

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

P107. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 19 September 2012; and
- (b) Minute of Meeting of the Planning Committee held on On-Site on 8 October 2012.

P108. REQUESTS FOR SITE VISITS AND CONTINUATION

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/12/0414/PPP, P/11/0701/PPP, P/12/0328/FUL and P/12/0322/FUL to allow inspections of the sites by the Committee.

The Committee also agreed to continue planning application P/12/0314/PPP to allow further discussions with the applicant in relation to the provision of outstanding financial information.

Councillor Mahoney left and re-entered the meeting during consideration of the following item of business but took no part in it.

P109. ERECTION OF SINGLE WIND TURBINE (29.7 METRES HIGH TO HUB, 46.7 METRES HIGH TO BLADE TIP) (400KW) AT OVERTON FARM, DENNY FK6 5JE FOR INTELLIGENT LAND INVESTMENTS – P/11/0560/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 19 September 2012 (Paragraph P96 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by Director of Development Services and an additional Report (circulated) dated 23 October 2012 by the said Director on an application for full planning permission for the erection of a single wind turbine (29.7 metres high to hub, 46.7 metres high to blade tip) (400 KW) together with ancillary works consisting of an access road and substation building located within a rural location at Overton Farm, Denny.

Councillor Carleschi, seconded by Councillor Alexander, moved that the application be granted in accordance with the recommendations in the Report.

By way of an amendment, Councillor Buchanan, seconded by Councillor McLuckie, moved that the application be refused on the ground that the development would be detrimental to the visual amenity of the area in terms of Policy EQ23.

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

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

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2)
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.
- (3) Should substantiated complaints of noise be received as a result of the operation of the wind turbine, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise emissions from the wind turbine in relation to that specified in the original application at the nearest noise sensitive receptor not financially involved. The report shall be submitted to the Planning Authority for perusal with a view to prevent noise disturbance.
- (4) Notwithstanding the details on the approved plans, the exact colour of the turbine shall be submitted to and approved in writing by the Planning Authority prior to the start of work on site.
- (5) Notwithstanding the details on the approved plans and prior to the start of work on site, exact details of the access track, cable trenching and hardstanding areas shall be submitted to and approved in writing by the Planning Authority. Details shall include an indication of future grass seeding and maintenance of these areas.

- (6) For the avoidance of doubt, micro-siting of the turbine is only permissible within the application site boundaries as identified on the approved location plan.
- (7) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the planning authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Unless otherwise agreed in writing with the Planning Authority, within 2 months of the date on which the use ceases, the site shall be reinstated to a condition agreed with the Planning Authority.
- (8) Prior to the start of work on site, further information shall be submitted to and approved in writing by the planning authority (in consultation with the Ministry of Defence) as to:-
 - (i) the date construction starts and will be presumed to end;
 - (ii) the maximum height of construction equipment;
 - (iii) the latitude and longitude of the turbine; and
 - (iv) the form of aviation lighting to be employed.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
- (4-6) To safeguard the visual amenity of the area.
- (7) To ensure the removal of redundant wind turbine installations.
- (8) To enable the Planning Authority to consider these aspects in detail.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A, 03-06 inclusive.
- (2) It is recommended that the applicant should consult with the Development Services Roads Development Unit concerning the proposal in respect of roads impacts during delivery, construction and decommissioning of the development.

P110. VARIATION OF CONDITION 33 OF PLANNING PERMISSION P/08/0296/FUL TO ALLOW OCCUPATION OF AFFORDABLE RESIDENTIAL UNITS PRIOR TO CONSTRUCTION OF A ROUNDABOUT AT THE JUNCTION OF STIRLING STREET AND NETHERMAINS ROAD AT LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART AND MICKEL – P/12/0364/VRC (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 19 September (Paragraph P97 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services and an additional Report (circulated) dated 23 October 2012 by the said Director on an application for full planning permission for the variation of condition 33 of planning permission P/08/0296/FUL to allow occupation of affordable residential units prior to construction of a roundabout at the junction of Stirling Street and Nethermains Road on land to the west of 21 Old Mill Way, Kirkland Drive, Stoneywood.

AGREED to REFUSE planning permission for the requested variation on the basis that it would have a detrimental impact on traffic.

P111. 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 Minute of Meeting of the Planning Committee held on 19 September (Paragraph P98 refers), Committee gave further consideration to Report (circulated) dated 12 September 2012 by the Director of Development Services and an additional Report (circulated) dated 23 October 2012 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 Carleschi, seconded by Councillor Chalmers, moved that the application be refused in accordance with the recommendations in the Report.

By way of an amendment, Councillor Alexander, seconded by Councillor Meiklejohn, moved that the Committee be minded to grant planning permission in principle, subject to an appropriate legal agreement being entered into to cover financial contributions arising from the development, cross funding and phasing arrangements and, thereafter, the imposition of appropriate planning conditions, all as determined by and to the satisfaction of the Director of Development Services.

Councillor Buchanan gave notice of a further amendment.

On a division, 4 Members voted for the motion and 3 voted for the amendment.

In terms of Standing Order 19.6, the motion became the substantive motion upon which the further amendment could be moved.

By way of a further amendment, Councillor Buchanan, seconded by Councillor Turner, moved that the application be continued to the January meeting of the Planning Committee to allow the previously requested additional financial information to be provided by the applicant and for the applicant to provide details showing how his proposals for engineering works could be completed to the satisfaction of the Council.

On a division, 2 Members voted for the motion and 6 voted for the amendment.

Accordingly, **AGREED** to **CONTINUE** consideration of the application to the January 2013 Planning Committee to allow the previously requested additional financial information to be provided by the applicant and for the applicant to provide details showing how his proposals for engineering works could be completed to the satisfaction of the Council.

In accordance with the decision taken at the start of the meeting, **NOTED** the following item had been continued to a future meeting to allow further discussions with the applicant in relation to outstanding financial information to be provided.

P112. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE WEST OF SCHIEHALLION, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP (CONTINUATION)

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

P113. ERECTION OF 3 FLATTED DWELLINGS, 1 STUDIO DWELLING AND ASSOCIATED EXTERNAL WORKS AT 189 CORBIEHALL, BO'NESS EH51 0AX FOR MR MARTYN FORD - P/12/0348/FUL

There was submitted Report (circulated) dated 23 October 2012 by the Director of Development Services on an application for full planning permission for the erection of three flatted dwellings, one studio dwelling and associated external works located on the south side of Corbiehall, within the Bo'ness Town Centre Outstanding Conservation Area, at 189 Corbiehall, Bo'ness.

AGREED that Committee is **MINDED** to **GRANT** planning permission, subject to referral to Scottish Ministers, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.

- (2) Details of the phasing of the development, including the demolition of the existing building on site, shall be submitted to the Planning Authority for approval and no work shall commence on site until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.
- (3) No development shall commence on site until an investigation to assess the depth and extent of mine workings, including mine entry, within the application site is carried out and the findings submitted and approved by the Planning Authority. The investigation should be carried out in accordance with the approved Coal Mining Risk Assessment (the online reference 'supporting documents').
- (4) No development shall commence on site until a detailed drainage strategy has been submitted and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (5) No development shall commence on site until a specification for the proposed acoustic glazing for habitable windows fronting Corbiehall has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented with the approved details.
- (6) No development shall commence on site until samples of all external materials including slate, harling, timber cladding and paving has been submitted and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (7) No development shall commence on site until details of the scheme of soft landscaping works has been submitted and approved by the Planning Authority. Details of the scheme 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;
 - Location of new trees, shrubs and hedges and grassed areas;
 - Schedule of plants to comprise species, plant sizes and proposed numbers; and
 - Programme for completion and subsequent maintenance.

Thereafter the development shall be implemented in accordance with the approved landscape scheme by the end of the first planting and seeding season following occupation of the last flatted dwellinghouse/dwellinghouse on site.

- (8) (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
 - (iv) 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 recommence without the prior written approval of the Planning Authority.
- (9) Before any building is occupied, the car park and vehicular access shall be constructed in accordance with approved plan (our online reference 02B).
 - (10) For the avoidance of doubt the development shall be constructed with a finished floor level of 4.86 metres AOD.
 - (11) 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, October 1997, as amended January 2000'.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To enable the Planning Authority to consider this aspect in detail.
- (3, 8) To ensure the ground is suitable for the proposed development.
- (4) To ensure that adequate drainage is provided.
- (5) To ensure that the occupants of the proposal are protected against excessive noise intrusion.
- (6) To safeguard the visual amenity of the conservation area.
- (7) To ensure that adequate landscaping is provided.
- (9) To ensure that adequate car parking is provided.

- (10) To protect the occupants of the proposal from flood risk.
- (11) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02B, 03A - 05A and Supporting Documents.
- (2) The development site lies within a conservation area and separate Conservation Area Consent must be obtained for the demolition of a building. The permission does not grant or imply the grant of Conservation Area Consent and it is an offence to carry out unauthorised works of demolition in a conservation area.

NOTE:- Council officers were requested by Members to liaise with Scottish Water to establish if there are means by which flooding on the roadway can be minimised.

P114. DEMOLITION OF WORKSHOP/STORE AT 189 CORBIEHALL, BO'NESS EH51 0AX FOR MR FORD - P/12/0449/CON

There was submitted Report (circulated) dated 23 October 2012 by the Director of Development Services on an application for conservation area consent for the demolition of a workshop/store located on the south side of Corbiehall, within the Bo'ness Town Centre Outstanding Conservation Area, at 189 Corbiehall, Bo'ness.

AGREED that Committee is **MINDED** to **GRANT** Conservation Area Consent, subject to referral to Scottish Ministers, in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) No demolition shall take place until notice of the proposal has been given to the Royal Commission on the Ancient and Historical Monuments of Scotland and the Royal Commission have been given reasonable access to the building for at least three months following the granting of consent and giving notice to the Commission.
- (3) No demolition shall take place until the contract for the new development has been let and written evidence of this has been submitted to and approved in writing by the Planning Authority.
- (4) The demolition shall be carried out in accordance with the approved method statement (the online reference, Supporting Documents).
- (5) Any material or topsoil scraped back as a result of the demolition process shall be stockpiled no higher than 1 metre in height.

Reason(s):-

- (1) In order to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- (2) To allow the building to be recorded.
- (3- 5) To safeguard the visual amenity of the area.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02A and Supporting Documents.

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

P115. FORMATION OF VEHICULAR ACCESS AT 27 NORTH MAIN STREET, CARRONSHORE, FALKIRK FK2 8HW FOR MR CRAIG MARTIN - P/12/0505/FUL

There was submitted Report (circulated) dated 23 October 2012 by the Director of Development Services on an application for full planning permission for the formation of a new vehicular access leading to the front garden at 27 North Main Street, Carronshore, Falkirk.

AGREED to GRANT planning permission, subject to the following condition(s):-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Vehicular access shall be by means of a 3m wide dropped kerb footway crossing, formed in accordance with the "Design Guidelines and Construction Standard for Roads in the Falkirk Council Area" unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interest of road safety and in accordance with Policy SC9 of the Adopted Falkirk Local Plan.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A and 02A.

(2) If a new hardstanding/driveway is constructed it should meet the following criteria:-

- Measure a minimum of 3m by 5m;
- There should be no obstruction above 1m along the carriageway edge;
- Any gates should open in an inward direction; and
- There should be no discharge of loose material or surface water onto the public road.

Prior to consideration of the following item of business (a) Councillor C Martin re-entered the meeting; (b) Councillor Mahoney left the meeting in accordance with his declaration of interest, and (c) Councillor Black declared a remote financial interest in the item by virtue of her having a business within the same area. She accordingly determined to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct and left the meeting.

P116. ERECTION OF RETAIL FOODSTORE (CLASS 1), CAR PARK, PEDESTRIAN AND VEHICULAR ACCESS, SERVICE YARD AND LANDSCAPING ON LAND TO THE WEST OF MARINER LEISURE CENTRE, REDBRAE ROAD, FALKIRK FOR ALDI STORES LTD AND JOHNSTON PUBLISHING LTD - P/12/0418/FUL

There was submitted Report (circulated) dated 23 October 2012 by the Director of Development Services on an application for full planning permission for the erection of retail foodstore (Class 1) (1,414 square metres gross floorspace, 990 square metres net trading space) on a 0.18 hectare site, car park, pedestrian and vehicular access, service yard and landscaping, the site being located at the eastern end of Glasgow Road on land to the west of the Mariner Leisure Centre, Redbrae Road, Falkirk.

AGREED that Committee is **MINDED** to **GRANT** planning permission, subject to the conclusion of a Section 75 Planning Obligation to secure the matters below:-

- (a) The voluntary financial contribution of £1,500 to the ongoing fund for a memorial to Thomas Clement Douglas. This respects the terms of Policy EQ9 - Public Art of the Falkirk Council Local Plan, albeit the proposal is not a 'major' application.
- (b) The financial contribution of £12,500 to address the annual costs associated with the routine maintenance and energy costs of the signalised junction for a period of 10 years. This reflects the desire of the applicant to introduce a signalised junction to improve customer flow, rather than the signalised junction being essential to improve highway safety.
- (c) A financial contribution to address costs associated with Falkirk Council promoting or implementing traffic orders and bus clearway order. This reflects further administration by Falkirk Council to implement the required works.

- (d) The donation of land currently in the ownership of the applicant to Falkirk Council. This contributes to the realisation of Opportunity TR FAL 05 - A803 Glasgow Road - future road widening of the carriageway.

On satisfactory completion of the Planning Obligation, the matter be remitted to the Director of Development Services to grant planning permission, subject to the following conditions:-

- (1) The development to which the permission relates must be begun within three years of the date of the permission.
- (2) Before the building is occupied, the car parking shown on the approved plan shall be completed.
- (3) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) existing and finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) existing landscaping features and vegetation to be retained and, in the case of damage, restored;
 - (iii) location and design, including materials, of walls, fences and gates
 - (iv) soft and hard landscaping works; and
 - (v) existing and proposed services such as cables, pipelines, sub-stations.
- (4) Prior to the store opening, all associated road transport infrastructure, including footpath construction and traffic light installation, shall be completed to the satisfaction of the Planning Authority in consultation with the Roads Authority.
- (5) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the minimisation of light pollution from the premises.
- (6) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking and access arrangements shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (7) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hardsurfaces shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Before the development commences, full details of the colour and specification of all proposed walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (9) Notwithstanding the approved plans, before the development commences, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-
- (i) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (ii) the location of all new trees, shrubs, hedges and grass areas;
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species; and
 - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments.

The landscaping plan shall be implemented in accordance with an approved phasing plan.

- (10) Before occupation of the retail unit, exact details of any proposed ventilation system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by the Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (11) All proposed roads, cycleways, traffic signals, roadmarkings, street lighting, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (12) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by the Planning Authority.
- (13) Prior to the store opening a Stage 3 Safety Audit shall be carried out on the proposed new infrastructure and the information submitted to and agreed by the Planning Authority.
- (14) Prior to occupation of the retail unit, further details shall be submitted to and approved in writing by the Planning Authority as to the number, location and management of the dedicated car parking spaces to residents of Glasgow Road.
- (15) 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 recommence without the prior written approval of the Planning Authority.
- (16) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the final design layout of the proposed mini roundabout on Redbrae Road.

- (17) For the avoidance of doubt, the proposed footway along the western side of Redbrae Road to the site access shall be constructed to adoptable standards and be at least 2 metres in width.
- (18) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the Travel Plan Framework.
- (19) Prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all works shall be carried out in accordance with the approved scheme.
- (20) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the finalised street lighting system to be employed.
- (21) Prior to any works on site, a joint - Falkirk Council and Applicant - road dilapidation survey shall be carried out on Redbrae Road, identifying the scale of resurfacing work required on the carriageway.
- (22) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority to ensure that the junction is operated by a MOVA control system, the existing pedestrian crossing linked into the controller for the proposed junction.
- (23) For the avoidance of doubt, the existing bus stop on the south side of Glasgow Road will be relocated to the layby at the front of St John's Church, details to be submitted to and approved in writing by the Planning Authority.
- (24) For the avoidance of doubt, the proposed retail floorspace of 990sqm shall be restricted to the sale and display of convenience goods, with no more than 30% of this floorspace being used for the sale and display of comparison goods.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2, 14) To ensure that adequate car parking is provided.
- (3, 9) To safeguard the environmental amenity of the area.
- (4, 22) To ensure that adequate traffic management provision is secured.
- (5, 7, 8) To safeguard the visual amenity of the area.
- (6, 10) In the interests of residential amenity.
- (11/13, 17, 20/21) To safeguard the users of the public highway.

- (15) To ensure the ground is suitable for the proposed development.
- (16) The development would not be acceptable without these additional works.
- (18, 23) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (19) To ensure adequate protection of the water environment from surface water run-off.
- (24) To ensure that the Planning Authority can control the future use of the premises.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02, 03, 04, 05, 06, 07 and 08.
- (2) The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
- (3) Your attention is drawn to the provisions of the Disability Discrimination Act 1995. The permission does not imply that your proposals satisfy the requirements of that legislation.
- (4) 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.
- (5) It is recommended that the applicant should consult with the Development Services' Environmental Health Division concerning the proposal, as legislation relating to the spread of dust is likely to affect the development.
- (6) The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:-

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

- (7) For the avoidance of doubt, the financial costs incurred by Falkirk Council in addressing off-site works related to the application shall be borne by the Developer.

Councillors Mahoney and Black re-entered the meeting following consideration of the foregoing item of business.

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

P117. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE SOUTH OF 24 MUIREND COURT, DRUM ROAD, BO'NESS FOR MR ROBERT POW - P/12/0414/PPP

P118. MIXED USE DEVELOPMENT INCLUDING 60 BED NURSING HOME, ASSOCIATED SPECIAL CARE UNIT, NEW HOUSING (INCLUDING AFFORDABLE HOUSING) AND ASSOCIATED OPEN SPACE, LANDSCAPING AND ACCESS ROADS ON LAND TO THE WEST OF 63 DRUM ROAD, BO'NESS FOR MR ROBERT POW - P/11/0701/PPP

P119. CHANGE OF USE OF VACANT INDUSTRIAL LAND TO FORM CAR PARK AND FOR THE OPERATION OF AN OPEN AIR MARKET (TEMPORARY) ON LAND TO THE SOUTH EAST OF 1 WILLIAMSON STREET, WILLIAMSON STREET, FALKIRK FOR MR THOMAS MORGAN - P/12/0328/FUL

P120. ERECTION OF 26 DWELLINGS COMPRISING FLATTED DWELLINGS, MAISONETTES AND TOWNHOUSES ON LAND TO THE SOUTH OF THE COTTAGES, GLENBURN ROAD, FALKIRK FOR PAGE-PARK ARCHITECTS - P/12/0322/FUL

Councillors Alexander and Carleschi left the meeting prior to consideration of the following item of business.

P121. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A of the said Act.

P122. PLANNING PERMISSION APPEAL: DEMOLITION OF FORMER HOTEL AND ERECTION OF 56 FLATS AND ASSOCIATED ROADS, INFRASTRUCTURE AND LANDSCAPING AT THE WHITESIDE HOTEL, 1 LEWIS ROAD, POLMONT, FALKIRK FK2 OXP

There was submitted Report (circulated) dated 31 October 2012 by the Director of Development Services (a) advising that since the previous Report as presented to the Planning Committee on 4 April 2012 (Paragraph P17 refers), the planning appeal in relation to the above application had been determined by the Reporter at the Directorate for Planning and Environmental Appeals; and (b) setting out options for consideration in response to the Reporter's decision.

Councillor Nicol, seconded by Councillor Mahoney, moved the recommendation detailed within paragraph 6.2 of the Report together with the submission of a letter to the relevant Scottish Government Minister indicating concerns about how the relevant legislation had been interpreted and applied in Government guidance.

By way of an amendment, Councillor Meiklejohn, seconded by Councillor Turner, moved the recommendation detailed within paragraph 6.1 of the Report together with the submission of a letter to the relevant Scottish Government Minister indicating concerns about how the relevant legislation had been interpreted and applied in Government guidance.

On a division, 7 Members voted for the motion and 3 voted for the amendment.

Accordingly,

- (1) **NOTED** the contents of the Report; and
- (2) **AGREED** to follow the course of action detailed at paragraph 6.2 of the Report and to submit a letter to the relevant Scottish Government Minister indicating concerns about how the relevant legislation had been interpreted and applied in Government guidance.

FALKIRK COUNCIL

MINUTE of MEETING of the HOUSING AND SOCIAL CARE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 6 NOVEMBER 2012 at 9.30 a.m.

PRESENT: Provost Reid; Councillors Alexander, Black, Buchanan, Chalmers, G Goldie, Hughes, Mahoney, Nimmo and Turner.

CONVENER: Councillor G Goldie.

ATTENDING: Directors of Corporate and Neighbourhood Services, and of Social Work Services; Heads of Children & Families & Criminal Justice and of Community Care; Accountancy Services Manager (B Heron); Property and Asset Manager; Strategy and Private Sector Manager; Service Manager (V Thomson); Community Support Co-ordinator; Depute Chief Governance Officer and Committee Services Officer (A Fraser).

ALSO

ATTENDING: Ms H Munro, Independent Chairperson, Forth Valley Adult Support and Protection Committee.

HSC19. APOLOGIES

An apology was submitted on behalf of Councillor Bird.

HSC20. DECLARATIONS OF INTEREST

Councillor Black declared a financial interest in Item HSC31 by virtue of her being the owner of a property which is adjacent to a potential Council new build site and indicated that she would recuse herself from consideration of the item having regard to the objective test in the Code of Conduct.

HSC21. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Housing and Social Care Committee held on 28 August 2012.

HSC22. ADULT SUPPORT AND PROTECTION BIENNIAL REPORT

There was submitted Report (circulated) dated 15 October 2012 by the Director of Social Work Services (a) outlining the progress and range of developments undertaken over the last two years and indicating future direction, and (b) attaching as an appendix to the Report, the second biennial report which has been prepared by the Independent Chair of the Adult Support and Protection Committee.

Discussion took place on the following:

- the benefits of multi-agency and partnership working
- the steady growth of referrals due to the increased awareness of the Adult Support and Protection (Scotland) Act 2007
- the ongoing work to ensure consistent availability of advocacy services across the Forth Valley area
- the level of staff training provided
- the appreciation of the work carried out to safeguard vulnerable citizens

NOTED the 2012 Adult Support and Protection Biennial Report and the actions contained therein.

HSC23. SERVICES TO CHILDREN WITH A DISABILITY

There was submitted Report (circulated) by the Director of Social Work Services (a) providing an update on the provision of services to children with a disability, and (b) outlining recent initiatives and developments in this area.

Discussion took place on the following:

- commending the work of the Children with a Disability Team
- the expansion of appropriate respite and support services to families
- the work currently being undertaken in relation to the introduction of the Welfare Reform Act and to ensure families have access to advice services
- the importance of integration for children with a disability

NOTED the developments in services to children with disabilities.

AGREED that the Director of Social Work Services update Members on progress in relation to any pilot of self-directed support provisions with children and families.

HSC24. RESHAPING CARE FOR OLDER PEOPLE: CHANGE FUND MID-YEAR PROGRESS REPORT 2012-2013

There was submitted Report (circulated) dated 10 October 2012 by the Director of Social Work Services (a) providing an update on the work undertaken by the Falkirk Partnership Steering Group in producing a Change Fund Mid-Year report, in line with Scottish Government reporting requirements, and (b) attaching as an appendix to the Report, the Falkirk Partnership Change Fund Mid-Year Progress report.

Discussion took place on the following:

- the anticipated timescale for further information being provided by the Scottish Government in response to their recent consultation on health and social care integration
- the work currently being undertaken to ensure the implementation of any proposed changes is achieved properly and with minimal impact to service users
- the Falkirk Partnership's change fund allocation and deployment of resources

AGREED to endorse the content of the Falkirk Partnership Change Fund Mid-Year submission for 2012/13.

HSC25. RESHAPING CARE FOR OLDER PEOPLE: FUTURE COMMISSIONING ARRANGEMENTS

There was submitted Report (circulated) dated 18 October 2012 by the Director of Social Work Services (a) providing an update on the ongoing work to review existing service provision for older people to ensure that an appropriate range of services will be available and capable of meeting the changing and growing needs of older people within our communities; (b) setting out two work streams currently being progressed to ensure that services are developed to meet future identified needs, and (c) attaching as appendices to the Report, the Forth Valley Joint Commissioning Strategy 2012-2022, and an Option Appraisal of Residential Care Options provided by Falkirk in relation to Older People.

Discussion took place on the following:

- the importance of appropriate aids and adaptations
- the specific work required to ensure staff are trained appropriately
- the work currently being undertaken in relation to developing appropriate provision to support older people to optimise their independence
- the need to look at existing assets and the possible use of potential hospital sites
- the provision of funding for voluntary organisations

AGREED:-

- (1) the proposals for stakeholders engagement as set out in Section 3 of the Report, and
- (2) that further work be undertaken to develop options for future provision as outlined in Paragraph 4.7 of the Report.

HSC26. ACTION PLAN TO ADDRESS RECOMMENDATIONS ARISING FROM SCRUTINY REPORT ON SOCIAL WORK SERVICES

With reference to Minute of Meeting of the Housing and Social Care Committee held on 28 August 2012 (paragraph HSC16 refers), there was submitted Report (circulated) dated 15 October 2012 by the Director of Social Work Services (a) advising on the action plan which has been developed to address the recommendations arising from the scrutiny report of Social Work Services published by the Care Commission in August 2012, and (b) attaching as an appendix to the Report, the action plan developed to address the recommendations arising from the scrutiny report.

Discussion took place on the proposals to review the Integrated Children's Services Plan to ensure that it is consistent with the recent changes to the Council's Corporate Plan.

NOTED the action plan developed in response to the scrutiny inspection of Social Work Services and the progress achieved to date.

AGREED that the Director of Social Work Services bring forward an update in 2013.

HSC27. FALKIRK CHILDREN'S COMMISSION – CONSULTATION RESPONSE ON A PROPOSAL FOR A CHILDREN AND YOUNG PEOPLE'S BILL

There was submitted Report (circulated) dated 3 October 2012 by the Director of Social Work Services (a) updating Members on the content of the Falkirk Children's Commission response to the Children & Young People's Bill, and (b) seeking approval to submit the consultation response, attached as an appendix to the Report.

Discussion took place on the proposed Bill and its impact on current legislation.

NOTED the implications of the Children & Young People's Bill in relation to future policy and structural developments.

AGREED:-

- (1) the content of the consultation response developed by the Children's Commission for Scottish Government, and
- (2) that the Director of Social Work Services provide a further report to Committee once it is clearer what aspects of the Bill will remain.

HSC28. VARIATION IN ORDER OF BUSINESS

The Convener advised that he intended to vary the order of business. The following items have been recorded in the order that they were taken at the meeting.

HSC29. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 7A to the said Act.

HSC30. SOCIAL WORK COMPLAINTS REVIEW COMMITTEE

There was submitted Report (circulated) dated 17 September 2012, by the Chief Governance Officer detailing the recommendations made by the Social Work Complaints Review Committee at its meeting held on 30 August 2012.

NOTED the contents of the Report.

The Committee **AGREED** to a short adjournment. The meeting adjourned at 11.55 a.m. and reconvened at 12.05 p.m. with all those Members in attendance as per the sederunt, with the exception of Councillor Buchanan.

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

HSC31. FUTURE LAND SUPPLY FOR COUNCIL NEW BUILD

With reference to Minute of Meeting of the Housing and Social Care Committee held on 28 August 2012 (paragraph HSC9 refers), there was submitted Report (circulated) dated 17 October 2012 by the Director of Corporate and Neighbourhood Services (a) providing an update on the progress to date on 10 proposed sites being considered as potential Council new build sites; (b) attaching as appendices to the Report, location maps of the 10 proposed sites, and (c) outlining the current status in relation to the 6 sites currently being progressed as part of the Council's Strategic Housing Investment Plan and Strategic Local Programme.

Discussion took place on the following:

- the disposal of potential sites which were previously within the ownership of education services
- the disposal of the potential site at Stenhousemuir Police Station
- the need for new affordable housing in the Council area

Councillor Goldie, seconded by Councillor Nimmo moved the recommendations contained within the Report, namely:-

- 6.1 to note the progress made to date;
- 6.2 agrees that detailed feasibility studies are carried out for each of the 10 sites detailed in 4.2 above and shown on the attached plans in Appendix 1;
- 6.3 agrees that further consultation with local members will take place once the overall viability of the sites is established and indicative sketch layouts are available, and
- 6.4 agrees that further updates on progress will be reported to Committee as required.

By way of an Amendment, Councillor Alexander, seconded by Councillor Chalmers moved that recommendation 6.2 contained in the Report, be substituted with the following:-

- 6.2 agrees that detailed feasibility studies are carried out for each of the 10 sites detailed in 4.2 above, including a feasibility into the retention of the Stenhousemuir Police Station building and retention of the Registry Office shown on the plans in Appendix 1, pending full public consultation.

On a division, 4 Members voted for the Motion and 4 Members for the Amendment.

There being an equality of votes and in terms of Standing Order 21.6 the Convener used his casting vote in favour of the Motion.

Accordingly, **NOTED** the progress made to date.

AGREED that:

- (1) detailed feasibility studies be carried out for each of the 10 sites detailed in paragraph 4.2 of the Report and shown on the plans in Appendix 1 to the Report;
- (2) further consultation with local members take place once the overall viability of the sites is established and indicative sketch layouts are available, and

- (3) further updates on progress will be reported to Committee as required.

Councillor Black re-entered the meeting following discussion of the foregoing item of business.

HSC32. TENANT AND RESIDENT PARTICIPATION STRATEGY

There was submitted Report (circulated) dated 16 October 2012 by the Director of Corporate and Neighbourhood Services (a) outlining the Council's 3 main duties in respect of tenant participation under the Housing (Scotland) Act 2001; (b) providing an overview of the changes made to the current Tenant Participation Strategy following consultation with tenants and residents; (c) advising that the feedback from the consultation process has informed the basis for the Council's Tenant and Resident Participation Strategy 2013-16, and (d) attaching as an appendix to the Report, the Tenant and Resident Participation Strategy 2013-16.

Discussion took place on the following:

- the benefits of consultation and different methods used to engage with tenants and residents
- the tenant participation budget and how it compares to the national average

AGREED:-

- (1) the Tenant and Resident Participation Strategy 2013-16, and
- (2) that an increase in the budget for Tenant Participation be considered as part of the 2013-14 revenue budget process in order to provide alignment with other local authorities.

HSC33. PROPERTY FACTORS (SCOTLAND) ACT 2011

With reference to Minute of Meeting of the Housing and Social Care Committee held on 28 August 2012 (paragraph HSC11 refers), there was submitted Report (circulated) dated 17 October 2012 by the Director of Corporate and Neighbourhood Services (a) providing an update on the implications for the Council of the Property Factors (Scotland) Act 2011; (b) seeking approval to issue a consultative draft statement of services to homeowners within the Council's high rise blocks, and (c) attaching as an appendix to the Report, the Consultative Draft Statement of Services.

NOTED the:-

- (1) contents of the Report and the benefits of the factoring legislation, and
- (2) need for further Reports to Committee in the event of any clarification from courts or the Scottish Government as to the application of the Act.

AGREED:-

- (1) the Consultative Draft Statement of Services, and
- (2) to authorise officers to consult on its contents with high rise block owners, as outlined in paragraph 5.2 of the Report.

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the JOINT CONSULTATIVE COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 NOVEMBER 2012 at 9.30 A.M.

PRESENT: Councillors Alexander, Balfour, G Goldie, MacDonald, Mahoney, Dr C R Martin and Meiklejohn; H Schroder (T&G); C Finlay and M Smith (EIS), and D Straiton (GMB).

CONVENER: Councillor MacDonald.

ATTENDING: Directors of Corporate and Neighbourhood Services and of Social Work; Depute Chief Finance Officer (Corporate Finance); Heads of Economic Development and Environmental Services and of Human Resources and Customer First; Human Resources Manager; Organisational Development Manager; Payroll Officer (J McCreadie) and Democratic Services Manager.

JCC10. APOLOGIES

Apologies were intimated on behalf of Councillor Bird and I Campbell (EIS); M Cook (Unison); B Marshall (Unite), and S Brown (UCATT).

JCC11. DECLARATIONS OF INTERESTS

None.

JCC12. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Joint Consultative Committee held on 29 August 2012.

JCC13. SCOTTISH GOVERNMENT DRAFT BUDGET 2013/14 – IMPLICATIONS FOR FALKIRK COUNCIL

There was submitted Report (circulated) dated 12 October 2012 by the Chief Finance Officer (a) summarising the Council's current financial position; (b) highlighting projected budget gaps over the financial years 2013-2017, and (c) detailing the challenges over the period in balancing the budgets.

NOTED.

JCC14. EMPLOYEE TURNOVER

There was submitted Report (circulated) dated 9 October 2012 by the Director of Corporate and Neighbourhood Services advising of the employee turnover figures for the period April to August 2012 as set against the benchmark comparison figure for public sector organisations of 8.5%.

NOTED.

JCC15. SICKNESS ABSENCE

There was submitted Report (circulated) dated 4 October 2012 by the Director of Corporate and Neighbourhood Services (a) providing updated information on sickness and absence across Services for the period 1 April - 23 August 2012; (b) advising of steps taken to manage absence, and (c) providing a summary of rehabilitation and redeployment activities across Services.

NOTED.

JCC16. SERVICE BASED FORUMS

There was submitted Report (circulated) dated 8 October 2012 by the Director of Corporate and Neighbourhood Services submitting minutes from the Service Based Forums for the period 1 June to 30 September 2012.

NOTED.

JCC17. RECOVERY OF OVERPAYMENTS POLICY

There was submitted joint Report (circulated) dated 10 October 2012 by the Director of Corporate and Neighbourhood Services and Chief Finance Officer (a) providing background to the development of an overpayments policy, and (b) presenting the draft policy for comment.

AGREED to refer the draft Recovery of Overpayments Policy to the Policy and Resources Committee for approval.

JCC18. AUTO ENROLMENT

There was submitted joint Report (circulated) dated 16 October 2012 by the Director of Corporate and Neighbourhood Services and Chief Finance Officer (a) highlighting the Council's duties under the Workplace Pensions Reform Initiative (Auto Enrolment); (b) setting out the implications of the implementation of Auto Enrolment; (c) summarising the potential impact on resources, and (d) highlighting the provision to defer the transitional period and for postponement.

AGREED to refer the report to Policy and Resources Committee and to recommend that the Committee:-

- (1) agrees not to implement the transition period;
- (2) notes the issues surrounding postponement as detailed in the report, and
- (3) agrees that the Human Resources/Finance Working Group assesses postponement for specific groups only at specific stages of implementation.

JCC19. TRAVEL AND SUBSISTENCE POLICY

There was submitted Report (circulated) dated 10 October 2012 by the Director of Corporate and Neighbourhood Services (a) detailing the background to the development of a new Travel and Subsistence Policy; (b) highlighting the main objectives of the draft Policy, and (c) presenting a draft policy for comment.

AGREED to refer the draft Travel and Subsistence Policy to the Policy and Resources Committee for approval.

JCC20. SNCT UPDATE TO FAMILY LEAVE POLICY (Teachers and Associated Professionals)

There was submitted Report (circulated) dated 10 October 2012 by the Director of Corporate and Neighbourhood Services (a) advising that the SNCT Handbook for teachers and associated professionals had been updated in April 2012 to include surrogacy leave within the Family Leave provisions, and (b) presenting a revised Family Leave Policy for comment.

AGREED to refer the revised Family Leave Policy (Teachers and Associated Professionals) to Policy and Resources Committee for approval.

JCC21. PURCHASING ANNUAL LEAVE SCHEME

There was submitted Report (circulated) dated 16 October 2012 by the Director of Corporate and Neighbourhood Services (a) summarising the background to the development of an employee scheme for Purchasing Annual Leave, and (b) presenting a draft Scheme, for inclusion in the Flexible Working Policy, for comment.

AGREED to refer the draft Purchasing Annual Leave Scheme to Policy and Resources Committee for approval and immediate implementation.

JCC22. ACCIDENT/INCIDENT REPORTING POLICY

There was submitted Report (circulated) dated 10 October 2012 by the Director of Corporate and Neighbourhood Services (a) summarising the background to the development of a revised Accident/Incident Reporting policy, and (b) presenting a revised policy for approval.