

**FC112. THE HELIX – KELPIE STRUCTURES (FAL- 6650-010)**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services (a) advising that tenders had been issued for the supply and erection of the Kelpie Structures as part of the Helix project in November 2011; (b) summarising the tender process, and (c) recommending that authority to award the contract be delegated to the Director of Development Services in order to meet project timescales.

**AGREED** that, if required, a special meeting of Policy and Resources Committee would be called prior to the local government elections on 3 May 2012 to consider the award of the contract for the Kelpies project, and that, should a decision not be required prior to the elections, the matter would be referred to committee thereafter.

**FC113. PORTFOLIO MANAGEMENT PLAN: DISPOSAL OF PREMISES AT 46 VICAR STREET, FALKIRK**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services seeking approval to dispose of premises at 46 Vicar Street, Falkirk.

**AGREED** the sale of the shop at 46 Vicar Street, Falkirk to Mr A Mackintosh for the sum of £45,300, subject to conclusion of missives on satisfactory terms.

**FC114. PORTFOLIO MANAGEMENT PLAN: 3.16 ACRES SITE AT SOUTH BRIDGE STREET, GRANGEMOUTH**

There was submitted Report (circulated) dated 6 March 2012 by the Director of Development Services seeking approval for the disposal of property at South Bridge Street, Grangemouth.

Councillor C Martin, seconded by Councillor Nicol, moved the recommendations as set out in the Report.

By way of an Amendment, Councillor Spears, seconded by Councillor Alexander, moved that the site not be sold.

Councillor Nicol gave notice of a further Amendment.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 28 Members present with voting as undernoted:-

For the Motion (13) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Macdonald, Mahoney, C Martin, CR Martin, McLuckie, McNeill and Nimmo.

For the Amendment (12)– Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, McNally, Meiklejohn, Ritchie, Spears, Thomson and Turner.

Abstentions (3) – Councillors Nicol, Patrick and Waddell.

In terms of Standing Order 19.6 the Motion became the substantive Motion upon which the further Amendment could be moved.

Councillor Nicol, seconded by Councillor Patrick, moved that:-

- (1) a visit to the site is undertaken prior to any decision being taken, and
- (2) the matter be continued to a special meeting of the Policy and Resources Committee in the event that such a meeting is called to determine the award of the Kelpies contract (Item FC112) prior to the elections, or otherwise to Council after the elections.

In terms of Standing Order 21.4 (i), a vote was taken by roll call, there being 28 Members present with voting as undernoted:-

For the Motion (13) – Provost Reid; Depute Provost Black; Councillors Blackwood, Buchanan, Goldie, Gow, Macdonald, Mahoney, C Martin, C R Martin, McLuckie, McNeill and Nimmo

For the Amendment (15) – Councillors Alexander, Carleschi, Coleman, Hughes, Jackson, Kenna, McNally, Meiklejohn, Nicol, Patrick, Ritchie, Spears, Thomson, Turner and Waddell.

Accordingly, **AGREED** the terms of the further Amendment.

# **FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 19 MARCH 2012 commencing at 9.20 a.m.**

**PRESENT:** Councillors Alexander (for applications P/11/0714/FUL, P/11/0716/LBC and P/11/0571/PPP); Buchanan, Carleschi (for applications P/11/0493/FUL and P/11/0797/FUL); McLuckie, Mahoney (for applications P/11/0714/FUL and P/11/0716/LBC); Nicol, Thomson and Turner (for applications P/11/0714/FUL and P/11/0716/LBC).

**CONVENER:** Councillor Buchanan.

**APOLOGY:** Councillor McNeill.

**ATTENDING:** Development Manager (for applications P/11/0493/FUL and P/11/0797/FUL); Development Management Co-ordinator (B Whittle) (for applications P/11/0714/FUL, P/11/0716/LBC and P/11/0571/PPP); Senior Planning Officer (B Vivian) (for applications P/11/0651/FUL and P/10/0360/PPP); Assistant Planning Officer (A Scott) (for applications P/11/0714/FUL and P/11/0716/LBC); Roads Development Officer (C Russell) (for applications P/10/0360/PPP); Roads Development Officer (R Mackenzie) (for application P/11/0493/FUL); Solicitor (K Quin); and Committee Officer (A Sobieraj).

## **P169. ERECTION OF DWELLINGHOUSE AND FORMATION OF DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR AND MRS DUPLOYEN - P/11/0714/FUL**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P163 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for the erection of a single storey dwellinghouse and the formation of a driveway within the garden ground of Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, at 26 Grange Terrace, Bo'ness.

The Convener introduced the parties present.

The Assistant Planning Officer (A Scott) outlined the nature of the application.

Mr Crawford, the applicant's agent, was heard in relation to the application.

Mrs Lardet, an objector, was heard in relation to the application.

Mr Lardet, an objector, was heard in relation to the application.

Ms Robertson, an objector, was heard in relation to the application.

Ms Cranwell, an objector, was heard in relation to the application.

Mrs Frampton, an objector, was heard in relation to the application.

Mrs Leonard, an objector, was heard in relation to the application.

Mrs Weir, an objector, was heard in relation to the application.

Mrs Rodger, an objector, was heard in relation to the application.

Councillor Ritchie, local Member for the area, on behalf of two objectors to the previously withdrawn application but having requested that their concerns be read out, was heard in relation to the application.

The objectors highlighted the following issues:-

- The application being contrary to the Local Plan policy re Conservation Areas and Listed Buildings and the Grange Terrace Conservation Area Appraisal Consultative Draft Feb 2011;
- The setting of a precedent for similar proposals;
- The adverse impact on the existing 'monkey puzzle' tree and the loss of trees in a Tree Preservation Order (TPO) area;
- That the new dwellinghouse would have limited garden ground and outlook;
- The adverse impact on traffic travelling along Grange Terrace;
- The proposed new access driveway will have an adverse impact on existing trees;
- The loss of amenity and privacy for neighbouring properties and the overdevelopment of the site;
- The concerns in relation to energy efficiency;
- The visibility of the house from neighbouring properties and it not being in keeping with the listed building or its building materials;
- The backland development and being out of character with the surrounding area;
- That the design not reflecting the character of the area;
- The area of garden ground is not of a useable space; and
- That no new build should take place within a conservation area.

Questions were then asked by Members of the Committee.

Councillor Ritchie, as local Member for the area, was heard in relation to the application.

Members thereafter visited the garden area of the neighbouring property at 24 Grange Terrace with the purpose of viewing the position of the proposed dwellinghouse from the neighbouring property's garden.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 4 April 2012.

**P170. FORMATION OF VEHICULAR ACCESS/DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/11/0716/LBC**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P164 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for listed building consent for the formation of vehicular access/driveway at Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, 26 Grange Terrace, Bo'ness.

The Convener introduced the parties present.

The Assistant Planning Officer (A Scott) outlined the nature of the application.

Mr Crawford, the applicant's agent, was heard in relation to the application.

Mrs Lardet, an objector, was heard in relation to the application.

Mr Lardet, an objector, was heard in relation to the application.

Ms Robertson, an objector, was heard in relation to the application.

Ms Cranwell, an objector, was heard in relation to the application.

Mrs Frampton, an objector, was heard in relation to the application.

Mrs Leonard, an objector, was heard in relation to the application.

Mrs Weir, an objector, was heard in relation to the application.

Mrs Rodger, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- That the proposal was contrary to planning policy and did not preserve or enhance the character of the Grange Conservation area;
- Proposal will detract from setting of Conservation Area and Listed Building;
- If granted permission, this proposal could set a precedent for future applications;
- The loss of trees;
- That the proposal would separate elements of the statutory Listing for Roman House;
- The loss of garden ground;
- That the application was contrary to Supplementary Planning Guidance on Housing Layout and Design;
- The exacerbation of traffic problems on Grange Terrace;
- The close proximity of the drive and garage to a number of mature trees; and
- The loss of privacy and overdevelopment.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 4 April 2012.

**P171. ERECTION OF DWELLINGHOUSE ON LAND SOUTH OF 7 BLACKBRAES ROAD, FALKIRK FOR MR COLIN MCMILLAN - P/11/0571/PPP**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P161 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for planning permission in principle for the erection of a dwellinghouse on land south of 7 Blackbraes Road, Falkirk.

The Convener introduced the parties present.

The Development Management Co-ordinator (B Whittle) outlined the nature of the application.

Mr Bennie, the applicant's agent, was heard in relation to the application.

Questions were then asked by Members of the Committee.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 4 April 2012.

**P172. ERECTION OF 3 DWELLINGHOUSES WITH DETACHED DOMESTIC GARAGES ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD TORWOOD FOR ROY MITCHELL DESIGN LTD - P/11/0797/FUL**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P162 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services on an application for full planning permission for the erection of three one and a half storey dwellinghouses over a 1.02 hectare site with detached domestic garages on land to the south east of Byways, Glen Road, Torwood.

The Convener introduced the parties present.

The Development Manager outlined the nature of the application.

Mr Mitchell, the applicant, was heard in relation to the application.

Mr Hogan, a supporter and owner of part of the site, was heard in relation to the application in relation to the use of the considered gap site.

Ms Neilson, an objector, was heard in relation to the application.

Ms Paton, an objector, was heard in relation to the application.

Ms Pettigrew, an objector, was heard in relation to the application.

Ms Stevenson, an objector, was heard in relation to the application.

Mr O'Rourke, an objector, was heard in relation to the application.

Mr Bell, an objector, was heard in relation to the application.

Mr Robertson, an objector, was heard in relation to the application.

Mr Johnston, an objector, was heard in relation to the application.

Mr Paton, an objector, was heard in relation to the application.

The objectors highlighted the following issues:-

- That the site was subject to previous planning refusals, including the dismissal of a planning appeal, and the reasons for rejection remain valid at this time;
- That the site was outwith the village limit as defined in the Local Plan in relation to new housing in the countryside;
- That the village had basic services and infrastructure constraints; the development would add to ongoing creeping development and constraint issues;
- The application site is not a 'gap' or 'infill' site.
- The proposed 'work from home' facilities are large, suggesting a commercial operation;
- That there was no housing need in the area, with houses adjacent the application site currently for sale;
- That the application was identical to previously refused proposals, except the reduction of houses from 5 to 3;
- The development would encroach on existing woodland, all to the detriment of the setting of Torwood;
- That the tree survey was out of date and the site had started to regenerate; and
- The strategic importance of the woodland areas as greenspace; and
- That the woodland setting should remain intact for wildlife and amenity.

Questions were then asked by Members of the Committee.

Councillor Coleman, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 4 April 2012.

**P173. ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR STUART RAE - P/11/0493/FUL**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P160 refers), Committee gave further consideration to Report (circulated) dated 29 February 2012 by the Director of Development Services on an application for full planning permission for the erection of a two storey dwellinghouse and detached garage at Riverside Farm, Denny.

The Convener introduced the parties present.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

Mr Kennedy, the applicant's agent, was heard in relation to the application.

Mr Belbin, on behalf of Denny and District Community Council, was heard in relation to the application and the objection and confirmed that following clarification would formally withdraw the Community Council's objection.

Mrs Kirkwood, an objector, was heard in relation to the application.

Mr Kirkwood, an objector, was heard in relation to the application.

The remaining objections included the following issues:-

- That a neighbour was not notified of the application;
- The boundary lines were incorrect;
- There are no details on the plans for the dwelling and garage showing distance from the road, distance from the existing entrance, distance from a neighbouring access, base height of the property and final height of the property;
- There is no indication given of whether the building would be sited on 'dirty' ground or green belt;
- There appeared to be another entrance proposed, with no details of the exact position;
- That the applicant purchased a small number of sheep specifically to support a planning application to build a house on green belt land;
- The small site acreage and the small number of sheep and horses indicates there are insufficient grounds to call the operation an agricultural/equestrian business and to justify building a house in the rural area;
- That the buildings had planning permission for a change of use to livery and an indoor riding school and therefore cannot be used for sheep grazing as well;
- That the operation was primarily a plant hire business and that this could be evidenced;
- That as a landfill there were unspecified materials being dumped;
- That planning permission had been granted for temporary manager's accommodation so why were two houses required;
- Instead of the approved log cabin, a caravan is in situ and not where the log cabin was to be sited;



- The number of houses for sale in the valley to accommodate the applicant's needs and that an on site security presence could be accommodated by other options; land;
- The increase from previously one to three properties at Riverside; and
- That the dwellinghouse would partially obscure the view from the B818 of a Pictish settlement on the opposite side of the Carron and further detract from the amenity and tourist potential of the area.

Questions were then asked by Members of the Committee.

Councillor Waddell, as local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advised that the matter would be determined by the Planning Committee on 4 April 2012.

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 MARCH 2012 at 9.30 A.M.**

**PRESENT:** Provost Reid; Councillors Blackwood, Hughes, Kenna, McLuckie, Nicol and Waddell.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors Jackson, Nimmo and Thomson.

**ATTENDING:** Chief Governance Officer; Licensing Co-ordinator; Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:** None

**CL87. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 23 February 2012.

**CL88. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN JANUARY 2012**

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on applications granted under delegated powers in January 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

**NOTED**

**CL89. 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the said Act.

**CL90. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE**

The applicant, Mr R, together with Mr M, owner of Grange Radio Cabs, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the renewal of a taxi operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr R spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable Committee to consider the submission.

The applicant, Mr R, and Mr M left and were then recalled to the meeting.

**AGREED** to **RENEW** the licence for a period of one year with a warning letter detailing concerns in relation to applicant's previous offences and the importance of exemplary future conduct and subject to the standard conditions.

**CL91. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr J, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr J spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for a period of one year with a warning letter detailing the standards expected of private hire car drivers and subject to the standard conditions.

**CL92. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr McC, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr McC spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** to **CONTINUE** consideration to a future meeting to allow the Licensing Co-ordinator to obtain further medical clarification from the applicant's General Practitioner. In the interim, an application would be made to the Sheriff at Falkirk Sheriff Court for an extension to the period for consideration.

#### **CL93. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr M, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the renewal of a private hire car driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr M spoke in support of the application.

Questions were then asked by Members of the Committee.

#### **AGREED:-**

- (a) that the explanation tendered by the applicant amounted to good cause to allow the renewal application to be treated as timeously made; and
- (b) to **RENEW** the licence for a period of one year subject to the standard conditions.

#### **CL94. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr W, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr W spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable Committee to consider the submission.

The applicant, Mr W, left and was then recalled to the meeting.

**AGREED** to **RENEW** the licence for a period of one year with a warning letter detailing the standards expected of taxi drivers and subject to the standard conditions.

#### **CL95. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

**NOTED** following further information presented by the Licensing Co-ordinator that the applicant was deemed fit and therefore consideration by Committee was not required.

#### **CL96. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

The applicant, Mr H, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and location plans.

Mr H spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified and therefore to **RENEW** the late hours catering licence for a period of one year subject to the standard conditions.

#### **CL97. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE**

The applicant's father, Mr Y, together with Mr S, the new day to day manager, entered the meeting. The applicant, Mr Y, was not in attendance. The applicant's father, Mr Y, advised that he was attending on his son's behalf.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and location plans.

Mr Y spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified and therefore to **GRANT** the late hours catering licence for a period of one year subject to the standard conditions.

#### **CL98. SUSPENSION HEARING IN RELATION TO A TAXI DRIVER LICENCE NO. 1744**

The licenceholder, Mr M, together with his representative, Mr S, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer advising of (a) a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his taxi driver licence; and (b) a decision taken by the Chief Governance Officer not to suspend the licence immediately but to submit the complaint to Committee for consideration.

Mr S was heard in relation to the complaint lodged by Central Scotland Police, noting in particular that criminal charges were pending and that he had sent a letter to the Licensing section and Central Scotland Police on 9 March 2012 indicating that in his view there were deficiencies within the Central Scotland Police complaint detailing their investigations into the matter. He had therefore requested that Central Scotland Police provide him with the names, addresses and statements of those witnesses interviewed by Central Scotland Police, thereby enabling him to carry out his own investigations into the matter. Mr S requested a continuation to a future meeting and submitted that otherwise this would be prejudicial to his client.

The Licensing Co-ordinator confirmed that the letter addressed to the Licensing section, dated 9 March 2012, was received on 12 March 2012. Chief Inspector Taylor, however, advised that he had no knowledge of this letter but considered it necessary to contact the Police office to investigate whether the letter had been received within the Central Scotland Police establishment.

**AGREED** that a short adjournment take place to enable Chief Inspector Taylor to investigate whether the said letter had been received within the Central Scotland Police establishment.

The meeting re-convened with all Members present as per the sederunt and all other parties in attendance.

Provost Reid entered the meeting at the start of the re-convened meeting. The licenceholder's representative and Chief Inspector Taylor indicated that they did not object to Provost Reid taking part in consideration of this item of business.

Chief Inspector G Taylor then advised that, following investigation, no letter from the licenceholder's representative, Mr S, had been received by Central Scotland Police. Chief Inspector Taylor, however, emphasised that a full investigation had been undertaken by Central Scotland Police into the circumstances of the incidents and that it was not normal practice to release information to third parties in relation to individual personal statements given to Central Scotland Police and accordingly no such information would be provided. Chief Inspector Taylor further advised that due to the serious nature of the complaint, the Police were of the opinion that the Hearing should proceed.

**AGREED** that the complaint by Central Scotland Police be heard.

Chief Inspector G Taylor then spoke in amplification of the complaint, a copy of which had been circulated to the Committee.

Questions were asked of Chief Inspector Taylor by Members of the Committee and the licenceholder's representative.

Mr S, the licenceholder's representative, was then heard in relation to the complaint.

Questions were asked of the licenceholder's representative by Members of the Committee and Central Scotland Police.

**AGREED** that a short adjournment take place to enable Committee to consider the submissions.

The licenceholder, Mr M, his representative Mr S, Chief Inspector G Taylor and PC S Leishman, left and were then recalled to the meeting.

**AGREED** to **CONTINUE** consideration to the next meeting of the Committee to allow the applicant's representative to carry out further investigations in relation to the matter.

The Convener agreed a 40 minute adjournment prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillor Hughes.

#### **CL99. SUSPENSION HEARING IN RELATION TO A PRIVATE HIRE CAR DRIVER LICENCE NO. 275**

The licenceholder, Mr L, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer advising of (a) a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his private hire car driver licence; and (b) a decision taken by the Chief Governance Officer not to suspend the licence immediately but to submit the complaint to Committee for consideration.

The licenceholder, Mr L, advised that he had no preliminary points to make on the competency of the complaint.

Following confirmation that the licenceholder had no objection, the letter of complaint was circulated.

Chief Inspector G Taylor then spoke in amplification of the complaint, a copy of which had been circulated to the Committee.

Questions were asked of Chief Inspector Taylor by Members of the Committee. The licenceholder stated that he had no questions for Chief Inspector Taylor.

Mr L was then heard in relation to the complaint.

Questions were asked of the licenceholder by Members of the Committee and Central Scotland Police.

**AGREED** that a short adjournment take place to enable Committee to consider the submissions.

The licenceholder, Mr L, Chief Inspector G Taylor and PC S Leishman, left and were then recalled to the meeting.

**AGREED** to **SUSPEND** the licence with immediate effect for the unexpired portion of the duration of the licence, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraphs 11 (2) (a) and (10) which would extend to any period during which the licence continued to be in force (albeit without effect) in terms of paragraph 8(5) of the said schedule.



DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 22 MARCH 2012 at 9.30 am.**

- PRESENT:** Councillors Blackwood, Gow, McLuckie and Patrick.
- CONVENER:** Councillor McLuckie.
- APOLOGIES:** Councillors Jackson, McNeill and Turner.
- ATTENDING:** Depute Chief Governance Officer; Human Resources Manager and Committee Services Officer (S Barton).

**A19. 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.

**A20. MINUTES**

There was submitted (circulated) and **APPROVED:-**

- (a) Minute of Meeting of the Appeals Committee held on 17 November 2011, and
- (b) Minute of Meeting of the Appeals Committee held on 2 December 2011.

**A21. DECISION OF APPEALS COMMITTEE – 26 JULY 2011**

There was submitted (circulated) Joint Report by the Director of Corporate and Neighbourhood Services and the Chief Governance Officer (a) providing information on developments subsequent to the decision made by the Appeals Committee on 26 July 2011, and (b) asking that consideration be given to the actions of officers in implementing the decision.

After discussion and having heard advice from the Depute Chief Governance Officer and the Human Resources Manager, the Committee **AGREED** to confirm:-

- (1) that it had been intended that there be a break in service; and

- (2) that it had been for management to determine the nature and extent of the requirement for any redeployment position to be subject to supervision.

## A22. APPEAL AGAINST DISMISSAL

There were submitted (circulated) copies of (a) Note of Procedure; (b) Notification of Appeal received on 23 February 2012, and (c) Submission from Head of Policy, Technology and Improvement.

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

The Appellant, Mr C, was present and was represented by P Gilmour, Unison.

The Head of Policy, Technology and Improvement and Human Resources Adviser, J Simpson were present as representatives of the Council.

The Appellant's representative presented his case.

Members of the Committee asked questions of the Appellant's representative.

The Head of Policy, Technology and Improvement presented the case on behalf of the Council.

Members of the Committee asked questions of the Head of Policy, Technology and Improvement.

The Head of Policy, Technology and Improvement summarised the case on behalf of the Council.

The Appellant's representative summarised his case.

Both parties to the appeal withdrew.

The Committee gave careful consideration to all the submissions made but was satisfied that the decision by the Head of Policy, Technology and Improvement was one which she was entitled to reach. It accordingly **REFUSED** the appeal.

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

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the APPEALS COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 26 MARCH 2012 at 10.30 a.m.**

**PRESENT:** Councillors Blackwood, McLuckie, McNeill and Turner.

**CONVENER:** Councillor McLuckie.

**APOLOGIES:** Councillor Gow, Jackson and Patrick.

**ATTENDING:** Depute Chief Governance Officer (C Moodie); Human Resources Manager (T Gillespie) and Senior Committee Services Officer (D Kelly).

**A23. 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.

**A24. APPEAL AGAINST FINAL WARNING**

There were submitted (circulated) copies of (a) Note of Procedure; (b) Notification of Appeal from the Appellant received on the 1 March 2012; (c) Submission from the Appellant, and (d) Submission from Head of Educational Planning and Resources, Education Services.

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

The Appellant, Mrs J, was present and was represented by C Stephen, EIS.

The Head of Educational Planning and Resources and Human Resources Adviser, J Morrow were present as representatives of the Council.

The Appellant's representative presented their case.

Members of the Committee asked question of the Appellant and her representative.

The Head of Educational Planning and Resources presented the case on behalf of the Council. He called one witness and led evidence from her in relation to her submission.

The Appellant's representative asked questions of the Head of Educational Planning and Resources and his witness.

Members of the Committee asked questions of the Head of Educational Planning and Resources and his witness.

The Head of Educational Planning and Resources summarised the case on behalf of the Council.

The Appellant's representative summarised their case.

The parties to the appeal withdrew.

The Committee gave careful consideration to the submissions made by both parties and noted the appeal was based on two points. Firstly in terms of Falkirk Council's Dignity at Work Policy, it was not competent for the case against the appellant to proceed directly to a disciplinary hearing, and secondly, that the sanction imposed upon the appellant, as a result of the disciplinary hearing, was excessive.

In the case of the competency of proceeding directly to a disciplinary hearing, Committee **AGREED** to refuse the Appeal.

In respect of the level of sanction imposed, Committee **AGREED** that it was too severe and that it be reduced to a written warning, to have effect for a 12 month period from the date of the disciplinary hearing (8 February 2012).

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

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 27 MARCH 2012 at 2.00 P.M.**

**PRESENT:** Councillors Alexander, Buchanan, McLuckie and Nicol.

**CONVENER:** Councillor Buchanan.

**ATTENDING:** Legal Services Manager (I Henderson); Senior Planning Officers (A Finlayson and B Vivian); Craig Russell (Roads Development Officer) and Committee Services Officer (S Barton).

**DECLARATIONS OF INTEREST:** None.

**PRC15. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Planning Review Committee held on 8 March 2012.

**PRC16. OPENING REMARKS**

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

**PRC17. APPLICATION FOR REVIEW – PLANNING APPLICATION P/11/506/FUL, EXTENSION TO DWELLINGHOUSE AT 17 CAMPFIELD STREET, FALKIRK, FK2 7DN (CONTINUATION)**

With reference to the Minute of Meeting of the Planning Review Committee held on 9 February 2012 (Paragraph PRC9 refers), there were submitted documents (circulated) in relation to the Application for Review submitted by Mr William Smith on behalf of Ms H Malloy for an extension to a dwellinghouse at 17 Campfield Street, Falkirk.

After discussion and having heard advice from Mr Henderson and Mr Vivian, the Committee **AGREED** that they had sufficient information (a) within the written submission provided by the Director of Development Services and (b) from the accompanied inspection of the site in question on 27 March 2012, and considered:-

- (1) Policy SC9 of the Falkirk Council Local Plan;

- (2) the terms of Falkirk Council Supplementary Planning Guidance Note on House Extensions and Alterations;
- (3) the scale and design of the proposed extension;
- (4) the benefit of the site inspection, and
- (5) the written submission received from Development Services showing similar developments in the surrounding area.

After discussion, the Committee **AGREED** that the application for planning permission be **GRANTED** subject to the following conditions, and that the preparation of the decision notice be delegated to the Chief Governance Officer:-

- (1) the development to which this permission relates must be begun within three years of the date of this permission;
- (2) before the development commences, the exact details of the colour and specification of the proposed external finishing materials 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, and
- (3) 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 this Planning Authority.

Councillor McLuckie entered the meeting at conclusion of the foregoing item of business.

**PRC18. APPLICATION FOR REVIEW – PLANNING APPLICATION P/11/0465/PPP SUBDIVISION OF PLOT AND ERECTION OF NEW DWELLINGHOUSE AT RUMAH, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DU (CONTINUATION)**

With reference to the Minute of Meeting of the Planning Review Committee held on 8 February 2012 (Paragraph PRC10 refers), there were submitted documents (circulated) in relation to the Application for Review submitted by Mr Graham Jinks on behalf of Mr D Donaldson for the sub-division of plot and erection of a new dwellinghouse at Rumah, Shieldhill Road, Reddingmuirhead, Falkirk.

After discussion and having heard advice from Mr Henderson and Mr Vivian, the Committee **AGREED** that they had sufficient information (a) within the written submission provided by the Director of Development Services and the applicant's response to this, and (b) from the unaccompanied inspection of the site in question on 27 March 2012, and considered:-

- (1) the terms of the Falkirk Council Local Plan, Falkirk Council Supplementary Planning Guidance Note "Housing Layout and Design", Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area and the "Designing Streets" national guidance issued by the Scottish Government;
- (2) the responses from the statutory consultees – Scottish Water, Environmental Health, the Roads Section and the local Community Council;
- (3) the 6 objections raised in relation to the application;
- (4) information submitted by the applicant in support of the proposal;
- (5) the benefit of the site inspection;
- (6) the written submission from the Roads Development Unit and the response from the applicant in relation to this;
- (7) the definition of a "residential and lightly trafficked" area;
- (8) concerns over visibility and the speed of vehicles in the area of the proposed development, and
- (9) the impact on road safety of the creation of a new vehicular access at the proposed site.

After discussion, the Committee **AGREED** that the decision of the Director of Development Services to **REFUSE** planning permission in principle be **UPHELD** and that the preparation of the decision notice be delegated to the Chief Governance Officer.

Councillor Alexander on failing to obtain a seconder for a proposed amendment asked that his dissent be recorded in the minutes.

Councillor Nicol left the meeting following consideration of the foregoing item of business.

The Committee **AGREED** to a short adjournment. The meeting adjourned at 2.20 p.m. and reconvened at 2.23 p.m. with all those present as per the sederunt with the exception of Councillor Nicol.

#### **PRC19. APPLICATION FOR REVIEW – PLANNING APPLICATION P/11/0472/PPP ERECTION OF DWELLINGHOUSE AT 32 EDWARD PLACE, SKINFLATS, FALKIRK FK2 8NL (CONTINUATION)**

With reference to the Minute of Meeting of the Planning Review Committee held on 8 March 2012 (Paragraph PRC13 refers), there were submitted documents (circulated) in relation to the Application for Review submitted by Mr Neil McFadyen on behalf of Ms Marion Thomson for the erection of a dwellinghouse at 32 Edward Place, Skinflats, Falkirk.

After discussion and having heard advice from Mr Henderson and Mr Finlayson, the Committee **AGREED** that they had sufficient information (a) from the information contained within the agenda papers, and (b) from the accompanied visit to the site in question on 27 March 2012, and considered the following:-

- (1) the terms of the Falkirk Council Local Plan with particular reference to policies SC02 and SC08;
- (2) the terms of Falkirk Council Housing Layout and Design Supplementary Planning Guidance Note;
- (3) the benefit of the site inspection;
- (4) the responses from the statutory consultees – Roads Development Unit, Scottish Water and the Environmental Protection Unit;
- (5) the size of the site and the defined boundaries;
- (6) the information provided by the applicant in regard to other similar sites, and
- (7) that conditions could be attached to any permission granted.

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

- (1) that they were minded to **GRANT** planning permission in principle subject to such conditions as the Director of Development Services shall deem appropriate, and
- (2) to delegate to the Chief Governance Officer the preparation of the decision notice.



## FALKIRK COUNCIL

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 4 APRIL 2012 at 9.30 A.M.**

**PRESENT:** Councillors Alexander, Buchanan, Mahoney, C Martin, McLuckie, McNeill, Nicol, Oliver, Thomson and Turner.

**CONVENER:** Councillor Buchanan.

**APOLOGIES:** Councillors Carleschi and Lemetti.

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

**DECLARATIONS** None.

**OF INTEREST:**

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0493/FUL, P/11/0571/PPP, P/11/0797/FUL and P/10/0762/FUL (minute P4, P5, P6 and P9).
- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0493/FUL, P/11/0797/FUL, P/11/0714/FUL, P/11/0716/LBC and P/10/0762/FUL (minute P4, P6, P7, P8 and P9) but he would take part in consideration of planning application P/11/0571/PPP (minute P5) as he was sufficiently familiar with the site.
- Councillor Alexander informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/11/0493/FUL (minute P4) but he would take part in consideration of planning application P/11/0797/FUL (minute P6) as he was sufficiently familiar with the site.
- Councillor Oliver informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/11/0714/FUL and P/11/0716/LBC (minute P7 and P8) but he would take part in consideration of planning applications P/11/0493/FUL, P/11/0571/PPP, P/11/0797/FUL, P/10/0762/FUL (minute P4, P5 P6 and P9) as he was sufficiently familiar with the sites.

- Councillor Turner informed the Committee that he had not attended the site visits but he would take part in consideration of planning applications P/11/0493/FUL, P/11/0571/PPP and P/11/0797/FUL (minute P4, P5 and P6) as he was sufficiently familiar with the sites.

## **P1. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 7 March 2012; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 19 March 2012.

## **P2. REQUESTS FOR SITE VISITS**

Having heard requests by Members for site visits, the Committee agreed to the continuation of planning applications P/11/0485/FUL, P/11/0626/FUL and P/11/0831/FUL to allow an inspection of the sites by the Committee.

## **P3. CONSULTATION ON PLANNING APPLICATION - MIXED USE DEVELOPMENT PROPOSAL AT BURGHMUIR, LINLITHGOW (0095/P/12)**

Prior to commencement of this item of business, Councillor Mahoney indicated that he had submitted an objection to West Lothian Council in respect of the application but did not consider that this required him to recuse himself from consideration of the item, having had regard to the objective test in the Code of Conduct.

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for planning permission submitted to West Lothian Council for a mixed use development at Burghmuir, Linlithgow and for consideration by Falkirk Council as a consultee.

**AGREED** that a response be submitted to West Lothian Council indicating that Falkirk Council:-

- (1) Supports and welcomes in principle the proposal to upgrade Junction 3 of the M9 to a 4 way interchange; and
- (2) Objects to the proposed supermarket, on the basis that there is a risk of a significant impact on the vitality and viability of Bo'ness Town Centre, which has not been adequately addressed in the retail impact assessment.

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

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

**P4. ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE AT RIVERSIDE FARM, DENNY FK6 5JF FOR MR STUART RAE - P/11/0493/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P160 refers), Committee gave further consideration to Report (circulated) dated 29 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for full planning permission for the erection of a two storey dwellinghouse and a detached garage at Riverside Farm, Denny.

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

- (1) The development to which the permission relates must be begun within three 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) Unless otherwise agreed in writing, a Contaminated Land Assessment shall be submitted to and approved in writing by the Planning Authority before the development commences. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with any approved recommendation strategy and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by the Planning Authority.
- (4) Before the development commences, exact details of the height, location and construction of all proposed fences, walls 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.
- (5) Within 3 months of the date of occupation of the proposed dwellinghouse, the temporary staff office and toilet accommodation granted under planning permission ref: P/08/0804/FUL shall be permanently removed from the property and the land reinstated in accordance with an approved restoration scheme.
- (6) No fence or wall exceeding 1 metre in height shall be erected without the prior written approval of the Planning Authority.

- (7) Before the development commences, exact details of the proposed arrangements for the discharge of foul and surface water 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) The occupation of the dwellinghouse hereby approved shall be limited to a person(s) solely or mainly or last employed at West Riverside Farm (as defined in blue on approved plan 02A) in an occupation requiring a rural location, or a partner or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,4,6) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the proposed development.
- (5) The previously approved structures were not considered to be a suitable form of permanent development and the permanent office/amenity arrangements are provided for as part of the development granted by the permission.
- (7) To ensure that adequate drainage is provided.
- (8) The site lies within the countryside where the proposed dwellinghouse is considered to be inappropriate unless related to the essential needs of a rural business.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01, 02A, 03, 04, 05A, 06A, 07, 08A, 09A, 10A and 11.
- (2) The builder shall ensure that any noisy works which are audible at the site boundary are only conducted between the following hours:-

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

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

- (3) Scottish Water have advised that they are unable to reserve capacity at the Carron Valley Water Treatment Works in advance of formal agreement. They advise that there are no public sewers in the vicinity of the proposed development.

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

**P5. ERECTION OF DWELLINGHOUSE ON LAND SOUTH OF 7 BLACKBRAES ROAD, FALKIRK FOR MR COLIN MCMILLAN - P/11/0571/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P161 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for planning permission in principle for the erection of a dwellinghouse on land south of 7 Blackbraes Road, Falkirk.

**AGREED to GRANT** planning permission in principle, subject to appropriate conditions as determined by the Director of Development Services, which conditions shall include a condition regarding boundary treatment for the application site.

NOTE: Members noted that an appropriate boundary treatment for the application site be conditioned with a view to inhibiting future ribbon development in the vicinity of the application site.

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

**P6. ERECTION OF 3 DWELLINGHOUSES WITH DETACHED DOMESTIC GARAGES ON LAND TO THE SOUTH EAST OF BYWAYS, GLEN ROAD, TORWOOD FOR ROY MITCHELL DESIGN LTD - P/11/0797/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P162 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for full planning permission for the erection of three one and a half storey dwellinghouses over a 1.02 hectare site with detached domestic garages on land to the south east of Byways, Glen Road, Torwood.

**AGREED to REFUSE** planning permission for the following reason:-

- (1) The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 'Countryside and Protected Areas' and Falkirk Local Plan Policies EQ19 'Countryside' and SC3 'Housing Development in the Countryside' and SC8 'Infill Development and Subdivision of Plots' as the proposed development does not require a Countryside location and the site does not constitute an appropriate infill or gap site.

Councillors Thomson and Oliver left and re-entered the meeting during consideration of the following item of business.

Councillor McNeill re-entered the meeting during consideration of the following item of business but would take no part in consideration of this item of business.

**P7. ERECTION OF DWELLINGHOUSE AND FORMATION OF DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR AND MRS DUPLOYEN - P/11/0714/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P163 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for full planning permission for the erection of a single storey dwellinghouse and the formation of a driveway within the garden ground of Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, at 26 Grange Terrace, Bo'ness.

**AGREED to REFUSE** planning permission on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policy EQ12 - 'Conservation Areas' in that the proposal has an adverse effect on the visual amenity and does not preserve or enhance the character of the area in terms of its location, setting, the architectural style and materials of building.

**P8. FORMATION OF VEHICULAR ACCESS/DRIVEWAY AT ROMAN HOUSE, 26 GRANGE TERRACE, BO'NESS EH51 9DS FOR MR V DUPLOYEN - P/11/0716/LBC (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 7 March 2012 (Paragraph P164 refers), Committee gave further consideration to Report (circulated) dated 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for listed building consent for the formation of vehicular access/driveway at Roman House, a 'B' listed dwellinghouse and within the Grange Conservation area, at 26 Grange Terrace, Bo'ness.

**AGREED to REFUSE** listed building consent on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policies EQ12 - 'Conservation Areas' and EQ14 - 'Listed Buildings' in that the proposal has an adverse effect on the visual amenity of the area and does not preserve or enhance the character and appearance of the application site and the surrounding area.

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

Councillors Oliver and Thomson left and re-entered the meeting during consideration of the following item of business.

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

**P9. TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION OF ORGANIC WASTE INCLUDING LIME TREATMENT AND OPEN WINDROW COMPOSTING AT JAWCRAIG BRICKWORKS, FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS - P/10/0762/FUL (CONTINUATION)**

With reference to Minutes of Meetings of the Planning Committee held on 1 February and 7 March 2012 (Paragraphs P136 and P152 refer), Committee gave further consideration to Reports (circulated) dated 24 January and 28 February 2012 by the Director of Development Services and an additional Report (circulated) dated 27 March 2012 by the said Director on an application for full planning permission for the temporary storage, treatment and distribution of organic waste including open windrow composting and lime treatment at Jawcraig Brickworks, located approximately 1.7 kilometres north of Slamannan and abutting the B803 Easter Jawcraig to Slamannan Road, Falkirk.

**NOTED** the position as summarised in the Report; and

**AGREED** to **CONTINUE** consideration of the application to allow further deliberation by officers of various technical matters as well as receipt of a response from the Scottish Ministers on a request made to them to carry out a Screening Directive.

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:-

**P10. CONVERSION AND EXTENSION OF LARBERT HOUSE TO FORM 20 FLATTED DWELLINGS AND CONVERSION OF THE STABLE BLOCK TO FORM 8 MEWS DWELLINGHOUSES AT LARBERT HOUSE, STIRLING ROAD, LARBERT FK5 4SB FOR STRATHYRE PROPERTIES LIMITED - P/11/0485/FUL**

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

**P11. MODIFICATION OF PLANNING OBLIGATION UNDER SECTION 50 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 ATTACHED TO PLANNING PERMISSION F/90/0589 RESTRICTING ANCILLARY RETAIL USE AT 1 GRANARY SQUARE, BANKSIDE, FALKIRK FK2 7XJ FOR R & R PROPERTIES (FALKIRK) LTD - P/12/0065/75M**

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on a request to modify an Agreement in relation to planning

permission F/90/0589 made under the terms of Section 50 of the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended), relating to restrictions on ancillary retail use associated with planning permission for Clause 4 Business Use in respect of a site at 1 Granary Square, Bankside, Falkirk to the east of Grahams Road at Lock 5 (Bainsford) on the Forth and Clyde Canal.

**AGREED to MODIFY** the Section 50 Agreement restricting ancillary retail use at 1 Granary Square, Bankside, Falkirk in order to permit unrestricted ancillary retail use from the site.

**P12. EXTENSION AND RE-DEVELOPMENT OF RECYCLING CENTRE. WORKS TO INCLUDE UPGRADE OF EXISTING SITE ROAD, CONSTRUCTION OF SKIP BAYS, CONSTRUCTION OF NEW HARDSTANDINGS, INSTALLATION OF NEW HANDRAILS AND INSTALLATION OF NEW LIGHTING AT ROUGHMUTE REFUSE TRANSFER STATION, BONNYBRIDGE FOR FALKIRK COUNCIL - P/11/0827/FUL**

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for the extension and re-development of the Recycling Centre including the upgrading of an existing site road, the construction of skip bays and new hardstandings, the installation of new handrails and the installation of new lighting at Roughmute Refuse Transfer Station, on the south side of the A883 and to the east of the Checkbar Roundabout, Bonnybridge.

**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 02.
- (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) 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 to 18:00 Hours
Saturday	09:00 to 17:00 Hours
Sunday / Bank Holidays	10:00 to 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.

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:-

- P13. INSTALLATION OF 2 NO 50KW WIND TURBINES (36.4 METRES TO HUB), ACCESS TRACK, NEW VEHICULAR ACCESS AND ASSOCIATED ANCILLARY DEVELOPMENT AT SOUTHFIELD FARM, SLAMANNAN, FALKIRK FK1 3BB FOR THE GREEN COMPANY - P/11/0626/FUL**

Councillor Nicol re-entered the meeting prior to consideration of the following item of business.

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

- P14. CHANGE OF USE OF EXISTING SHOP TO FORM HOT FOOD TAKEAWAY AT 70 LADYSMILL, FALKIRK FK2 9AU FOR MR MOHAMMAD AKRAM - P/12/0047/FUL**

There was submitted Report (circulated) dated 27 March 2012 by the Director of Development Services on an application for full planning permission for the change of use of an existing shop to form a hot food takeaway at 70 Ladysmill, Falkirk

**AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

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:-

- P15. CHANGE OF USE OF 1ST FLOOR OFFICES TO FORM 5 FLATTED DWELLINGS AND EXTERNAL ALTERATIONS AT 155 GRAHAMS ROAD, FALKIRK FK2 7BQ FOR SKIDZ LTD - P/11/0831/FUL**

**P16. 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 to the said Act.

**P17. PLANNING PERMISSION APPEAL: DEMOLITION OF FORMER HOTEL AND ERECTION OF 56 FLATS AND ASSOCIATED ROADS, INFRASTRUCTURE AND LANDSCAPING AT THE WHYTESIDE HOTEL, 1 LEWIS ROAD, POLMONT, FALKIRK**

There was submitted Report (circulated) dated 28 March 2012 by the Director of Development Services advising that an appeal had been submitted by the applicant to the Directorate for Planning and Environmental Appeals against the non determination of an application for the demolition of a former hotel and the erection of 56 flats and associated roads, infrastructure and landscaping at the Whyteside Hotel, 1 Lewis Road, Polmont, Falkirk.

**NOTED** the contents of the Report; and

**AGREED** to **DELEGATE AUTHORITY** to the Director of Development Services, once the appeal to the Directorate for Planning and Environmental Appeals has been determined, to consider the merits of and thereafter to take and implement a decision as to whether or not a challenge is raised by the Council in the Court of Session in respect of this matter.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 APRIL 2012 at 9.30 A.M.**

**PRESENT:** Provost Reid; Councillors Blackwood, Hughes, McLuckie, Nicol, Waddell.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors Jackson, Nimmo and Thomson.

**ATTENDING:** Chief Governance Officer; Licensing Co-ordinator; Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

**DECLARATIONS** None.

**OF INTEREST:**

**CL1. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 21 March 2012.

**CL2. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN FEBRUARY 2012**

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on applications granted under delegated powers in February 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

**NOTED**

**CL3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010: CHANGES TO THE LICENSING OF PUBLIC ENTERTAINMENT**

There was submitted Report (tabled) dated 11 April 2012 by the Chief Governance Officer on the Civic Government (Scotland) Act 1982 Criminal Justice and Licensing (Scotland) Act 2010: Changes to the Licensing of Public Entertainment.

**NOTED**

**CL4. 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 items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

**CL5. ORDER OF BUSINESS**

In terms of Standing Order 15.2(i), Councillor Nicol 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 Hughes entered the meeting during consideration of the following item of business.

**CL6. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE**

No representative from the applicant company was in attendance. The Licensing Co-ordinator advised that the applicant had submitted apologies by letter advising that its representative, Mr D, was unable to attend for personal reasons. Having heard from the Licensing Co-ordinator that the applicant company had no objection to the application being heard in its absence, the Committee agreed to consider the application and a copy of the letter with information for the Committee's consideration was issued to Members.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and location plan.

Questions were then asked by Members of the Committee.

**AGREED** that a departure from the Council's policy was justified and therefore to **GRANT** the licence for a period of three years subject to the standard conditions.

**CL7. APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION LICENCE (CONTINUATION)**

The applicant's representative and day to day manager, Mr L, entered the meeting. The Licensing Co-ordinator advised that the objectors, Mr and Mrs C, were unable to attend for personal reasons but had submitted an email for consideration.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 January 2012 (Paragraph CL64 refers), there was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the renewal of a house in multiple occupation licence (a) advising of the background to the application; and (b)

attaching as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 18 January 2012. The application had been continued at that meeting to ensure that the undertakings given by the day to day manager were implemented.

The Licensing Co-ordinator advised that the objectors, Mr and Mrs C, had submitted an email to the Licensing Section confirming that their objection to the application stood. The applicant's representative, Mr L, advised that he had no objection to a copy of the email being circulated to the Committee.

Mr L spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** to **RENEW** the licence for a period of three years subject to the standard conditions.

**NOTED** that relevant officers will monitor adherence to the terms of the licence and will maintain contact with Mr and Mrs C in the event of any future difficulties.

#### **CL8. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising on the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

#### **AGREED:-**

- (a) that the applicant be given a final opportunity to take and pass the knowledge test;
- (b) that, should the applicant fail the knowledge test, the Chief Governance Officer be authorised to refuse the licence without further reference to Committee;
- (c) that, should the applicant pass the knowledge test, officers will arrange for him to undertake a medical test;
- (d) that, should the applicant pass both tests, the Chief Governance Officer be authorised to grant the licence; and
- (e) that, should the applicant pass the knowledge test but fail the medical test, the application be remitted for consideration at a future meeting of the Committee.

**CL9. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr G spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED to GRANT** the licence for a period of one year subject to the standard conditions and to a further condition requiring the applicant to retain a spare pair of glasses within the car at all times.

**CL10. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr D, entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr D spoke in support of the application.

Questions were asked by Members of the Committee.

**AGREED to RENEW** the licence for a period of one year with a warning letter detailing the standards expected of taxi drivers and subject to the standard conditions.

**CL11. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE**

The applicant, Mr R, entered the meeting

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) detailing the applicant's record.

Mr R spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for a period of three years subject to the standard conditions.

#### **CL12. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE**

The applicant's company directors, Ms B and Ms McA and Mr Oliver, Food and Safety Co-ordinator, Falkirk Council, all entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and responses received.

Ms McA spoke in support of the application.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council spoke in relation to the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for a period of one year subject to the standard conditions.

#### **CL13. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr W, was not in attendance. Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, entered the meeting. The Licensing Co-ordinator advised that contact had been made that morning with the applicant. He had mistaken the time of the meeting and would not be in attendance but confirmed that he had no objection to the matter being heard in his absence. The Committee agreed to consider the application.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising on the background to the application; (b) detailing the consultations undertaken and responses received; and (c) detailing the applicant's record.

Chief Inspector G Taylor spoke in amplification of the complaint, a copy of which had been circulated to the Committee.

Questions were then asked by Members of the Committee.

**AGREED** to **REFUSE** the application in terms of (1) paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982, on the basis that the applicant is not a fit and proper person to be the holder of the licence and (2) Section 13(5) of the said Act on the basis that the applicant had failed to satisfy the authority that he had adequate knowledge of the area to which the licence relates and the layout of roads in the area.

The Convener agreed a 10 minute recess prior to consideration of the following item of business and this included postponing consideration of the two remaining agenda items to allow the agent for both matters to attend. Following a further 10 minute interval, Members agreed to reconvene the meeting in the absence of the agent. The meeting reconvened with all Members present as per the sederunt.

**CL14. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1744 (CONTINUATION)**

The licenceholder, Mr M, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, entered the meeting.

Prior to commencement of this item of business, Councillor McLuckie indicated that the matter related to circumstances within his ward and local area and that he would therefore take no part in consideration of the item. Councillor McLuckie thereafter left the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 21 March 2012 (Paragraph CL98 refers), there was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer advising of (a) a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his taxi driver licence; (b) a decision taken by the Chief Governance Officer not to suspend the licence immediately but to submit the complaint to Committee for consideration; and (c) attaching, as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 21 March 2012. The application had been continued at that meeting to allow the applicant's representative to carry out further investigations in relation to the matter.

Mr M advised that whilst he wished to be heard, he would prefer to do so with representation by his agent. He therefore requested that consideration of the matter be continued to a future meeting to allow his agent to attend.

While concerned at the failure of the agent to appear and the consequential delay and disruption to the business of the meeting, the Committee **AGREED** to **CONTINUE** consideration to a future meeting to allow the licenceholder's agent to attend.

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

**CL15. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr D, entered the meeting.