

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 NOVEMBER 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; Transport Planning Co-ordinator; Roads Development Officer (B Raeburn); 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 Co-ordinator (R Steedman); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:**

Councillor McNeill declared a non financial interest in agenda item 12 (minute P103), having made representation at the site visit as a local member, and stated that he would take no part in consideration of this item of business.

Councillor Mahoney declared a non-financial interest in agenda item 6 (minute P97) as a Director of the Helix Trust, and stated that he would take no part in consideration of this item of business.

Councillor Alexander declared a non financial interest in agenda item 12 (minute P103), and stated that he would take no part in consideration of this item of business.

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

- Councillor Turner informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/11/0154/FUL, P/10/0636/FUL, P/11/0305/FUL and P/10/0857/FUL (minute P97, P98, P99 and P100) as he was sufficiently familiar with the sites.
- Councillor Oliver informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/11/0154/FUL, P/10/0636/FUL, P/11/0305/FUL and P/10/0857/FUL (minute P97, P98, P99 and P100) as he was sufficiently familiar with the sites.

- Councillor Carleschi informed the Committee that, while he had not attended the site visits, he would take part in consideration of planning applications P/11/0154/FUL, P/10/0636/FUL, P/11/0305/FUL and P/10/0857/FUL (minute P97, P98, P99 and P100) as he was sufficiently familiar with the sites.
- Councillor Lemetti informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/10/0857/FUL (minute P100).
- 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/10/0636/FUL, P/11/0322/FUL and P/10/0423/FUL (minute P98, P101 and P103) but that he would take part in consideration of planning application P/11/0305/FUL (minute P99) as he was sufficiently familiar with the site.
- Councillor Nicol informed the Committee that, while he had not attended the site visit, he would take part in consideration of planning application P/10/0423/FUL (minute P103) as he had attended the original site visit and was sufficiently familiar with the site and the issues raised at the recent site visit.

#### **P91. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 21 September 2011;
- (b) Minute of Meeting of the Planning Committee held On-Site on 3 October 2011, subject to the addition of Councillor Thomson in the sederunt;
- (c) Minute of Meeting of the Planning Committee held On-Site on 12 October 2011; and
- (d) Minute of Meeting of the Planning Committee held On-Site on 24 October 2011.

#### **P92. REQUEST FOR SITE VISIT**

Having heard a request by a Member for a site visit, the Committee agreed to the continuation of planning application P/11/0156/MRL (minute P104) to allow an inspection of the site by the Committee.

#### **P93. THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR DISABLED PERSONS) (NO.96) ORDER 2010 – DUNCAN AVENUE, FALKIRK (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P52 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 2011 by the said Director seeking a decision on an

application for a disabled parking space numbered No.10/096 in Duncan Avenue, Falkirk.

**AGREED** to make the Traffic Regulation Order referred to in the Report.

**P94. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (No. TRO/DB/016) ORDER 2011**

There was submitted Report (circulated) dated 25 October 2011 by the Director of Development Services seeking a decision on an application for a disabled person's parking space numbered TRO/DB/016 from a resident of Annan Court, Hallglen, Falkirk.

**AGREED** to make the Traffic Regulation Order referred to in the Report.

**P95. WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON**

There was submitted a Report (circulated) dated 26 October 2011 by the Director of Development Services detailing the position in relation to the West Carron Landfill site and setting out potential enforcement approaches.

**AGREED:-**

- (1) that Planning enforcement is not pursued at this stage while there remains the prospect of a better solution; and
- (2) that Council officers continue to liaise with SEPA and report back to Members, as appropriate.

**P96. EXTENSION TO DWELLINGHOUSE AT 77 PARK ROAD, FALKIRK FK2 7PU FOR MR AND MRS MCPHEE - P/11/0473/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P84 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 2011 by the said Director on an application for full planning permission for the extension to a dwellinghouse at 77 Park Road, Falkirk.

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

By way of an Amendment, Councillor Thomson, seconded by Councillor Carleschi, moved that the application be refused on the grounds of overshadowing, the close proximity of neighbouring dwellinghouses and the tight nature of the site.

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

Accordingly, **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) Prior to the occupation of the extension, the first floor window in the side elevation of the extension shall be glazed using obscured glass and shall remain so glazed.
- (3)
  - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
  - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
  - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In order to prevent an unacceptable degree of overlooking of nearby residential properties.
- (3) To safeguard the environmental amenity of the area.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A.
- (2) 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.

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

**P97. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P83 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 26 October 2011 by the said Director on an application for full planning permission for the erection of two 30 Metre High 'Kelpie' sculptures; formation of landscaped canal "hub" area, including visitor facilities, parking and ancillary development, the 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 at the Helix, Falkirk.

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

By way of an Amendment, Councillor Nicol, seconded by Councillor McLuckie, moved that the application be continued to obtain further information from British Waterways on the alternative design options for the bridge that would not require the bridge to open and would allow vehicles to drive over the bridge.

In accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow representatives of British Waterways, who were present as observers at the meeting, to respond to Members questions.

The Committee thereafter reconvened normal business.

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

Councillor Buchanan gave notice of a further Amendment and moved that the application be refused on the ground that the lifting bridge was detrimental to road safety. This was not seconded and therefore the further Amendment fell.

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

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission, subject to referral to Scottish Ministers in view of (a) the "Advise Against" consultation

response from Health and Safety Executive (HSE); and (b) the response from Transport Scotland.

On conclusion of any referral of the application to Scottish Ministers, referred to in section 10.1 above of the Report, to the satisfaction of the Director of Development Services, to remit to the Director of Development Services to grant planning permission subject to:-

- (a) the completion of a legal agreement in terms satisfactory to the Director of Development Services, including obligations relating to a Travel Plan, installation of Toucan crossings and any other associated off site works, and a bridge operation protocol and maintenance procedure; and
- (b) the following conditions:-
  - (1) The development to which the permission relates must be begun within three years of the date of the permission.
  - (2) Prior to the commencement of development, the following shall be submitted for the prior written approval of the Planning Authority:-
    - (i) Information addressing the comments of Falkirk Council's Transport Planning Unit in its consultation response dated 3 August 2011 and Falkirk Council Roads Development Unit in its consultation response dated 22 August 2011 in respect of: a signing strategy for the site, Toucan pedestrian crossing implementation on the A9, A904 and on Glensburgh Road, independent Road Safety Audits for the Glensburgh Road lift bridge and Toucan crossings, lift bridge operation protocol and maintenance procedure.
    - (ii) Sustainable Urban Drainage (SUDs) proposals in the context of the wider Helix arrangements, including design calculations for 1:200 year storm events.
    - (iii) Amended access and parking drawings to ensure compliance with Falkirk Council's design Guidelines and Construction Standards for Roads in the Falkirk Council Area in respect of bus turning, access road gradient and alignment, Disability Discrimination Act (DDA) compliant access on lifting bridge and flood defences capable of future extension.
  - (3) Prior to the commencement of development:-
    - (i) A site specific Detailed Quantitative Risk Assessment shall be undertaken in respect of the contamination identified on site through the Site Investigation and Generic Risk Assessment. This shall address both long term risk to human health and the water environment. This shall be submitted for the written approval of Falkirk Council prior to works beginning on site.
    - (ii) Any soils to be re-used on site shall be shown to be suitable for their proposed use. This shall be submitted and approved in writing by Falkirk Council prior to works beginning on site.

- (iii) Any future works to be undertaken on site such as piling and excavation work shall be suitably protective of the water environment, human receptors to ensure no preferential pathways are created during these works.
- (4) The mitigation proposed in section 5.2.2 of the "Helix Hub, Grangemouth - Report to inform Appropriate Assessment in Appendix 6 of the Environmental Statement" shall be adhered to.
- (5) The mitigation proposed in section 5.2.1 of the "Helix Hub, Grangemouth - Report to inform Appropriate Assessment in Appendix 6d of the Environmental Statement" shall be adhered to.
- (6) Prior to construction activities commencing, detailed construction method statements shall be produced and agreed to the satisfaction of Scottish Natural Heritage, Scottish Environment Protection Agency and the Planning Authority. These shall include details of the mitigation and controls to be put in place to prevent the release of sediments from construction of the sheet-piled wing wall at the south-east corner of the sea lock, and the construction of the canal bank adjacent to the sports pitches.
- (7) At least two months prior to the commencement of any works on site, a full site specific construction method statement and construction environmental management plan shall be submitted for the written approval of the Planning Authority, in consultation with Scottish Environment Protection Agency (and other agencies such as Scottish Natural Heritage, as appropriate) and all work shall be carried out in accordance with the approved plan.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the provision of adequate detailed information to ensure acceptable road safety.
- (3) To ensure that the ground is made suitable for the proposed use.
- (4) To minimise disturbance to birds from boat use, safeguard the Firth of Forth SPA and satisfy the requirements of Scottish Natural Heritage.
- (5) To minimise disturbance to water fowl and waders and to satisfy the requirements of Scottish Natural Heritage.
- (6) To prevent additional potentially contaminated sediments being released into the River Carron to satisfy the requirements of Scottish Natural Heritage.
- (7) To control pollution of air, land and water and satisfy the requirements of Scottish Environment Protection Agency.

Informative(s):-

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

**P98. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P80 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 2011 by the said Director on an application for full planning permission for the siting of a temporary caravan, the formation of floodlit horse training arena, the extension to an existing shed, the erection of a storage shed and the erection of an entrance feature wall (retrospective) at Homestead Farm, Binniehill Road, Slamannan, Falkirk.

Councillor McLuckie, seconded by Councillor C Martin, moved that the application be approved in accordance with the recommendations in the Report, but under exception of the caravan on the grounds that this would be an inappropriate location for the caravan, there is insufficient justification for it and that the caravan would be detrimental to, and would have a negative visual impact on, the rural area.

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

Councillor Alexander gave notice of a further Amendment.

One Member abstained from taking a decision on the application.

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

In terms of Standing Order 19.6, the motion became the substantive Motion upon which the further Amendment could be moved.

By way of a further Amendment, Councillor Alexander, seconded by Councillor Thomson, moved that the application be approved in accordance with the recommendations in the Report, with the exception of the caravan on the grounds previously stated, and with the addition of an addendum indicating that the Director of Development Services investigate the possibility of a Tree Preservation Order over the remaining trees and that trees to be planted in terms of recommendation 8.1(3) of the



Report be of a robust specification and at an appropriately advanced level of maturity, with a Report to come back from the Director of Development Services advising on same. The original movers noted their agreement with this addendum.

Accordingly, unanimously **AGREED**:-

- (a) to **GRANT** planning permission, subject to the following conditions, but under exception of the caravan on the grounds that this would be an inappropriate location for the caravan, there is insufficient justification for the caravan and that the caravan would be detrimental to, and would have a negative visual impact on, the rural area:-
  - (1) For the avoidance of doubt, the equestrian facilities shall be for domestic use only, with no commercial stabling of horses or horse riding instruction to members of the public.
  - (2) Within two months from the date of the permission, details shall be submitted to and approved in writing by the Planning Authority as to the installation of screen planting of native broadleaf trees and native shrubs along the north east boundary of the site. The planting shall be a minimum of 8 metres width and fenced off to enable at least 2 lines of tree transplants to be planted at 3 metres spacing plus at least 2 lines of native shrubs at 1 metre spacing. Details shall include planting density/total number, nursery stock size, methods of protection and a statement of maintenance proposed to aid establishment. Thereafter, the screen planting shall be introduced on the first planting season following such approval.
  - (3) Within two months of the date of the permission, details of the exact specification of floodlighting on the site shall be provide to and approved in writing by the Planning Authority. If approved, the specification shall be maintained throughout the period of activity on the site.
- (b) that the Director of Development Services be remitted with investigating the possibility of a Tree Preservation Order over the remaining trees at the site; and
- (c) that the trees to be planted in accordance with condition (a)(2) noted above, be of a robust specification and at an appropriately advanced level of maturity, with a Report to come back to Committee from the Director of Development Services advising on same.

Reason(s):-

- (1) To ensure that the Planning Authority can control the future use of the premises.
- (2) To safeguard the environmental amenity of the area.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

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

- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning the proposal in respect of noise legislation which may affect the development.
- (3) For the avoidance of doubt, the extended existing shed is authorised for use for equestrian purposes. Any further proposals would require to be assessed on their own merit in relation to suitability or need for planning permission.

Councillors Carleschi, Oliver and Thomson left and re-entered the meeting during consideration of the following item of business.

**P99. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P81 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 2011 by the said Director on an application for full planning permission for the sub-division and the change of use of existing public house to form 2 units, comprising Class 2 (Financial, Professional and Other Services) use and a hot food takeaway, the installation of two shopfronts and a rear extension at Rumford Arms, Maddiston Road, Rumford, Falkirk.

**AGREED to GRANT** planning permission, subject to the following conditions and noting that the Director of Development Services prepare and include an Informative in relation to parking at the front of the development:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Prior to the occupation of the proposed hot food takeaway unit full details of the proposed noise and odour control measures shall be submitted to and approved in writing by the Planning Authority and implemented. The information should include a detailed specification of:-
  - (i) Cooking odour extraction system, including the proposed external location on the property; and
  - (ii) Measures employed to control noise emissions from any extraction, ventilation or air conditioning systems.
- (3) For the avoidance of doubt the Hot Food Takeaway use shall be located within unit 1 of the proposed subdivided premises with the Class 2 (Financial, Professional and Other Services) use being located within unit 2 as shown on the approved plans.

- (4) Before the first unit is occupied, a pedestrian footway shall be delineated along the frontage of the two units in accordance with details and specifications to 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) To safeguard the residential amenity of the area.
- (3) To ensure that the Planning Authority can control the future use of the premises.
- (4) In the interests of pedestrian safety; to ensure the delineation of a footway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03A, 04, 05A and 06.
- (2) In the event that unexpected contamination is encountered following the commencement of development all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a Contaminated Land Assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

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

The Convener thereafter agreed a 15 minute recess prior to consideration of the following item of business to allow Members to view additional information on maps available. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillors Carleschi, Lemetti and C Martin.

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

Councillors Carleschi and C Martin re-entered the meeting during consideration of the following item of business.

**P100. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 21 September 2011 (Paragraph P79 refers), Committee gave further consideration to Report (circulated) dated 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 2011 by the said Director on an application for full

planning permission for the installation of 13 wind turbines, access tracks, switchgear building, a wind monitoring mast on land to the south of Stoneridge, Falkirk.

Councillor Buchanan, seconded by Councillor Thomson, moved that the application be refused on the grounds of the major adverse visual impact on the landscape character of the site and of the surrounding area and that the existing road network infrastructure is unsuitable for bringing in the required equipment and structures to the site and for maintenance purposes.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Oliver, moved that the application be continued to allow information to be presented on the transportation arrangements, details of the legal agreement and the restoration bond and the independent body undertaking the five year review of the bond amount for the duration of any planning permission.

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

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

- (1) The proposed development would have a major adverse visual impact on the landscape character of the site and of the surrounding area, contrary to Policy ST21 - Wind Energy of the Falkirk Council Local Plan; and
- (2) The existing road network infrastructure is unsuitable for the required equipment and structures to be brought to the site and is unsuitable to allow for future maintenance of the proposed development to be undertaken.

The Convener agreed a 15 minute recess at 1.25 p.m. prior to consideration of the following item of business. The meeting reconvened at 2.20 p.m. with all Members present as per the sederunt, with the exception of Councillors Carleschi and C Martin.

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

**P101. EXTENSION TO DWELLINGHOUSE (2 STOREY TO REAR) AT 8 MCCAMBRIDGE PLACE, LARBERT, FK5 4FY FOR MRS LESLEY HENDERSON (CONTINUATION) - P/11/0322/FUL**

With reference to Minutes of Meetings of the Planning Committee held on 24 August and 21 September 2011 (Paragraphs P55 and P76 refer), Committee gave further consideration to Reports (circulated) dated 16 August and 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 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.

**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) Prior to the occupation of the rear extension, the boundary fence detail shown on the approved drawings bearing our online reference 05 and 06A shall be erected and stained / painted to match the existing boundary fence and thereafter retained and maintained in perpetuity.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the privacy of the occupiers of the adjacent properties.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04, 05 and 06A.
- (2) 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.

- (3) 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.

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

**P102. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES WITH PROVISION FOR 25% AFFORDABLE HOUSING AT PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK, FK2 0BN FOR CENTRAL SCOTLAND HOUSING (CONTINUATION) - P/11/0194/PPP**

With reference to Minutes of Meetings of the Planning Committee held on 24 August and 21 September 2011 (Paragraphs P53 and P74 refer), Committee gave further consideration to Reports (circulated) dated 16 August and 14 September 2011 by the Director of Development Services and an additional Report (circulated) dated 25 October 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/MSC). The application includes provision for 20% affordable housing and is located at Parkhall Farm, Vellore Road, Maddiston, Falkirk.

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

- (1) The site is not identified for residential development in the adopted Falkirk Council Local Plan and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV1 of the approved Falkirk Council Structure Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan all of which seek to restrict the unplanned and unjustified release of land for housing outwith the settlement boundaries identified in the Development Plan.
- (2) In the interests of residential amenity. The proposed development would be divided by an area of ground beneath the overhead power lines which, as defined by the application site boundaries and shown on the submitted illustrative layout, would result in a low standard of residential layout. The proposed development would therefore be contrary to Policies SC6 and SC13 of the Falkirk Council Local Plan and Falkirk Council Supplementary Planning Guidance Note - Housing Layout and Design.

Informative:-

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

Councillor McNeill 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 took no part in consideration thereon.

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

**P103. OPERATIONS YARD/WASTE RECYCLING/TRANSFER FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON (CONTINUATION) - P/10/0423/FUL**

With reference to Minutes of Meetings of the Planning Committee held on 20 April, the Committee On Site on 12 May and the Planning Committee on 18 May 2011 (Paragraphs P10, P25 and P33 refer), Committee gave further consideration to Reports (circulated) dated 12 April and 13 May 2011 by the Director of Development Services and an additional Report (circulated) dated 26 October 2011 by the said Director 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.

In accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow two representatives of Grangemouth Community Council, who were present as observers at the meeting, to respond to Members questions.

The Committee thereafter reconvened normal business.

**AGREED to GRANT** planning permission, subject to the following conditions and subject to an amendment being made to condition 10 to the effect that it shall read 'Unless otherwise agreed in writing by the Council no screening or crushing shall take place on site between the hours of 1930 to 0800':-

- (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) Prior to the use of the site as an operations yard, waste recycling and transfer facility commencing, vehicular parking, as shown on the approved masterplan (our online reference 12D), shall be constructed and available for use.
- (7) Development shall not commence on site until the Development Impact Assessment (DIA) response from Scottish Water is submitted to the Council. Thereafter development shall not commence on site until the detailed drainage design is submitted to and agreed in writing by the Council.
- (8) The development hereby approved shall be implemented in accordance with the approved plans and there shall be no stockpiling of materials out with the

stockpiling and segregation area hatched orange on the approved masterplan (our online reference 12D).

- (9) All vehicles entering and leaving the site shall be closed or sheeted and properly trimmed so as to avoid the depositing of materials onto the public highway or giving rise to airborne dust particles.
- (10) Unless otherwise agreed in writing by the Council no screening or crushing shall take place on site between the hours of 1930 and 0800.
- (11) Development shall not commence on site until a scheme for protecting near by residential properties from operational noise has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Council.
- (12) Development shall not commence on site until a comprehensive dust management program is submitted to and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved program.
- (13) Development shall not commence on site until details of wheel washing facilities are submitted to and approved in writing by the Council. Thereafter the approved wheel washing facilities shall be provided within the site in accordance with the approved details and must be used by vehicles leaving the site to ensure that the public road is kept clean and free from mud and dirt.
- (14) No operational activities shall commence on site until a programme for the planting timescale of the screen hedge as indicated on the approved drawings (our online reference 12D) and subsequent maintenance is 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.
- (2-5) To ensure the ground is suitable for the proposed development.
- (6) To ensure that adequate car parking is provided.
- (7) To ensure that adequate drainage is provided.
- (8) To protect the visual amenity of the area.
- (9, 12) To protect the surrounding area from dust pollution.
- (10, 11) To safeguard the residential amenity of nearby residential properties.
- (13) To safeguard the interests of the users of the highway.
- (14) To safeguard the visual amenity of the area.



Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 - 11, 12D and 13 - 16 and supporting documents.

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:-

**P104. EXTRACTION OF DIMENSION SANDSTONE AT DRUMHEAD QUARRY, DENNY FOR MR AND MRS D GRAHAM – P/11/0156/MRL**

Councillors Nicol left the meeting prior to consideration of the following item of business.

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

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

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

**P105. CLASS 6 DEVELOPMENT COMPRISING A DISTRIBUTION WAREHOUSE, PARKING, SUDS, ACCESS ROADS, INTERNAL ACCESS ROAD, LANDSCAPE WORKS AND ASSOCIATED FACILITIES ON LAND TO THE NORTH WEST OF GRANGEMOUTH TECHNOLOGY PARK, EARLS ROAD, GRANGEMOUTH FOR BERICOTE PROPERTIES LTD - P/11/0511/FUL**

There was submitted Report (circulated) dated 26 October 2011 by the Director of Development Services on an application for full planning permission for a class 6 development comprising a distribution warehouse, parking, SUDS, access roads, an internal access road, landscape works and associated facilities on land to the north west of Grangemouth Technology Park, Earls Road, Grangemouth.

Councillor McNeill, seconded by Councillor Buchanan, moved that the application be continued to allow an inspection of the site by Committee.

By way of an Amendment, Councillor Mahoney, seconded by Councillor Alexander, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

On a division, Members 4 voted for the Motion and 8 voted for the Amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission subject to the following conditions, but with the proviso that the conditions shall include such minor amendments as the Director of Development Services considers appropriate:-

- a) The notification of the application to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009; and
- b) The satisfactory conclusion of an Agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973. The Agreement is to secure :-
  - (i) A financial contribution of £382,000 towards the improvement of the M9 motorway junction 6 (the figure is based on April 2011 costs and to be index linked to construction price indices); and
  - (ii) A financial contribution of £48,000 towards off site tree planting and habitat creation and improvement as a compensatory measure for the loss of woodland at the site.

Thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2)
  - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
  - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
  - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) The development shall not be brought into use until such time as details of a 3 metre wide cycleway to be formed adjacent to the north boundary of the site at Forth-Clyde Way and the west boundary of the site at Glensburgh Road (as shown in drawing no. 3/6B-102(02), Planning Authority reference 05A) has been submitted to and approved in writing by the Planning Authority and thereafter has been completed in accordance with the approved details.
- (4) There shall be no works on site until such times as a written scheme of archaeological investigation has been submitted to, and approved in writing by, the planning authority and that the scheme of archaeological investigation has

been demonstrated to have been completed also with the written approval of the Planning Authority. For the avoidance of doubt the scheme of archaeological investigation should be carried out in respect of the existing standing structures at the site, and the site of the former Kerse House. The developer shall allow access at all reasonable times to any archaeologist/archaeological organisation approved by this planning authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, site contact person and name of the archaeologist/archaeological organisation retained by the developer shall be submitted in writing not less than 14 days before development commences.

- (5) Before the development commences, a schedule of landscaping should be submitted to and approved in writing by the Planning Authority. Details of the schedule should include:-

- (i) The position of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposal for their replacement;
- (ii) The location of all new trees, shrubs, hedges and grass areas;
- (iii) A schedule of plant, trees, shrubs and hedges to comprise species, sizes and proposed number/species; and
- (iv) A programme for the management and maintenance for all proposed landscaping.

Unless otherwise approved in writing by the Planning Authority, the approved landscaping schedule shall be implemented in the first planting season following the completion of the building or the occupation of any part of it, whichever is the earlier date. Thereafter any trees, shrubs or other plants which die, are removed, become seriously diseased or are severely damaged within five years of planting shall be replaced during the first available planting season with others of similar size and species, or in accordance with such other maintenance programme as agreed with this Planning Authority under the terms of (iv) above. For the avoidance of doubt, the planting season shall be taken to run from October to March inclusive.

- (6) All road, access, footpath and cycleway 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) The development shall not be brought into use until such time as the vehicular access onto Forth-Clyde Way to the north of the application site is formed as a 3 metre wide carriageway with a 10.5 metre radius bellmouth on 9 metre x 70 metre visibility splays.
- (8) The development shall be implemented in accordance with the approved drainage and any other submitted details which have been approved in writing by the Planning Authority.

- (9) No part of the development shall be occupied until a Travel Plan has been submitted to, and approved in writing by, the planning authority in consultation with Transport Scotland. The Travel Plan will have particular regard to the provision for walking, cycling and public transport access to and within the site and will identify measures to be provided. The system of management monitoring, review, reporting and duration of the plan. Implementation of the Travel Plan should continue as long as the development is occupied. The records of implementation should be made available to the Planning Authority.
- (10) Notwithstanding any details previously submitted, there shall be no work on site with respect to the application and construction of any external finish to any buildings or ancillary plant until such time as details of the external colour and materials of any buildings and ancillary plant have been approved in writing by the planning authority. Thereafter the buildings and ancillary plant shall be finished in accordance with the approved details.
- (11) Notwithstanding any details previously submitted, there shall be no work on site until such time as details of boundary treatments have been approved in writing by the planning authority. Details shall include all permanent boundary treatments following completion of the development, any temporary boundary treatments during the construction phase and time scales for the erection and planting of boundary treatments. Thereafter, the erection and planting of boundary treatments shall accord with the approved details.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the environmental amenity.
- (3) To ensure connectivity in the footpath and cycleway network.
- (4) To safeguard the archaeological heritage of the site and ensure that the developer provides an adequate opportunity to investigate, record and rescue archaeological remains.
- (5) To ensure a high standard of landscaping and to ensure the landscaping is implemented as early as possible and has opportunity to become established.
- (6) To safeguard road users.
- (7) To safeguard the interests of highway users.
- (8) To ensure the development is carried out to the satisfaction and approval of the Planning Authority.
- (9) To be consistent with the requirements of Scottish Planning Policy.
- (10,11) To safeguard visual amenity

Informative(s):-

- (1) For the avoidance of doubt the plans to which the consent refers bear the references 01, 02, 03, 04A, 05A, 06A/1, 06A/2, 07A, 08A, 09A, 10A, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.
- (2) Work to remove trees at the site should be overseen by a licensed bat surveyor. Any trees which cannot be assessed and cleared for bats prior to felling should be section felled and lowered to the ground by rope. Should development not commence within 12 months of the last bat survey, a further bat survey should be carried out to inform the removal of trees.
- (3) The applicant is advised that there is a temporary weight restriction of 7.5 ton Monday to Friday 6 p.m. to 8 a.m. and Friday 6 p.m. to Monday 8 a.m.

**P106. REDEVELOPMENT OF FORMER PAPER MILL TO PROVIDE 129 DWELLINGHOUSES AND 53 FLATS; 750M<sup>2</sup> OF COMMERCIAL FLOORSPACE; ROADS INFRASTRUCTURE INCLUDING NEW ROUNDABOUT; OPEN SPACE, LANDSCAPING WOODLAND MANAGEMENT AND PUBLIC PATHWAY PROVISION; CONSTRUCTION OF A FISH LADDER; AND ALTERATIONS TO LISTED BUILDING TO RETAIN BUSINESS USE AT CARRONGROVE PAPER MILL, DENNY FK6 5HJ FOR MCTAGGART AND MICKEL - P/08/0296/FUL**

There was submitted Report (circulated) dated 25 October 2011 by the Director of Development Services on an application for full planning permission for the redevelopment of a former paper mill to provide 129 dwellinghouses and 53 flats; 750M<sup>2</sup> of commercial floorspace; a roads infrastructure including a new roundabout; open space, landscaping woodland management and public pathway provision; the construction of a fish ladder and alterations to a listed building to retain business use at Carrongrove Paper Mill, Denny.

**AGREED** that Committee is **MINDED** to **GRANT** planning permission, subject to the following conditions:-

- (a) the satisfactory completion of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
  - (i) the payment of a financial contribution of £501,750 towards the provision and upgrade of educational facilities in the area;
  - (ii) the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny and a mini-roundabout at the junction of Nethermain Road and Stirling Street, Denny;
  - (iii) the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;
  - (iv) the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area; and
  - (v) the nature and provision of the proposed affordable housing units.

- (b) the submission of a Stage 2 Road Safety Audit for the written approval of the Planning Authority, which assesses all of the new road infrastructure to be constructed by the applicant;
- (c) further consideration and the agreement of the Planning Authority in respect of the proposed parking, access and servicing arrangements for the retail, office and residential uses comprising the proposed 3 storey flatted block at the entrance to the proposed development; and
- (d) 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 development to which the permission relates must be begun within three years from the date of the permission.
  - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
  - (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
  - (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
    - (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
    - (ii) the location of all new trees, shrubs, hedges and grassed areas;
    - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
    - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure (including details of the proposed treatment along the river edge);
    - (v) the location, colour and specification of all proposed hard surface materials;
    - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc; and
    - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
  - (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-

- (i) the location of a toddler/junior play area and the type and location of all associated play equipment, seating, fences, walls and litter bins;
  - (ii) the surface treatment of play areas;
  - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient, cross-section and signage details shall be submitted as appropriate; and
  - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs and provision of a 3 metre wide footpath to link the proposed development to Kirkwood Drive (for use by pedestrians and cyclists).
- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections have been removed to achieve the required visibility splays, in accordance with details approved in writing by the Planning Authority.
- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by the Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.
- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat, and a Method Statement showing how surrounding woodland and other habitat would be protected during construction and operation of the SUDs pond. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.
- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Tables 1A and 1B of the updated Ecological Impact Assessment prepared by Heritage Environmental Limited, dated July 2011, shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, Species Protection Plans for otter, bats and badgers shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.

- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include woodland management measures and management prescriptions for the SUDS pond and habitat, and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (13) In respect of otter:-
- (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
  - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
  - (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for otter, bats and badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of the Planning Authority.
- (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
- (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
- (17) 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 reports/validation certificates shall be submitted to and approved in writing by the Planning Authority.
- (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
- (19) Before the development commences, the design and construction details of the proposed fish ladder shall be submitted to and approved in writing by the



Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
- (21) Unless otherwise agreed in writing by the Planning Authority, all new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (22) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.
- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 43 of the Flood Risk and Drainage Impact Assessment, Revision H, prepared by Waterman Civils Limited, dated September 2011.
- (25) Before the development commences, details of the provision of an improved trash screen for the Sandyford Burn under the B818 and arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved trash screen shall be installed in accordance with an agreed timescale and maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by the Planning Authority. The details shall include:- provision of new bus shelter(s) for eastbound stops, with appropriate flagpoles and timetable information; relocation of the westbound stop; and provision of a connecting footpath to the westbound stop. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by the Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Residential Travel Plan, including a Travel Pack, shall be submitted to and approved in writing by the Planning Authority and the Travel Pack shall be distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to

the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.

- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by the Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by the Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with details approved in writing by the Planning Authority. The details to be submitted for approval shall include a swept path assessment.
- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermains Road in accordance with an approved Road Construction Consent.
- (34) Before the 50<sup>th</sup> residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70<sup>th</sup> residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) The proposed ground floor shop contained within the 3 storey flatted block shall be restricted to a use(s) with Class 1 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further application to and approved by the Planning Authority.
- (37) The listed building (Carrongrove House) and the proposed offices contained within the 3 storey flatted block shall be restricted to a use(s) within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by the Planning Authority.
- (38) Before the development commences, full details of the proposed integrated SUDS scheme shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (39) Before the commencement of any works to Carrongrove House, a historic building survey shall be undertaken and the record submitted to the Planning Authority for deposit in the Council's archives.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4,6) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.
- (19) To enable the Planning Authority to consider these aspects in more detail.
- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-35) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (36-37) In order to retain proper control over the use of the development.
- (38) To ensure that adequate drainage is provided, which accords with sustainable urban drainage principles.
- (39) To maintain a record of the historic interest of Carrongrove House.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which the decision refers bear the reference numbers 02A, 03C, 04B, 05, 06, 07, 08, 09 , 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23A, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36A, 37A, 38A, 39A, 40, 41, 42, 43A, 44 & 45.

- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.
- (6) Any proposals for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmon fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.

**NOTE:-** Committee requested that the Director of Development Services carry out discussions with the developer and Council officers in relation to potential provision of a MUGA pitch on a voluntary basis.