

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 APRIL 2011 at 9.30 A.M.**

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

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Director of Development Services; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Roads Development Co-ordinator (B Raeburn); Transport Planning Co-ordinator; Environmental Co-ordinator; Senior Planning Officer (J Milne); Senior Forward Planning Officer; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS** None  
**OF INTEREST:**

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

- 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/10/0197/FUL and P/10/0848/FUL (minute P7 and P8).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0197/FUL (minute P7) but that he would take part in consideration of planning applications P/10/0848/FUL and P/10/0869/FUL (minute P8 and P9) as he was sufficiently familiar with the sites.
- Councillor A MacDonald informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0197/FUL (minute P7) but that he would take part in consideration of planning application P/10/0869/FUL (minute P9) as he was sufficiently familiar with the site.
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0197/FUL and P/10/0848/FUL (minute P7 and P8).
- Councillor Carleschi informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0197/FUL and P/10/0848/FUL (minute P7 and P8) but that he would take part in consideration of planning application P/10/0869/FUL (minute P9) as he was sufficiently familiar with the site.

**P5. OPENING REMARKS**

The Convener, prior to the commencement of business, intimated the Committee's regret at the death of colleague Councillor J Constable, a former Provost of Falkirk District Council, a longstanding member of the Committee, the former Convener of the Regulatory Committee, and local member for Bo'ness and Blackness. Councillor Constable's commitment to his role, the esteem within which he was held in the Council and the local community was acknowledged and the Committee's respect was expressed. This was re-iterated by other Members of the Committee.

**P6. MINUTES**

There was submitted and **APPROVED**:-

- (a) Minute of Meeting of the Planning Committee held on 23 March 2011; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 4 April 2011.

**P7. DEVELOPMENT OF LAND AS ANIMAL SANCTUARY, (INCORPORATING SHELTERS, STABLES AND STORES) AND SITING OF TEMPORARY RESIDENTIAL ACCOMMODATION (PART RETROSPECTIVE) ON LAND TO THE SOUTH WEST OF AN CALA, CALIFORNIA ROAD, MADDISTON FOR MR PAUL BORG GRECH - P/10/0197/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 23 March 2011 (Paragraph P214 refers), Committee gave further consideration to Report (circulated) dated 15 March 2011 by the Director of Development Services and an additional Report (circulated) dated 12 April 2011 by the said Director on an application for full planning permission for the change of use for the development of land as an animal sanctuary (incorporating shelters, stables and stores) and siting of temporary residential accommodation (part in retrospect) on a site to the west of Greenwells Farm, Rumford and accessed from the C66 California Road into a loose surface access and parking area on land to the south west of An Cala, California Road, Maddiston.

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

- (1) The development is contrary to Policy SC3 Housing Development in the Countryside of the Falkirk Local Plan in that the proposed residential accommodation is not essential for the pursuance of agriculture, horticulture, forestry or the management of a business for which a countryside location is essential. The applicant has failed to demonstrate that there is an operational need for residential accommodation at the site.
- (2) The development is contrary to Policy EQ4 Landscape Design and Policy EQ19 Countryside of the Falkirk Local Plan in that the animal structures and proposed residential accommodation would visually disrupt the existing landscape setting of the site when viewed from California Road to the north of the site and the Public Right of Way to the east. The development would result in a loss of

existing vegetation and consequently the amenity and biodiversity of a designated wildlife site.

- (3) The development is contrary to Policy EQ24 Ecological Sites and Features and Policy EQ25 Biodiversity of the Falkirk Local Plan in that the integrity of existing wildlife biodiversity would be adversely affected and there is no overriding public interest to justify allowing this to occur. The development would inhibit the sites use as an established wildlife corridor that being the principle reason for designation by Falkirk Council.
- (4) The proposal is contrary to Policy EQ26 Trees, Woodland and Hedgerows of the Falkirk Local Plan in that felling within a designated wildlife site has already taken place and the grant of planning permission would result in further felling following on from intensified use of the site.
- (5) The development would result in the intensified use of an unsatisfactory junction on the de-restricted C66 California Road at a location with poor junction visibility and would not therefore be in the best interests of road safety.

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 and 04.

**P8. USE OF LAND FOR BUS PARKING AND INSTALLATION OF PLANT AND MACHINERY FOR REFUELLING AND WASHING DEPOT AT D J MANNING, AUCTIONEERS, BRIDGENESS ROAD, BO'NESS EH51 9SF FOR FIRST SCOTLAND EAST LTD - P/10/0848/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 23 March 2011 (Paragraph P213 refers), Committee gave further consideration to Report (circulated) dated 15 March 2011 by the Director of Development Services and an additional Report (circulated) dated April 2011 by the said Director on an application for full planning permission for the use of an existing industrial yard for bus parking including the erection of plant and machinery for refuelling and washing on a site located on the north side of Bridgeness Road, Bo'ness and within the established D J Manning Auctioneers site behind an existing office block building and car park.

**AGREED** to **CONTINUE** consideration of this item of business pending the submission and analysis of a noise survey assessment.

**P9. CHANGE OF USE OF PUBLIC HOUSE TO (CLASS 1) RETAIL UNITS AT THE PINES, 5 FLEMING COURT, DENNY FK6 5HA FOR MR STEPHEN CARR - P/10/0869/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 23 March 2011 (Paragraph P216 refers), Committee gave further consideration to Report (circulated) dated 15 March 2011 by the Director of Development Services and an additional Report (circulated) dated 12 April 2011 by the said Director on an application for full planning permission for the change of use of a public house to three (Class 1) retail units including internal alterations to sub-divide the building and external alterations to remove existing

windows on the west elevation, replacing existing windows on the east elevation to form glazed doors, removing windows on the south elevation and forming new access ramps to the proposed units at the Pines, 5 Fleming Court, Denny.

**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) The proposed turning area as indicated on drawing 03A, shall be retained and maintained unless otherwise agreed in writing by the Planning Authority.
- (3) Before any works start on site details of the specification and colour of all proposed external finishes shall be submitted to and 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) In the interests of road safety.
- (3) In the interest of visual orientate to ensure that external finishing materials are appropriate to the character 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) 01A, 02, 03A and 05A.
- (2) For the avoidance of doubt the planning permission does not grant permission for advertisements shown on the above mentioned plans. A separate formal Advertisement Consent may also be required for any signs associated with the development. It is the applicant's responsibility to obtain this before signs are displayed on site.
- (3) For the avoidance of doubt the planning permission does not grant permission for external extraction fans or flues or material change of use of the premises for the sale of hot food for consumption off the premises. These may be the subject of a separate planning application to Falkirk Council.
- (4) The applicant 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.

- (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.

**P10. OPERATIONS YARD/WASTE RECYCLING/TRANSFER FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON – P/10/0423/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for full planning permission for the development of an operations yard/waste recycling/transfer facility involving the processing, recycling and storage of inert material arising from the demolition, construction and excavation operations on a site bounded by industrial and petrochemical development extending to approximately 6.2 metres at Sabic Innovative Plastics, Bo'ness Road, Grangemouth.

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

**P11. CHANGE OF USE FROM BETTING SHOP (CLASS 2) TO HOT FOOD TAKEAWAY AND INSTALLATION OF FLUE AT 11 MAIN STREET, SHIELDHILL, FALKIRK FK1 2DZ FOR MR COLIN MCMILLAN - P/10/0757/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for full planning permission for the change of use of an existing betting shop (Class 2) to a hot food takeaway and the installation of a flue on a site located within an established residential area, directly opposite the junction of Main Street and Anderson Crescent, at 11 Main Street, Shieldhill, Falkirk.

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

**P12. EXTENSION TO DWELLINGHOUSE (DORMERS) AT 6 HAINING PLACE, GRANGEMOUTH FK3 9DR FOR MR AND MRS FOTHERINGHAM - P/11/0012/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for full planning permission for the extension to an existing detached one and a half storey dwellinghouse roof by the addition of two blank dormers at 6 Haining Place, Grangemouth.

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

**P13. ERECTION OF 6 DWELLINGHOUSES (RENEWAL OF PLANNING PERMISSION 05/1166/FUL) ON LAND TO THE NORTH OF 34 SEAFORTH ROAD, SEAFORTH ROAD, FALKIRK FOR MR GEORGE NEELY - P/11/0087/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for full planning permission for the erection of six terraced dwellinghouses (renewal of planning permission 05/1166/FUL) on a site located next to an existing shop unit surrounded by dwellinghouses on all sides and on land to the north of 34 Seaforth Road, Seaforth Road, Falkirk.

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

**P14. DEVELOPMENT OF LAND FOR RESIDENTIAL, RETAIL, LEISURE AND BOATING PURPOSES ON LAND TO THE NORTH OF TAMFOURHILL ROAD, TAMFOURHILL ROAD, FALKIRK FOR BRITISH WATERWAYS (SCOTLAND) AND FALKIRK COUNCIL - P/10/0512/PPP**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for planning permission in principle for the development of land for residential accommodation together with retail, leisure and boating facilities on a site comprising 58 hectares and lying to the east of the Falkirk Wheel, south of the Forth and Clyde Canal, north of the Forth Canal and consisting of a long linear strip of former industrial land running east to west, parallel with the Forth and Clyde Canal and to the north of Tamfourhill Road, Falkirk.

**AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to a correction, detailed by the Director of Development Services, within paragraph 4.11 of the Report, amending the figure £1,200,000 to £1,097,282 in relation to the developer contribution and subject also to planning conditions and the completion to the satisfaction of the Director of Development Services of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of those matters referred to in the Report and summarised as follows:-

(1) A financial contribution to Education Services on a pro-rata basis as undernoted-

Bantaskin Primary School	-	£2,150 per house
	-	£1,250 per flat
St Mungo's RC High School	-	£650 per house
	-	£450 per flat

A satisfactory scheme of phasing of payments shall reflect the proposed extension at Bantaskin Primary School being operational no later than after 35% of the residential development completed. The pro-rata contribution towards long term capacity risk at St Mungo's RC High School will not be required until the latter stages of development (75% of completion may be acceptable). It is envisaged that the phasing of payments be secured through a combination of units built and fixed timescales to allow a payment programme to be concluded. The financial contribution shall be index linked to the construction price indices from the date of the Committee decision.

- (2) A financial contribution of £1,097,282, index linked to the construction price indices from the date of the Committee decision, will be required to address a proportion of works to the A803 road corridor and other junctions in the vicinity of the site. A satisfactory scheme of phased payments will be required to be concluded. In addition, revised survey implications for the A9 roadway between Rosebank and Merchiston roundabouts requires to be submitted and evaluated, where the precise nature of any works and hence costs has not yet been identified.
- (3) A financial contribution towards public art or an alternative scheme of art installations by the applicant is required, the terms to be agreed in writing by the Planning Authority.
- (4) A satisfactory scheme to provide 15% of the residential capacity of the site for sheltered/affordable housing shall be concluded.
- (5) A satisfactory scheme in respect of measures to promote travel to the proposed development by modes of transport other than the private car, namely; the preparation of a Travel Plan Framework to be annexed to the Section 75 Agreement, the focus being to identify the objectives, mechanisms and facilities to reduce the need for occupants to travel to/from the site by car.
- (6) A satisfactory scheme in respect of housing density, in-curtilage provision, architectural design, materials and open space/recreational space, all to be adhered to in the execution of development phasing and with due regard to Falkirk Council's Supplementary Planning Guidance.
- (7) A satisfactory Habitat Management Plan and Biodiversity Management Plan.
- (8) A satisfactory Sustainability Framework Document.

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:-

- (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
  - (a) the siting, size, height, design and external appearance of the proposed development;
  - (b) details of the access arrangements; and
  - (c) details of landscaping of the site and future maintenance of landscaping.
- (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 five year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
  - (a) the expiration of 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) 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:-
  - (a) the nature, extent and types(s) of contamination on the site;
  - (b) the measures to treat/remove contamination to ensure the site is fit for the use proposed;
  - (c) the measures to deal with contamination during construction works; and
  - (d) the condition of the site on completion of decontamination measures.

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

- (5) As part of any application for approval of matters specified by conditions, 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.
- (6) 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".
- (7) Provision shall be made for the parking of bicycles in appropriate racks to the satisfaction of the Planning Authority. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. Thereafter the facilities approved will be provided before the use of the premises commences.

- (8) As part of any application for approval of matters specified by conditions, full details of protecting residential properties from traffic noise will be required and approved in writing by the Planning Authority.
- (9) As part of any application for approval of matters specified by conditions, further details regarding air quality will be required and approved in writing by the Planning Authority. For the avoidance of doubt, an earlier development date of 2019 will require a re-run of the current modelling methodology.
- (10) As part of any application for approval of matters specified by conditions, a Flood Risk Assessment will require to be submitted to and approved in writing by the Planning Authority.
- (11) As part of any application for approval of matters specified by conditions, a full Drainage Assessment will require to be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, any discharges that will enter watercourses will be limited to 3.2 l/s/ha, due to the flood sensitive nature of the surrounding area.
- (12) For the avoidance of doubt, the road geometry and all visibility splays shall be in accordance with Falkirk Council guidelines, including the horizontal curves, and appropriate traffic management measures shall be installed along the access roads.
- (13) As part of any application for approval of matters specified by conditions, a scheme detailing the proposals for flood management shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and all work shall be carried out in accordance with the approved scheme. The flood management shall include engineering a structure (e.g. a channel) to provide a formal overland flow path from the culvert on the unnamed watercourse to the Canal. The channel shall be of an appropriate size to accept significant overland flood flow and protected and maintained for the lifetime of the development for flood risk reasons.
- (14) As part of any application for approval of matters specified by conditions, further information shall be submitted to and approved, in writing, by the Planning Authority that any houses closest to the canal and unnamed watercourse (i.e. to the north east of the culvert) are protected from the residual risk of flooding from overland flow. Alternatively, a scheme for an alternative use e.g. amenity space may be considered.
- (15) For the avoidance of doubt, buildings identified at risk from flood shall have finished ground floor levels raised to an appropriate level (between 500 to 600mm) above surrounding ground levels, water resistant and resilient materials to be used within the building, with electrical wiring and sockets raised above the minimum floor level. In addition, finished ground levels should be sloping away from the houses to ensure that surface water is shed away from the outside walls of vulnerable buildings.
- (16) As part of any application for approval of matters specified by conditions, a comprehensive landscape strategy (including species, mix, phasing and maintenance/management arrangements) shall be submitted to and approved in

writing by the Planning Authority. For the avoidance of doubt, the retention of existing trees shall be encouraged.

- (17) As part of any application for approval of matters specified by conditions, updated ecological surveys may be required, the scope and extent to be agreed with the Planning Authority in consultation with Scottish Natural Heritage. For the avoidance of doubt, the provision of bat roost and bird nest boxes across the site should form part of any appropriate habitat management plan.
- (18) As part of any application for approval of matters specified by conditions, an archaeological scheme of investigation shall be submitted to and approved in writing by the Planning Authority examining the area centred on the remains of the Union Canal, with emphasis on the location of service pipes.
- (19) As part of any application for approval of matters specified by conditions, further information shall be submitted to and approved in writing by the Planning Authority as to the use of sustainable construction and inclusion of micro-renewable energy provision within the development.
- (20) As part of any application for approval of matters specified by conditions, a detailed plan of public access to the site (existing, during construction and upon completion) shall be submitted to and approved in writing by the Planning Authority.

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) To ensure the ground is suitable for the proposed development.
- (5,7,19, 20) To enable the Planning Authority to consider the aspect(s) in detail.
- (6,12) To safeguard the interests of the users of the highway.
- (8) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (9,17) To safeguard the environmental amenity of the area.
- (10) To understand the flood risk to the site up to a 1 in 200 year event, with an allowance for climate change.
- (11) To ensure that adequate drainage is provided.
- (13) To provide the development with flood risk mitigation.
- (14,15) To ensure flood risk mitigation.

- (16) To ensure an integrated habitat network, green space and recreational framework.
- (18) To ensure that any archaeological remains are safeguarded.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01-07.
- (2) Listed Building Consent may be required for works.
- (3) Scheduled Ancient Monument Consent may be required for works.
- (4) Confirmation is requested as to who is responsible for the maintenance of the unnamed watercourse, culvert and overland flow channel during the lifetime of the proposed development. In particular, if the proposed development is flooded as a consequence of any blockage or failure of any structure.
- (5) The applicant should follow good practice in respect of the ecology present on site, with the adoption of appropriate mitigation measures for the site from pre-construction through to completion. This should include measures such as escape routes from trenches, capping pipes over-night and so on. Scottish Natural Heritage should be contacted for further advice.
- (6) Separate consent may be required from Scottish Water for certain aspects of the development.
- (7) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (8) All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
- (9) Falkirk Council has determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (10) The applicant is advised to liaise with the Planning Authority during the preparation of the submission for approval of reserved matters.
- (11) The applicant is advised that the proposals must comply with legislation/procedures relating to Land Reform (Scotland) Act 2003.

**P15. EXTENSION TO DWELLINGHOUSE (SECOND STOREY TO REAR) AT CAMPDEN, 47 MAIN STREET, BRIGHTONS, FALKIRK FK2 0JS FOR MR CHRIS MCPHEE - P/11/0019/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for full planning permission for the extension to

an existing single storey dwellinghouse (second storey to rear) with a large dormer over the existing property to create accommodation on a upper level of the property and the addition of high level decking at the rear of the extension leading to the rear garden at Campden, 47 Main Street, Brightons, Falkirk.

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

**P16. RESTORATION AND REFURBISHMENT OF LATHALLAN HOUSE TO FORM 9 FLATTED DWELLINGS, DEMOLITION OF LAUNDRY OUTBUILDING, RESTORATION AND REFURBISHMENT OF STABLES TO FORM 3 DWELLINGHOUSES, ERECTION OF 36 DWELLINGHOUSES AND ASSOCIATED WORKS AT LATHALLAN HOUSE, FALKIRK FK2 0YG FOR ROWANHILL DEVELOPMENT LTD - P/09/0370/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for listed building consent for the restoration and refurbishment of Lathallan House to form nine flatted dwellings, the demolition of a laundry outbuilding, the restoration and the refurbishment of stables to form three dwellinghouses and the erection of thirty six dwellinghouses and associated works at Lathallan House, Falkirk.

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

**P17. RESTORATION AND REFURBISHMENT OF LATHALLAN HOUSE TO FORM 9 FLATTED DWELLINGS, DEMOLITION OF LAUNDRY OUTBUILDING, RESTORATION AND REFURBISHMENT OF STABLES TO FORM 3 DWELLINGHOUSES, ERECTION OF 36 DWELLINGHOUSES AND ASSOCIATED WORKS AT LATHALLAN HOUSE, FALKIRK FK2 0YG FOR ROWANHILL DEVELOPMENT LTD - P/09/0369/LBC**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for listed building consent for the restoration and refurbishment of Lathallan House and associated stables and to create 12 residential units. In addition, the proposals include the erection of thirty six new dwellinghouses within the policies of Lathallan House, Falkirk.

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

**P18. ERECTION OF EFFLUENT TREATMENT PLANT AND INSTALLATION OF EFFLUENT TRANSFER PIPE AT CHRISTIE TIMBER SERVICES, NEW VICTORIA SAWMILLS, BRIDGENESS ROAD, BO'NESS, EH51 9SG, FOR CALEDONIAN PRODUCE - P/11/0077/FUL**

There was submitted Report (circulated) dated 12 April 2011 by the Director of Development Services on an application for full planning permission for the erection of an effluent treatment plant and the installation of an effluent transfer pipe on a site

measuring 0.86 hectares, located on the north side of the former Christie Timber Services, New Victoria Sawmills, Bridgeness Road, 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) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assess must be approved in writing by the Planning Authority.
- (3) Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority, demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks caused by the contamination. The scheme must be approved in writing by the Planning Authority.
- (4) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
- (5) Prior to the commencement of work on site, the applicant shall submit to the Planning Authority a photographic record of the footpaths coloured yellow on the drawing bearing the Planning Authority's reference 01A for the written approval of the Planning Authority.
- (6) The development shall not be brought into use until such times as the Planning Authority has agreed in writing that the condition of footpaths coloured yellow on the drawing bearing the Planning Authority's reference 01A are in a condition satisfactory to the Planning Authority.
- (7) There shall be no commencement of work on site until such time as an alternative footpath link from Bridgeness Road to the Forth Foreshore local strategic footpath has been agreed in writing by the Planning Authority, and that appropriate signage, also to be agreed by the Planning Authority, is suitably displayed.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard environmental amenity.
- (5-6) To safeguard the condition of footpaths affected by the proposed development.

- (7) To ensure that there is adequate access to the Forth Foreshore Footpath during the proposed development.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which the consent refer(s) bear the reference numbers(s) 01A, 02 and 03.
- (2) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Environmental Protection Unit.

**P19. ZERO VAT RATING AND PLANNING AGREEMENT OCCUPANCY RESTRICTIONS**

With reference to Minute of Meeting of the Planning Committee held on 23 February 2011 (Paragraph P195 refers), the Committee gave consideration to Report (circulated) dated 12 April 2011 by the Director of Development Services in relation to Zero VAT Rating and Planning Agreement Occupancy Restrictions.

**NOTED** the content of the Report.