

NOTED the standards schedule contained in the Appendix to the Report.

AGREED:-

- (1) that consultation takes place with the Taxi and Private Hire Car Forum on the proposed revised licence conditions as detailed in the Appendix to the Report and the provision of training for drivers, and
- (2) that officers present a policy for advertising on taxis to a future meeting.

ECS26. COMMUNITY PAYBACK ORDERS & ANNUAL REPORT

There was submitted Report (circulated) dated 11 January 2013 by the Director of Social Work Services (a) providing an update on the progress made since the implementation of the Community Payback Order on 1 February 2011, and (b) attaching as an Appendix a copy of the first Annual Report which was submitted to the Scottish Government in October 2012.

Discussion took place on the following:-

- concerns over the lack of funding for this service and the financial impact on the Council
- the success of the service as shown in projects such as the Dollar Park Walled Garden and Zetland Park
- concern that the use of Community Payback Order is not leading to a reduction in custodial sentences
- reoffending rates for those who are given a Community Payback Order

NOTED the content of this progress report and the first Annual Report on the implementation of Community Payback Orders.

AGREED that the Director of Social Work Services report back to Members on the content of the 2013 annual report on the operation and progress of Community Payback Orders.

ECS27. COMMUNITY SAFETY TEAM

There was submitted Report (circulated) dated 22 January 2013 by the Director of Corporate and Neighbourhood Services providing an update on the work of the Community Safety Team.

Discussion took place on the following:-

- the positive work of the Community Safety Wardens
- the lack of an internal appeals process in relation to litter fines
- the availability of instalment payments for fines

- the possibility of a pilot litter pick scheme as an alternative to warning letters for under 16's
- the procedures in place following non payment of fixed penalty fines
- the increase in fly tipping
- zero tolerance approach to dog fouling

NOTED the actions taken by the Community Safety Team.

AGREED that a further report be prepared for committee in due course, updating Members on the future performance of the Community Safety Team.

ECS28. SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE ACTION PLAN 2013 – 2015

There was submitted Report (circulated) dated 12 December 2012 by the Director of Development Services (a) providing a brief introduction to the Action Plan; (b) summarising how the wider community has been engaged, and (c) proposing that progress should be monitored and reported annually.

Discussion took place on the following:-

- the harvesting of greenhouse gas to provide electricity
- the work underway to achieve the carbon management targets
- proposal to purchase a biochar wood burner
- the use of electric vehicles by the Council
- the installation of photo voltaic panels at Grangemouth High School
- potential options for making use of grass cuttings and leaves
- the work of the Falkirk Environment Trust and the funding arrangements for this

AGREED to approve the Falkirk Council 'Sustainable Development and Climate Change Action Plan 2013-2015'.

ECS29. LOCAL AIR QUALITY ACTION PLANS

There was submitted Report (circulated) dated 10 January 2013 by the Director of Development Services (a) providing an update on the Council's responsibilities under current Air Quality legislation; (b) informing of the changes to the Falkirk Town Centre AQMAs; (c) seeking approval for (i) the draft Action Plan for the Falkirk Town Centre and Haggs AQMAs, and (ii) for the launch of the ECO Stars environmental fleet recognition scheme, and (d) seeking support for the Council's Fleet Management to apply for membership of the ECO Stars scheme.

Discussion took place on the following:-

- the number and location of monitoring stations in the Council area
- ongoing issues with odour in areas surrounding the landfill sites at Avondale and West Carron
- the role played by the Scottish Environmental Protection Agency
- the need to maintain the AQMA in Banknock
- the introduction of the ECO Stars Scheme

NOTED:-

- (1) the proposed AQAP process as outlined at Appendix 3, and
- (2) the intention that the Council's Fleet Management submit an application for membership of the ECO Stars scheme.

AGREED:-

- (1) to approve the draft AQAP for the Falkirk Town Centre and Haggs AQMAs for consultation and subsequent submission to the Scottish Government (if no objections or suggested significant changes are received from consultees), and
- (2) to approve the launch of the ECO Stars Environmental Fleet Recognition Scheme in the Falkirk Council area.

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the EDUCATION COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 29 JANUARY 2013 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Alexander, Blackwood, Buchanan, Carleschi, Chalmers, Gow, Hughes, Jackson, Dr C R Martin, and Nimmo.

REPRESENTATIVES
OF RELIGIOUS

BODIES: H Cairns, M Coutts and Rev M Rollo.

CO-OPTEES: F Craig and M Smith (Teacher Representatives); J Ainsley and M Craigen (Parent Representatives).

CONVENER: Councillor Nimmo.

ATTENDING: Director of Education Services; Heads of Educational Support and Improvement, and of Educational Planning and Resources; Accountancy Services Manager (B Heron); Senior Solicitor (F Kobiela); Senior Forward Planning Officer; Quality Improvement Officer (T Bragg); Depute Chief Governance Officer, and Committee Services Officer (S Barton).

ALSO

ATTENDING: Susan Orr, Depute Rector and Jo Latimer, Principal Teacher of Health & Wellbeing (Senior Phase), Larbert High School; Jamie Swinney, Head of Sport, Tryst Community Sports Club.

E29. APOLOGIES

Apologies were intimated on behalf of Councillor Nicol and Marnie McKay.

E30. DECLARATIONS OF INTEREST

There were no declarations made.

The Convener varied the order of business from that detailed in the agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

E31. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Education Committee held on 30 October 2012.

E32. INSPECTION BY HM INSPECTORATE OF EDUCATION OF FALKIRK HIGH SCHOOL

There was submitted Report (circulated) dated 21 January 2013, by the Director of Education Services (a) advising that HM Inspectorate of Education had undertaken an inspection of Falkirk High School in October 2012; (b) enclosing, as an appendix to the Report, a copy of the inspection report; (c) intimating that the inspection had highlighted key strengths and three areas for improvement, and (d) advising that Her Majesty's Inspectorate of Education would make no further visits to the school in connection with this inspection.

Discussion took place on the following:-

- the improvements in the school
- the importance of pace and challenge for pupils
- the programme of cultural and sporting activities available at the school

AGREED to commend the headteacher, Mr Richard Anderson, and his staff for this report.

E33. LARBERT HIGH SCHOOL – PRESENTATION

The Convener welcomed Susan Orr, Jo Latimer and Jamie Swinney from Larbert High School who were in attendance to speak about their success in winning the School Sport Award at the Scottish Sports Awards held on 6 December 2012. The Committee then watched a short video presentation.

The Convener, on behalf of the Committee, passed on congratulations to the pupils and staff of Larbert High School for their success.

E34. 'IMPROVING QUALITY – RAISING ACHIEVEMENT' – A STANDARDS AND QUALITY REPORT FOR FALKIRK COUNCIL EDUCATION SERVICES – 2011/12

There was submitted Report (circulated) dated 21 January 2013 by the Director of Education Services attaching as an Appendix a draft of the proposed standards and quality report for session 2011/12 for consideration.

Discussion took place on the following:-

- the improvement in the number of young people now moving on to a positive destination after school
- the success of the Learning to Achieve Awards
- how the success of the literary provision is measured
- the plans for providing an update on the Gaelic Strategy
- how teachers are coping with the demands of the changing curriculum and exams
- the success of St Bernadette's Primary School

- the impact of the HMI Report in 2001 and the resulting positive change to education services in the Council area
- the important role of schools in the community

NOTED the Education Services Standards and Quality Report for session 2011/12.

AGREED to approve the Quality Report for wider dissemination.

E35. SCHOOL ADMISSIONS POLICY – RESERVED PLACES

There was submitted Report (circulated) dated 21 January 2013, by the Director of Education Services (a) advising of the legislative position regarding Reserved Places; (b) providing an overview of the current Admissions Policy, agreed at Education Committee in October 2012; (c) outlining and defining the methodology behind the assessment and calculation of Reserved Places, and (d) providing an early indication of the number of Reserved Places that will be used for the 2013/14 academic session.

Discussion took place on the following:-

- the importance of forward planning in relation to asset management in line with the trends in school roll
- the process for selection in terms of placing requests
- the number of placing request appeals submitted and the number which proceed
- capacity concerns at Kinnaird Primary
- issues with catchment areas, particularly when there are a number of catchment areas within a single community and the plans to address such anomalies

AGREED:-

- (1) to endorse the methodology behind the calculation and assessment of Reserved Places for each primary and secondary school;
- (2) that Reserved Places will continue to be re-assessed on an annual basis as currently stated in the Admissions Policy using the criteria outlined in this report, and
- (3) that the Reserved Places List for all schools will be published annually in the Falkirk Council Information Bulletin prior to the start of any new academic year.

E36. CLASS CONTACT TIME IN P1/2

There was submitted Report (circulated) dated 21 January 2013, by the Director of Education Services (a) outlining the current class contact time provided in Falkirk primary schools for P1/2 stages, and (b) proposing a strategy for developing a consistent allocation of teaching time for all P1/2 pupils across primary schools in Falkirk.

Discussion took place on the following:-

- the plans to use the extra resources flexibly
- the possibility for extra congestion at the school gates with all children leaving at the same time

AGREED:-

- (1) to endorse the proposal to deliver an entitlement to 25 hours class contact per week for all primary aged pupils, and
- (2) to refer the proposal to the Policy and Resources Committee for approval.

E37. INTRODUCTION OF A 33 PERIOD WEEK ACROSS ALL SECONDARY SCHOOLS

There was submitted Report (circulated) dated 21 January 2013, by the Director of Education Services (a) highlighting the benefits of an alternative timetabling model of 33 periods per week; (b) recommending the adoption of such a model for all secondary schools in Falkirk, and (c) seeking permission to consult parents, pupils, teachers and teachers' trade unions on the implementation of this new model.

Discussion took place on the following:-

- the flexibility of the consultation
- the impact of the changes on transport and on teachers
- the extra periods offering a more flexible approach
- concern over the lack of a formal registration period in the proposals
- the importance of consulting at individual school level

AGREED:-

- (1) to implement a timetabling model based on a 33 period week for all Falkirk secondary schools from August 2014 which can give rise to 27.5 hours schooling for pupils and 22.5 hours contact time for teaching staff;
- (2) to consult parents, pupils, teachers, Forth Valley College and teachers' trade unions on the detail of the implementation, and
- (3) to submit a further report to Education Committee on the results of the consultation with recommendations for future action.

Margaret Coutts left the meeting during discussion of the foregoing item of business.

E38. NURTURE CLASSES UPDATE

There was submitted Report (circulated) dated 21 January 2013, by the Director of Education Services (a) providing an update on the progress made in setting up nurture classes, and (b) outlining the development of nurturing approaches in the establishments agreed as part of the pilot basis during the academic year 2012/13.

Discussion took place on the following:-

- the importance of getting information from the children involved in the programme
- nurture being key to early intervention
- the success of the pilot programme

AGREED:-

- (1) to endorse the contents of the Report, and
- (2) that the Director of Education Services provide regular updates on the ongoing impact and evaluation of the nurture approach.

E39. MODERN FOREIGN LANGUAGE ASSISTANTS

There was submitted Report (circulated) dated 21 January 2013, by the Director of Education Services providing an update on the historical role and costs associated with the engagement of Foreign Language Assistants in secondary schools.

Discussion took place on the following:-

- the impact of developments in ICT on the teaching of modern languages
- the benefits of social contact and the person centred approach to teaching
- the commitment to modern languages in schools

Councillor Nimmo, seconded by Provost Reid moved approval of the recommendations as follows:-

- (i) to endorse the increasing use of ICT in modern foreign language departments to promote confidence in speaking and using the language, and
- (ii) to seek annual updated on the outcomes in secondary schools from participation in the ERASMUS and COMENIUS programmes.

Councillor Hughes, seconded by Councillor Alexander, having heard advice from the Depute Chief Governance Officer in relation to a proposed amendment, moved the following in addition to the motion:-

- (iii) further, endorses the reinstatement of a Modern Language Assistants Programme at the cost of £64,000 per annum, and
- (iv) to refer the recommendations to Policy and Resources Committee for approval.

On a vote being taken, 8 Members voted for the motion and 5 for the amendment.

Accordingly, **AGREED:-**

- (1) to endorse the increasing use of ICT in modern foreign language departments to promote confidence in speaking and using the language, and
- (2) to seek annual updated on the outcomes in secondary schools from participation in the ERASMUS and COMENIUS programmes.

- (7) To safeguard the environmental amenity of the area.
- (8) In the interests of the users of the car park.
- (9) To safeguard the interests of the users of the highway.
- (10, 11) To promote the adoption of sustainable transport measures and the use of sustainable modes of transport to travel to and from the site.
- (12) The Overall Town Centre redevelopment would have a significant impact on traffic flows at Denny Cross, which triggers Phase 1 of the redevelopment to provide a proportional contribution towards DEAR to help address capacity issues at Denny Cross.

Informative:-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02B, 03A, 04A, 05A, 06A, 07A, 08, 19, 26, 27, 28A, 29A and 30.

The Convener agreed a 15 minute recess at 11.30 a.m. prior to consideration of the following item of business. The meeting reconvened at 11.45 a.m. with all Members present as per the sederunt, with the exception of Councillor Alexander.

P165. 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

Prior to commencement of this item of business, Councillor Black declared a non financial interest in respect of the application as a Board Member of Falkirk Delivers, which was a consultee in respect of the application, and considered that she required to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct. Councillor Black thereafter left the meeting.

With reference to Minutes of Meetings of the Planning Committee held on 31 October and 28 November 2012 (Paragraphs P119 and P141 refer), Committee gave further consideration to Reports (circulated) dated 23 October and 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for the change of use of vacant industrial land to form car park and for the operation of a temporary open air market (car boot sales) on vacant land to the south east of 1 Williamson Street, Falkirk.

Councillor Meiklejohn, seconded by Councillor Chalmers, moved that the application be refused on the grounds that there would be an exacerbation of traffic congestion, that there is sufficient parking provision within the Town Centre area and that the objection from Falkirk Delivers is of significance.

- (5) The proposed building shall be constructed and maintained to ensure the internal noise levels within the library do not exceed 40 dBA LAeqT.
- (6) Before each unit is first occupied, the precise use of each unit shall be submitted to and approved in writing by the Planning Authority.
- (7) Before each unit is occupied, exact details of the proposed measures to mitigate the potential for noise and odour impacts shall be submitted to and approved in writing by the Planning Authority where the submission of such details is considered necessary by the Planning Authority, in view of the proposed use of that unit. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Before the development commences, details of the proposed signage scheme for the car park, including for the disabled spaces, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the approved scheme shall be controlled prior to opening of the first unit.
- (9) Before the development is brought into use, the existing service road access located to the south of Davies Row shall be treated in accordance with details approved in writing by the Planning Authority.
- (10) Before the development is brought into use, secure covered cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for the Falkirk Area.
- (11) Before the development is brought into use, a Travel Plan Framework shall be submitted to and approved in writing by the Planning Authority. Thereafter a Travel Plan(s) shall be submitted in accordance with the approved Travel Plan Framework and agreed timescale(s) for submission.
- (12) Before the development commences, documentary evidence shall be submitted to the Planning Authority to demonstrate that the applicant has entered into an Agreement with the Roads Authority to pay the sum of £351,000 towards the Construction of the Denny Eastern Access Road (DEAR) when requested by the Council as Roads Authority and not before completion of the development. The contribution shall be index linked from the date of grant of planning permission

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the proposed development.
- (5) To safeguard the amenity of the users of the facility.
- (6) To ensure that the Planning Authority can control the future use of the development.

Councillor Carleschi, seconded by Councillor Alexander, moved that the application be refused on the grounds that there would be a detrimental effect on road safety and that the design and materials were not in keeping with the local area.

By way of an amendment, Councillor C Martin, seconded by Councillor Black, moved that the application be granted in accordance with the recommendations in the Report.

On a division, 5 Members voted for the motion and 7 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) Before the development commences, exact details of the colour and specification of the proposed external finishes 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.
- (3) Notwithstanding the approved plans, before the development commences, a final scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - (ii) The location of all new trees, shrubs and hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/densities;
 - (iv) The location and design, including materials, of all proposed walls, fences and gates;
 - (v) The location, colour and specification of all proposed surface materials;
 - (vi) The location and design of all other artefacts and structures such as street furniture, street lighting, play equipment, public art, etc; and
 - (vii) A programme for completion and subsequent maintenance.

Thereafter, the development shall be carried out in accordance with the approved details.

- (4) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by the Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.

AGREED to **GRANT** planning permission, subject to appropriate conditions as determined by the Director of Development Services.

P163. INSTALLATION OF RADIO ANTENNA AT 3 SUNNYBRAE TERRACE, MADDISTON, FALKIRK FK2 0LP FOR MR STUART MCNEILL - P/12/0487/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P147 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for the erection of a 7.6 metre high radio antenna in the rear garden ground of a two storey mid terrace local authority dwellinghouse at 3 Sunnybrae Terrace, Maddiston, Falkirk.

AGREED to **REFUSE** planning permission on that basis that the proposal would have an adverse visual impact on the surrounding area and be detrimental to the amenity of the neighbouring properties.

P164. ERECTION OF MIXED USE BUILDING WITH 11 NO. UNITS (COMPRISING CLASS 1 AND 2 UNITS, AND CAFÉ) AND LIBRARY WITH COMMUNITY SPACE, FORMATION OF CAR-PARKING, AND UNDERTAKING OF PUBLIC REALM WORKS AND ANCILLARY WORKS AT 1 - 31 (ODDS) CHURCH WALK, DENNY FK6 6DF 133 - 167A (ODDS) CHURCH WALK, DENNY FK6 6HS FOR FALKIRK COUNCIL - P/12/0180/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P148 refers), Committee gave further consideration to Report (circulated) dated 22 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for the erection of a mixed use building with 11 No. units (comprising class 1 and 2 units and café) and library with a community space, formation of car parking and undertaking of public realm works and ancillary works at 1-31 (odds) Church Walk, Denny, 133-167A (odds) Church Walk, Denny.

In accordance with Standing Order 35.1 (viii) the Convener gave consent to Councillors McCabe, Oliver and Blackwood to speak in relation to this item of business, the said Members each having duly given at least 24 hours notice.

In accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow representatives from the applicant and agent, who were present as observers at the meeting, to respond to Members questions.

The Committee thereafter reconvened normal business.

P159. REQUESTS FOR SITE VISITS

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/12/0410/FUL, P/12/0566/FUL, P/12/0362/PPP, P/12/0611/FUL, P/12/0534/LBC, P/12/0533/FUL and P/12/0588/FUL to allow inspections of the sites by the Committee.

P160. THE FALKIRK COUNCIL (CROSSGATEHEAD ROAD, BRIGHTONS) (ONE-WAY TRAFFIC) ORDER 2012

There was submitted Report (circulated) dated 3 December 2012 by the Director of Development Services seeking a decision on the Falkirk Council (Crossgatehead Road, Brightons) (One-Way Traffic) Order 2012 to improve road safety and ease congestion on Crossgatehead Road, Brightons, Falkirk.

AGREED to make the Traffic Regulation Order referred to in the Report.

P161. THE FALKIRK COUNCIL (RESTRICTION ON WAITING AND PARKING PLACES) (LARBERT AND STENHOUSEMUIR) (AMENDMENT NO 5) ORDER 2012 (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P137 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 4 January 2013 by the said Director seeking a decision on the Falkirk Council (Larbert and Stenhousemuir) (Amendment No.5) Order 2012 to manage on-street parking in the vicinity of the Forth Valley Royal Hospital by introducing waiting restrictions on the A9 Stirling Road, Robert Bruce Court, Ladywell Court and Logie Drive, Larbert.

Councillor Carleschi, seconded by Councillor Chalmers, moved that the matter be continued to allow officers to examine the possible impact of the Order on surrounding streets in the area.

By way of an amendment, Councillor C Martin, seconded by Councillor McLuckie, moved that the Traffic Regulation Order be made as detailed in the Report.

On a division, 5 Members voted for the motion and 7 voted for the amendment.

Accordingly, **AGREED** to make the Traffic Regulation Order referred to in the Report.

P162. EXTENSION TO DWELLINGHOUSE AT 1 DUMYAT RISE, LARBERT FK5 4FL FOR MR S CUNNINGHAM - P/12/0501/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 28 November 2012 (Paragraph P145 refers), Committee gave further consideration to Report (circulated) dated 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for full planning permission for a first floor front extension to a two storey dwellinghouse above the existing single storey garage at 1 Dumyat Rise, Larbert.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 30 JANUARY 2013 at 9.30 A.M.

PRESENT: Councillors Alexander, Black, Buchanan, Carleschi, Chalmers, Mahoney, C Martin, Meiklejohn, McLuckie, Nicol, Paterson and Turner.

CONVENER: Councillor Buchanan.

ATTENDING: Director of Development Services; Chief Governance Officer; Head of Planning and Transportation; Development Manager; Development Management Co-ordinator (B Whittle); Senior Planning Officer (B Vivian); Network Co-ordinator; Transport Planning Co-ordinator; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

P156. APOLOGIES

No apologies were intimated.

P157. DECLARATIONS OF INTEREST

No declarations were made at the commencement of business. Councillor Black however subsequently declared an interest detailed at item 9 (minute P165).

Prior to consideration of business, the Member below made the following statement:-

- Councillor Mahoney informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/12/0124/PPP (minute P169).

P158. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 28 November 2012; and
- (b) Minute of Meeting of the Planning Committee held on On-Site on 10 December 2012, subject to Councillor Alexander being added to the sederunt.

By way of an amendment, Councillor Buchanan, seconded by Councillor Paterson, moved that the application be granted in accordance with the recommendations in the Report.

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

Accordingly, **AGREED** to **REFUSE** planning permission on the basis that there would be an exacerbation of traffic congestion, that there is sufficient parking provision within the Town Centre area and that the objection from Falkirk Delivers is of significance.

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

P166. DEVELOPMENT OF LAND FOR RESIDENTIAL USE ON LAND TO THE WEST OF SCHIEHALLION, FALKIRK FOR MS JACKIE KEMP - P/12/0314/PPP (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 31 October and 28 November 2012 (Paragraphs P112 and P143 refer), Committee gave further consideration to Reports (circulated) dated 23 October and 20 November 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 by the said Director on an application for planning permission in principle for the erection of five detached dwellinghouses on land owned by Kingsbarn Equestrian Centre on a site adjacent to the B8028 Shieldhill to Slamannan Road on its northern side, approximately 1 kilometre to the west of Schiehallion, Falkirk.

Councillor McLuckie, seconded by Councillor C Martin, moved that Committee be minded to grant planning permission in principle, subject to the conclusion of an appropriate Legal Agreement in terms satisfactory to the Director of Development Services to secure that the monies generated from the development of the new housing was spent on the Equestrian Centre, such Legal Agreement containing appropriate phasing arrangements in relation to the development of the housing and there being one single access to the housing development to address road safety concerns and other appropriate conditions as determined by the Director of Development Services.

By way of an amendment, Councillor Carleschi, seconded by Councillor Meiklejohn, moved that the applicant be refused in accordance with the recommendations in the Report.

On a division, 8 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** that Committee is **MINDED** to **GRANT** planning permission in principle, subject to the conclusion, in terms satisfactory to the Director of Development Services, of an appropriate Legal Agreement to secure that the monies generated from the development shall be properly and fully vouched and accounted for and shall be spent on the Equestrian Centre, such Legal Agreement including appropriate phasing arrangements in relation to the development.

Thereafter, on conclusion of the said Legal Agreement to the satisfaction of the Director of Development Services, revert to the Director of Development Services to grant planning permission in principle, subject to there being a condition that there shall be one single access point to the housing development and other appropriate conditions as determined by the Director of Development Services.

P167. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Councillor Buchanan advised of a variation to 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.

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

P168. DEVELOPMENT FOR COAL BED METHANE PRODUCTION, INCLUDING DRILLING, WELL SITE ESTABLISHMENT AT 14 LOCATIONS, INTER-SITE CONNECTION SERVICES, SITE ACCESS TRACKS, A GAS DELIVERY AND WATER TREATMENT FACILITY, ANCILLARY FACILITIES, INFRASTRUCTURE AND ASSOCIATED WATER OUTFALL POINT AT LETHAM MOSS, FALKIRK FK2 8RT FOR DART ENERGY - P/12/0521/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the development of coal bed methane production, including drilling, well site establishment at 14 locations, inter-site connection services, site access tracks, a gas delivery and water treatment facility, ancillary facilities, infrastructure and associated water outfall point at Letham Moss, Falkirk.

AGREED that a hearing following the format of a pre-determination hearing, be convened to allow exchange of information leading to an informed decision on the planning application at a later date.

P169. 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 and 31 October 2012 (Paragraphs P111 and P98 refer), Committee gave further consideration to Reports (circulated) dated 12 September and 23 October 2012 by the Director of Development Services and an additional Report (circulated) dated 22 January 2013 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.

AGREED to **CONTINUE** consideration of the application until the March 2013 Planning Committee to allow the applicant an opportunity to make further submissions regarding the business case and to provide details showing how the proposals for engineering works would be completed to the satisfaction of the Council.

The Convener agreed a 45 minute recess at 12.45 p.m. prior to consideration of the following item of business. The meeting reconvened at 1.30 p.m. with all Members present as per the sederunt, with the exception of Councillors C Martin and Alexander.

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

P170. FORMATION OF RAISED DECKING AREA AND DISABLED ACCESS RAMP TO FORM EXTERNAL SEATING AREA AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK FOR MRS MHARI FRENCH - P/12/0410/FUL

P171. ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AND A SUBSTATION AT WEST KELT FARM, DENNY FK6 5NA FOR INTELLIGENT LAND INVESTMENTS LTD - P/12/0566/FUL

Councillor C Martin re-entered the meeting during consideration of the following item of business.

P172. DEMOLITION OF FORMER PETROL FILLING STATION AND ERECTION OF NEW RESTAURANT INCLUDING DRIVE-THROUGH OUTLET TOGETHER WITH ASSOCIATED CAR PARK AREA, DRIVE-THROUGH LANE, SERVICE AREA, ACCESS AND LANDSCAPING AT PETROL STATION, CALLENDAR ROAD, FALKIRK FK1 1XS FOR KFC (GB) LTD - P/12/0431/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the demolition of a former petrol filling station and the erection of a fast food restaurant including a drive through outlet, associated car parking, drive-through lane, service area, access and landscaping at the Petrol Station, at the corner of Bellevue Street/Callendar Road, Falkirk.

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) Within twelve months of the date of the permission, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (3) (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.
- (4) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the cooking/ventilation provision to be employed.
- (5) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the Sustainable Urban Drainage (SUDS) system to be employed on the site.
- (6) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the external boundary treatment, including decorative panels, to be installed on the site.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

- (2,6) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the proposed development.
- (4-5) To enable the Planning Authority to consider this/these aspect(s) 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) 1A, 2B, 3, 4B, 5B, 6, 7 and 8.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning the proposal as legislation relating to odour nuisance is likely to affect the development.
- (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) It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.
- (5) Falkirk Council has 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) For the avoidance of doubt, demolition works may require the benefit of planning permission and these matters should be confirmed prior to any works on site.

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

P173. DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR FALKIRK DISTRICT SCOUT COUNCIL - P/12/0362/PPP

P174. CHANGE OF USE FROM CLASSES 4 & 5 TO CLASS 6 STORAGE FACILITY AT 5 - 6 CENTRAL BOULEVARD, CENTRAL PARK, LARBERT FK5 4RU FOR GB OILS LTD - P/12/0600/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for a change of use of a vacant large office/industrial unit located within a well established business park from its current classes 4 and 5 (Business/General Industrial) use to a class 6 use (Storage) at 5 - 6 Central Boulevard, Central Park, Larbert.

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

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

Reason:-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

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) 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.
- (3) Separate formal Advertisement Consent may be required for any signs associated with the proposed development. It is the applicant's responsibility to obtain this before any signs are displayed on site. For advice contact should be made with Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk FK2 7YZ (Telephone: 01324 504748).
- (4) Separate Hazardous Substances Consent may be required for substances to be stored on the site. It is the applicant's responsibility to obtain this before such substances are stored. For advice contact should be made with Falkirk Council Development Management, Abbotsford House, David's Loan, Falkirk FK2 7YZ (Telephone: 01324 504748).

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

P175. CHANGE OF USE FROM CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES) TO HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF FAN AT 6 WAGGON ROAD, BRIGHTONS, FALKIRK FK2 0ES FOR NEW YORK PIZZA CO INC - P/12/0611/FUL

P176. FORMATION OF VEHICULAR ACCESS AND DRIVEWAY AND REMOVAL OF WALL AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0534/LBC

P177. SUBDIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND ASSOCIATED WORKS AND FORMATION OF VEHICULAR ACCESS AND DRIVEWAY TO EXISTING DWELLINGHOUSE AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/12/0533/FUL

P178. EXTENSION TO GYM AT ST ANDREW'S PRIMARY SCHOOL, HAWLEY ROAD, FALKIRK FK1 1SW FOR FALKIRK COUNCIL - P/12/0599/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for an extension to the existing gym hall on the grounds of St Andrew's Primary School, Hawley Road, Falkirk being bounded to the north by the Falkirk to Edinburgh railway line, to the west by established housing and to the south and east by Graeme High School.

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) In the event that unexpected contamination is encountered following the commencement of development all work on the affected part of the application site shall cease. The developer shall notify the Planning Authority immediately, submit a Contaminated Land Assessment for the consideration of Falkirk Council as Planning Authority and undertake necessary remediation works as required. Development shall not recommence without the prior written approval of the Planning Authority.

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 development.

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 and 04.
- (2) The builder 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

P179. ERECTION OF DWELLINGHOUSE, 2 OUTBUILDINGS AND FORMATION OF VEHICULAR ACCESS (PARTIALLY RETROSPECTIVE) ON LAND TO THE EAST OF CARRIGBEG, FALKIRK FOR IKG ARCHITECTS - P/12/0586/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the erection of a one and a half storey dwellinghouse, on the general footprint of a ruined cottage with an additional wing of accommodation to the north, two outbuildings and vehicular access (partially retrospective) on a site lying to the west of the B825, within a countryside location on land to the east of Carrigbeg, Falkirk.

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) No further development shall commence on site until intrusive site investigation to assess shallow coal mining conditions within the application site is carried out and the findings submitted to and approved in writing by the Planning Authority. In the event that site investigations confirm the need for mitigation, details shall be submitted to the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (3) No further development shall commence on site until samples of all external materials including slate, render and stone has been submitted and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (4) Before the house is occupied, the vehicular access, driveway and parking area shall be constructed in accordance with the approved plans (the online reference(s) 02A, 15 and 16).

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 safeguard visual amenity.
- (4) 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 number(s) 01, 02A, 03-16 and Supporting Documents.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

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

P180. EXTENSION TO LOUNGE BAR AT REDDING AND WEST QUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING AND WESTQUARTER UNITY CLUB - P/12/0588/FUL

P181. CONSTRUCTION OF 50 METRE ICD ROUNDABOUT ON A801 ON LAND TO THE NORTH WEST OF ALMONDHALL FARM, FALKIRK FOR MORSTON ASSETS LTD/LOW - P/12/0694/FUL

There was submitted Report (circulated) dated 22 January 2013 by the Director of Development Services on an application for full planning permission for the construction of a new roundabout on a site comprising a portion of the A801 and adjoining land immediately to the south of the Union Canal being situated on land to the north west of Almondhall Farm, Falkirk.

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) Before the development commences, details of a scheme of soft landscaping shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-
 - (i) An indication of 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 proposed new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and
 - (iv) A programme for completion and subsequent maintenance.

Thereafter, the development shall be carried out in accordance with the approved details and an approved timescale(s). No existing planting shall be removed prior to the scheme of soft landscaping being approved.

- (3) Before the development commences, a fence shall be erected in a position and in accordance with a specification approved in writing by the Planning Authority around the tree crown spread of the trees to be retained, and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off area.
- (4) Vegetation renewal shall only be carried out in the months of August to April, in order to avoid disturbance to breeding birds, unless otherwise agreed in writing by the Planning Authority.
- (5) Where the proposed development has not commenced within twelve months of the last survey of the site for protected species, further walkover survey(s) and any necessary species protection plan(s) shall be submitted to and approved in writing by the Planning Authority before the development commences.
- (6) Before the development commences, a full site-specific surface water drainage scheme 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.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4-5) To safeguard the interests of bird and protected species.
- (6) To ensure the suitable provision of surface water drainage.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02, 03A, 04A, 05A, 06A, 07, 08A and 09.
- (2) It is advised that noisy works which are audible at the site boundary should only be conducted between the following hours:-

Monday to Friday	0800 - 1800 hours
Saturday	0900 - 1700 hours
Sunday/Bank Holidays	1000 - 1600 hours

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Council's Environmental Protection Unit.

- (3) It is advised that the applicant should confirm in writing that no made ground, suspect substances or odours have been encountered within the site. In the event that any made ground, suspect substances or odours are encountered during any site works/operations, all work on the affected part of the site should cease, the Planning Authority should be notified immediately, a Contaminated Land Risk Assessment should be carried out in accordance with current guidance and legislation and any necessary remediation works should be undertaken. Development should not recommence without the written prior approval of the Planning Authority.

DRAFT

FALKIRK COUNCIL

MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 18 JANUARY 2013 at 9.30 a.m.

PRESENT: Depute Provost Patrick; Councillors Blackwood, Chalmers, D Goldie, Gow, McLuckie and Turner.

CONVENER: Councillor McLuckie.

ATTENDING: Depute Chief Governance Officer; Senior Human Resources Adviser (K Docherty), and Committee Services Officer (S Barton).

A25. APOLOGIES

An apology for absence was intimated on behalf of Councillor Jackson.

A26. DECLARATIONS OF INTEREST

There were no declarations made.

A27. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Appeals Committee held on 18 January 2013.

A28. 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 Paragraph 1 of Part 1 of Schedule 7A to the said Act.

A29. APPEAL AGAINST FINAL WRITTEN WARNING

There were submitted (circulated) copies of (a) Note of Procedure; (b) Submission from Head of Housing dated 24 January 2013, and (c) copies of core documents relating to the Appeal.

The Depute Chief Governance Officer and the Senior Human Resources Adviser were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Mr V, was present and was represented by G Turnbull, UCATT.

The Head of Housing and Human Resources Adviser, L. Grieve were present as representatives of the Council.

The Appellant and his representative presented his case.

The Head of Housing asked questions of the Appellant and his representative.

Members of the Committee then asked questions of the Appellant and his representative.

The Head of Housing presented the case on behalf of the Council.

The Appellant and his representative then asked questions of the Head of Housing.

Members of the Committee then asked questions of the Head of Housing.

The Head of Housing summarised the case on behalf of the Council.

The Appellant and his representative summarised his case.

The parties to the appeal withdrew.

The Committee having given careful consideration to all of the submissions made **AGREED** that the Appeal be **UPHELD IN PART** to the extent that the decision to discipline the Appellant was justified in the circumstances, but that the sanction was considered to be excessive. The sanction of Final Warning was to be substituted with a Written Warning which would remain on the Appellant's personal record for a period of 12 months from the date of the original disciplinary hearing (19 September 2012).

The parties to the appeal were recalled and the decision intimated to them.