

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 11 MARCH 2013 at 2.00 p.m.

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

CONVENER: Councillor Buchanan.

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

P213. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Nicol.

P214. DECLARATIONS OF INTEREST

No declarations were made.

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 hazardous substances consent application P/12/0597/HAZ (minute P216) but he would take part in consideration of planning applications P/12/0827/FUL, P/12/0830/FUL and P/12/0831/FUL (minute P215, P217 and P218) as he was sufficiently familiar with the sites.

P215. ERECTION OF NEW SOCIAL HOUSING CONSISTING OF 8 VILLAS AND 16 FLATS, ASSOCIATED ROADS, PARKING AND SUDS PROVISION AT LAND TO THE SOUTH OF GLENFUIR COURT, SUMMERFORD, FALKIRK FOR FALKIRK COUNCIL - P/12/0827/FUL

With reference to Minute of Meeting of the Planning Committee held on 27 February 2013 (Paragraph P196 refers), Committee gave further consideration to Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for full planning permission for the erection of new social housing consisting of 8 villas and 16 flats, associated roads, car parking spaces for 32 cars and 12 visitor spaces and associated SUDs provision on land to the south of Glenfuir Court, Summerford, Falkirk.

Councillor Chalmers, seconded by Councillor Carleschi, moved that the application be refused on the following grounds:-

- (1) serious concerns regarding road safety;
- (2) the exacerbation of the flooding issues, and
- (3) the loss of amenity to surrounding properties.

By way of an amendment, Councillor Mahoney, seconded by Councillor Black, moved that the application be granted in accordance with the recommendations in the Report together with an addendum that the spend of the sum of £129,280 to mitigate the loss of open space be agreed in consultation with the local community.

On a division, 5 Members voted for the motion and 6 voted for the amendment.

Accordingly, **AGREED** to **GRANT** planning permission, subject to the following conditions and subject to the spend of the sum of £129,280 to mitigate the loss of open space being agreed in consultation with the local community:-

- (1) Unless otherwise agreed in writing with Falkirk Council as Planning Authority prior to the commencement of development, confirmation shall be provided of the arrangements for the provision and phasing of a financial contribution of £21,600 to be made to the Education Service of Falkirk Council to mitigate development impacts on education capacity in the catchment area of the application site and £129,280 to mitigate the loss of open space in the vicinity of the application site.
- (2) Unless otherwise agreed in writing with Falkirk Council as Planning Authority, prior to the commencement of development details shall be provided of proposed open space improvements to the west of the site. Development shall not commence until approval of these details including for amendment as required.
- (3) Development shall not commence until a period of 28 days notice of work starting on site has been provided to the Falkirk Community Trust Keeper of Archaeology.
- (4) Development shall not commence until the following details of measures to protect trees on the site and provide additional planting and boundary enclosures have been submitted for the approval, including amendment as required, of the Planning Authority:
 - (i) Details of all limbing and tree surgery proposals for all tree works demonstrating compliance with current British Standards;
 - (ii) A method statement for all areas where trenching for services is required within tree root protection areas and for vehicular access to the approved SUDs drainage pond and the construction of this access; and
 - (iii) Details of all fence types and boundary treatments.

- (5) Development shall not commence until the temporary protection fencing detailed on the approved Tree Protection Plan has been erected on site. Protective fencing shall remain on site until the completion of all construction and engineering works.
- (6) No level changes, material storage, machinery access, fires or trenching (other than as detailed on the approved landscape plan) shall be located within the Root Protection Area detailed on the approved landscape plan.
- (7) Access to the Root Protection Area as detailed on the approved landscape plan shall only be for construction of the access track to the SUDs drainage pond and for trenching for drainage pipes at the positions shown on the approved landscape plan and shall be undertaken fully in accordance with the method statement required by condition (4) above.
- (8) No trees shall be removed or limbed other than as detailed on the approved landscape plan unless otherwise agreed in writing with the Planning Authority.
- (9) Acoustic glazing with a specification of 6/12/6 or equivalent shall be used in approved fenestration to achieve internal noise levels of 45dB daytime and 35dB night time when measured as LAqT.

Reason(s):-

- (1) To ensure education capacity is unaffected and open space loss is mitigated.
- (2) To provide acceptable mitigation of open space loss.
- (3) To allow for the opportunity to carry out archaeological survey of the site.
- (4-8) To ensure the protection of existing trees to be retained on site.
- (9) To protect residents from transportation noise.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04A and 05-25.

Councillor Alexander left and re-entered the meeting during consideration of the following item of business but took no part in it.

P216. REMOVAL OF CONDITION ATTACHED TO HAZARDOUS SUBSTANCES CONSENT P/10/0582/HAZ TO ALLOW STORAGE OF ETHANOL IN WAREHOUSES M, N AND S, INCREASING THE OVERALL MAXIMUM STORAGE QUANTITY TO 41,000 TONNES AT STORAGE UK, GRANGE LANE, GRANGEMOUTH FK3 8EG FOR DIAGEO (SCOTLAND) LTD - P/12/0597/HAZ

With reference to Minute of Meeting of the Planning Committee held on 27 February 2013 (Paragraph P206 refers), Committee gave further consideration to Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for hazardous substances consent for the variation of the terms of hazardous substances consent P/10/0582/HAZ to increase the amount of ethanol stored from 25,000 tonnes to 41,000 tonnes and to permit ethanol to be stored within other parts of the warehouse premises at the site of Storage UK, to the north west of Grangemouth Town Centre at the junction of Grange Lane and South Bridge Street, Grangemouth.

AGREED to **GRANT** hazardous substances consent, subject to the following condition:-

- (1) The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the areas marked for storage of the substances on the plan which formed part of the application. The storage areas are those shown on the 'ROSSCO properties' untitled/undated plan as included in the consent application which shows locations A through to S.

Reason:-

- (1) To ensure the safe keeping of the substances at all times.

Informative:-

- (1) Please note, the substances covered by the existing consent (reference P/10/0582/HAZ) and that covered by this application (reference P/0597/HAZ) is category B6, which in the case of the existing/proposed activities at this site restricts the substance to ethanol/water mixtures at less than 70% ethanol by volume as confirmed by the applicant (email from the applicant to the Health and Safety Executive (HSE) dated 12/11/12).

Note: The Committee agreed that officers write to the Scottish Ministers asking that a national investigation be undertaken into the effects of black mould on premises in the vicinity of bonded warehouses.

The Committee **AGREED** to hear the following two items together as they related to the similar facilities and by the same applicant and in accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow a representative from the applicant for both applications, who was present as an observer at the meeting, to respond to Members questions.

P217. ERECTION OF RECYCLING BUILDING AT KINNEIL KERSE RECYCLING CENTRE, GRANGEMOUTH ROAD, BO'NESS EH51 0PU FOR FALKIRK COUNCIL – P/12/0830/FUL

With reference to Minute of Meeting of the Planning Committee held on 27 February 2013 (Paragraph P207 refers), Committee gave further consideration to Report (circulated) dated 19 February 2013 by the Director of Development Services and an additional Report (circulated) dated 4 March 2013 by the said Director on an application for full planning permission for the erection of a recycling building at Kinneil Recycling Centre, Grangemouth Road, Bo'ness.

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

- (1) There shall be no commencement of work on site until such time as details of the exterior colour(s) of the proposed development has been submitted to, and approved in writing by, the Planning Authority.
- (2)
 - (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.
- (3) The development shall not commence on site until such time as a detailed drainage scheme has been approved in writing by the Planning Authority, the scheme to include the treatment of surface water runoff by Sustainable Urban Drainage (SUDS) methods.

Reason(s):-

- (1) To safeguard the visual amenity of the area.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure adequate drainage.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number 01.

P218. ERECTION OF RECYCLING BUILDING AND FORMATION OF CONCRETE HARDSTANDING AT ROUGHMUTE REFUSE TRANSFER STATION, BONNYBRIDGE FOR FALKIRK COUNCIL - P/12/0831/FUL

With reference to Minute of Meeting of the Planning Committee held on 27 February 2013 (Paragraph P208 refers), Committee gave further consideration to Report (circulated) dated 19 February 2013 by the Director of Development Services and an additional Report (circulated) dated 4 March 2013 by the said Director on an application for full planning permission for the erection of a recycling building and the formation of a concrete hardstanding at Roughmute Refuse Transfer Station, Bonnybridge.

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

- (1) There shall be no commencement of work on site until such time as details of the exterior colour(s) of the proposed development has been submitted to, and approved in writing by, the Planning Authority.
- (2) Notwithstanding details previously submitted, the proposed development shall not commence on site until such time as a detailed drainage scheme has been approved in writing by the planning authority, details to include treatment of surface water runoff by Sustainable Urban Drainage (SUDS) methods.

Reason(s):-

- (1) To safeguard the visual amenity of the area.
- (2) To ensure adequate drainage.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A and 02.
- (3) If at any time during the course of the development contamination, as defined in the Part 11A of the Environmental Protection Act 1990 is encountered, the applicant should contact the Council's Environmental Protection Unit.