

**DRAFT****FALKIRK COUNCIL****MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 MARCH 2013 at 9.30 A.M.**

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

**CONVENER:** Councillor Buchanan.

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

**P218. APOLOGIES**

Apologies were intimated on behalf of Councillor Alexander.

**P219. DECLARATIONS OF INTEREST**

Whilst having made no declaration at the commencement of business, Councillor Nicol however subsequently declared an interest detailed at item 7 (minute P224).

Councillor Mahoney declared a non-financial interest in Item 8 (minute P225) having 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 regard to the objective test in the Code of Conduct.

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 visits he would not take part in consideration of planning applications P/12/0588/FUL, P/12/0611/FUL and P/12/0124/PPP (minute P221, P222 and P223).

**P220. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 27 February 2013;
- (b) Minute of Meeting of the Planning Committee held On-Site on 11 March 2013; and
- (c) Minute of Special Meeting of the Planning Committee held on 11 March 2013.

**P221. EXTENSION TO LOUNGE BAR AT REDDING AND WEST QUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING AND WEST QUARTER UNITY CLUB - P/12/0588/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 30 January and 27 February 2013 (Paragraphs P180 and P204 refer), Committee gave further consideration to Reports (circulated) dated 22 January and 19 February 2013 by the Director of Development Services and an additional Report (circulated) dated 19 March 2013 by the said Director on an application for full planning permission for the erection of a single storey extension to accommodate an additional lounge/bar and seating area within the Redding and West Quarter Unity Club, Redding, Falkirk.

**AGREED** to **CONTINUE** consideration of the application to allow the applicant to gather the requested information.

**P222. 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 (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 30 January and 27 February 2013 (Paragraphs P175 and P205 refer), Committee gave further consideration to Reports (circulated) dated 22 January and 19 February 2013 by the Director of Development Services and an additional Report (circulated) dated 19 March 2013 by the said Director on an application for full planning permission for a change of use from a class 2 (financial, professional and other services) to a sui generis (hot food takeaway use) at 6 Waggon Road, Brightons, Falkirk.

Councillor McLuckie, seconded by Councillor Buchanan, moved that the application be approved subject to appropriate conditions as determined by the Director of Development Services.

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

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

In accordance with Standing Order 21.6, in the case of 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.

**P223. 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 Minutes of Meetings of the Planning Committee held on 19 September and 31 October 2012 and 30 January 2013 (Paragraphs P98, P111 and P169 refer), Committee gave further consideration to Reports (circulated) dated 12 September and 23 October 2012 and 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 March 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.

Councillor Black, seconded by Councillor Paterson, moved that Committee be minded to grant the application in accordance with the recommendations in the Report.

By way of an amendment, Councillor Carleschi, seconded by Councillor Meiklejohn, moved that Committee be minded to grant the application in accordance with the recommendations in the Report subject to amendments to reflect (a) that the legal agreement or agreements can be a Section 75 Obligation and/or other suitable legal agreement; (b) that the number of dwellinghouses granted by the permission in principle shall be a maximum of six; and (c) that the Section 75 Obligation and/or other suitable legal agreement shall provide for the financial contributions detailed at paragraph 21 of the Report.

On a division, 4 Members voted for the motion and 6 for the amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle subject to the following conditions:-

- (1) The provision of visibility at the entrance to the Estate to the satisfaction of the Director of Development Services; and
- (2) The satisfactory completion of an obligation, within the terms of the Section 75 of the Town and Country Planning (Scotland) Act 1997 and/or other suitable legal agreement or agreements to secure:-
  - (i) The reinvestment into the business of the income derived from the plot sales/house building;
  - (ii) The phased development of the housing linked to the phasing of completion of elements of the investment programme for the business; and
  - (iii) Developer contributions towards (a) increasing the future capacity of Bankier Primary School to be set at a rate of £2,600 per dwellinghouse; and (b) improving open space/play facilities in the local area to be set at a rate of £1,820 per dwellinghouse.

And thereafter, on satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle, subject to the inclusion of such conditions as the Director of Development Services deems appropriate to include a condition restricting the maximum number of dwellinghouses granted by planning permission in principle to six.

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

**P224. CHANGE OF USE FROM SHOP (CLASS 1) TO FINANCIAL, PROFESSIONAL AND OTHER SERVICES (CLASS 2) AT 7 YORK LANE, GRANGEMOUTH FK3 8BD FOR THE LETTING CO - P/13/0034/FUL**

Prior to commencement of this item of business, Councillor Nicol declared a financial interest in respect of the application in consequence of his wife's ownership of a shop in Grangemouth, 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 19 March 2013 by the Director of Development Services on an application for full planning permission for a change of use from shop (class 1) to financial, professional and other services (class 2) at 7 York Lane, Grangemouth.

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the Informatives below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.

Reason:-

- (1) As these drawings and details constitute the approved development.

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 3 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.

**P225. CONSULTATION ON PLANNING APPLICATION - MIXED USE DEVELOPMENT PROPOSAL AT BURGHMUIR, LINLITHGOW - (0095/P/12)**

There was submitted Report (circulated) dated 19 March 2013 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 maintains its objection to the proposed supermarket on the grounds that it would have a significant impact on the vitality and viability of Bo'ness Town Centre and undermine Falkirk Council's aspirations to improve it.

**P226. CLOSING REMARKS**

Following consideration of business on the agenda, the Convener invited the Development Manager to provide an update on the appointment of a specialist consultant and the organisation of a hearing in relation to planning application P/12/0521/FUL - 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.