

**DRAFT****FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 17 OCTOBER 2014 at 4.00 P.M.**

**COUNCILLORS:**

Baillie William Buchanan (Convener)  
 Craig Martin  
 John McLuckie

**OFFICERS:**

Douglas Blyth, Team Leader, Legal Services  
 Ged Hailey, Ryden, External Planning Adviser to the Committee  
 Antonia Sobieraj, Committee Services Officer

**ATTENDING:**

Monica Forde, Ryden, External Planning Adviser to the Committee

**PRC45. APOLOGIES**

No apologies were intimated.

**PRC46. DECLARATIONS OF INTEREST**

No declarations were made.

**PRC47. MINUTE**

The minute of the meeting of the Planning Review Committee held on 22 September 2014 was approved.

**PRC48. OPENING REMARKS**

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

**PRC49. PLANNING APPLICATION P/14/0274/FUL - ERECTION OF 43 DWELLINGHOUSES, FORMATION OF ACCESS AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE, RODEL DRIVE, POLMONT**

Mr Blyth provided a brief summary of the background to the application, referring to the meeting held on 22 September 2014 (minute PRC31) and the decision taken by members to hold a hearing - and prior to that hearing having an unaccompanied site inspection - to discuss the specified matters, namely:-

- (a) the impact of the proposed development on the existing surrounding area;
- (b) the ecological value of the development site and the impact of the development on that;
- (c) the roads, access and parking issues relative to the proposed development;
- (d) the visual impact of the proposed development including issues of height, skyline and landscape sensitivity;
- (e) the scale of the proposed development;
- (f) any impact on privacy of the proposed development;
- (g) impact of the proposed development on open space and any requirement for an open space condition or financial contribution (including the amount concerned); and
- (h) any requirement for an education financial contribution including the amount concerned.

The Committee noted that representatives of the applicant were in attendance, namely Neil Parry and David Jinks. Officers of the Council were also in attendance, namely, Kevin Collins, Transport Planning Co-ordinator; Donald Campbell, Development Management Co-ordinator; Russell Steedman, Roads Network Co-ordinator and Kevin Brown, Planning Officer, all attending as representatives of the Director of Development Services and Kenny McNeill, Acting Head of Service (Support, Resources and Infrastructure), representing the Joint Acting Directors of Education. Mr Trevor Colebrook, an objector to the application was also in attendance.

The Committee then discussed the procedure to be followed at the hearing and agreed in terms of the Regulations that they would allow the applicant's representatives, officers of the Council and the objector to present their statements in terms of the specified matters. Thereafter, the Committee would allow the applicant's representatives an opportunity to respond, followed by the Committee then leading discussion and questions before moving on to deliberation of the application.

The Committee heard a short presentation from Mr Hainey, who provided a summary of the application, the papers before the Committee including the previously requested written submissions, referring to the Report of Handling and the reasons for refusal of the application now being reviewed.

The Committee then heard submissions from Mr Parry and Mr Jinks, the applicant's representatives, who were heard in support of the application referring to the hearing statement submitted.

The Committee then heard submissions from Mr Collins, Mr Brown, Mr Steedman and Mr Campbell on behalf of the Director of Development Services and Mr McNeill on behalf of the Joint Acting Directors of Education on the background in relation to the specified matters and in accordance with their submitted hearing statements.

The Committee then heard submission from Mr Colebrook who provided information in relation to the specified matters and in accordance with the submitted hearing statement.

Mr Parry and Mr Jinks were then afforded an opportunity to provide a response to these submissions.

Members of the Committee then asked questions of all parties.

The Committee then proceeded to deliberate on the merits of the application, and took into account the following factors:-

- (i) Policies Com 6 and ENV 3 of the Falkirk Council Structure Plan;
- (ii) Policies EQ3, ED22, EQ24, EQ26, SC02, SC12, SC13, SC14 and ST11 of the Falkirk Local Plan;
- (iii) The planning permission granted for the erection of 6 dwellinghouses (reference P/12/0718/FUL);
- (iv) Public Open Space, Falkirk Greenspace and New Development SPG;
- (v) Education and New Housing Development SPG;
- (vi) Design Guidelines and Construction Standards for Roads in the Falkirk Council Area;
- (vii) The specified matters;
- (viii) The previous applications and the planning history of the site;
- (ix) The representations submitted and the concerns of local residents in the surrounding area particularly in relation to privacy issues and loss of open space;
- (x) The information provided by the representatives of the Director of Development Services and the Joint Acting Director of Education, by the applicant's representatives and by Mr Colebrook in their oral and written Hearing Statements; and
- (xi) The benefit of the site visit previously undertaken.

After extensive discussion, the Committee **AGREED:-**

- (a) That it was **MINDED** to **GRANT** planning permission, subject to satisfactory completion of an obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 or other appropriate legally binding agreement to secure financial contributions of £111,800 to compensate for capacity risks at St. Margaret's Primary School, £15,050 contribution to nursery provision and a contribution of £36,120 towards active off-site open space enhancement/provision; and
- (b) Thereafter upon satisfactory conclusion of the said obligation or agreement, to remit to the Director of Development Services to grant planning permission subject to the following conditions:-
  - (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the information 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.
  - (2) Revised details of the following:-
    - The proposed emergency access route, including finished levels be submitted and approved prior to the commencement of the development; and
    - The proposed finished ground levels including cross sections, to be submitted and approved prior to the commencement of the development.
  - (3) Unless otherwise agreed in writing by the Planning Authority, all road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
  - (4) Unless otherwise agreed in writing by the Planning Authority, full details, including levels and construction materials of the footpaths within the site and their linkages to Portree Crescent and Culduie Circle, shall be submitted and approved prior to the commencement of development.
  - (5) Unless otherwise agreed in writing by the Planning Authority, full details of the proposed sustainable Urban Drainage Scheme shall be submitted and approved prior to works commencing on site.
  - (6) Unless otherwise agreed in writing by the Planning Authority, details of soft landscaping works shall be submitted and approved prior to works commencing on site. Details shall include:-
    - Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration/replacement;
    - Location of new trees, shrubs, hedges and grassed areas;
    - Schedule of plants to comprise species, plant sizes and proposed numbers/density; and

- Programme for completion and subsequent maintenance.
- (7) Unless otherwise agreed in writing by the Planning Authority, details of all walls, fences and means of enclosure shall be submitted and approved prior to works commencing onsite.
  - (8) Unless otherwise agreed in writing by the Planning Authority, details of all external finishing materials for the dwellinghouses and garages shall be submitted and approved prior to works commencing on site.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-4) To safeguard the interests of uses of the highway and ensure pedestrian access into and through the site.
- (5) To ensure that the site is adequately drained.
- (6-8) To safeguard the visual and environmental amenity of the area.

**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) 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 commence without the prior written approval of the Planning Authority.
- (3) For the avoidance of doubt the plan(s) to which the decision refer(s) bear the online reference number(s) 01 and 02.

The Committee had also agreed that the preparation of the decision notice would be delegated to the Chief Governance Officer.