

DRAFT

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 19 APRIL 2012 at 3.30 p.m.

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

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors Mahoney and Oliver.

**ATTENDING:** Director of Development Services; Chief Governance Officer; Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (D Campbell); Senior Planning Officer (A Finlayson); Assistant Planning Officer (K Chorley); Environmental Health Officer (S Henderson); Senior Forward Planning Officer (R Teed); Network Co-ordinator; Transport Planning Co-ordinator; Transport Planning Officer (K Short); Roads Development Officer (C Russell); Team Leader, Legal Services Manager (D Blyth); and Committee Officer (A Sobieraj).

**DECLARATIONS**

**OF INTEREST:** None

Prior to consideration of business, the Member below made the following statement:-

- 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/11/0626/FUL (minute P26).

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

**P23. 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**

With reference to Minute of Meeting of the Planning Committee held on 4 April 2012 (Paragraph P10 refers), Committee gave further consideration to Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for the restoration and extension of Larbert House to form 20 flatted dwellinghouses and the conversion of the stable block to form 8 mews style dwellinghouses at the 'B' Listed Larbert House, Stirling Road, Larbert.

Councillor Carleschi, seconded by Councillor Alexander, moved that the application be refused on the grounds of the overdevelopment of the site, the insufficient capacity within local schools, that developer contributions did not adequately address the lack of capacity and that the application was contrary to the level of housing provision allocated within the Local Plan.

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

Notice of a further Amendment was given by Councillor Nicol.

On a division, 5 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 continued to allow further clarification to be obtained from Educational Services on the position regarding education provision and capacity issues within the local area, was moved by Councillor Nicol and seconded by Councillor McLuckie.

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

Accordingly, **AGREED** to **REFUSE** planning permission on the grounds of the overdevelopment of the site, the insufficient capacity within local schools, that developer contributions did not adequately address the lack of capacity and that the application was contrary to the level of housing provision allocated within the Local Plan.

**P24. 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**

With reference to Minute of Meeting of the Planning Committee held on 4 April 2012 (Paragraph P14 refers), Committee gave further consideration to 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.

Councillor Alexander, seconded by Councillor Thomson, moved that the application be approved on the grounds that the flue extraction and waste disposal issues had now been adequately resolved, following further clarification received at the site visit by the Committee, and the occupied premises' contribution to the economic development of the area, and subject to appropriate conditions as determined by the Director of Development Services.

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

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

Accordingly, **AGREED** to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services, and the inclusion of an Informative requesting that the applicant ensure that the waste disposal bin to be located to the rear of the property be appropriately secured by the applicant at all times and that this take place prior to the business trading.

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

**P25. 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**

With reference to Minute of Meeting of the Planning Committee held on 4 April 2012 (Paragraph P15 refers), Committee gave further consideration to Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for a change of use and the conversion of first floor offices, within a two storey building, to five flatted dwellings and the renovation of the exterior of the building at 155 Grahams Road, 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 of the date of the permission.
- (2) Acoustic glazing with a specification of 6/12/6 or acoustic equivalent for protecting the occupiers of the proposed dwellings from transportation noise, which ensures that internal noise levels with the windows closed do not exceed 45dB daytime and 35dB night-time when measured as LAeq,T shall be provided on the building. Permanent ventilation should also be provided in order that the windows can be kept closed without loss of ventilation. Details shall be submitted to, and approved by, the Planning Authority prior to the commencement of works on-site.
- (3) Details of the materials to be used on the external surfaces of the building, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) That discussion take place between officers within Development Services and the applicant in relation to the provision of residents' parking by the applicant at the rear of the building and that prior to the occupation of any of the dwellings, a parking management plan in relation to residents' parking shall be submitted to and approved by the Planning Authority.

Reason(s):-

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

- (2) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (3) To safeguard the visual amenity of the area.
- (4) To ensure that adequate residents parking 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 and 09.
- (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) Please note that the current signage at 1<sup>st</sup> floor level on the building does not currently have Advertisement Consent. This should not be replaced on the building once works to convert the offices to flatted dwellings is completed. If signage is required at this level the relevant Advertisement Consents should be submitted to the Council for assessment.

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

**P26. 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**

With reference to Minute of Meeting of the Planning Committee held on 4 April 2012 (Paragraph P14 refers), Committee gave further consideration to Reports (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for the installation of 2 no 50k wind turbines (measuring 36.4 metres to turbine hub), an access track and new vehicular access and associated ancillary development on agricultural land to the south west of Slamannan village, at Southfield Farm, Slamannan, Falkirk

**AGREED to GRANT** planning permission, subject to the following conditions, which shall include a condition that the access recommended by the Council's Roads Development Unit be implemented and that all technical specifications in relation thereto be approved by the Director of Development Services:-

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

- (2) Prior to the commencement of any work on site details of the specification of the proposed access road composition (incorporating cable trench layout), proposed access gate design and boundary treatment and design shall be submitted for the assessment of Falkirk Council as Planning Authority. Development shall not commence until the written approval of these details, including amendment as required, has been provided by Falkirk Council.
- (3) Samples of the external materials, including colour specification, to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (4)
  - (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.
- (5) For the avoidance of doubt, in the event of a noise complaint, the applicant shall employ an independent acoustic consultant to carry out a full noise survey (in full accordance with ETSU-R-97) and carry out such mitigation as required, all to the satisfaction of the Planning Authority.
- (6) Prior to any works on site, a Transport Management Plan (TMP) will be submitted to and approved in writing by the Planning Authority. The TMP will provide specific information in relation to transport routes and times, the traffic management and road monitoring, with such matters implemented during the construction, decommissioning and operation of the site.
- (7) For the avoidance of doubt, good practice shall be pursued through the construction phase to ensure that no holes/trenches are left open overnight, all to the detriment of any badger activity in the area.
- (8) No development shall take place until a scheme detailing the potential for the assessment of any complaints of shadow flicker resulting from the development,

including remedial measures has been submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the proposed development.
- (5, 8) To safeguard the environmental amenity of the area.
- (6) To safeguard the interests of the users of the highway.
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01 -11.

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

The Convener agreed a 10 minute recess at 4.50 p.m. prior to consideration of the following item of business. The meeting reconvened at 5.00 p.m., with all Members present as per the sederunt.

**P27. MIXED USE DEVELOPMENT COMPRISING 71 NO. DWELLINGHOUSES (TO INCLUDE 11 AFFORDABLE DWELLINGHOUSES), FOOTBALL PITCH AND CHANGING FACILITIES (TO INCLUDE MEETING ROOM), VETERINARY HOSPITAL, A SEMI DETACHED 2 STOREY OFFICE BLOCK (CLASS 4), PUBLIC OPEN SPACE AND ASSOCIATED ENGINEERING OPERATIONS ON LAND TO THE SOUTH OF ALLANDALE BOWLING CLUB, THORNDALE GARDENS, ALLANDALE FOR ALLANDALE PROPERTIES LTD - P/11/0759/FUL**

There was submitted Report (circulated) dated 12 April 2012 by the Director of Development Services on an application for full planning permission for the erection of 71 dwellinghouses, a football pitch and changing facilities/meeting room, veterinary hospital, a semi detached two storey office block, public open space and associated engineering operations on land to the south of Allandale Bowling Club at Thorndale Gardens, Allandale.

Councillor Thomson, seconded by Councillor Carleschi, moved that the application be continued to allow an inspection of the site by Committee, and subsequent

determination of the application at a meeting of the Committee, following the local government elections on 3 May 2012.

By way of an Amendment, Councillor Buchanan, seconded by Councillor McLuckie, moved that the application be continued to allow an inspection of the site by Committee, and subsequent determination at a Special meeting of the Committee, prior to the local government elections on 3 May 2012.

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

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee, and subsequent determination at a Special meeting of the Committee, prior to the local government elections on 3 May 2012.