

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 SEPTEMBER 2011 at 9.30 A.M.

PRESENT: Councillors Alexander, Buchanan, Carleschi, Lemetti, Mahoney, C Martin, McLuckie, McNeill, Nicol, Oliver, Thomson and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Chief Governance Officer; Acting Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Transport Planning Co-ordinator; Roads Development Officers (R Mackenzie and G Crawford); Senior Planning Officers (A Finlayson, J Milne and P Harris); Senior Forward Planning Officer (R Teed); Planning Officer (A Lewis); Environmental Health Officer (S Henderson); Network Officer (J Allan); Outdoor Access Officer (M Brown); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST:

Councillor Mahoney declared a non-financial interest in Item 14 (minute P83) as a Director of the Helix Trust and that he would take no part in discussion or consideration of the item of business.

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits, he would not take part in consideration of planning applications P/11/0112/FUL, P/11/0322/FUL and P/11/0347/FUL (minute P73, P76 and P77).
- 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/11/0112/FUL, P/11/0322/FUL and P/11/0347/FUL (minute P73, P76 and P77).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning applications P/11/0112/FUL, P/11/0322/FUL and P/11/0347/FUL (minute P73, P76 and P77).
- Councillor Oliver informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/10/0646/PPP, P/11/0112/FUL, P/11/0194/PPP, P/11/0311/FUL, P/11/0322/FUL, P/11/0347/FUL and P/11/0439/75M (minute P72, P73, P74, P75, P76, P77 and P78) as he was sufficiently familiar with the sites.

P68. OPENING REMARKS

Prior to the commencement of business, the Convener informed Members that following consideration of the formal business on the agenda he would invite the Development Manager to provide an update on the West Carron Landfill, Stenhouse Road, Carron. This would include an update on the continuing issues associated with the site, the Council's involvement and enforcement options.

P69. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 24 August 2011;
- (b) Minute of Meeting of the Planning Committee held On-Site on 5 September 2011; and
- (c) Minute of Meeting of the Planning Committee held On-Site on 9 September 2011.

P70. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0857/FUL, P/10/0636/FUL, P/11/0305/FUL, P/11/0154/FUL and P/11/0473/FUL (minute P79, P80, P81, P83 and P84) to allow inspections of the sites by the Committee.

Councillor C Martin entered the meeting during consideration of the following item of business.

P71. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (No.96) ORDER 2010

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.10/096 in Duncan Avenue, Falkirk.

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

P72. ERECTION OF DWELLINGHOUSE, STABLES AND EQUESTRIAN ARENA ON LAND TO THE EAST OF DENOVAN COTTAGE, DENNY FOR MR A THOMSON - P/10/0646/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P52 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report

(circulated) dated 14 September 2011 by the said Director on an application for planning permission in principle for the erection of a dwellinghouse, stables and equestrian arena in association with an existing horse breeding and stabling operation on land to the east of Denovan Cottage and to the south of Denovan Road, north of Denny.

Councillor Mahoney, seconded by Councillor Oliver, moved that Committee be minded to grant the application in principle in accordance with the recommendations in the Report.

By way of an Amendment, Councillor Buchanan, seconded by Councillor Nicol, moved that the application be refused on the grounds of road safety and the exacerbation of the problems at an already dangerous road bend.

On a division, 9 Members voted for the Motion and 2 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to:-

- (a) The satisfactory completion of an Agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict the occupancy of the proposed dwellinghouse to the rural business; and
- (b) Thereafter, on the conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-
 - (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
 - (a) the siting, size, height, design 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 three year period mentioned in sub-paragraph (a) above.

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
- (a) the expiration of five years from the date of the grant of the planning permission in principle; or
 - (b) the expiration of two years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (4) Construction of the proposed dwellinghouse shall not commence until the proposed stables and outdoor riding arena have been fully completed, in accordance with details approved in writing by the Planning Authority.
- (5) Before the development commences, a Contaminated Land Assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (6) Before the development commences, the existing vehicular access to the site from Denovan Road shall be closed off and relocated to a position and in accordance with details approved in writing by the Planning Authority. For the avoidance of doubt, the indicative location for the formation of a new access, as shown on the Illustrative Block Plan (Dwg. DR 01 C), is not approved.
- (7) The relocated access shall be formed at a minimum width of 6 metres, at a maximum gradient of 10%, and shall be constructed in a manner to ensure that no loose materials or surface water is discharged onto the public road.
- (8) The first 15 metres of the new bellmouth and access road from the existing carriageway edge shall be surfaced with a coated material in accordance with details approved in writing by the Planning Authority.
- (9) In-curtilage parking shall be provided for the proposed dwellinghouse, stables and riding arena, in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area if relevant or, alternatively, in accordance with details approved in writing by the Planning Authority.
- (10) Before the development commences, there shall be no obstruction to visibility above ground level within a visibility splay measuring 4.5 metres x 210 metres (or as near as is practicable) in either direction along Denovan Road from the relocated access.
- (11) Any access gates shall open inwards only and be positioned a minimum distance of 15 metres back from the edge of the public carriageway.
- (12) Unless otherwise agreed in writing by the Planning Authority, the existing public right of way shall be retained in its current position. As part of the first application for the approval of Matters Specified in Conditions, the necessary details, including path and verges, gradients, boundary treatment, signage, potential links to other access routes and timescales for completion, shall be agreed 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 avoid the possibility of a dwellinghouse being established without the planned business investment.
- (5) To ensure the ground is suitable for the proposed development.
- (6,7,8 To safeguard the interests of the users of the highway.
10 & 11)
- (9) To ensure that adequate parking is provided.
- (12) To safeguard an existing access route in a satisfactory manner.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A.
- (2) A Minor Roadworks Consent (MRC) will be required for the proposed new vehicular access.
- (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 shall not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

P73. SUBDIVISION OF GARDEN, ERECTION OF DWELLINGHOUSE AND EXTENSION TO EXISTING DWELLINGHOUSE AT WINDYKNOWE, CROMWELL ROAD WEST, FALKIRK FK1 1SE FOR MR GREIG MAXWELL (P/11/0112/FUL) (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P57 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director on an application for full planning permission to demolish an existing flat roof extension to a dwellinghouse, to construct a one and a half storey extension with a reduced footprint, to subdivide a large

garden area to the side of the property and to erect a dwellinghouse thereon. The site is situated at Windyknowe, Cromwell Road West, Falkirk.

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

- (1) The proposed development would represent overdevelopment of the site contrary to Policies EQ3: Townscape Design, and SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan;
- (2) The proposed development would be of an unacceptable scale contrary to Policies EQ3: Townscape Design, SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan and Supplementary Planning Guidance on Housing Layout and Design;
- (3) The proposed development would result in unacceptable levels of privacy and amenity for the proposed dwellinghouse and neighbouring properties contrary to Policy SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan;
- (4) The position of the proposed dwellinghouse would be out of keeping with the well established residential character of the area contrary to Policies EQ3: Townscape Design, and SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan
- (5) The proposed development would result in an unacceptable level of parking provision contrary to Policy SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan; and
- (6) The proposed development would be unacceptable in terms of landscaping contrary to Policy SC8: Infill Development and Subdivision of Plots of the Falkirk Council Local Plan.

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

P74. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES WITH PROVISION FOR 20% AFFORDABLE HOUSING AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK FK2 0BN FOR CENTRAL SCOTLAND HOUSING - P/11/0194/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P53 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director on an application for planning permission in principle for the development of part of an existing field within the countryside to the east of Maddiston for residential purposes and comprising 35 units separated by overhead electricity lines and pylons and accessed via the eastern spur of the new roundabout recently granted planning permission (P/10/0249/MS). The application includes provision for 20% affordable housing and is located at Parkhall Farm, Vellore Road, Maddiston, Falkirk.

Councillor Thomson, seconded by Councillor Alexander, moved that the application be refused in accordance with the recommendations in the Report.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Nicol, moved that the application be continued for clarification by Education Services on the position regarding their objection, further information on the health and safety issues in relation to the pylons on the site and the appearance maintenance and enhancement proposals for the large area of green space at the site.

On a division, 5 Members voted for the Motion and 6 voted for the Amendment.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to obtain the following information in relation to:-

- (1) Clarification by Education Services on the position regarding their objection;
- (2) Clarification of the health and safety issues regarding the pylons on the site; and
- (3) Clarification on the appearance of and the maintenance and enhancement proposals for the large area of green space at the site.

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

P75. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 4 MERRYLEES COTTAGE, LINLITHGOW FOR MR AND MRS STODDART - P/11/0311/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P54 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director on an application for full planning permission for the erection of a dwellinghouse on land (formerly garden ground) to the north and rear of 4 Merrylees Cottages, Linlithgow.

Councillor Turner, seconded by Councillor Thomson, moved that the application be approved, subject to appropriate conditions as determined by the Director of Development Services.

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

On a division, 7 Members voted for the Motion and 5 voted for the Amendment.

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

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

Councillor Mahoney left and re-entered the meeting during consideration of the following item of business but was not taking part in consideration or discussions thereon.

P76. EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT 8 MCCAMBRIDGE PLACE, LARBERT FK5 4FY FOR MRS LESLEY HENDERSON - P/11/0322/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P55 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director on an application for full planning permission for a two storey extension to the rear of a two storey detached dwellinghouse at 8 McCambridge Place, Larbert.

Councillor Carleschi, seconded by Councillor Lemetti, moved that the application be approved, in accordance with the recommendations in the Report together with an appropriate condition regarding the erection and maintenance of a trellis to address the problem of overlooking and privacy issues affecting the neighbouring property.

By way of an Amendment, Councillor Buchanan, moved that the application be continued to allow discussions to take place with the applicant and the residents of the neighbouring property, in association with Development Services, in order to reach a satisfactory solution to the screening between both properties for the purpose of addressing overlooking and privacy issues.

In accordance within Standing Order 19.8, and with the unanimous consent of the meeting, Councillor Carleschi withdrew his Motion together with his seconder Councillor Lemetti.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to allow discussions to take place with the applicant and the residents of the neighbouring property, in association with Development Services, in order to reach a satisfactory solution to the screening between both properties for the purpose of addressing overlooking and privacy issues.

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

Councillor McNeill left and re-entered the meeting during consideration of the following item of business but was not taking part in consideration or discussions thereon.

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

P77. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0347/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 24 August 011 (Paragraph P58 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director on an application for full planning permission for the erection of a single storey dwellinghouse and detached garage within the rear garden area of an existing detached dwellinghouse at Glen House, Glen Road, Torwood, Larbert and also to the rear of Torwood Tower and Torwood Cottage.

Councillor Lemetti, seconded by Councillor McLuckie, moved that the application be approved for the following reasons, and subject to appropriate conditions as determined by the Director of Development Services:-

- (1) The property would be in the garden ground of an existing house in the village;
- (2) There has previously been agreement for building within the garden ground of a nearby property; and
- (3) The site has suitable vehicular access.

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

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

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

- (1) The proposal is contrary to Falkirk Council Structure Plan Policy ENV1 - Countryside and Protected areas - and Falkirk Council Local Plan Policy EQ19 - Countryside - in that the applicant has provided no essential justification for a dwellinghouse in a defined countryside location;
- (2) The proposal is contrary to Falkirk Council Local Plan policies SC3 - Housing Development in the Countryside - in that the proposal does not represent an appropriate infill opportunity within the envelope of an existing group of residential buildings and would, if approved, result in backland development, all to the detriment of the architectural character of the area; and
- (3) The proposal is contrary to Falkirk Council Local Plan Policy SC8 - Infill Development and Sub-division of Plots - in that the proposed house does not respect the architectural character of the area, in terms of scale and would result in backland development, all of which would constitute an undesirable precedent which could not reasonably be resisted in similar circumstances. In addition, the proposal would likely result in the loss of established landscape features, all to the detriment of the setting of the area.

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

- P78. MODIFICATION OF AGREEMENT ON PLANNING PERMISSION F/96/0002 TO ALLOW THE DWELLINGHOUSE TO BE OCCUPIED BY A PERSON "MAINLY OR LASTLY EMPLOYED IN AGRICULTURE, FORESTRY OR LANDSCAPE INDUSTRIES LIKE A TREE NURSERY, IN THE LOCAL AREA, OR TO A DEPENDANT OF SUCH A PERSON RESIDING WITH HIM OR HER, OR A WIDOW OR WIDOWER OF SUCH A PERSON" AT ALMA COTTAGE, 7A MANNERSTON HOLDINGS, LINLITHGOW EH49 7LY FOR MARTIN AND ALISON WATT - P/11/0439/75M (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 24 August 2011 (Paragraph P59 refers), Committee gave further consideration to Report (circulated) dated 16 August 2011 by the Director of Development Services and an additional Report (circulated) dated 14 September 2011 by the said Director on a request to modify an Agreement in relation to planning permission F/96/0002 made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997), as amended, and relating to restrictions on the occupancy of a dwellinghouse known as Alma Cottage at 7A Mannerston Holdings, Linlithgow.

AGREED to **GRANT** the modification of the Section 50 Agreement restricting occupation of the dwellinghouse at 7A Mannerston Holdings, subject to the Council's legal costs being met by the applicant.

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

- P79. INSTALLATION OF 13 WIND TURBINES, ACCESS TRACKS, SWITCHGEAR BUILDING, WIND MONITORING MAST ON LAND TO THE SOUTH OF STONERIDGE, FALKIRK FOR WIND PROSPECT DEVELOPMENTS LTD - P/10/0857/FUL**
- P80. SITING OF TEMPORARY CARAVAN, FORMATION OF FLOODLIT HORSE TRAINING ARENA, EXTENSION TO EXISTING SHED, ERECTION OF STORAGE SHED AND ERECTION OF ENTRANCE FEATURE WALL (RETROSPECTIVE) AT HOMESTEAD FARM, BINNIEHILL ROAD, SLAMANNAN, FALKIRK FK1 3BE FOR MR GERRY CROLLA - P/10/0636/FUL**
- P81. SUB-DIVISION AND CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 2 UNITS, COMPRISING CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) USE AND HOT FOOD TAKEAWAY, INSTALLATION OF TWO SHOPFRONTS AND REAR EXTENSION AT RUMFORD ARMS, MADDISTON ROAD, RUMFORD, FALKIRK FK2 0SB FOR CADZOW PROPERTIES LTD - P/11/0305/FUL**

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillors Carleschi, Mahoney and Nicol.

P82. FORMATION OF 2 NO FLATTED DWELLINGS AND RE-ROOFING/RE-CLADDING OF HIGH RISE BLOCK AT PATERSON TOWER, SEATON PLACE, FALKIRK FOR FALKIRK COUNCIL - P/11/0442/FUL

There was submitted Report (circulated) dated 14 September 2011 by the Director of Development Services on an application for full planning permission for the formation of two no flattened dwellings and the re-roofing and re-cladding of a high rise block at Paterson Tower, Seaton Place, 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:-

- (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, 05, 06, 07 and 08.

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:-

P83. ERECTION OF TWO 30 METRE HIGH 'KELPIE' SCULPTURES; FORMATION OF BOAT TURNING POOL; FORMATION OF LANDSCAPED CANAL 'HUB' AREA, INCLUDING VISITOR FACILITIES, PARKING AND ANCILLARY DEVELOPMENT; EXTENSION TO THE FORTH AND CLYDE CANAL TO FORM A NEW 'SEA LOCK' ON THE RIVER CARRON, NORTHEAST OF GLENSBURGH, BY MEANS OF A NEW TUNNEL UNDER THE M9 AND FORMATION OF A NEW 'LIFT' BRIDGE ON GLENSBURGH ROAD ON LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR THE HELIX TRUST - P/11/0154/FUL

P84. EXTENSION TO DWELLINGHOUSE AT 77 PARK ROAD, FALKIRK FK2 7PU FOR MR AND MRS MCPHEE - P/11/0473/FUL