

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 5 NOVEMBER 2013 at 9.30 A.M.

COUNCILLORS:

Agenda Item 5 (minute PR31)
Baillie William Buchanan
Adrian Mahoney
Baillie Joan Paterson

COUNCILLORS:

Agenda Item 6 (minute PR33)
Baillie William Buchanan
John McLuckie
Cecil Meiklejohn
Malcolm Nicol
Sandy Turner

OFFICERS:

Douglas Blyth, Team Leader, Legal Services
Allan Finlayson, Senior Planning Officer (Item PR33 only)
Antonia Sobieraj, Committee Services Officer
Bernard Whittle, Development Management Co-ordinator
(Item PR31 only)

PRC27. APOLOGIES

Apologies for absence were intimated on behalf of Councillor Nimmo in relation to Agenda Item 5 (minute PR31).

PRC28. DECLARATION OF INTEREST

Councillor McLuckie declared a non financial interest in Item 5 (minute PR31) by virtue of his relationship to the appellants through marriage in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

PRC29. MINUTE**Decision**

The minute of the meeting of the Planning Review Committee held on 28 August 2013 was discussed and the Committee agreed to defer consideration of the minute to be dealt with by the Planning Review Committee constituted to determine item 6 on the agenda.

In accordance with his declaration of interest, Councillor McLuckie left the meeting prior to consideration of the following item of business.

PRC30. OPENING REMARKS

The Convener welcomed everyone in attendance to this meeting of the Planning Review Committee and indicated the two different sets of members who had originally considered the matters at Committees that there would be a short adjournment between consideration of items on the agenda to allow the different members to enter the meeting. Following this short introduction he then asked Mr Blyth, Team Leader, Legal Services to provide a summary of the procedure to be followed at the Committee.

PRC31. APPLICATION FOR REVIEW – PLANNING APPLICATION P/12/0585/FUL CHANGE OF USE FROM PRIVATE OPEN SPACE TO ENCLOSED GARDEN GROUND, ERECTION OF RAISED DECKING AND ERECTION OF BOUNDARY FENCE (PART RETROSPECTIVE) AT 27 AVONBANK GARDENS, DUNIPACE (CONTINUATION)

With reference to the Minute of Meeting of the Planning Review Committee held on 13 August 2013 (Paragraph PRC18 refers), there were submitted documents (circulated) in relation to the Application for Review for planning application P/12/0585/FUL for the change of use from private open space to enclosed garden ground, erection of raised decking and erection of boundary fence (partly retrospective) at a property at 27 Avonbank Gardens, Dunipace.

The Committee heard a short presentation from Mr Whittle, who provided a summary of the application, the papers before the Committee, referring to the Report of Handling and the reason for refusal of the application now being reviewed.

After discussion, and having heard advice from Mr Blyth and Mr Whittle, the Committee **AGREED** that they had sufficient information (a) within the written submission provided by the Falkirk Council Biodiversity Officer and the applicant's response to this, and (b) from the accompanied inspection of the site in question on 28 August 2013, and considered:-

- (1) Policies EQ27 and SC123 of the Falkirk Council Local Plan;
- (2) the terms of the Falkirk Council Supplementary Planning Guidance Note "Biodiversity and Development";
- (3) the responses from the Falkirk Council Biodiversity Officer;
- (4) information submitted by the applicant in support of the proposal;
- (5) the benefit of the site inspection; and

- (6) the written submission from Biodiversity Officer and the response from the applicant in relation to this.

Accordingly, **AGREED:-**

- (1) to **GRANT** planning permission subject to such conditions as the Director of Development Services shall deem appropriate, including a condition that a concrete block be installed to ensure the stability and safety of the ground; and
- (2) to delegate to the Chief Governance Officer the preparation of the decision notice.

Having failed to gain a seconder for a proposed amendment to uphold the refusal of planning permission, Councillor Mahoney requested that his dissent be recorded.

Following consideration of the foregoing item of business, the Committee **AGREED** to a short adjournment. The meeting thereafter reconvened with different members for the following continued application.

PRC32. OPENING REMARKS

The Convener welcomed everyone in attendance to reconvened meeting of the Planning Review Committee and a short introduction he then asked Mr Blyth, Team Leader, Legal Services to provide a summary of the procedure to be followed at the Committee.

PRC33. MINUTE

Decision

The minute of the meeting of the Planning Review Committee held on 28 August 2013 was approved.

PRC34. APPLICATION FOR REVIEW – PLANNING APPLICATION P/12/0241/PPP, DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (RENEWAL OF PLANNING APPLICATION P/08/0617/OUT) ON LAND TO THE WEST OF 65 SLAMANNAN ROAD, LIMERIGG (CONTINUATION)

With reference to the Minute of Meeting of the Planning Review Committee held on 28 August 2013 (Paragraphs PRC23 and PRC25 refer), there were submitted documents (circulated) in relation to the Application for Review for planning application P/12/0241/PPP for the development of land for residential purposes (renewal of Planning Application P/08/0617/OUT) on land to the west of 65 Slamannan Road, Limerigg.

The Committee heard a short presentation from Mr Finlayson, who provided a summary of the application, the papers before the Committee, referring to the Report of Handling and the reason for refusal of the application now being reviewed.

After further discussion and having heard advice from Mr Blyth and Mr Finlayson, and having given consideration to the benefit of the accompanied site inspection and intimating they did not have sufficient information to allow them to make a determination and that the meeting, the Committee **AGREED:-**

- (1) that the matter be continued to a future meeting of the Committee on a date to be agreed;
- (2) to conduct a hearing in accordance with the terms of Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and in relation to the following specified matters:-
 - (a) the processing and consideration of the original planning application and the treatment of the application site under the terms of the Local Plan;
 - (b) the applicability and determination of contributions towards education provision both in respect of the original application and the renewal; and
 - (c) the legal position relating to the determination of the renewal application and the assessment of the imposition of developers contributions.
- (3) that in terms of the Regulations, the applicant and all interested parties be given written notice of the intention to hold a hearing and specifying the matters referred to above;
- (4) that the Director of Development Services, the Chief Governance Officer and the Acting Director of Education or their nominee(s) be given notice of the intention to hold a hearing and requesting them or their nominee(s) to provide further representation or information at the hearing session as follows:-
 - the Director of Development Services in respect of items 2 (a) and (b) above;
 - the Acting Director of Education or their nominee(s) in respect of 2 (b) above; and
 - the Chief Governance Officer in respect of 2 (c) above.
- (5) that those parties notified would have a period of 14 days of the date of the notice to advise in writing of their intention to appear at the hearing session;
- (6) that the date, time and place at which the hearing session is advised to those parties who have indicated their intention to appear at the hearing session; and
- (7) that those parties who have indicated that they intend to appear at the hearing session should supply within the prescribed timescale a hearing statement, which should include any relevant documentation that they wish to make reference to in their submission.