager on land at Whinnie Muir Wood, West of Torwood Head Cottage, Larbert.

Councillor Buchanan, seconded by Councillor Nicol, moved that the application be approved in accordance with the recommendations in the Report.

By way of an Amendment, Councillor Carleschi, seconded by Councillor A MacDonald, moved that the application be refused on the ground that it was contrary to Policy SC3 of the Local Plan, not being essential development in this countryside location.

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, subject to:-

- (1) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
 - (a) the occupation of the dwellinghouse hereby approved being limited to a person solely or mainly, or last, employed in the local area in agriculture, as defined in Section 277 of the Town and Country Planning Act 1997 (“the relevant person”) or a child, spouse or co-habitant (as defined in Section 25 of the Family Law (Scotland) Act 2006) of the relevant person either residing with the relevant person or predeceased by the relevant person while living with the relevant person in the dwellinghouse.
 - (b) the dwellinghouse remaining in the ownership of the commercial fishery located at Whinnie Muir Wood and shall not be sold or rented independently, nor be separated from the planning unit (as indicated in Drawing ref RMDL/254/Section 75 dated June 2009).
- (2) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions: -
 - (a) The development to which the permission relates must be begun within three years of the date of the permission.
 - (b) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:-
 - (i) the nature, extent and types(s) of contamination on the site.
 - (ii) measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - (iii) measures to deal with contamination during construction works.
 - (iv) condition of the site on completion of decontamination measures.

Before the dwellinghouse is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (c) Prior to the commencement of any works on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (d) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- (e) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no further development shall take place on the site without prior written approval or planning permission having been granted 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 the ground is suitable for the proposed development.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To ensure that adequate car parking is provided.
- (5-6) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04 and 05.

Councillor McNeill left the meeting during consideration of the following item of business.

P156. FORMATION OF ALLOTMENTS WITH ANCILLARY PARKING, STORAGE BUILDINGS, TOILETS, SHEDS, GREENHOUSES, HARDSTANDING, INTERNAL TRACK AND FENCING ON LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST - P/10/0617/FUL

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for full planning permission for the formation of sixty five allotments for environmental improvements for non commercial recreational purposes with ancillary parking, storage buildings, toilets, sheds, greenhouses, hardstanding, internal track and fencing on land totalling 1.5 hectares at the Helix to the west of the M9 from junctions 5 to 6, 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 from the date of the permission.
- (2) No work shall commence until details of an "unclimbable" fence between the application site and the M9 motorway is provided to the Planning Authority for assessment and written approval. The allotments shall not be open to the public until the fence has been erected.
- (3) No work shall commence until details of a "Stage 2 Road Safety Audit" has been submitted for the assessment and approval of Falkirk Council as Planning Authority. The required Audit shall assess the proposed access from the A9 Laurieston Bypass to the site in the context of existing accesses to other developments served.
- (4) All hard standing and parking areas shall be of a porous construction which allows any surface water to soak away.
- (5) 5% of the approved parking spaces shall be provided as disabled parking.
- (6) Access to the site shall be by means of a standard dropped kerb footway crossing point formed in accordance with the "Design Guidelines and Construction Standard for Roads in the Falkirk Council Area".
- (7) The access shall be formed with a maximum gradient of 10% and such that no surface water is discharged or loose material is carried onto the public road.
- (8) The access shall be at least 5.5 metres wide for the first 10.00 metres of its length.
- (9) Any access gates shall open in an inwards direction only.
- (10) No development shall commence on site until a contaminated land assessment has been submitted and approved by the Planning Authority.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) In the interests of public safety.
- (4) To reduce the potential for flooding.
- (5-9) In the interests of public safety.
- (10) To ensure any potential contaminated land is properly dealt with.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02 and 03.
- (2) The builder shall ensure that noise work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday/Bank Holidays	10:00 - 16:00 Hours

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

Members requested that the applicant be encouraged to ensure that a standardised style was used for the hutted units.

Councillor McNeill re-entered the meeting prior to consideration of the following item of business.

P157. CENTRAL PARK PROPOSAL CONSISTING OF: A WATERBODY, AN EVENT SPACE, A SQUARE (PUBLIC REALM SPACE), PATHWAYS/ BOARDWALKS, SUDS, PLAY AREAS, VISITOR FACILITIES AND LANDSCAPE WORKS ON LAND AT THE HELIX TO THE WEST OF THE M9 FROM JUNCTION 5 TO JUNCTION 6, FALKIRK FOR THE HELIX TRUST - P/10/0326/PPP

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for planning permission in principle for the development of the Central Park area and amenity focal space consisting of a waterbody, an event space, a square (public realm space), pathways/boardwalks, a Sustainable Urban Drainage System (SUDS), play areas, visitor facilities and landscape works on land at the Helix to the west of the M9 motorway from junctions 5 to 6, Falkirk.

AGREED that Committee be **MINDED** to **GRANT** planning permission in principle, subject to referral to Scottish Ministers in view of the “advise against” consultation response from the Health and Safety Executive (HSE) and the absence of comments

from Transport Scotland, unless resolved in subsequent agreement to the satisfaction of the Director of Development Services.

On receipt of comments from Transport Scotland and conclusion of referral of the application to Scottish Ministers referred to above, to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) Prior to, or in conjunction with, the first matters specified in conditions or application for planning permission related to the site, the following shall be submitted for the prior written approval of the Planning Authority:-
 - (i) A revised Transport Assessment addressing the comments of Falkirk Council's Transport Planning Unit in consultation response dated 16 November 2010 in respect of: access road specification/construction, service access and crossing points, car parking provision, footpath/cycleway routes and specification, TOUCAN pedestrian crossing introduction on the A9 and A904 at indicated points, public transport improvements to the site, event management plans for identified event types.

- (ii) Sustainable Urban Drainage (SUDs) proposals.
- (iii) A Flood Risk Assessment (FRA) including design calculations for 1:200 year storm events.
- (iv) A landscape plan detailing tree felling, new planting (trees, shrubs and hedge), path and hard surfacing specification, existing and proposed levels, sectional illustration of site relationship and management and maintenance proposals.
- (v) Location design details including water inflow/outflow, potential hydrology impacts, management and maintenance, invasive aquatic plant avoidance and impacts on biodiversity.
- (vi) Site hydrology including analysis of water flow to proposed features, outflow from proposed features, waterflow throughout the site and potential impacts on the existing West Mains Road Wildlife Site.
- (vii) Habitat retention and creation including proposals for maintaining and enhancing existing woodland, assessment of potential habitat loss and mitigation of impacts, connectivity between habitat areas and an assessment of proposed potential public access and potential impacts on habitat.
- (viii) A statement on the proposed arrangement and maintenance provisions for the site including long term governance.
- (ix) A Contaminated Land Assessment in accordance with current guidance. 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.
 - Where contamination (as defined by Part 11a 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.
 - 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.

Reason(s):-

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

- (2) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (3-4) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (5) To ensure the provision of adequate detailed information to inform future application assessment.

Informative(s):-

- (1) The application was submitted online, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which the decision refer(s) bear online reference number 01.
- (2) Due to the proximity of dwellinghouses to the proposed development, the applicant should have regard to controlling any noise produced by future use of the development to ensure that no noise nuisance is caused if noise complaints were received about the development. The Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance legislation.

P158. CHANGE OF USE OF PUBLIC OPEN SPACE TO FORM VEHICULAR ACCESS AND HARDSTANDING (RETROSPECTIVE) AT 21 ZETLAND DRIVE, LAURIESTON, FALKIRK FK2 9NP FOR MR MICHAEL REAPE - P/10/0688/FUL

There was submitted Report (circulated) dated 24 November 2010 by the Director of Development Services on an application for full planning permission (in retrospect) for the change of use of an area of public open space to form vehicular access and hardstanding, on a site measuring 3.7 metres in width and 11 metres in length, for parking of two vehicles off road at 21 Zetland Drive, Laurieston, Falkirk.

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

- (1) Within six months of the date of the permission the proposed hardstanding areas shall be surfaced and finished in accordance with the plan that bears online reference number 01.

Reason:-

- (1) In the interests of road safety and to safeguard the visual amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02.

- (2) Please note that the permission does not alter the need to ensure that any other consent(s) necessary, under other legislation, are obtained. The land is in ownership of Falkirk Council therefore the development cannot be carried out until ownership or a lease is obtained.