

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 30 JANUARY 2013 at 9.30 A.M.

PRESENT: Councillors Alexander, Black, Buchanan, Carleschi, Chalmers, Mahoney, C Martin, Meiklejohn, McLuckie, Nicol, Paterson and Turner.

CONVENER: Councillor Buchanan.

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

P156. APOLOGIES

No apologies were intimated.

P157. DECLARATIONS OF INTEREST

No declarations were made at the commencement of business. Councillor Black however subsequently declared an interest detailed at item 9 (minute P165).

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

- Councillor Mahoney informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/12/0124/PPP (minute P169).

P158. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 28 November 2012; and
- (b) Minute of Meeting of the Planning Committee held on On-Site on 10 December 2012, subject to Councillor Alexander being added to the sederunt.

P159. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/12/0410/FUL, P/12/0566/FUL, P/12/0362/PPP, P/12/0611/FUL, P/12/0534/LBC, P/12/0533/FUL and P/12/0588/FUL to allow inspections of the sites by the Committee.

P160. THE FALKIRK COUNCIL (CROSSGATEHEAD ROAD, BRIGHTONS) (ONE-WAY TRAFFIC) ORDER 2012

There was submitted Report (circulated) dated 3 December 2012 by the Director of Development Services seeking a decision on the Falkirk Council (Crossgatehead Road, Brightons) (One-Way Traffic) Order 2012 to improve road safety and ease congestion on Crossgatehead Road, Brightons, Falkirk.

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

P161. THE FALKIRK COUNCIL (RESTRICTION ON WAITING AND PARKING PLACES) (LARBERT AND STENHOUSEMUIR) (AMENDMENT NO 5) ORDER 2012 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P137 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 4 January 2013 by the said Director seeking a decision on the Falkirk Council (Larbert and Stenhousemuir) (Amendment No.5) Order 2012 to manage on-street parking in the vicinity of the Forth Valley Royal Hospital by introducing waiting restrictions on the A9 Stirling Road, Robert Bruce Court, Ladywell Court and Logie Drive, Larbert.

Councillor Carleschi, seconded by Councillor Chalmers, moved that the matter be continued to allow officers to examine the possible impact of the Order on surrounding streets in the area.

By way of an amendment, Councillor C Martin, seconded by Councillor McLuckie, moved that the Traffic Regulation Order be made as detailed in the Report.

On a division, 5 Members voted for the motion and 7 voted for the amendment.

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

P162. EXTENSION TO DWELLINGHOUSE AT 1 DUMYAT RISE, LARBERT FK5 4FL FOR MR S CUNNINGHAM - P/12/0501/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P145 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for a first floor front extension to a two storey dwellinghouse above the existing single storey garage at 1 Dumyat Rise, Larbert.

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

P163. INSTALLATION OF RADIO ANTENNA AT 3 SUNNYBRAE TERRACE, MADDISTON, FALKIRK FK2 0LP FOR MR STUART MCNEILL - P/12/0487/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P147 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for the erection of a 7.6 metre high radio antenna in the rear garden ground of a two storey mid terrace local authority dwellinghouse at 3 Sunnybrae Terrace, Maddiston, Falkirk.

AGREED to **REFUSE** planning permission on that basis that the proposal would have an adverse visual impact on the surrounding area and be detrimental to the amenity of the neighbouring properties.

P164. ERECTION OF MIXED USE BUILDING WITH 11 NO. UNITS (COMPRISING CLASS 1 AND 2 UNITS, AND CAFÉ) AND LIBRARY WITH COMMUNITY SPACE, FORMATION OF CAR-PARKING, AND UNDERTAKING OF PUBLIC REALM WORKS AND ANCILLARY WORKS AT 1 - 31 (ODDS) CHURCH WALK, DENNY FK6 6DF 133 - 167A (ODDS) CHURCH WALK, DENNY FK6 6HS FOR FALKIRK COUNCIL - P/12/0180/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P148 refers), Committee gave further consideration to Report (circulated) dated 22 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for the erection of a mixed use building with 11 No. units (comprising class 1 and 2 units and café) and library with a community space, formation of car parking and undertaking of public realm works and ancillary works at 1-31 (odds) Church Walk, Denny, 133-167A (odds) Church Walk, Denny.

In accordance with Standing Order 35.1 (viii) the Convener gave consent to Councillors McCabe, Oliver and Blackwood to speak in relation to this item of business, the said Members each having duly given at least 24 hours notice.

In accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow representatives from the applicant and agent, who were present as observers at the meeting, to respond to Members questions.

The Committee thereafter reconvened normal business.

Councillor Carleschi, seconded by Councillor Alexander, moved that the application be refused on the grounds that there would be a detrimental effect on road safety and that the design and materials were not in keeping with the local area.

By way of an amendment, Councillor C Martin, seconded by Councillor Black, moved that the application be granted in accordance with the recommendations in the Report.

On a division, 5 Members voted for the motion and 7 voted for the amendment.

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) 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) Notwithstanding the approved plans, before the development commences, a final scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of all new trees, shrubs and hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/densities;
 - (iv) The location and design, including materials, of all proposed walls, fences and gates;
 - (v) The location, colour and specification of all proposed surface materials;
 - (vi) The location and design of all other artefacts and structures such as street furniture, street lighting, play equipment, public art, etc; and
 - (vii) A programme for completion and subsequent maintenance.

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

- (4) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (5) The proposed building shall be constructed and maintained to ensure the internal noise levels within the library do not exceed 40 dBA LAeqT'.

- (6) Before each unit is first occupied, the precise use of each unit shall be submitted to and approved in writing by the Planning Authority.
- (7) Before each unit is occupied, exact details of the proposed measures to mitigate the potential for noise and odour impacts shall be submitted to and approved in writing by the Planning Authority where the submission of such details is considered necessary by the Planning Authority, in view of the proposed use of that unit. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Before the development commences, details of the proposed signage scheme for the car park, including for the disabled spaces, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be controlled prior to opening of the first unit.
- (9) Before the development is brought into use, the existing service road access located to the south of Davies Row shall be treated in accordance with details approved in writing by the Planning Authority.
- (10) Before the development is brought into use, secure covered cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for the Falkirk Area.
- (11) Before the development is brought into use, a Travel Plan Framework shall be submitted to and approved in writing by the Planning Authority. Thereafter a Travel Plan(s) shall be submitted in accordance with the approved Travel Plan Framework and agreed timescale(s) for submission.
- (12) Before the development commences, documentary evidence shall be submitted to the Planning Authority to demonstrate that the applicant has entered into an Agreement with the Roads Authority to pay the sum of £351,000 towards the Construction of the Denny Eastern Access Road (DEAR) when requested by the Council as Roads Authority and not before completion of the development. The contribution shall be index linked from the date of grant of planning permission

Reason(s):-

- (1) To accord with the provisions of 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) To safeguard the amenity of the users of the facility.
- (6) To ensure that the Planning Authority can control the future use of the development.
- (7) To safeguard the environmental amenity of the area.
- (8) In the interests of the users of the car park.

- (9) To safeguard the interests of the users of the highway.
- (10, 11) To promote the adoption of sustainable transport measures and the use of sustainable modes of transport to travel to and from the site.
- (12) The Overall Town Centre redevelopment would have a significant impact on traffic flows at Denny Cross, which triggers Phase 1 of the redevelopment to provide a proportional contribution towards DEAR to help address capacity issues at Denny Cross.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02B, 03A, 04A, 05A, 06A, 07A, 08, 19, 26, 27, 28A, 29A and 30.

The Convener agreed a 15 minute recess at 11.30 a.m. prior to consideration of the following item of business. The meeting reconvened at 11.45 a.m. with all Members present as per the sederunt, with the exception of Councillor Alexander.

P165. CHANGE OF USE OF VACANT INDUSTRIAL LAND TO FORM CAR PARK AND FOR THE OPERATION OF AN OPEN AIR MARKET (TEMPORARY) ON LAND TO THE SOUTH EAST OF 1 WILLIAMSON STREET, WILLIAMSON STREET, FALKIRK FOR MR THOMAS MORGAN - P/12/0328/FUL

Prior to commencement of this item of business, Councillor Black declared a non financial interest in respect of the application as a Board Member of Falkirk Delivers, which was a consultee in respect of the application, and considered that she required to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct. Councillor Black thereafter left the meeting.

With reference to Minutes of Meetings of the Planning Committee held on 31 October and 28 November 2012 (Paragraphs P119 and P141 refer), Committee gave further consideration to Reports (circulated) dated 23 October and 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for the change of use of vacant industrial land to form car park and for the operation of a temporary open air market (car boot sales) on vacant land to the south east of 1 Williamson Street, Falkirk.

Councillor Meiklejohn, seconded by Councillor Chalmers, moved that the application be refused on the grounds that there would be an exacerbation of traffic congestion, that there is sufficient parking provision within the Town Centre area and that the objection from Falkirk Delivers is of significance.

By way of an amendment, Councillor Buchanan, seconded by Councillor Paterson, moved that the application be granted in accordance with the recommendations in the Report.

On a division, 7 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** to **REFUSE** planning permission on the basis that there would be an exacerbation of traffic congestion, that there is sufficient parking provision within the Town Centre area and that the objection from Falkirk Delivers is of significance.

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

P166. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE WEST OF SCHIEHALLION, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 31 October and 28 November 2012 (Paragraphs P112 and P143 refer), Committee gave further consideration to Reports (circulated) dated 23 October and 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for planning permission in principle for the erection of five detached dwellinghouses on land owned by Kingsbarn Equestrian Centre on a site adjacent to the B8028 Shieldhill to Slamannan Road on its northern side, approximately 1 kilometre to the west of Schiehallion, Falkirk.

Councillor McLuckie, seconded by Councillor C Martin, moved that Committee be minded to grant planning permission in principle, subject to the conclusion of an appropriate Legal Agreement in terms satisfactory to the Director of Development Services to secure that the monies generated from the development of the new housing was spent on the Equestrian Centre, such Legal Agreement containing appropriate phasing arrangements in relation to the development of the housing and there being one single access to the housing development to address road safety concerns and other appropriate conditions as determined by the Director of Development Services.

By way of an amendment, Councillor Carleschi, seconded by Councillor Meiklejohn, moved that the applicant be refused in accordance with the recommendations in the Report.

On a division, 8 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the conclusion, in terms satisfactory to the Director of Development Services, of an appropriate Legal Agreement to secure that the monies generated from the development shall be properly and fully vouched and accounted for and shall be spent on the Equestrian Centre, such Legal Agreement including appropriate phasing arrangements in relation to the development.

Thereafter, on conclusion of the said Legal Agreement to the satisfaction of the Director of Development Services, revert to the Director of Development Services to grant planning permission in principle, subject to there being a condition that there shall be one single access point to the housing development and other appropriate conditions as determined by the Director of Development Services.

P167. 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 Mahoney left the meeting prior to consideration of the following item of business.

P168. DEVELOPMENT FOR COAL BED METHANE PRODUCTION, INCLUDING DRILLING, WELL SITE ESTABLISHMENT AT 14 LOCATIONS, INTER-SITE CONNECTION SERVICES, SITE ACCESS TRACKS, A GAS DELIVERY AND WATER TREATMENT FACILITY, ANCILLARY FACILITIES, INFRASTRUCTURE AND ASSOCIATED WATER OUTFALL POINT AT LETHAM MOSS, FALKIRK FK2 8RT FOR DART ENERGY - P/12/0521/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the development of coal bed methane production, including drilling, well site establishment at 14 locations, inter-site connection services, site access tracks, a gas delivery and water treatment facility, ancillary facilities, infrastructure and associated water outfall point at Letham Moss, Falkirk.

AGREED that a hearing following the format of a pre-determination hearing, be convened to allow exchange of information leading to an informed decision on the planning application at a later date.

P169. DEVELOPMENT OF LAND FOR HOUSING PURPOSES ON LAND TO THE SOUTH OF THE STABLES, BRAEFACE ROAD, BANKNOCK FOR MR JOHN PENMAN - P/12/0124/PPP (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 19 September and 31 October 2012 (Paragraphs P111 and P98 refer), Committee gave further consideration to Reports (circulated) dated 12 September and 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for planning permission in principle for the development of land for housing purposes on land to the south of the Stables, Braeface Road, Banknock.

AGREED to **CONTINUE** consideration of the application until the March 2013 Planning Committee to allow the applicant an opportunity to make further submissions regarding the business case and to provide details showing how the proposals for engineering works would be completed to the satisfaction of the Council.

The Convener agreed a 45 minute recess at 12.45 p.m. prior to consideration of the following item of business. The meeting reconvened at 1.30 p.m. with all Members present as per the sederunt, with the exception of Councillors C Martin and Alexander.

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

P170. FORMATION OF RAISED DECKING AREA AND DISABLED ACCESS RAMP TO FORM EXTERNAL SEATING AREA AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK FOR MRS MHARI FRENCH - P/12/0410/FUL

P171. ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AND A SUBSTATION AT WEST KELT FARM, DENNY FK6 5NA FOR INTELLIGENT LAND INVESTMENTS LTD - P/12/0566/FUL

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

P172. DEMOLITION OF FORMER PETROL FILLING STATION AND ERECTION OF NEW RESTAURANT INCLUDING DRIVE-THROUGH OUTLET TOGETHER WITH ASSOCIATED CAR PARK AREA, DRIVE-THROUGH LANE, SERVICE AREA, ACCESS AND LANDSCAPING AT PETROL STATION, CALLENDAR ROAD, FALKIRK FK1 1XS FOR KFC (GB) LTD - P/12/0431/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the demolition of a former petrol filling station and the erection of a fast food restaurant including a drive through outlet, associated car parking, drive-through lane, service area, access and landscaping at the Petrol Station, at the corner of Bellevue Street/Callendar 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) Within twelve months of the date of the permission, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, 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.
- (3) (i) No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be

determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (4) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the cooking/ventilation provision to be employed.
 - (5) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the Sustainable Urban Drainage (SUDS) system to be employed on the site.
 - (6) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the external boundary treatment, including decorative panels, to be installed on the site.

Reason(s):-

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

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 1A, 2B, 3, 4B, 5B, 6, 7 and 8.

- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning the proposal as legislation relating to odour nuisance is likely to affect the development.
- (3) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning the proposal in respect of noise legislation which may affect the development.
- (4) It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.
- (5) Falkirk Council has determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (6) For the avoidance of doubt, demolition works may require the benefit of planning permission and these matters should be confirmed prior to any works on site.

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:-

P173. DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR FALKIRK DISTRICT SCOUT COUNCIL - P/12/0362/PPP

P174. CHANGE OF USE FROM CLASSES 4 & 5 TO CLASS 6 STORAGE FACILITY AT 5 - 6 CENTRAL BOULEVARD, CENTRAL PARK, LARBERT FK5 4RU FOR GB OILS LTD - P/12/0600/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for a change of use of a vacant large office/industrial unit located within a well established business park from its current classes 4 and 5 (Business/General Industrial) use to a class 6 use (Storage) at 5 - 6 Central Boulevard, Central Park, Larbert.

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 02A.
- (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) Separate formal Advertisement Consent may be required for any signs associated with the proposed development. It is the applicant's responsibility to obtain this before any signs are displayed on site. For advice contact should be made with Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk FK2 7YZ (Telephone: 01324 504748).
- (4) Separate Hazardous Substances Consent may be required for substances to be stored on the site. It is the applicant's responsibility to obtain this before such substances are stored. For advice contact should be made with Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk FK2 7YZ (Telephone: 01324 504748).

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

P175. CHANGE OF USE FROM CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) TO HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF FAN AT 6 WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0ES FOR NEW YORK PIZZA CO INC - P/12/0611/FUL

P176. FORMATION OF VEHICULAR ACCESS AND DRIVEWAY AND REMOVAL OF WALL AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0534/LBC

P177. SUBDIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND ASSOCIATED WORKS AND FORMATION OF VEHICULAR ACCESS AND DRIVEWAY TO EXISTING DWELLINGHOUSE AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0533/FUL

P178. EXTENSION TO GYM AT ST ANDREW'S PRIMARY SCHOOL, HAWLEY ROAD, FALKIRK FK1 1SW FOR FALKIRK COUNCIL - P/12/0599/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for an extension to the existing gym hall on the grounds of St Andrew's Primary School, Hawley Road, Falkirk being bounded to the north by the Falkirk to Edinburgh railway line, to the west by established housing and to the south and east by Graeme High School.

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) In the event that unexpected contamination is encountered following the commencement of development all work on the affected part of the application site shall cease. The developer shall notify the Planning Authority immediately, submit a Contaminated Land Assessment for the consideration of Falkirk Council as Planning Authority and undertake necessary remediation works as required. Development shall not recommence without the prior written approval of 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 the ground is suitable for development.

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 and 04.
- (2) The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08.00 - 18.00 hours
Saturday	09.00 - 17.00 hours
Sunday/Bank Holidays	10.00 - 16.00 hours

P179. ERECTION OF DWELLINGHOUSE, 2 OUTBUILDINGS AND FORMATION OF VEHICULAR ACCESS (PARTIALLY RETROSPECTIVE) ON LAND TO THE EAST OF CARRIGBEG, FALKIRK FOR IKG ARCHITECTS - P/12/0586/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the erection of a one and a half storey dwellinghouse, on the general footprint of a ruined cottage with an additional wing of accommodation to the north, two outbuildings and vehicular

access (partially retrospective) on a site lying to the west of the B825, within a countryside location on land to the east of Carrigbeg, 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) No further development shall commence on site until intrusive site investigation to assess shallow coal mining conditions within the application site is carried out and the findings submitted to and approved in writing by the Planning Authority. In the event that site investigations confirm the need for mitigation, details shall be submitted to the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (3) No further development shall commence on site until samples of all external materials including slate, render and stone has been submitted and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (4) Before the house is occupied, the vehicular access, driveway and parking area shall be constructed in accordance with the approved plans (the online reference(s) 02A, 15 and 16).

Reason(s):-

- (1) To accord with the provisions of section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To safeguard visual amenity.
- (4) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online number(s) 01, 02A, 03-16 and Supporting Documents.
- (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.

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:-

P180. EXTENSION TO LOUNGE BAR AT REDDING AND WEST QUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING AND WESTQUARTER UNITY CLUB - P/12/0588/FUL

P181. CONSTRUCTION OF 50 METRE ICD ROUNDABOUT ON A801 ON LAND TO THE NORTH WEST OF ALMONDHALL FARM, FALKIRK FOR MORSTON ASSETS LTD/LOW - P/12/0694/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the construction of a new roundabout on a site comprising a portion of the A801 and adjoining land immediately to the south of the Union Canal being situated on land to the north west of Almondhall Farm, 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) Before the development commences, details of a scheme of soft landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (ii) The location of all proposed new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) A programme for completion and subsequent maintenance.

Thereafter, the development shall be carried out in accordance with the approved details and an approved timescale(s). No existing planting shall be removed prior to the scheme of soft landscaping being approved.

- (3) Before the development commences, a fence shall be erected in a position and in accordance with a specification approved in writing by the Planning Authority around the tree crown spread of the trees to be retained, and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off area.
- (4) Vegetation renewal shall only be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by the Planning Authority.

- (5) Where the proposed development has not commenced within twelve months of the last survey of the site for protected species, further walkover survey(s) and any necessary species protection plan(s) shall be submitted to and approved in writing by the Planning Authority before the development commences.
- (6) Before the development commences, a full site-specific surface water drainage scheme shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4-5) To safeguard the interests of bird and protected species.
- (6) To ensure the suitable provision of surface water drainage.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02, 03A, 04A, 05A, 06A, 07, 08A and 09.
- (2) It is advised that noisy works which are audible at the site boundary should only be conducted between the following hours:-

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

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Council's Environmental Protection Unit.

- (3) It is advised that the applicant should confirm in writing that no made ground, suspect substances or odours have been encountered within the site. In the event that any made ground, suspect substances or odours are encountered during any site works/operations, all work on the affected part of the site should cease, the Planning Authority should be notified immediately, a Contaminated Land Risk Assessment should be carried out in accordance with current guidance and legislation and any necessary remediation works should be undertaken. Development should not recommence without the written prior approval of the Planning Authority.