

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 1 FEBRUARY 2012 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Lemetti, Oliver and Thomson.

ATTENDING: Director of Development Services; Chief Governance Officer; Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Roads Development Co-ordinator (B Raeburn); Roads Development Officer (C Russell); Environmental Health Officer (S Henderson); Senior Forward Planning Officer (R Teed); Network Co-ordinator; Senior Planning Officer (P Harris); Transport Planning Officer (K Swanson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATIONS None

OF INTEREST:

Prior to consideration of business, Councillor Buchanan informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/11/0156/MRL (minute P133).

P126. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 5 December 2011; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 19 December 2011.

P127. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/10/0360/PPP, P/10/0762/FUL, P/11/0632/FUL, P/11/0692/FUL and P/11/0651/FUL to allow an inspection of the sites by the Committee.

P128. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (No.017) ORDER 2011 – CARRONSIDE STREET, FALKIRK

There was submitted Report (circulated) dated 24 January 2012 by the Director of Development Services seeking a decision on an application for a disabled parking space numbered No.017 from a resident of Carronside Street, Falkirk.

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

P129. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES, ASSOCIATED ACCESS ROAD AND LANDSCAPING WORKS ON LAND TO THE NORTH WEST OF DENOVAN COTTAGE, DENNY FOR MRS BRENDA MACCONNELL - P/11/0621/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 5 December 2011 (Paragraph P116 refers), Committee gave further consideration to Report (circulated) dated 24 November 2011 by the Director of Development Services and an additional Report (circulated) dated 24 January 2012 by the said Director on an application for planning permission in principle for the development of land for residential purposes with an access road and landscaping works on land to the north west of Denovan Cottage, Denny.

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

By way of an Amendment, Councillor Buchanan, seconded by Councillor McLuckie, moved that the application be approved on the grounds that the site was a gap site, the development was low density and that other similar applications had previously been approved.

On a division, 3 Members voted for the Motion and 5 voted for the Amendment.

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

P130. ERECTION OF OUTBUILDING, SITING OF TEMPORARY RESIDENTIAL CARAVAN AND FORMATION OF ALL WEATHER EQUESTRIAN SCHOOLING AREA (RETROSPECTIVE) AND ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF SALTERHILL FARM, SLAMANNAN ROAD, LIMERIGG FOR MR AND MRS D POLLOCK - P/11/0131/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 5 December 2011 (Paragraph P114 refers), Committee gave further consideration to Report (circulated) dated 25 November 2011 by the Director of Development Services and an additional Report (circulated) dated 24 January 2012 by the said Director on an application for full planning permission for the erection of a general purpose outbuilding, measuring 372 square metres in floor area, to facilitate an equestrian carriage hire business, horse riding facilities, the siting of a temporary mobile home (retrospective) and the erection of a one and a half storey dwellinghouse, measuring 274 square metres in

footprint, to accommodate a site manager on land, measuring 1.1 hectares, to the north of Salterhill Farm, Slamannan Road, Limerigg.

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)
 - (i) Unless otherwise agreed in writing, no development shall commence on the erection of the dwellinghouse 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 the erection of the dwellinghouse, 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. The dwellinghouse shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by, the Planning Authority.
- (3) Notwithstanding any details previously submitted, no work shall commence in terms of the erection of the dwellinghouse until such time as details of the height, location and construction of all fences, walls and other means of enclosure has been submitted to, and approved in writing by, the Planning Authority. The development shall be implemented in accordance with the approved details.
- (4) Notwithstanding any details previously submitted, no work shall commence in terms of the erection of the dwellinghouse until such time as details of external materials in respect of the dwellinghouse have been submitted to, and approved in writing by, the Planning Authority.
- (5) The temporary living accommodation shall cease to be occupied and shall be removed from the site once the dwellinghouse is occupied.
- (6) Before construction of the dwellinghouse commences, visibility splays of 2.4 metres x 120 metres shall be formed at the junction of the farm access road with the B8022 and the full width of the access road shall be surfaced with a bituminous surface, a minimum of 10 metres from the channel of the B8022, in accordance with drawing 10/023/PL2-03B.
- (7) Before the dwellinghouse is occupied, 3 parking spaces measuring 6 metres x 3 metres each and a suitably sized turning area shall be formed, all in

accordance with details 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.
- (2-4) To safeguard the visual amenity.
- (5) To ensure that the planning authority retains control over the development and avoid the creation of an additional dwelling.
- (6) In the interests of road safety, to ensure the provision of adequate visibility and a satisfactory standard of access.
- (7) To ensure adequate provision of off-street parking and manoeuvring space within the site.

Informative:-

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

P131. CHANGE OF USE FROM SHOP (CLASS 1) TO HOT FOOD TAKE-AWAY AT THE VILLAGE SHOP, REDHOUSE INDUSTRIAL ESTATE, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DT FOR MR MARIO MORROCCO - P/11/0500/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 5 December 2011 (Paragraph P111 refers), Committee gave further consideration to Report (circulated) dated 25 November 2011 by the Director of Development Services and an additional Report (circulated) dated 24 January 2012 by the said Director on an application for full planning permission for the change of use from a shop to a hot food takeaway at the Village Shop, Redhouse Industrial Estate, Shieldhill Road, Reddingmuirhead, Falkirk.

AGREED to **REFUSE** planning permission on the grounds of road safety, the proximity of the site to the controlled junction of Shieldhill Road and Redding Road raising concerns in terms of road safety, and the exacerbation of existing parking problems contrary to Policy EP9 (Food and Drink) of the Falkirk Council Local Plan.

P132. ERECTION OF BED AND BREAKFAST AND GUESTHOUSE (CLASS 7) AT TIPPETCRAIG, BONNYBRIDGE FK4 2EU FOR MR STEVEN CAIRNS - P/11/0482/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 5 December 2011 (Paragraph P110 refers), Committee gave further consideration to Report (circulated) dated 25 November 2011 by the Director of Development Services and an additional Report (circulated) dated 24 January 2012 by the said Director on an application for planning permission in principle for the erection of a dwellinghouse to be

used as a bed and breakfast with accommodation for the proprietor of the business at Tippetcraig, Bonnybridge.

AGREED to **REFUSE** planning permission in principle for the following reasons:-

- (1) The proposed development is not essential to the pursuance of agriculture, horticulture or forestry. A countryside location is not essential for the proposed development. The proposed development is not essential for the management of a business for which a countryside location is essential, or to provide funding for such a business. The proposed development does not constitute an appropriate form of agricultural diversification. The proposed development does not therefore accord with Policies ENV1 (Countryside and Protected Areas) or ECON7 (Tourism) of the Falkirk Council Structure Plan or Policies EQ19 (Countryside) or SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan.
- (2) The proposed development is contrary to Policy EP16 (Leisure and Tourism Development in the Countryside) of the Falkirk Council Local Plan as it is not proposed to utilise an existing building and there is no specific opportunity for such a development within the Local Plan.

P133. CHANGE OF USE FROM BUILDER'S STORAGE AREA (CLASS 6) TO SALE AND REPAIR OF MOTOR VEHICLES (RENEWAL OF PLANNING PERMISSION P/09/0862/FUL) AT MORVEN CONSTRUCTION LTD, GRANARY SQUARE, BANKSIDE, FALKIRK FK2 7XJ FOR MORVEN MOTORCYCLES - P/11/0627/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 5 December 2011 (Paragraph P115 refers), Committee gave further consideration to Report (circulated) dated 25 November 2011 by the Director of Development Services and an additional Report (circulated) dated 24 January 2012 by the said Director on an application for full planning permission for a change of use from a builders' storage area to sale and repair of motor vehicles (renewal of planning permission P/09/0862/FUL) at Morven Construction Limited, Granary Square, Bankside, Falkirk.

In accordance with Standing Order 35.1 (viii) the Convener gave consent to Councillor Meiklejohn to speak in relation to this item of business, the said Member having duly given at least 24 hours notice.

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

By way of an Amendment, Councillor Alexander, seconded by Councillor Carleschi, moved that the application be refused on the grounds of noise, the effect on neighbouring residential properties and the potential noise pollution from the workshop units.

Notice of a further Amendment was given by Councillor Buchanan.

On a division, 4 Members voted for the Motion and 3 voted for the Amendment.

The Motion thereafter became the substantive Motion on which the further Amendment, such further Amendment being to the effect that the application be approved on a temporary basis for a period of one year, that servicing and repair of motorcycles and vehicles take place within the building and with the shutters closed for the purpose of minimising the impact of noise on adjoining and nearby residential properties and the addition of an Informative indicating that the applicant install signage at the entrance to/exit from the hardstanding area of the site instructing that motorcycles should be alighted and wheeled within this area, was moved by Councillor Buchanan and seconded by Councillor Mahoney.

On a division, 1 Member voted for the substantive Motion and 7 for the Amendment.

Accordingly, **AGREED** to **GRANT** temporary planning permission for a period of one year, subject to the following conditions:-

- (1) The servicing and repair of motorcycles and vehicles must take place within the building and with the shutters closed.
- (2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the premises shall not be used as a Class 1 Retail Use.

Reason:-

- (1) To safeguard the residential amenity of the surrounding area.
- (2) To ensure that the Planning Authority can control the future use of the premises.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A and 02.
- (2) Any complaint received about noise will be investigated by the Environmental Protection Unit and appropriate action may be taken in terms of the statutory nuisance legislation.
- (3) The applicant shall install signage at the entrance to/exit from the hardstanding area of the site requiring that motorcycles should be alighted from and wheeled within this area.

Councillor Buchanan left the Chair prior to consideration of the following item of business and Councillor McLuckie assumed the role of Convener.

P134. EXTRACTION OF DIMENSION SANDSTONE AT DRUMHEAD QUARRY, DENNY FOR MR AND MRS D GRAHAM - P/11/0156/MRL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 2 November and 5 December 2011 (Paragraphs P104 and P108 refer), Committee gave further consideration to Reports (circulated) dated 25 October and 24 November 2011 by the

Director of Development Services and an additional Report (circulated) dated 24 January 2012 by the said Director on an application for mineral resource level permission for a local development for the phased extraction of dimension sandstone and aggregate stone and the associated phased restoration at a site at Drumhead Quarry, Denny.

AGREED to **CONTINUE** consideration of this application to enable further consideration of access to the site and associated road safety issues.

Councillor Buchanan resumed the Convenership of the meeting following consideration of the foregoing item of business.

In accordance with the decision taking at the start of the meeting, the following two items had been continued to a future meeting to allow inspections of the sites by Committee:-

P135. DEVELOPMENT OF UP TO 550 HOUSES, A NEIGHBOURHOOD CENTRE INCLUDING RETAIL AND COMMUNITY USES, ACCESS JUNCTIONS, NEW ACCESS ROADS, PROVISION OF A NATURE CONSERVATION AREA, ASSOCIATED ROADS AND INFRASTRUCTURE ON LAND TO THE NORTH OF BANKVIEW NURSING HOME, KILSYTH ROAD, BANKNOCK FOR I AND H BROWN LTD - P/10/0360/PPP

P136. TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION OF ORGANIC WASTE INCLUDING LIME TREATMENT AND OPEN WINDROW COMPOSTING AT JAWCRAIG BRICKWORKS, FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS - P/10/0762/FUL

P137. CHANGE OF USE FROM PARKING AREA TO PRIVATE GARDEN GROUND AND THE ERECTION OF A 1.8 METRE BOUNDARY FENCE ON LAND ADJACENT TO 8 HARRIS PLACE, GRANGEMOUTH FK3 8TN FOR MR ALEX PATERSON - P/11/0677/FUL

There was submitted Report (circulated) dated 24 January 2012 by the Director of Development Services on an application for full planning permission for the change of use from a parking area to private garden ground and the erection of a 1.8 metre boundary fence on land, measuring approximately 190 square metres at the east side of the garage/parking area, adjacent to 8 Harris Place, Grangemouth.

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) There shall be no obstruction to visibility over one metre in height within 2.5 metres of the channel line of the entrance to the access lane.
- (3) Notwithstanding any details previously submitted, the development shall not commence on site until details of boundary fencing have 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 the interests of safeguarding highway users.
- (3) In the interests of visual amenity.

Informative:-

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

P138. DISCHARGE OF SECTION 75 AGREEMENT ON PLANNING PERMISSION F/2001/0293, WHICH RESTRICTED OCCUPATION OF THE DWELLINGHOUSE APPROVED UNDER THAT PERMISSION TO A PERSON OR PERSONS RESPONSIBLE FOR THE MANAGEMENT OF THE MILNHOLM EQUESTRIAN CENTRE COMPLEX AT MILNHOLM FARM, REDDOCH ROAD, POLMONT, FALKIRK FK2 0YD FOR SUSAN BUCHANAN - P/11/0214/75D

There was submitted Report (circulated) dated 24 January 2012 by the Director of Development Services on a request to discharge an agreement made under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 relating to planning permission F/2001/0293, which restricted occupation of the dwellinghouse approved under that permission to a person or persons responsible for the management of the Milnholm Equestrian Centre complex at Milnholm Farm, Reddoch Road, Polmont, Falkirk.

AGREED to the existing Section 75 Agreement restricting the occupancy and sale of Milnholm Farm, Falkirk being discharged.

In accordance with the decision taking at the start of the meeting, the following item had been continued to a future meeting to allow an inspections of the site by Committee:-

P139. INSTALLATION OF A WIND TURBINE 225 KW (32.2 METRES TO HUB AND 45.7 METRES TO BLADE TIP), ANCILLARY INFRASTRUCTURE INCLUDING ACCESS TRACK, CRANE HARDSTANDING AREA AND TEMPORARY GROUND WORKS ON LAND TO THE NORTH OF KERSEBROCK FARM, FALKIRK FOR MR JOHN WATSON - P/11/0632/FUL

P140. RE-PAINTING OF SHOP FRONTAGE AND INSTALLATION OF SAFETY GRILLES (RETROSPECTIVE) AT 39 NORTH STREET, BO'NESS EH51 0AQ FOR FALKIRK COUNCIL - P/11/0707/FUL

There was submitted Report (circulated) dated 24 January 2012 by the Director of Development Services on an application for full planning permission for the repainting

of a shopfront of a category B Listed building in light grey colour and the installation of Ratho Byre Forge designed safety grilles (retrospective) at 39 North Street, Bo'ness to match those installed at other locations within the Town Centre Conservation Area.

AGREED to **GRANT** planning permission.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the consent refers bear the online reference number(s) 01, 02 and 03.
- (2) The applicant is advised that the development requires Listed Building Consent.

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

P141. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0692/FUL

P142. ERECTION OF NEW DEER FENCING AND GATES AT BURNHOUSE FARM, BONNYBRIDGE FK4 2HH FOR MRS VIRGINIA LUCEY - P/11/0651/FUL

The Committee **AGREED** to hear the following two items together as they related to the same project.

P143. CONSTRUCTION OF NEW PATHS AND ENHANCEMENT OF EXISTING PATHS ON LAND TO THE NORTH WEST OF DALDERSE SEWAGE WORKS, FALKIRK FOR THE HELIX TRUST - P/11/0687/FUL

There was submitted Report (circulated) dated 24 January 2012 by the Director of Development Services on an application for full planning permission for the formation of public access footpaths and cycleways to the north of Farm Street and Lomond Drive to the south of the River Carron on land to the north west of Dalderse Sewage Works, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years from the date of the permission.
- (2) The approved footpath/cycleway 'X' shall be constructed to extend to and connect with the existing path at the western end of Lomond Drive, Falkirk.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To provide footpath/cycleway connection with existing infrastructure.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02, 03A, 04A, 05A and 06A.
- (2) The development will require the approval of Roads Construction Consent from the Roads Development Unit of Falkirk Council prior to the commencement of works.

P144. CONSTRUCTION OF NEW PATHS AND ENHANCEMENT OF EXISTING PATHS ON LAND TO THE NORTH WEST OF DALDERSE SEWAGE WORKS, FALKIRK FOR THE HELIX TRUST - P/11/0688/FUL

There was submitted Report (circulated) dated 24 January 2012 by the Director of Development Services on an application for full planning permission for the formation of public access footpaths and cycleways to the east of Lomond Drive and within the boundary of the Abbotshaugh Community Woodland on land to the north west of Dalderse Sewage Works, Falkirk.

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

- (1) The development to which the permission relates must be begun within three years from the date of the permission.
- (2) Prior to the commencement of development details of pedestrian/cyclist protection measures to be provided at the location where path 'L' adjoins Abbots Road shall be provided for the assessment of Falkirk Council as Planning Authority. Development shall not commence until the written approval of Falkirk Council is provided, including amendment as required.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of road safety.

Informative:-

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

P145. 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

With reference to Minute of Meeting of the Planning Committee held on 2 November 2011 (Paragraph P98 refers), there was submitted a Report (circulated) dated 24 January 2012 by the Director of Development Services 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.

On 2 November 2011, the Committee agreed to grant planning permission, with the exception of the caravan, and subject to the Director of Development Services investigating the possibility of a Tree Preservation Order over the remaining trees on site and that trees to be planted, as required by condition, be of robust specification and advanced level of maturity and that matters be reported back to Committee.

NOTED that the site was inspected by Landscape Officers and an assessment carried out using a standard methodology to assess amenity value. It was concluded that neither the small conifer block at the entrance to the east, nor the linear tree belt along the former railway line to the north west would merit a Tree Preservation Order.