

## FALKIRK COUNCIL

### MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 SEPTEMBER 2014 at 9.30 A.M.

#### **COUNCILLORS:**

Baillie William Buchanan (Convener)  
 Steven Carleschi  
 Colin Chalmers  
 Adrian Mahoney  
 Craig Martin  
 Cecil Meiklejohn  
 John McLuckie  
 John McNally  
 Malcolm Nicol  
 Alan Nimmo  
 Baillie Joan Paterson  
 Sandy Turner

#### **OFFICERS:**

John Angell, Head of Planning and Transportation  
 Donald Campbell, Development Management  
 Co-ordinator  
 Kevin Collins, Transport Planning Co-ordinator  
 Ian Dryden, Development Manager  
 Rose Mary Glackin, Chief Governance Officer  
 Iain Henderson, Legal Services Manager  
 Stuart Henderson, Environmental Health Officer  
 John Milne, Senior Planning Officer  
 Craig Russell, Roads Development Officer  
 Antonia Sobieraj, Committee Services Officer

#### **P46. APOLOGIES**

No apologies were intimated.

#### **P47. DECLARATIONS OF INTEREST**

Councillor C Martin referred to his decision reached previously on another application by the same applicant as intimated to the meeting of the Committee on 25 June 2013 and advised he would not take part in further consideration of the application dealt with under Item 7, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Baillie Paterson declared a non financial interest in item 9 (minute P55) by virtue of her partner being a member of the applicant company, in consequence of which she recused herself from consideration of the item, having regard to the objective test in the Code of Conduct.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Chalmers informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/14/0291/FUL and P/14/0038/FUL (minute P52 and P53).
- 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/14/0197/FUL, P/14/0291/FUL, P/14/0038/FUL and P/14/0342/FUL (minute P51, P52, P53 and P54).
- Bailie Paterson informed the Committee that, while she had not attended the site visits, she would take part in consideration of planning applications P/14/0197/FUL, P/14/0291/FUL, P/14/0038/FUL and P/14/0342/FUL (minute P51, P52, P53 and P54) as she was sufficiently familiar with the sites.

#### **P48. REQUESTS FOR SITE VISITS**

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/13/0234/PPP and P/12/0196 /FUL.

#### **P49. MINUTES**

##### **Decision**

- (a) The minute of meeting of the Planning Committee held on 20 August 2014 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 1 September 2014 was approved, subject to the addition of Councillor Carleschi as being in attendance for applications P/14/0291/FUL and P/14/0038/FUL.

#### **P50. THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/13/070) ORDER 2013 – PARK AVENUE, LAURIESTON**

The Committee considered a report by the Director of Development Services seeking a decision on the Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/13/070) Order 2013 to reserve a parking space for disabled persons on park Avenue, Laurieston.

##### **Decision**

The Committee agreed to make the Traffic Regulation Order referred to in the Report.

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

Councillor Nicol left and re-entered the meeting during consideration of the following item of business.

**P51. DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2 DWELLINGHOUSES AT BETSYLEA, 2 HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR MR ROSS CRAIG – P/14/0197/FUL – CONTINUATION**

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P34 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the demolition of a two storey dwellinghouse and the erection of two semi detached dwellinghouses at Betsylea, 2 Hillview, High Bonnybridge, Bonnybridge.

**Decision**

**The Committee considered that the dwellinghouses proposed by the development would be within the footprint of the existing dwellinghouse and there would be an enhancement to visual amenity and roads in the vicinity of the development and agreed that it is MINDED to GRANT planning permission subject to the submission to and approval of the Director of Development Services of a Coal Mining Risk Assessment all in terms satisfactory to the said Director. Thereafter, upon the approval of the said Director of the Coal Mining Risk Assessment to grant planning permission subject to appropriate conditions as determined by the said Director.**

Councillor Meiklejohn left and re-entered the meeting during consideration of the following item of business.

**P52. EXTENSION TO DWELLINGHOUSE (DORMERS) AT 20 SNEDDON PLACE, AIRTH, FALKIRK FK2 8GH FOR MR CRAIG GARDENER – P/14/0291/FUL – CONTINUATION**

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P35 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the extension to a single storey detached dwellinghouse by way of a flat roofed dormer which would wrap around the side and rear elevations of the property at 20 Sneddon Place, Airth, Falkirk.

### Decision

**The Committee did not consider that the proposed development gave rise to a breach of policy SC9 and accordingly agreed to grant planning permission subject to appropriate conditions as determined by the Director of Development Services.**

In accordance with his declaration of interest, Councillor Martin left the meeting prior to consideration of the following item of business. Councillor Chalmers also left the meeting at this point.

**P53. SITE PREPARATION, THE DRILLING OF AN EXPLORATION BOREHOLE (REQUIRING 24 HOUR OPERATION) TO REMOVE A CORE OF COAL FOR SAMPLING AND RESTORATION OF THE SITE FOLLOWING CESSATION OF DRILLING OPERATIONS ON LAND TO THE NORTH EAST OF GRANGEVIEW, FALKIRK FOR DART ENERGY (EUROPE) LTD – P/14/0038/FUL – CONTINUATION**

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P38 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the preparation of a site, the drilling of an exploration borehole (requiring 24 hour operation), the removal of a core of coal for sampling and restoration of the site following cessation of drilling operations on a site approximately 500 metres west of the mudflats forming the Skinflats Nature Reserve/Special Protection Area (SPA)/Ramsar site and the bank of the River Forth on land to the north east of Grangeview, Falkirk.

Councillor Carleschi, seconded by Councillor Turner, moved that Committee continue consideration of the application to await the outcome of the Public Inquiry into an application by the same applicant at another site.

By way of an amendment, Baillie Paterson, seconded by Councillor McLuckie, moved that the application be approved as detailed in the report.

On a division, 4 Members voted for the motion and 5 voted for the amendment.

### Decision

**The Committee agreed 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 informative 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) Falkirk Council as Planning Authority directs that unless the development hereby permitted has already begun, the permission will lapse after a period of two years beginning with the date of the permission. This direction replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for the permission.
- (3) Temporary measures to the surrounding road network as detailed in the RPS Technical Note dated 8 July 2014 shall be carried out, removed and the road reinstated to the satisfaction of Falkirk Council.
- (4) Any plant or machinery to be installed within the site shall be removed on completion of mining operations.
- (5) Before any excavation work is commenced on the site, a Site Management Scheme must be submitted for approval by the Planning Authority. The Scheme should detail:-
  - (i) the extent of soil stripping;
  - (ii) the extent and location of storage areas for top-soil and other recoverable materials;
  - (iii) provisions for weed control;
  - (iv) provisions for diverting and maintaining any watercourses/ culverts;
  - (v) provisions for draining the site;
  - (vi) provisions for protecting the drainage systems of adjoining land;
  - (vii) provisions for ensuring that standing water is not allowed to gather on the site;
  - (viii) provisions for dealing with any noise or dust nuisance; and
  - (ix) provisions for storage on site of any oil, fuel, lubricant, paints or solvent.
- (6) (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.
- (7) Unless otherwise agreed in writing with Falkirk Council in consultation with SNH and RSPB, no development other than drilling operations shall take place during the months of October - April inclusive.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the Planning Authority can control the future use of the site.
- (3) To safeguard the interests of uses of the highway.
- (4) To ensure that the Planning Authority can control the future use of the site.
- (5) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (6) To ensure the ground is suitable for the proposed development.
- (7) To safeguard the environmental amenity of the area, due to the potential for disturbance to pink footed geese associated with the Firth of Forth SPA.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 1, 2, 3, 4, 5, 6 and 7.
- (2-3) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning the proposal in respect of noise legislation which may affect the development.

- (4) The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of the application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
- (5) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (6) The direction above replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for the permission.
- (7) The developer is advised to agree the extent and method of pre and post development road surveys with Falkirk Council's Roads Services, Earls Road, Grangemouth.

Councillors Chalmers, Mahoney and Martin re-entered the meeting prior to consideration of the following item of business.

Councillors Nimmo and McNally left and re-entered the meeting prior to consideration of the following item of business.

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

Baillie Paterson and Councillors Meiklejohn and Nicol re-entered the meeting during consideration of the following item of business.

**P54. EXTENSION TO DWELLINGHOUSE AND ERECTION OF GARAGE AT 567 MAIN STREET, STENHOUSEMUIR, LARBERT FK5 4QD FOR MR WILLIAM CLARKSON – P/14/0342/FUL – CONTINUATION**

With reference to Minute of Meeting of the Planning Committee held on 20 August 2014 (Paragraph P40 refers), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the Director of Development Services on an application for full planning permission for the extension to a single storey semi detached dwellinghouse and the erection of a garage at 567 Main Street, Stenhousemuir, Larbert.

### Decision

The Committee did not consider the extension to be unsympathetic to the existing building nor to the surrounding area and consequently did not conclude that there would be an unacceptable adverse impact on the building and to the surrounding area or that it would have an unacceptable overbearing impact on the adjoining dwellinghouse. Planning permission was accordingly granted subject to appropriate conditions as determined by the Director of Development Services.

**P55. INSTALLATION OF A SINGLE WIND TURBINE, NEW ACCESS ROAD, HARDSTANDING, SUBSTATION BUILDING, TRANSFORMER HOUSING AND AREA FOR MICROSITING ON LAND TO THE SOUTH OF WESTERGLLEN FARM, FALKIRK FOR BESPOKE COMMUNITY DEVELOPMENT COMPANY - P/14/0203/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the erection of a single wind turbine measuring 50 metres to hub and 79 metres to blade tip located on a site to the north of Greenrigg Farm on agricultural land accessed via an existing farm track off the B803 Falkirk to Slamannan Road and to the south of Westerglen Farm, Falkirk. The proposal also included a new access road, hardstanding, substation building, transformer housing and an area for micrositng.

### Decision

The Committee agreed (a) to continue consideration of this item of business to allow an inspection of the site by Committee on 29 September 2014; and (b) that further consideration of the application take place at a special meeting of the Planning Committee to take place on the same day as the site visit.

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

**P56. DELETION OF CONDITION 1 OF PLANNING PERMISSION P/13/0663/VRC REQUIRING THE MARKETING OF COMMERCIAL UNITS AT 1-11 (ODD) CROWN CRESCENT, LARBERT FK5 4XP FOR CALA HOMES WEST LTD - P/14/0339/VRC**

The Committee considered a report by the Director of Development Services on an application for the deletion of condition 1 of planning permission P/13/0663/VRC requiring the marketing of ground floor commercial units at 1-11 (odd) Crown Crescent, Larbert.



### Decision

The Committee agreed (a) to continue consideration of this item of business to obtain the marketing strategy from the applicants referred to in Condition 1 of planning permission P/13/0663/VRC; and (b) that the matter would thereafter be further considered at a future meeting of the Committee.

In accordance with the decision taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

**P57. DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK FK2 7AY FOR EAST STIRLINGSHIRE FC – P/13/0234/PPP**

**P58. DISCHARGE OF PLANNING OBLIGATION IN RESPECT OF PLANNING PERMISSION F/81/176 WHICH RESTRICTED IN ALL TIME COMING THE DWELLINGHOUSE ERECTED ON THE SUBJECTS TO OCCUPATION ONLY BY PERSONS EMPLOYED IN AGRICULTURE AND THEIR DEPENDANTS, AND FURTHER REQUIRED THAT THE DWELLINGHOUSE WHICH THE NEW DWELLINGHOUSE REPLACED SHALL NEVER AT ANY TIME BE OCCUPIED AS A DWELLINGHOUSE AND SHALL BE USED AS A FARM OUTBUILDING AT MYOTHILL MAINS, DENNY FK6 5HH FOR MR McISSAC RUSSELL P/14/0190/75D**

The Committee considered a report by the Director of Development Services on an application for the discharge of a section 50 agreement restricting occupancy of the dwellinghouse at Myothill Mains, Denny to persons employed in agriculture and their dependants. The report set out the site history, the reason from the application and the current relevant Scottish Government guidance.

### Decision

**The Committee agreed to the discharge of the Planning Obligation.**

In accordance with the decision taken at the start of the meeting, **NOTED** that the following item had been continued to a future meeting to allow an inspection of the site by Committee:-

**P59. CHANGE OF USE OF LAND TO FORM EXTENSION TO EXISTING RESIDENTIAL CARAVAN PARK AND ANCILLARY ENGINEERING OPERATIONS (PART RETROSPECTIVE) AT 1-50 BEECHTREE PARK, DENNY FK6 6BU FOR BEECHTREE PARK HOMES – P/12/0196/FUL**

**DRAFT**

**MINUTE of MEETING of the COMMON GOOD SUB-COMMITTEE (FALKIRK) held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 SEPTEMBER 2014 at 2.00 PM.**

**COUNCILLORS:**

Colin Chalmers  
Cecil Meiklejohn  
Depute Provost John Patrick  
Provost Pat Reid (Convener)

**OFFICERS:**

Justyna Korszen-Bennett, Accountant  
Harry Forster, Committee Services Officer

**CGF1. APOLOGIES**

No apologies were intimated.

**CGF2. DECLARATIONS OF INTERESTS**

No declarations were made.

**CGF3. MINUTE****Decision**

The minute of the meeting held on 10 June 2013 was approved.

**CFG4. APPLICATION FOR FINANCIAL ASSISTANCE TO THE STEEPLE 200 ANNIVERSARY EVENT**

The Sub-Committee considered a report by the Head of Economic Development and Environmental Services, which advised that an application had been made to Falkirk Common Good Fund by the Falkirk Townscape Heritage Initiative project team, to assist with costs associated with the Steeple 200 Anniversary Event.

The report provided a summary of the planned events and estimated costs. The total cost was £41,350 and a contribution of £15,000 was sought from Falkirk Council.

**Decision**

**Agreed to provide funding of £15,000 from the Falkirk Common Good Fund towards the cost of delivering civic and heritage engagement activities associated with the celebration of Steeple 200 anniversary.**

## **FALKIRK COUNCIL**

**MINUTE of the MEETING of the AUDIT COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 22 SEPTEMBER 2014 at 9.30 a.m.**

**MEMBERS:**

Roseann Davidson (Convener)  
Councillor Steven Carleschi  
Councillor Tom Coleman  
Councillor Rosie Murray  
Baillie Joan Paterson  
Depute Provost John Patrick  
Provost Pat Reid

**OFFICERS:**

Margaret Anderson, Director of Social Work Services  
Elaine Costello, Integration Support Manager  
Rhona Geisler, Director of Development Services  
Gordon O'Connor, Internal Audit Manager  
Brian Pirie, Democratic Services Manager  
Stuart Ritchie, Director of Corporate and Neighbourhood Services  
Elliot Roy, Trainee Committee Services Officer  
Bryan Smail, Chief Finance Officer  
Amanda Templeman, Capital Manager

**ALSO ATTENDING:**

Fiona Mitchell Knight, Audit Scotland  
Jim Rundell, Audit Scotland  
Detective Superintendent Cameron Cavin, Police Scotland  
Detective Superintendent Sean Scott, Police Scotland

**AC12. APOLOGIES**

No apologies were intimated.

**AC13. ORDER OF BUSINESS**

In terms of Standing Order 14.2(i), the Convener varied the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

**AC14. PUBLIC SECTOR COUNTER CORRUPTION UNIT**

Committee heard a presentation on Police Scotland's Public Sector Counter Corruption Unit.

The Public Sector Counter Corruption Unit was established in April 2013 and was the UK's first dedicated public sector counter corruption unit.

Detective Superintendent Scott outlined the vision behind the creation of the unit and set out its mission. He summarised areas of vulnerability in relation to corruption within the public sector, and the factors which compromise individuals and organisations. Police Scotland has developed proactive and reactive strategies to tackle corruption such as the creation of an independent auditor function to support public sector agencies.

Members recognised the value of the unit, and asked for information on activity within the Falkirk Council area. Detective Superintendent Scott confirmed that issues within Falkirk were on a par with those experienced by similar local authorities, and that there were no significant area specific concerns.

Members then sought information on the performance of the unit in 2013/14. The unit had received 66 referrals with 1 resulting in a conviction. In regard to corruption, Detective Superintendent Scott suggested that the proposed Misconduct in Public Office legislation, similar to that in place in England and Wales would provide clarity on practices which are currently perceived as wrong but not illegal.

#### **Decision**

**The committee noted the presentation.**

### **AC15. DECLARATIONS OF INTEREST**

Provost Reid declared a financial interest in item AC20 as a Director of the Temperance Trust and took no part in the discussion or decision making on this item.

### **AC16. MINUTE**

#### **Decision**

**The minute of the meeting held on 23 June 2014 was approved.**

**AC17. ANTI FRAUD AND CORRUPTION STRATEGY**

The committee considered a report by the Internal Audit Manager presenting a revised Anti Fraud and Corruption strategy.

Committee had requested at its meeting of 24 March 2014 (ref AC30) a review of the existing Anti Fraud and Corruption Strategy. The report summarised the review of this strategy and included a revised Strategy for approval. The revised Strategy is intended to be high level and will be supported by detailed guidance.

Committee discussed the need for decision making to be open and transparent and highlighted the need for committee reports to provide members sufficient information to allow members to make fully informed decisions, in particular in regard to the Council's duty to secure best value, for example when agreeing contracts.

**Decision**

**The committee approved the Anti Fraud and Corruption Strategy.**

**AC18. INTERNAL AUDIT PROGRESS REPORT**

Committee considered a report by the Internal Audit Manager summarising progress with the 2014/15 Internal Audit Plan and setting out key findings arising from completed assignments..

The report also included details of Internal Audit's performance against established key performance indicators, a summary of the implications of the Local Authority Accounts (Scotland) Regulations 2014 as they apply to Internal Audit, an update on recommendations outstanding from previous audits, and some information on the work of the Scottish Local Authorities Chief Internal Auditors' Group.

Members sought assurance from the Internal Audit Manager that the plan would be completed, and questioned whether the loss of a member of the team would have an impact on the progress of planned audits. The Internal Audit Manager indicated that the audit plan would be completed and highlighted examples where the team was engaged in joint working with both West Lothian Council and NHS Forth Valley.

Committee then considered the summary of key findings of audits carried out in 2014/15. Members sought further information on the likely timescales for the recommendations arising from the review of Council House Buy Back arrangements.

In regard to the summary of outstanding audit recommendations, members requested that future reports provide more detail.

**Decision**

**The committee noted the report.**

**AC19. THE LOCAL AUTHORITY ACCOUNTS (SCOTLAND) REGULATIONS 2014**

The Local Authority Accounts (Scotland) Regulation 2014 will come into force on 10 October 2014.

The committee considered a report by the Chief Finance Officer summarising the key provisions within the Regulations and detailing the key actions required by the Council.

**Decision**

**The committee noted the implications for Falkirk Council of the Local Authority Accounting (Scotland) Regulations 2014.**

**AC20. ANNUAL ACCOUNTS 2013/ 2014**

The committee considered a report by the Chief Finance Officer presenting the audited accounts for 2013/14 for approval.

**Decision**

**The committee agreed to refer the annual audited accounts 2013/14 to Council for approval.**

In accordance with his declaration of an interest, Provost Reid left the meeting following the previous item.

**AC21. TEMPERANCE TRUST ANNUAL ACCOUNTS 2013/14**

The committee considered a report by the Chief Finance Officer presenting Falkirk Temperance Trust's audited annual accounts for 2013/14 for approval.

**Decision**

**The committee agreed to refer Falkirk Temperance Trust's audited annual accounts 2013/14 to the Trust for approval.**

Provost Reid rejoined the meeting following the previous item.

**AC22. FALKIRK COUNCIL EXTERNAL AUDIT PROGRESS UPDATE REPORT**

The committee considered a report by Audit Scotland on the progress of the 2014/15 audit plan.

The report summarised progress to date on the annual audit plan for 2014/15, together with planned audit outputs for the year and timescales for delivery. The plan focused on three key known governance performance and financial statements with 11 reviews planned. It was anticipated that all target dates for reporting would be met. Additionally the report summarised the role of Audit Scotland's performance audit and best value group and highlighted the key recommendations arising from the group's reviews to date.

### **Decision**

**The committee noted the report.**

## **AC23. REPORT TO THOSE CHARGED UP WITH GOVERNANCE ON THE 2013/14 AUDIT**

The committee considered a report by the Chief Finance Officer on the 2013/14 Audit.

The International Standard on Auditing 260 (ISA260) requires auditors to report specific matters arising from the audit of financial statements to those charged with governance in order that appropriate action can be taken.

The report set out significant findings together with the proposed independent audit report which confirms that the financial statements give a true and fair view as at 31 March 2014.

Committee sought clarification on the definition of heritage assets and on the background to the council's practice of using a discounted cash flow approval to the valuation of its housing stock.

### **Decision**

**The committee noted the report.**

## **AC24. MAJOR CAPITAL INVESTMENT**

The committee considered a report by the Chief Finance Officer presenting Audit Scotland's review of major capital investment in Falkirk Council.

Audit Scotland undertook a review of major capital investment in councils in 2013/14 and selected Falkirk Council for targeted follow up in 2014/15. The follow up report identified a number of good practices within the Falkirk council including:-

- A robust business case is required for all capital projects over £1 million that are included in the capital programme;

- Capital monitoring statements are presented to the Executive bi-annually, with a supplementary report in August providing outturn information, which allows members to scrutinise progress in implementing the capital programme; and
- Capital monitoring statements provide details of spend to date and projected for each project to enable members to identify any potential slippage or overspends at an early stage.

The report also identified the following two areas where there is scope for improvement:-

- The corporate asset management strategy currently covers the period 2011- 2014 and should be updated to ensure it accurately reflects the council's priorities and objectives going forward.; and
- Capital monitoring statements provided to members do not currently provide an update on risks and how these may affect individual projects. A capital program risk register should be considered to provide programme level view of aggregate risks to projects.

The report by the Chief Finance Officer provided an update on action taken in regard to the latter two areas.

The committee discussed the requirement that a business case is prepared for all capital projects over £1m and discussed the benefits of the introduction of a standard format.

Members also sought detail on a process for ensuring that slippage is managed both at a corporate and service level.

### **Decision**

**The committee noted the report.**

## **AC25. AUDIT COMMITTEE ANNUAL REPORT 2013/14**

The committee considered a report by the convener on the work of the audit committee in 2013/14.

In terms of the Standing Orders, the audit committee is required to report annually to Council on its work. The report summarised the business considered by the committee in 2013/14 and set out its priorities for 2014/15.

### **Decision**

**The committee noted the report.**



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.