

**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 29 SEPTEMBER 2014 at 3.00 P.M.**

**COUNCILLORS:**

Colin Chalmers  
 Craig Martin  
 John McLuckie (Convener)  
 Sandy Turner

**OFFICERS:**

Iain Henderson, Legal Services Manager  
 Antonia Sobieraj, Committee Services Officer  
 Brent Vivian, Senior Planning Officer

**PRC32. APOLOGIES**

No apologies were intimated.

**PRC33. DECLARATIONS OF INTEREST**

No declarations were made.

**PRC34. OPENING REMARKS**

The Convener welcomed everyone in attendance to the meeting of the Planning Review Committee and following a short introduction asked Mr Henderson, Legal Services Manager, to provide a summary of the procedure to be followed at the Committee.

The Committee **AGREED** to hear the following three agenda items together as the applications had been continued from the meeting on 9 June 2014 (Paragraphs PRC15, PRC16 and PRC17 refer) and were of a similar nature and referred to immediately adjoining sites.

**PRC35. PLANNING APPLICATION P/13/0513/FUL ERECTION OF DETACHED DWELLINGHOUSE AND DETACHED DOMESTIC DOUBLE GARAGE (PLOT 1) ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD (CONTINUATION)**

**PRC36. PLANNING APPLICATION P/13/0514/FUL ERECTION OF DETACHED DWELLINGHOUSE AND DETACHED DOMESTIC DOUBLE GARAGE (PLOT 2) ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD (CONTINUATION)**

**PRC37. PLANNING APPLICATION P/13/0509/FUL ERECTION OF DETACHED DWELLINGHOUSE AND DETACHED DOMESTIC DOUBLE GARAGE (PLOT 3) ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD (CONTINUATION)**

With reference to the Minutes of Meetings of the Planning Review Committee held on 9 April (Paragraphs PRC8, PRC9 and PRC10 refer) and 9 June 2014 (Paragraphs PRC15, PRC16 and PRC17 refer), the Committee considered submitted documents (circulated) in relation to the Applications for Review for three planning applications P/13/0513/FUL, P/13/0514/FUL and P/13/0509/FUL each being for the erection of a detached dwellinghouse and a detached domestic double garage (Plots 1, 2 and 3) on land to the south east of Byways, Glen Road, Torwood.

The Committee heard a short presentation from Mr Vivian, who provided a summary of the application, the papers before the Committee referring to the Report of Handling, the reasons for the refusal of the applications now being reviewed and the further written submissions which had been requested following the meeting held on 9 June 2014.

After discussion, and having heard advice from Mr Henderson and Mr Vivian, and give consideration to the benefit of the unaccompanied site inspection following the meeting on 9 April 2014 and the material contained within the further written submissions, the Committee considered:-

- (1) the responses in the form of written submissions from Scottish Ministers, Falkirk Council's Director of Development Services and Biodiversity Officer and from the Forestry Commission; and
- (2) the response from the applicant to the written submissions.

Councillor Chalmers, seconded by Councillor Turner, moved that Committee continue consideration of this item of business to allow for the decision of the Directorate for Planning and Environmental Appeals (DPEA) on the appeal against the enforcement notice issued by the Forestry Commission in respect of tree felling on the site.

By way of an amendment, Councillor McLuckie, seconded by Councillor Martin, moved that the Committee make a determination on the application at this meeting as it had sufficient information within the papers before it to assist its decision making.

On a division, 2 Members voted for the motion and 2 voted for the amendment.

There being an equality of votes, and in terms of Standing Order 22.6, the Convener used his casting vote in favour of the amendment.

Accordingly, the Committee **AGREED** to make a determination at this meeting.

Having heard advice from Mr Henderson, detailed discussion thereafter took place on the documents contained within the agenda papers and the reasons for refusal, with particular reference made to the following policies:-

- (1) Policy Env.1 of the Falkirk Council Structure Plan;
- (2) Policies EQ19, SC03, SC08 and EQ26 of the Falkirk Council Local Plan;
- (3) Policies CG01, HSG05, CG03 and GN04 of the Falkirk Council Local Development Plan - Proposed Plan; and
- (4) Scottish Planning Policy.

Councillor Chalmers, seconded by Councillor Turner, moved that Committee refuse planning permission for the reasons detailed in the decision by the officer made under delegated authority.

By way of an amendment, Councillor McLuckie, seconded by Councillor Martin, moved (a) that the Committee be minded to grant the planning permissions subject to the completion of an appropriate legal agreement in terms satisfactory to the Director of Development Services in relation to the provision of off site mitigation measures in relation to trees and planting on the basis that the sites for the proposed developments can be considered to be an identifiable gap site between existing properties, the proposals would not constitute ribbon development being in keeping with the established settlement pattern which has developed on both sides of Glen Road and appropriate mitigation measures could be implemented in respect of trees and planting, and (b) that approval be subject to such conditions considered appropriate by the Director of Development Services.

On a division, 2 Members voted for the motion and 2 voted for the amendment.

There being an equality of votes, and in terms of Standing Order 22.6, the Convener used his casting vote in favour of the amendment.

Accordingly, the Committee **AGREED:-**

- (1) that it is **MINDED** to **GRANT** the planning permissions subject, in each case, to the satisfactory conclusion of an appropriate legal agreement in terms satisfactory to the Director of Development Services to secure the provision of off site mitigation measures in relation to trees and planting. Thereafter, on conclusion of the said legal agreement to the satisfaction of the Director of Development Services, the matter be remitted to the Director of Development Services to grant planning permission, subject to the other appropriate conditions as determined by her including a condition requiring access to the three properties being taken from one point of access and egress from Glen Road; and
- (2) to delegate to the Chief Governance Officer the preparation of the decision notice.