

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 23 FEBRUARY 2011 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 Services; Head of Economic Development; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Roads Development Co-ordinator (B Raeburn); Transport Planning Coordinator; Environmental Health Officer (S Henderson); Planning Officer (J Seidel); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST: Councillor Lemetti declared a non financial interest in agenda item 6 (P191) in consequence of his own business interests in Camelon and having regard to the issue of public perception in relation to the application stated that he would take no part in consideration or discussion of this item of business.

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 item ENQ/2010/0408 and planning applications P/10/0631/FUL and P/10/0665/FUL (minute P189, P190 and P192) but that he would take part in consideration of planning application P/10/0621/FUL (minute P191) as he 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 item ENQ/2010/0408 and planning applications P/10/0631/FUL and P/10/0665/FUL (minute P189, P190 and P192) but that he would take part in consideration of planning application P/10/0621/FUL (minute P191) as he was sufficiently familiar with the site.
- Councillor MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0608/FUL (minute P187) but that he would take part in consideration of planning application P/10/0587/FUL (minute P188) as he was sufficiently familiar with the site.
- 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/10/0589/PPP and

P/09/0849/FUL (minute P194 and P195) but that he would take part in consideration of planning application P/10/0587/FUL (minute P188) as he was sufficiently familiar with the site.

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- Councillor Nicol informed the Committee that he had not attended the site visit for item ENQ/2010/0408 (minute P189) but that he would take part in consideration of the matter as he was sufficiently familiar with the site.
- Councillor Mahoney informed the Committee that that as he had not attended the site visit he would not take part in consideration of planning application P/09/0849/FUL (minute P195).
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of item ENQ/2010/0408 and planning applications P/10/0608/FUL, P/10/0587/FUL, P/10/0631/FUL, P/10/0621/FUL, P/10/0665/FUL and P/10/0589/PPP (minute P189, P188, P190, P188, P191, P192 and P194).
- Councillor Thomson informed the Committee that as she had not attended the site visits she would not take part in consideration of planning applications P/10/0608/FUL, P/10/0587/FUL and P/10/0589/PPP (minute P187, P188 and P193) but that she would take part in consideration of item ENQ/2010/0408 (minute P189) as she was sufficiently familiar with the site.

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P185. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0630/PPP, P/10/0774/FUL and P/10/0776/FUL (minute P197, P198 and P200) to allow inspections of the sites by the Committee.

P186. MINUTES

There was submitted and **APPROVED:-**

- (a) Submit Minute of Meeting of the Planning Committee held on 26 January 2011;
- (b) Submit Minute of Meeting of the Planning Committee held On-Site on 7 February 2011; and
- (c) Submit Minute of Meeting of the Planning Committee held On-Site on 10 February 2011.

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

P187. ERECTION OF VETERINARY PRACTICE ON LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT FOR I LINE DESIGNS - P/10/0608/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P173 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director on an application for full planning permission for the erection of a one and a half storey detached building, to operate as a veterinary practice, on grassland to the south of Ashbank, Bo'ness Road, Polmont.

Councillor Nicol, seconded by Councillor McNeill, moved that the application be refused on the basis that it was contrary to Policy SC7 and would have an adverse impact on road safety.

By way of an Amendment, Councillor Constable, seconded by Councillor Carleschi, moved that the application be approved 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 **REFUSE** planning permission on the basis that the development is contrary to Policy SC7 and would have an adverse impact on road safety.

P188. ERECTION OF DETACHED DOMESTIC GARAGE (AMENDMENT TO P/07/0364/FUL) (RETROSPECTIVE) AT CHERRYBANK, DUNMORE, FALKIRK FK2 8LY FOR MR AND MRS D COOPER - P/10/0587/FUL (CONTINUATION)

Prior to consideration of this item of business, Councillors Nicol and McNeill informed the Committee that they had not attended the site visit and consequently would take no part in consideration of the item.

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P171 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director on an application for full planning permission (in retrospect) for the construction of a garage (amendment to planning permission P/07/0364/FUL) at Cherrybank, Dunmore, Falkirk.

AGREED to **GRANT** planning permission, Councillor A MacDonald dissenting, subject to the following conditions:-

- (1) the roof materials of the garage be changed to slate to match those on the house roof;

- (2) in so far as it is competent to do so and as determined by the Director of Development Services, the hedges and shrubbery screening the development site shall be maintained and retained to provide screening; and
- (3) other appropriate conditions as determined by the Director of Development Services.

Councillors Constable and Carleschi left the meeting prior to consideration of the following item of business.

Councillor Carleschi re-entered the meeting during consideration of the following item of business but took no part in consideration thereon.

P189. CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH FOR FORTH ENERGY - ENQ/2010/0408 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P166 refers), Committee gave further consideration to Report (circulated) dated 19 January 2011 by the Director of Development Services and an additional Report (circulated) dated 16 February 2011 by the said Director for consideration as a consultee in terms of Section 36 of the Electricity Act 1989 on an application for the construction and operation of a Biomass Renewable Energy Plant with a net electrical output of 100 Megawatts (MWe) at the site to the west of Forth Ports PLC, Central Dock Road, Grangemouth.

Councillor A MacDonald, seconded by Councillor McNeill, moved that:-

‘Falkirk Council is, in principle, opposed to the development, and calls on the Scottish Ministers to defer any decision until an Air Quality Survey shows there will be no adverse impact on air quality, there is a more detailed report on the carbon impact of the plant and a more detailed transport assessment is submitted, should there be a change in the expected delivery of material ratios. Should, however, Scottish Ministers approve the application, it should be subject to the submission and assessment of additional information in respect of detailed design, landscaping, phasing, contamination, site restoration, drainage, flooding, air quality and traffic impact and subject to the conditions detailed in the Report, with such amendments to Condition 5 of the Report to reflect the foregoing as determined by the Director of Development Services’.

By way of an Amendment, Councillor Mahoney, seconded by Councillor C Martin, moved the recommendations in the Report.

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

Accordingly, **AGREED** to inform Scottish Ministers that Falkirk Council is, in principle, opposed to the development, and calls on the Scottish Ministers to defer any decision

until an Air Quality Survey shows there will be no adverse impact on air quality, there is a more detailed Report on the carbon impact of the plant and a more detailed transport assessment is submitted, should there be a change in the expected delivery of material ratios. Should, however, Scottish Ministers approve the application, it should be subject to the submission and assessment of additional information in respect of detailed design, landscaping, phasing, contamination, site restoration, drainage, flooding, air quality and traffic impact and the following conditions, with such amendments to Condition 5 to reflect the foregoing as determined by the Director of Development Services:-

- (1) Development shall commence no later than the date occurring three years after the date of any planning consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.
- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of condition 16 of the consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:-
 - (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
 - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;
 - (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
 - (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
 - (e) Details of permanent artificial lighting;
 - (f) Details of permanent fencing or other means of enclosure;
 - (g) Details of all hard and soft landscaping; and
 - (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the application, EIA, Environmental Statement and supporting documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) Prior to development commencing on site, a traffic flow analysis in relation to the M9 off ramp, junction 6, shall be submitted to and approved in writing by the Council. Thereafter any required mitigation measures shall be installed at the applicant's cost, prior to any commencement of works on site.

- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.
- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.

- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.
- (16) Unless otherwise agreed in writing with the Council, within twelve months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. The scheme shall include:-
 - (a) Details of all structures and buildings which are to be demolished;
 - (b) Details of the proposed reuse of any buildings to be retained;
 - (c) Details of the means of removal and materials resulting from the demolition and methods for the control of dust and noise;
 - (d) The phasing of the demolition and removal; and
 - (e) Details of the restoration works and the phasing of the restoration works.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.

- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.
- (18) Unless agreed in writing by the Council, or unless in an emergency, the movement of biomass fuel feedstock by conveyor and the storage of any recovered biomass fuel feedstock (such as recovered wood, paper and cardboard) and all post-combustion residues shall be undercover at all times during the operation of the development.
- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than 12 months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy SO₂ objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the

LAQM national air quality objectives for SO₂, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.

- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.
- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

Reason(s):-

- (1) To ensure work commences within a reasonable time period.
- (2, 16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.
- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M9 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.

- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.
- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.
- (23) To ensure that the local community is informed about the progress of the development.

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

Councillor Carleschi re-entered the meeting during consideration of the following item of business but took no part in consideration thereon.

P190. ERECTION OF DWELLINGHOUSE AT THE OAKS, ARBOUR GROVE, ARBUTHNOT STREET, FALKIRK FK1 4BX FOR MR AND MRS B FLYNN - P/10/0631/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P167 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director for an application for full planning permission to erect one dwellinghouse, of contemporary design with a mono pitch roof, over two floors and with an integral garage at the Oaks, Arbour Grove, Arbuthnot Street, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) 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.
- (3) 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.

- (4) 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.
- (5) 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.
- (6) Samples of roof tiles, brick/stone, render and boundary enclosures to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (7) For the avoidance of doubt the en-suite bathroom window on the north elevation shall be glazed with opaque glass.
- (8) 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 access road.
- (9) There shall be no obstruction to visibility above 1 metre in height above carriageway level within 2.5 metres at the carriageway edge along the site frontage to private road.
- (10) Any access gates shall open in an inward direction only.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the visual amenity of the area.
- (7) To protect the privacy of adjacent properties.
- (8-10) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference numbers(s) 01A, 02-04, 05A, 06 and 07 and supporting documents.
- (2) Development shall be carried out in accordance with Appendix II: Bat Mitigation Method Statement contained within the Bat Surveys by Echoes Ecology Ltd dated 25 October 2010 and 14 February 2011 respectively.
- (3) That contractors take due care and attention during the construction period for safety and congestion reasons.

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.

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

P191. CHANGE OF USE OF EXISTING PUBLIC HOUSE TO HOT FOOD TAKEAWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT MAGPIE, MAGGIE WOODS LOAN, FALKIRK FK1 5HR FOR OBAN BAY PROPERTIES LIMITED - P/10/0621/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P168 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 16 February 2011 by the said Director on an application for full planning permission for the change of use of a public house to a hot food take away, including alterations to the shop front and the installation of a ventilation flue at the Magpie, Maggie Woods Loan, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow a further inspection of the site by Committee and in particular to enable access to the premises.

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

P192. SITING OF SNACK VAN AT MEEKS ROADS CAR PARK, MEEKS ROAD, FALKIRK FOR HAZEL NIBBLO - P/10/0665/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P169 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 by the said Director for an application for full planning permission for the siting of a snack van on the site at the south east corner of Meeks Road car park, adjacent to Falkirk Grahamston railway station, Meeks Road, Falkirk.

AGREED to **GRANT** planning permission, subject to the reiteration that the hours of operation are from 7 a.m. to 2 p.m. seven days per week and the following condition:-

- (1) The permission shall be valid for a limited period until 31 December 2013 and, at that time, unless further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition.

Reason:-

- (1) The proposal is not considered to be a suitable form of permanent development.

Informative:-

- (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.

The Convener agreed a recess at 12:25 p.m. and prior to consideration of the following item of business. The meeting reconvened at 1.15 p.m. with all Members present as per the sederunt, with the exception of Councillors McNeill, Thomson and Oliver.

P193. REQUEST FOR FURTHER SITE VISIT

Having heard a further request by a Member for a site visit, the Committee agreed to the continuation of planning application P/10/0553/FUL (minute P196) to allow an inspection of the site by the Committee.

P194. SUB-DIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT AONACH-MOR, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR MICHAEL BLOCK - P/10/0589/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 26 January 2011 (Paragraph P174 refers), Committee gave further consideration to Report (circulated) dated 18 January 2011 by the Director of Development Services and an additional Report (circulated) dated 16 February 2011 by the said Director on an application for planning permission in principle for the sub-division of garden ground for the erection of a dwellinghouse, on a site to the rear and side garden area of a large two storey dwellinghouse at Aonach-Mor, Glen Road, Torwood, Larbert.

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

Councillors Thomson and Oliver re-entered the meeting following consideration of the foregoing item of business.

Councillors A MacDonald and Mahoney left the meeting prior to consideration of the following item of business.

Councillors McNeill and Mahoney re-entered the meeting during consideration of the following item of business but took no part in consideration thereon.

P195. 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

With reference to Minute of Meeting of the Planning Committee held on 24 March and 21 April 2010 (Paragraphs P199 and P9 refers), Committee gave further consideration to Reports (circulated) dated 16 March and 20 April 2010 by the Director of Development Services and an additional Report (circulated) dated 15 February 2011 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.

The Committee on 21 April 2010 had 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 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.

AGREED to **CONTINUE** consideration for further information in relation to financial issues associated with VAT, including HMRC regulations and clarification from other local authorities, as appropriate, and to receive an update Report from the Director of Development Services.

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

P196. CHANGE OF USE FROM PUBLIC HOUSE TO HOT FOOD TAKE-AWAY, ALTERATIONS TO SHOPFRONT AND INSTALLATION OF FLUE AT THE CRITERION, 6 - 10 STIRLING STREET, DENNY FK6 6DU FOR SUNSHINE FOODS - P/10/0553/FUL

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

P197. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LOCKUPS, GRAHAMSDYKE ROAD, BO'NESS FOR BENJAMIN CADELL - P/10/0630/PPP

P198. USE OF CARPARK FOR OVERNIGHT PARKING OF BUSES AT LITTLE KERSE LEISURE LTD, GRANGE ROAD, GRANGEMOUTH FK3 9UY FOR STEPHEN BARR - P/10/0774/FUL

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

P199. PROPOSED EARTHWORKS TO IMPROVE CONTOURS OF LAND ON LAND TO THE NORTH WEST OF 4 GARNGREW COTTAGE, GLENVIEW AVENUE, BANKNOCK FOR MR SANDY BROWN - P/10/0633/FUL

There was submitted Report (circulated) dated 15 February 2011 by the Director of Development Services on an application for full planning permission to carry out earthworks to improve the contours of land on a site extending 1.5 hectares, lying at the edge of the urban limit, to the north west of 4 Garngrew Cottage, Glenview Avenue, Banknock.

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) Unless otherwise agreed in writing by the Planning Authority, the proposed earthworks shall be completed in accordance with the approved levels within two months of the date of commencement of the development.
- (3) Unless otherwise agreed in writing by the Planning Authority, the site shall be grass seeded before the end of the first planting and seeding season following the completion of the proposed earthworks.
- (4) Unless otherwise agreed in writing by the Planning Authority no development shall commence until a contaminated land assessment has been submitted to and approved in writing by the Planning Authority. Before the land is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy. Any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (5) An unclimbable/stockproof fence shall be erected and maintained within the site along the boundary with the Trunk Road in accordance with details and specifications to be submitted to and agreed in writing by the Planning Authority before development commences.
- (6) All works on site shall cease until a diversion strategy has been submitted to and approved in writing by the Planning Authority if, during the construction stage, the existing pipe that crosses the application site is found to convey water. Thereafter the approved diversion strategy shall be implemented in accordance with a timescale 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 visual amenity of the area and the setting of the Antonine Wall.
- (4) To ensure the ground is suitable for the intended end use.
- (5) To minimise the risk of pedestrians or animals gaining uncontrolled access to the Trunk Road.
- (6) To safeguard the provision of adequate drainage in the local area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02 and 03.
- (2) The applicant should ensure that the works comply with General Binding Rules 10 and 11 under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR). Surface water should be treated using sustainable urban drainage systems (SUDs).
- (3) The applicant should ensure that best practice in relation to pollution prevention is adhered to. Guidance can be found on SEPA's website and by referring to their Pollution Prevention Guidelines.
- (4) Any engineering activities in, on or near the water environment may require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).

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

P200. DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT GLEN ROMA, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DU FOR IAIN GIFFEN - P/10/0776/PPP