

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 MARCH 2012 at 9.30 A.M.**

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

**CONVENER:** Councillor Buchanan.

**APOLOGY:** Councillor McNeill.

**ATTENDING:** Director of Development Services; 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; Transport Planning Co-ordinator; Transport Planning Officer (K Swanson); Planning Officer (D Thallon); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:** Councillor Oliver declared a non-financial interest in Item 4 (minute P155) as he had held discussions with the applicant's representatives and Planning Officers, but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

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

- Councillor Oliver informed the Committee that as he had not attended the meeting of the Committee on 1 February 2012 he would not take part in consideration of planning applications P/10/0762/FUL, P/11/0632/FUL and P/11/0692/FUL (minute P152, P156 and P157) but he would take part in consideration of planning application P/11/0651/FUL (minute P158) as he was sufficiently familiar with the site.
- 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/10/0762/FUL, P/11/0632/FUL, P/11/0692/FUL and P/11/0156/MRL (minute P152, P156, P157 and P159).
- Councillor Nicol informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0360/PPP, P/11/0632/FUL and P/11/0651/FUL (minute P155, P156 and P158).
- Councillor Lemetti informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/10/0360/PPP, P/11/0632/FUL and P/11/0651/FUL (minute P155, P156 and P158).

- 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 P159).

## **P150. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 1 February 2012; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 20 February 2012.

## **P151. ORDER OF BUSINESS**

In terms of Standing Order 15.2(i), Councillor Buchanan advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

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

## **P152. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2012 (Paragraph P136 refers), Committee gave further consideration to Report (circulated) dated 24 January 2012 by the Director of Development Services and an additional Report (circulated) dated 28 February 2012 by the said Director on an application for full planning permission for the temporary storage, treatment and distribution of organic waste including open windrow composting and lime treatment at Jawcraig Brickworks, located approximately 1.7 kilometres north of Slamannan and abutting the B803 Easter Jawcraig to Slamannan Road, Falkirk.

**AGREED** to **CONTINUE** consideration of this application to allow further deliberation by officers following receipt of additional technical information.

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

**P153. PROHIBITION OF WAITING - COMELY PLACE AND COMELY PARK GARDENS, FALKIRK**

There was submitted Report (circulated) dated 27 February 2012 by the Director of Development Services seeking a decision on the Falkirk Council (Comely Place and Comely Park Gardens, Falkirk) (Prohibition of Waiting) Order 2011 to prohibit waiting at any time in the vicinity of the junction of Comely Place and Comely Park Gardens, Falkirk.

**AGREED** to make the Prohibition of Waiting Order referred to in the Report.

**P154. PROHIBITION OF WAITING - ERSKINE HILL, POLMONT**

There was submitted Report (circulated) dated 27 February 2012 by the Director of Development Services seeking a decision on the Falkirk Council (Erskine Hill, Polmont) (Prohibition of Waiting) Order 2011 to prohibit waiting at any time on the access road to Erskine Hill from Station Road, Polmont, Falkirk.

**AGREED** to make the Prohibition of Waiting Order referred to in the Report.

**P155. 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 & H BROWN LTD.- P/10/0360/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2012 (Paragraph P135 refers), Committee gave further consideration to Report (circulated) dated 25 January 2012 by the Director of Development Services and an additional Report (circulated) dated 28 February 2012 by the said Director on an application for planning permission in principle for the development of land for up to 550 dwellinghouses, a neighbourhood centre including retail and community uses, a nature conservation area and associated infrastructure including access junctions, new roads and paths, surface water drainage facilities and landscaping on land to the north of Bankview Nursing Home, Kilsyth Road, Banknock.

**AGREED** to **GRANT** planning permission in principle, 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 terms satisfactory to the Director of Development Services in respect of:-
  - (i) The provision of an extension to Bankier Primary School;
  - (ii) The provision of additional and/or enhanced pre-school/nursery facilities;

- (iii) The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;
  - (iv) The upgrade of the M80 east and west slip road junctions on the A803;
  - (v) The payment of a financial contribution towards the provision of the Denny Eastern Access Road (DEAR), in the sum of £90,000;
  - (vi) The preparation of a Travel Plan Framework;
  - (vii) The payment of a financial contribution towards the upgrade of the local Core Path Network, in the sum of £50,400;
  - (viii) The payment of a financial contribution towards the upgrade and enhancement of existing recreational facilities in the local area, in the sum of £135,640 less the cost of the proposed on-site equipped play provision;
  - (ix) The payment of a financial contribution towards the upgrade of the Banknock Community Centre;
  - (x) The payment of a financial contribution towards the implementation of local community projects;
  - (xi) The payment of a financial contribution towards (a) the monitoring of air quality in the local area, at a rate of £500 per annum until the end of the build period; and (b) the implementation of air quality action plan measures;
  - (xii) The amount, type and phasing of the provision of affordable housing;
  - (xiii) The payment of a financial contribution in the sum of £80,000 towards any works which may be considered necessary by the Director of Development Services to address any issues which emerge as the access strategy is refined at a more detailed stage; and
  - (xiv) Maintenance of the relevant area to the Council's satisfaction in all time coming (being the land required to achieve the necessary forward visibility at the proposed enlarged M80 east slip road/A803 junction);
- (b) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-
- (1) The permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:-
    - (a) the siting, size, height, design & external appearance of the proposed development;
    - (b) details of the access arrangements; and
    - (c) details of landscaping of the site and future maintenance of landscaping.
  - (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:-
    - (a) the expiration of 5 years from the date of the grant of planning permission in principle; or

- (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the five year period mentioned in sub-paragraph (a) above.

- (3) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (a) the expiration of five years from the date of the grant of the planning permission in principle; or
  - (b) the expiration of two years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

#### *Approval of Further Details*

- (4) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, and yearly thereafter until 3 years after the development has been fully constructed, a suitably qualified person shall submit an update report for the written approval of the Planning Authority in respect of implementation of the following:-
  - (a) The Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011); and
  - (b) Conditions 16 to 23 of the permission.
- (5) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted for the written approval of the Planning Authority:-
  - (a) An Energy Framework/Strategy; and
  - (b) A Public Art Framework/Strategy.
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, a detailed design and a Stage 2 Road Safety Audit for the proposed western and eastern access junctions, to the A803 Kilsyth Road/Hollandbush Avenue junction and the proposed upgrades to the A803 Kilsyth Road/M80 east and west slip road junctions shall be submitted to and agreed in writing by the Planning Authority;
- (7) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by the Planning Authority:-
  - (a) Detailed site layout and design information, which accords with the approved Banknock North SIRR Development Masterplan, Revision C, dated July 2011, unless otherwise agreed in writing by the Planning Authority;

- (b) A detailed Phasing Plan showing the exact sequence of preparatory levelling/earthworks and vegetation removal and development for the proposed land uses, provision of infrastructure, landscaping, open space and play facilities;
- (c) A detailed strategy for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, having regard to the approved site-wide Energy Framework/Strategy;
- (d) Proposals to incorporate public art/interpretive facilities into the development having regard to the approved site-wide Public Art Framework/Strategy;
- (e) A detailed scheme of soft landscaping works incorporating measures to promote, enhance and safeguard biodiversity. The scheme shall include the location of all proposed new trees, shrubs, hedges and grass areas and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
- (f) Proposals for the provision of newt friendly infrastructure within residential areas, which accord with the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
- (g) An updated Tree Protection and Removal Plan, as informed by an updated Tree Survey;
- (h) A detailed scheme of hard landscaping works, which includes the specification and colour of all proposed surface material and the location and design of all proposed artefacts, structures and enclosures e.g. street furniture, lighting, walls, fences and gates;
- (i) The proposed long term management and maintenance arrangements for all open spaces, water bodies, SUDS ponds and structured landscaping areas;
- (j) A Construction Environmental Management Plan;
- (k) The exact location and design of all proposed waste management facilities, which accord with the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (l) A Contaminated Land Assessment, which determines the nature and extent of any contamination on the site, including contamination that may have originated elsewhere, and any potential risks to human health, property, the water environment and designated ecological sites;
- (m) A full site-specific surface water drainage scheme, which accords with SUDS principles;
- (n) An updated Flood Risk Assessment/Statement, which details all proposed flood alleviation measures and demonstrates that pluvial flood risk is managed as part of the drainage design, that all properties have a suitable freeboard over the design event, that all properties have safe access and egress during the design event and that the design of the new culverts is robust and provision has been made for flood waters to safely bypass them in the event of blockage;
- (o) The exact location and specification of all proposed foot/cycle paths, including connections to the wider path network;
- (p) A Travel Plan, including a Travel Pack;
- (q) Proposals for access to public transport services (including school bus services); and
- (r) A Noise Impact Assessment.

### *Number of Units*

- (8) Notwithstanding that the development description is for 'development up to 550 houses', the overall number of residential units shall not exceed 504, unless otherwise agreed in writing by the Planning Authority;

### *Tree Protection and Removal*

- (9) No trees or scrub shall be removed from each respective development phase until an updated Tree Protection and Removal Plan for that phase has been submitted to and approved in writing by the Planning Authority;
- (10) Before the respective development phase commences, the details and specification of the protective measures necessary to safeguard the trees and other types of vegetation to be retained shall be submitted to and approved in writing by the Planning Authority;
- (11) Upon completion of the approved protection measures, the Planning Authority shall be notified and no work within the respective development phase shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable;
- (12) The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;

### *Biodiversity*

- (13) Unless otherwise agreed in writing by the Planning Authority, the development shall be carried out in accordance with the Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011);
- (14) Unless otherwise agreed in writing by the Planning Authority, all approved tree and scrub removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds;
- (15) Where the respective development phase has not commenced within 12 months of the last survey of the site for badgers, bats, otters and breeding birds, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by the Planning Authority prior to that development phase commencing;

### *Great Crested Newts*

- (16) The development shall be carried out in accordance with the mitigation and compensation measures set out in Section 4.2 of the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
- (17) The integrity of all amphibian fencing shall be monitored at least monthly between February and November every year, or for the anticipated duration of

construction estimated at 15 years, after which time the fence shall be removed. Any repairs or appropriate remediation measures shall be undertaken immediately in the event of the fence being found to be damaged or affected in any way which is likely to impair its effectiveness;

- (18) The habitat creation and enhancements works within the proposed Nature Conservation Area shall be completed, and made available to newts (i.e. all newt fencing removed from this area), by 31 December 2013;
- (19) A new pond shall be created during the construction period to replace the loss of the Railway Pond (PN13) and be situated in approximately the same location;
- (20) The new ponds (i.e. the new Railway Pond, the new Brown Pond and the new ponds within the proposed Nature Conservation Area) shall be monitored for three years from their creation, within any remedial action identified by the monitoring being implemented in accordance with details approved in writing by the Planning Authority;
- (21) No works shall be carried out within the application site boundaries within 3 years of the erection of the one-way newt fence, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage. After the one-way newt fence has been in place for at least 3 years (i.e. until 29 February 2012), a risk assessment(s) for all staged works then proposed within the application site boundaries shall be carried out to determine if they are likely to cause an offence under Regulation 39/43 of the Habitats Regulations. The risk assessment(s) shall be submitted for the written approval of the Planning Authority and shall include an appraisal of the monitoring and maintenance records for the one-way newt fence;
- (22) The great crested newt meta-population shall be monitored for 3 years after the development has been constructed and the one-way newt fence removed, with any remedial action identified by the monitoring being implemented in accordance with details approved in writing by the Planning Authority;
- (23) Arrangements shall be made to secure the long-term management of the newt-friendly infrastructure, including the new ponds and associated habitat, in accordance with details approved in writing by the Planning Authority;

#### *Cultural Heritage*

- (24) Unless otherwise agreed in writing by the Planning Authority, no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority;
- (25) During implementation of the approved programme of archaeological work, access at all reasonable times shall be afforded to any archaeologist nominated by the Planning Authority, to allow that person to observe work in progress and record items of interest and finds;
- (26) Not less than 14 days prior to the development commencing, the Planning Authority shall be notified in writing of the commencement date of ground



breaking works, the site contact person and the archaeologist appointed by the applicant;

*Provision of New/Enhanced Local Facilities and Features*

- (27) Unless otherwise agreed in writing by the Planning Authority, the proposed retail development, associated public realm area and gateway features shall be fully completed prior to the completion of either phase 1 of the proposed development or the 100<sup>th</sup> residential unit, whichever is the earliest, in accordance with details approved in writing by the Planning Authority;
- (28) Land or floor space for the relocation of the existing health centre to the proposed Village Centre shall be set aside in accordance with details and a timescale to be agreed in writing by the Planning Authority, unless it is demonstrated to the satisfaction of the Planning Authority that there is no need for land or floor space for this purpose;

*Contaminated Land*

- (29) Before the respective development phase is brought into use, any necessary remediation works to make the ground safe from contamination (as defined in part IIA of the Environmental Protection Act 1990) shall be carried out in accordance with a remediation strategy approved in writing by the Planning Authority;
- (30) Before the respective development phase is brought into use, any necessary remediation completion report/validation certificate, endorsed by the relevant parties, shall be submitted to and approved in writing by the Planning Authority;

*Surface Water Drainage/Flooding*

- (31) The proposed surface water drainage retrofit at Bankier Primary School, to release foul capacity to serve the proposed development, shall be fully completed in accordance with a final design scheme approved in writing by the Planning Authority;
- (32) No landraising or built development shall occur within the 0.5% annual probability flood plain as shown hatched on the approved Banknock North SIRR Development Masterplan Revision C, dated July 2011;

*Outdoor Access*

- (33) The existing Core Path Network/Right of Ways shall be retained for use by the public during the construction phase unless temporary arrangements are put in place for a diversion(s) in accordance with details, including the provision of signage, approved in writing by the Planning Authority;

*Roads/Transportation*

- (34) Unless otherwise agreed in writing by the Planning Authority, having regard to the Scottish Government Policy Statement: Designing Streets, all new roads and associated infrastructure shall be designed and constructed in accordance with

the Design Guidelines and Construction Standards for Roads in the Falkirk Council area;

- (35) Unless otherwise agreed in writing by the Planning Authority, no part of the development shall be occupied until the proposed western and eastern access junctions, and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, have been fully completed in accordance with details submitted to and approved in writing by the Planning Authority;
- (36) Within one month of opening of each new/upgraded road junction, a Stage 3 Road Safety Audit shall be submitted for the written approval of the Planning Authority. Any required changes to the design as a consequence of the Stage 3 Road Safety Audit shall be funded by the applicant;
- (37) Before the development commences, exact details of the proposed pedestrian crossings of the A803 Kilsyth Road and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, shall be submitted to and approved in writing by the Planning Authority unless otherwise agreed. Thereafter any agreed facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by the Planning Authority;
- (38) Before the development commences, exact details of the provision of a suitable route though the site to accommodate bus use, including stopping points and shelter facilities, shall be submitted to and approved in writing by the Planning Authority unless otherwise agreed in writing by the Planning Authority. Thereafter the facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by the Planning Authority;
- (39) Before the development commences, exact details of the proposed relocation/upgrading of the existing bus stops on Kilsyth Road shall be submitted to and approved in writing by the Planning Authority. Thereafter the facilities shall be relocated in accordance with the approved details and a timescale(s) to be agreed in writing by the Planning Authority;
- (40) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area;
- (41) At the same time as completion of the proposed western access junction, the existing access to the Bankview Nursing Home shall be closed off and the kerbing reinstated in accordance with details approved in writing by the Planning Authority;
- (42) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 West Slip Road Junction as generally illustrated in the JMP Drawing No SCT3178/I/WS/001/ Rev E dated October 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland;
- (43) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 East Slip Road Junction as generally illustrated on the JMP Drawing No SCT3178/I/ES/001 Rev I dated December

2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland;

- (44) No development shall commence until details of proposed new signage on the M80 West Slip Road have been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland;
- (45) No development shall commence until lighting details within the site have been submitted to and approved by the Planning Authority in consultation with Transport Scotland;
- (46) No development shall commence until boundary fencing details with the M80 Slip Road have been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland; and
- (47) The development shall not affect the integrity of the trunk road drainage network. No connections shall be made to the trunk road drainage network.

Reason(s):-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (8) To limit the number of units to reflect the scale of development subject to the Transport Assessment.
- (9-12) To safeguard the visual and environmental amenity of the area.
- (13-23) To protect, mitigate and enhance natural heritage and protected species interests.
- (24-26) To safeguard the archaeological interest of the area.
- (27-28) To secure the delivery of new facilities in accordance with appropriate timescales.
- (29-30) To ensure the ground is suitable for the proposed development.
- (31-32) To ensure that suitable drainage is provided and that potential flood risk is mitigated to an acceptable level.
- (33) To safeguard the existing public path network.
- (34-36,41) To safeguard the interests of the users of the highway and to ensure the delivery of infrastructure in accordance with appropriate timescales.

- (37-39) To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.
- (40) To ensure that adequate parking is provided.
- (42-44) To ensure the impact of the development is adequately mitigated against with minimum interference to the safety and free flow of traffic on the trunk road.
- (45) To ensure there will be no distractions or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
- (46) To minimise the risk of pedestrians gaining uncontrolled access to the trunk road with the consequential risk of accidents.
- (47) To ensure the efficiency of the existing trunk road drainage is not affected.

Councillors Nicol, Oliver and Mahoney left the meeting prior to consideration of the following item of business.

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

**P156. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2012 (Paragraph P139 refers), Committee gave further consideration to Report (circulated) dated 24 January 2012 by the Director of Development Services and an additional Report (circulated) dated 28 February 2012 by the said Director on an application for full planning permission for the installation of a single wind turbine, ancillary infrastructure including an access track, a crane hardstanding area and temporary ground works on agricultural land to the north of Kersebrock Farm, Falkirk.

Councillor C Martin, seconded by Councillor McLuckie, moved that the application be refused on the grounds of the adverse visual impact on the existing rural landscape setting and character and the surrounding area as well as an adverse noise impact.

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

On a division, 5 Members voted for the Motion and 2 voted for the Amendment.

Accordingly **AGREED** to **REFUSE** planning permission on the grounds of the adverse visual impact on the existing rural landscape setting and character and the surrounding area as well as an adverse noise impact.

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

**P157. ERECTION OF DWELLINGHOUSE AT GLEN HOUSE, GLEN ROAD, TORWOOD, LARBERT FK5 4SN FOR MR ALAN MILLIKEN - P/11/0692/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2012 (Paragraph P141 refers), Committee gave further consideration to Report (circulated) dated 24 January 2012 by the Director of Development Services and an additional Report (circulated) dated 28 February 2012 by the said Director on an application for full planning permission for the erection of a dwellinghouse within the rear garden of an existing dwellinghouse at Glen House, Glen Road, Torwood, Larbert.

The Convener agreed a 25 minute adjournment prior to full consideration of this item of business to allow the information detailed in the Tree Survey documentation to be photocopied in a form increased in size for ease of reference. This was duly circulated to all Members of the Committee. The meeting reconvened with all Members present as per the sederunt.

Councillors Mahoney and Oliver re-entered the meeting following the adjournment but would take no part in consideration of this item of business.

Councillor Buchanan, seconded by Councillor Lemetti, moved that the application be approved on the grounds that the site was considered to be an appropriate infill opportunity and would not result in inappropriate backland development.

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

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

In accordance with Standing Order 21.6, in the case of an equality of votes, the Convener used his casting vote for the Motion.

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

**P158. ERECTION OF NEW DEER FENCING AND GATES AT BURNHOUSE FARM, BONNYBRIDGE FK4 2HH FOR MRS VIRGINIA LUCEY - P/11/0651/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 February 2012 (Paragraph P142 refers), Committee gave further consideration to Report (circulated) dated 24 January 2012 by the Director of Development Services and an additional Report (circulated) dated 28 February 2012 by the said Director on an application for full planning permission for the erection of 1.9 metre high deer fencing and gates to enclose new deer fields at Burnhouse Farm, Bonnybridge.

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

By way of an Amendment, Councillor Alexander, seconded by Councillor Buchanan, moved that the application be refused on the grounds of road safety due to the narrowing effect on the road in the vicinity of the proposed fencing, the adverse effect on the visual amenity and a restriction on the right to roam.

On a division, 6 Members voted for the Motion and 2 voted for the Amendment.

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

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

Reason:-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative:-

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

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

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

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

**P159. EXTRACTION OF DIMENSION SANDSTONE AT DRUMHEAD QUARRY, DENNY FOR MR & 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 and 1 February 2012 (Paragraphs P104, P108 and P134 refer), Committee gave further consideration to Reports (circulated) dated 25 October and 24 November 2011 and 24 January 2012 by the Director of Development Services and an additional Report (circulated) dated 28 February 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** that Committee is **MINDED** to **GRANT** planning permission with the new relocated access, the addition of a proviso that the operation should not take place on a Sunday and that regular reports be provided to Denny and District Community Council in addition to Falkirk Council in relation to the conditions of Denovan Road and subject to:-

- (a) The satisfactory conclusion of an Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure:-
- (i) The phased restoration and aftercare of the site and adjoining land (including the original quarry area);
  - (ii) A bond or other financial guarantee which is capable of achieving the approved restoration and aftercare scheme should the land be abandoned;
  - (iii) The haul route to be used by lorries entering and leaving the site to transport the stone;
  - (iv) The arrangements for the applicant demonstrating ongoing compliance with the conditions of the permission and implementation of the approved restoration and aftercare scheme;
  - (v) The arrangements for the undertaking of regular joint inspections by the Council and the quarry operator to record the condition of Denovan Road; and
  - (vi) Agreement with the Council on how the vehicle count and type of vehicle information will be collected and analysed from the Loop Counter Classifier.
- (b) And thereafter, subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following condition(s):-
- (1) The development to which the permission relates must be begun within three years of the date of the permission;
  - (2) The permission shall be valid for a limited period of 7 years from the date of commencement of the proposed extraction works; the date of commencement to be agreed in writing by the operator and the Planning Authority, prior to works commencing on site;
  - (3) Unless otherwise agreed in writing by the Planning Authority, no more than 10,317 tonnes of sandstone shall be extracted per annum;
  - (4) From the commencement of the proposed extraction works, the operator shall submit an annual statement and drawings to the Planning Authority illustrating the extent of quarry working, the amount of extraction per annum and projected operations during the forthcoming 12 month period;
  - (5) Before commencement of the proposed extraction works, the existing access to the quarry from Denovan Road shall be closed off in accordance with details to be approved in writing by the Planning Authority, and relocated to the position indicated in red on the plan attached to the Decision Notice in accordance with Conditions 6 to 11 of the permission;
  - (6) The relocated access shall conform to a bellmouth arrangement, with a western radius of 11 metres and an eastern radius of 6 metres, unless otherwise agreed in writing by the Planning Authority;
  - (7) The relocated access shall be formed at a minimum width of 6 metres and a maximum gradient of 10%, unless otherwise agreed in writing by the Planning

Authority, and shall be constructed in a manner to ensure that no loose material or surface water is discharged on to the public road;

- (8) The first 15 metres of the bellmouth and access road from the edge of the existing carriageway shall be surfaced with a coated material in accordance with details approved in writing by the Planning Authority;
- (9) There shall be no obstruction to visibility above ground level within a visibility splay measuring 9 metres x 60 metres to the west and 9 metres x 90 metres to the east of the relocated site access, unless otherwise agreed in writing by the Planning Authority;
- (10) Any access gates shall open inwards only;
- (11) Any access gates shall be positioned a minimum distance of 15 metres back from the edge of the public carriageway;
- (12) Before commencement of the proposed extraction works, a "No Left Turn" sign which complies with diagram 613 of the Traffic Signs Manual shall be provided in the position indicated in blue on the plan attached to the Decision Notice;
- (13) Before commencement of the proposed extraction works, strategically placed passing places on the access road shall be provided at positions and in accordance with details to be approved in writing by the Planning Authority;
- (14) Before commencement of the proposed extraction works, localised widening of Denovan Road, primarily in the vicinity of the relocated site entrance, shall be fully completed in accordance with details to be approved in writing by the Planning Authority;
- (15) Before commencement of the proposed extraction works, wheel washing facilities shall be provided in a working condition at a position and in accordance with a specification and drainage arrangements to be approved in writing by the Planning Authority. Thereafter, the approved facilities shall be retained and maintained for the duration of the operation;
- (16) Before the development commences, a detailed scheme of public access (existing, during construction and upon completion) shall be submitted to and approved in writing by the Planning Authority. The scheme shall include (as appropriate):-
  - (a) All existing paths, tracks and rights of way, and any other areas currently outwith or excluded from statutory access rights;
  - (b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
  - (c) All paths and tracks proposed for construction for use by walkers, riders, cyclists and all abilities users, including details of the proposed specification; and
  - (d) Any diversions of paths - temporary or permanent - proposed for the purpose of the development.

Thereafter, public access shall be provided in accordance with the approved details and agreed timescales for provision.



- (17) Before the development commences, a full site specific Environmental Management Plan (EMP) shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA, and all works shall be carried out in accordance with the approved EMP;
- (18) Before the development commences, a temporary fence shall be erected around the boundary of the work areas in a position(s) and in accordance with a specification approved in writing by the Planning Authority;
- (19) Upon erection of the approved fencing, the Planning Authority shall be notified and no work shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable;
- (20) The approved fencing shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected areas, including the operation of machinery;
- (21) No trees shall be felled without the prior written approval of the Planning Authority;
- (22) The development shall be carried out in accordance with the Bat Mitigation Method Statement contained in the Bat Survey prepared by Brindley Associates, dated September 2010, and the Mitigation for Badgers contained in the Badger Survey and Local Biodiversity Action Plan (LBAP) Evaluation prepared by Sandra Stewart, dated July 2011;
- (23) Where the development has not commenced within 12 months of the last survey for bats and badgers, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by the Planning Authority;
- (24) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority;
- (25) Unless otherwise agreed in writing by the Planning Authority, the development shall be carried out in accordance with the Method of Working Statement submitted with the application;
- (26) Before the development commences, details of the exact location, profile, height and timescales for provision of the temporary screening bunds 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;
- (27) Before the commencement of the proposed extraction works, a Loop Counter Classifier system shall be installed on the quarry access road, at the expense of the applicant, in accordance with details approved in writing by the Planning Authority; and

- (28) Before the development commences, full details of the proposals for the provision of a Sustainable Drainage System (SUDS) 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.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) The estimated volume of sandstone reserves are proposed to be extracted over a seven year period.
- (3) To control the amount of extraction of sandstone, in accordance with the information submitted with the application.
- (4) In the interests of monitoring the operation.
- (5-15) To safeguard the interests of the users of the highway.
- (16) To safeguard the interests of the users of the public right of way.
- (17) To control potential sources of pollution to air, land and water.
- (18-21) To protect and safeguard the existing trees and woodland.
- (22-23) To protect the interests of Protected Species.
- (24) To ensure that satisfactory provision is made of possible archaeological resources.
- (25) To control the scale and nature of the operation in the interests of local amenity.
- (26) To mitigate the potential for temporary landscape, visual and amenity impacts.
- (27) To provide a means to count and classify the vehicles using the quarry access road.
- (28) To ensure that a sustainable drainage system is provided.

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, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 and 17.
- (2) A Minor Roadworks Consent will be required for any works to the public road. The applicant should contact Falkirk Council's Development Services, Roads Depot, Earls Road, Grangemouth (01324 504600) to obtain the relevant application form for the Minor Roadworks Consent.

- (3) SEPA have noted from section 6.1.13 of the Planning Statement that there will be no dewatering at the site as groundwater is not anticipated. In addition, there will be no abstractions from surface watercourses. However, the applicant should note that in the event that groundwater dewatering is required, the activity is regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).
- (4) It is advised that the applicant should carry out further liaison with the local SEPA regulatory team in relation to Sustainable Urban Drainage Provision (SUDS) in the treatment of water during operations.

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

**P160. ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR STUART RAE - P/11/0493/FUL**

There was submitted Report (circulated) dated 29 February 2012 by the Director of Development Services on an application for full planning permission for the erection of a two storey dwellinghouse and a detached garage at Riverside Farm, Denny.

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

**P161. ERECTION OF DWELLINGHOUSE ON LAND SOUTH OF 7 BLACKBRAES ROAD, FALKIRK FOR MR COLIN MCMILLAN - P/11/0571/PPP**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for planning permission in principle for the erection of a dwellinghouse on land south of 7 Blackbraes Road, Falkirk.

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

**P162. ERECTION OF 3 DWELLINGHOUSES WITH DETACHED DOMESTIC GARAGES ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD TORWOOD FOR ROY MITCHELL DESIGN LTD - P/11/0797/FUL**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for the erection of three one and a half storey dwellinghouses over a 1.02 hectare site with detached domestic garages on land to the south east of Byways, Glen Road, Torwood.

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

**P163. ERECTION OF DWELLINGHOUSE AND FORMATION OF DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR AND MRS DUPLOYEN - P/11/0714/FUL**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for the erection of a single storey dwellinghouse and the formation of a driveway within the garden ground of Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, at 26 Grange Terrace, Bo'ness.

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

**P164. FORMATION OF VEHICULAR ACCESS/DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/11/0716/LBC**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for listed building consent for the formation of vehicular access/driveway at Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, 26 Grange Terrace, Bo'ness.

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

**P165. ERECTION OF 2 DWELLINGHOUSES AT CHATTAN, BONNYSIDE ROAD, BONNYBRIDGE FK4 2AD FOR MR EDWIN GRIFFIN - P/11/0699/FUL**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for the erection of two semi detached dwellinghouses within the rear garden of Chattan, Bonnyside Road, Bonnybridge.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) The occupation of the dwellinghouses hereby permitted shall be limited to persons with an ownership or employment in Chattan Industrial Estate, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
- (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.
- (iv) 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.
- (4) Before any work is commenced on site, details of the height, location and construction of all fences, walls and other means of enclosure shall be submitted to and approved by the Planning Authority.
- (5) Details of the acoustic glazing to be used shall be submitted to, and approved by, the Planning Authority prior to the commencement of construction works.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the proposed dwellinghouses are occupied by persons, or their dependants, with an ownership or employment interest in Chattan Industrial Estate.
- (3) To safeguard the environmental amenity.
- (4) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (5) To ensure that the occupants of the properties are safeguarded against excessive noise intrusion.

Informative:-

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

NOTE: - Members instructed officers to liaise with the applicant to address and resolve issues in relation to the visibility splay at the entrance to the development.

**P166. ALTERATIONS AND RE-ROOFING OF SPECTATOR STAND AT NEWTON PARK BO'NESS UNITED FOOTBALL CLUB, LINLITHGOW ROAD, BO'NESS EH51 0DP FOR BO'NESS UNITED FOOTBALL CLUB - P/11/0822/FUL**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for alterations and the re-roofing of a spectator stand at Newton Park Bo'ness United Football Club, Linlithgow Road, Bo'ness.

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

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

Reason:-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1979.

Informative:-

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

**P167. CHANGE OF USE OF PUBLIC OPEN SPACE TO GARDEN GROUND AT 143 - 171A & 173 - 201 (ODD) KERSIEBANK AVENUE, GRANGEMOUTH FK3 0LX FOR FALKIRK COUNCIL - P/11/0566/FUL**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for a change of use of public open space to garden ground at numbers 143 - 171A & 173 - 201 (Odd) Kersiebank Avenue, Grangemouth.

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

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

Reason:-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A, 03A, 04B, 05, 06, 07A, 08A, 09, 10A and 11.

**P168. ERECTION OF 'SENTINEL' SCULPTURAL STRUCTURE AND CONSTRUCTION OF ASSOCIATED PATHS ON LAND TO THE NORTH WEST OF DALDERSE SEWAGE WORKS, FALKIRK FOR THE HELIX TRUST - P/12/0048/FUL**

There was submitted Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for the erection of a 'Sentinel' sculptural structure and the construction of associated paths on land to the north west of Dalderse Sewage Works, Falkirk.

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

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

Reason:-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informative:-

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