

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 4 APRIL 2012 at 9.30 A.M.

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

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors Carleschi and Lemetti.

ATTENDING: Chief Governance Officer; Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Environmental Health Officer (S Henderson); Senior Forward Planning Officer (R Teed); Network Co-ordinator; Transport Planning Co-ordinator; Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

DECLARATIONS None.

OF INTEREST:

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0493/FUL, P/11/0571/PPP, P/11/0797/FUL and P/10/0762/FUL (minute P4, P5, P6 and P9).
- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0493/FUL, P/11/0797/FUL, P/11/0714/FUL, P/11/0716/LBC and P/10/0762/FUL (minute P4, P6, P7, P8 and P9) but he would take part in consideration of planning application P/11/0571/PPP (minute P5) as he was sufficiently familiar with the site.
- Councillor Alexander informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/11/0493/FUL (minute P4) but he would take part in consideration of planning application P/11/0797/FUL (minute P6) as he was sufficiently familiar with the site.
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0714/FUL and P/11/0716/LBC (minute P7 and P8) but he would take part in consideration of planning applications P/11/0493/FUL, P/11/0571/PPP, P/11/0797/FUL, P/10/0762/FUL (minute P4, P5 P6 and P9) as he was sufficiently familiar with the sites.

- Councillor Turner informed the Committee that he had not attended the site visits but he would take part in consideration of planning applications P/11/0493/FUL, P/11/0571/PPP and P/11/0797/FUL (minute P4, P5 and P6) as he was sufficiently familiar with the sites.

P1. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 7 March 2012; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 19 March 2012.

P2. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/11/0485/FUL, P/11/0626/FUL and P/11/0831/FUL to allow an inspection of the sites by the Committee.

P3. CONSULTATION ON PLANNING APPLICATION - MIXED USE DEVELOPMENT PROPOSAL AT BURGHMUIR, LINLITHGOW (0095/P/12)

Prior to commencement of this item of business, Councillor Mahoney indicated that he had submitted an objection to West Lothian Council in respect of the application 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.

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for planning permission submitted to West Lothian Council for a mixed use development at Burghmuir, Linlithgow and for consideration by Falkirk Council as a consultee.

AGREED that a response be submitted to West Lothian Council indicating that Falkirk Council:-

- (1) Supports and welcomes in principle the proposal to upgrade Junction 3 of the M9 to a 4 way interchange; and
- (2) Objects to the proposed supermarket, on the basis that there is a risk of a significant impact on the vitality and viability of Bo'ness Town Centre, which has not been adequately addressed in the retail impact assessment.

Councillor Alexander 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 would take no part in consideration of this item of business.

P4. ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR STUART RAE - P/11/0493/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P160 refers), Committee gave further consideration to Report (circulated) dated 29 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director 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 GRANT planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three of the date of the permission.
- (2) Before the development commences, exact details of the colour and specification of the proposed external finishes 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.
- (3) Unless otherwise agreed in writing, a Contaminated Land Assessment shall be submitted to and approved in writing by the Planning Authority before the development commences. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with any approved recommendation strategy and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (4) Before the development commences, exact details of the height, location and construction of all proposed fences, walls and any other means of enclosure 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.
- (5) Within 3 months of the date of occupation of the proposed dwellinghouse, the temporary staff office and toilet accommodation granted under planning permission ref: P/08/0804/FUL shall be permanently removed from the property and the land reinstated in accordance with an approved restoration scheme.
- (6) No fence or wall exceeding 1 metre in height shall be erected without the prior written approval of the Planning Authority.
- (7) Before the development commences, exact details of the proposed arrangements for the discharge of foul and surface water 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.
- (8) The occupation of the dwellinghouse hereby approved shall be limited to a person(s) solely or mainly or last employed at West Riverside Farm (as defined in

blue on approved plan 02A) in an occupation requiring a rural location, or a partner or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,4,6) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the proposed development.
- (5) The previously approved structures were not considered to be a suitable form of permanent development and the permanent office/amenity arrangements are provided for as part of the development granted by the permission.
- (7) To ensure that adequate drainage is provided.
- (8) The site lies within the countryside where the proposed dwellinghouse is considered to be inappropriate unless related to the essential needs of a rural business.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02A, 03, 04, 05A, 06A, 07, 08A, 09A, 10A and 11.
- (2) The builder shall ensure that any noisy works which are audible at the site boundary are only conducted between the following hours:-

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/Bank Holidays	1000 to 1600 hours

Deviation from these hours of work are not permitted unless in emergency circumstances and with the prior written approval of the Environmental Health Manager.

- (3) Scottish Water have advised that they are unable to reserve capacity at the Carron Valley Water Treatment Works in advance of formal agreement. They advise that there are no public sewers in the vicinity of the proposed development.

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

P5. ERECTION OF DWELLINGHOUSE ON LAND SOUTH OF 7 BLACKBRAES ROAD, FALKIRK FOR MR COLIN MCMILLAN - P/11/0571/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P161 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for planning permission in principle for the erection of a dwellinghouse on land south of 7 Blackbraes Road, Falkirk.

AGREED to **GRANT** planning permission in principle, subject to appropriate conditions as determined by the Director of Development Services, which conditions shall include a condition regarding boundary treatment for the application site.

NOTE: Members noted that an appropriate boundary treatment for the application site be conditioned with a view to inhibiting future ribbon development in the vicinity of the application site.

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

P6. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P162 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director 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 **REFUSE** planning permission for the following reason:-

- (1) The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 'Countryside and Protected Areas' and Falkirk Local Plan Policies EQ19 'Countryside' and SC3 'Housing Development in the Countryside' and SC8 'Infill Development and Subdivision of Plots' as the proposed development does not require a Countryside location and the site does not constitute an appropriate infill or gap site.

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

Councillor McNeill re-entered the meeting during consideration of the following item of business but would take no part in consideration of this item of business.

P7. 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 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P163 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director 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 REFUSE planning permission on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policy EQ12 - 'Conservation Areas' in that the proposal has an adverse effect on the visual amenity and does not preserve or enhance the character of the area in terms of its location, setting, the architectural style and materials of building.

P8. FORMATION OF VEHICULAR ACCESS/DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/11/0716/LBC (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P164 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director 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, at 26 Grange Terrace, Bo'ness.

AGREED to REFUSE listed building consent on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policies EQ12 - 'Conservation Areas' and EQ14 - 'Listed Buildings' in that the proposal has an adverse effect on the visual amenity of the area and does not preserve or enhance the character and appearance of the application site and the surrounding area.

Councillor Mahoney left and re-entered the meeting during consideration the following item of business but would take no part in consideration of this item of business.

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

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

P9. 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 Minutes of Meetings of the Planning Committee held on 1 February and 7 March 2012 (Paragraphs P136 and P152 refer), Committee gave further consideration to Reports (circulated) dated 24 January and 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 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.

NOTED the position as summarised in the Report; and

AGREED to **CONTINUE** consideration of the application to allow further deliberation by officers of various technical matters as well as receipt of a response from the Scottish Ministers on a request made to them to carry out a Screening Directive.

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

P10. CONVERSION AND EXTENSION OF LARBERT HOUSE TO FORM 20 FLATTED DWELLINGS AND CONVERSION OF THE STABLE BLOCK TO FORM 8 MEWS DWELLINGHOUSES AT LARBERT HOUSE, STIRLING ROAD, LARBERT FK5 4SB FOR STRATHYRE PROPERTIES LIMITED - P/11/0485/FUL

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

P11. MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 50 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 ATTACHED TO PLANNING PERMISSION F/90/0589 RESTRICTING ANCILLARY RETAIL USE AT 1 GRANARY SQUARE, BANKSIDE, FALKIRK FK2 7XJ FOR R & R PROPERTIES (FALKIRK) LTD - P/12/0065/75M

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on a request to modify an Agreement in relation to planning permission F/90/0589 made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended), relating to restrictions on ancillary retail use associated with planning permission for Clause 4 Business Use in respect of a site at 1 Granary Square, Bankside, Falkirk to the east of Grahams Road at Lock 5 (Bainsford) on the Forth and Clyde Canal.

AGREED to **MODIFY** the Section 50 Agreement restricting ancillary retail use at 1 Granary Square, Bankside, Falkirk in order to permit unrestricted ancillary retail use from the site.

P12. EXTENSION AND RE-DEVELOPMENT OF RECYCLING CENTRE. WORKS TO INCLUDE UPGRADE OF EXISTING SITE ROAD, CONSTRUCTION OF SKIP BAYS, CONSTRUCTION OF NEW HARDSTANDINGS, INSTALLATION OF NEW HANDRAILS AND INSTALLATION OF NEW LIGHTING AT ROUGHMUTE REFUSE TRANSFER STATION, BONNYBRIDGE FOR FALKIRK COUNCIL - P/11/0827/FUL

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for the extension and re-development of the Recycling Centre including the upgrading of an existing site road, the construction of skip bays and new hardstandings, the installation of new handrails and the installation of new lighting at Roughmute Refuse Transfer Station, on the south side of the A883 and to the east of the Checkbar Roundabout, Bonnybridge.

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(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) 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.
- (3) 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 to 18:00 Hours
Saturday	09:00 to 17:00 Hours
Sunday / Bank Holidays	10:00 to 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.

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

- P13. INSTALLATION OF 2 NO 50KW WIND TURBINES (36.4 METRES TO HUB), ACCESS TRACK, NEW VEHICULAR ACCESS AND ASSOCIATED ANCILLARY DEVELOPMENT AT SOUTHFIELD FARM, SLAMANNAN, FALKIRK FK1 3BB FOR THE GREEN COMPANY - P/11/0626/FUL**

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

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

- P14. CHANGE OF USE OF EXISTING SHOP TO FORM HOT FOOD TAKEAWAY AT 70 LADYSMILL, FALKIRK FK2 9AU FOR MR MOHAMMAD AKRAM - P/12/0047/FUL**

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for the change of use of an existing shop to form a hot food takeaway at 70 Ladysmill, Falkirk

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

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

- P15. CHANGE OF USE OF 1ST FLOOR OFFICES TO FORM 5 FLATTED DWELLINGS AND EXTERNAL ALTERATIONS AT 155 GRAHAMS ROAD, FALKIRK FK2 7BQ FOR SKIDZ LTD - P/11/0831/FUL**

- P16. EXCLUSION OF PUBLIC**

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the said Act.

P17. PLANNING PERMISSION APPEAL: DEMOLITION OF FORMER HOTEL AND ERECTION OF 56 FLATS AND ASSOCIATED ROADS, INFRASTRUCTURE AND LANDSCAPING AT THE WHYTESIDE HOTEL, 1 LEWIS ROAD, POLMONT, FALKIRK

There was submitted Report (circulated) dated 28 March 2012 by the Director of Development Services advising that an appeal had been submitted by the applicant to the Directorate for Planning and Environmental Appeals against the non determination of an application for the demolition of a former hotel and the erection of 56 flats and associated roads, infrastructure and landscaping at the Whiteside Hotel, 1 Lewis Road, Polmont, Falkirk.

NOTED the contents of the Report; and

AGREED to **DELEGATE AUTHORITY** to the Director of Development Services, once the appeal to the Directorate for Planning and Environmental Appeals has been determined, to consider the merits of and thereafter to take and implement a decision as to whether or not a challenge is raised by the Council in the Court of Session in respect of this matter.