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## VOLUME 5 2012/2013

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 27 FEBRUARY 2013 at 9.30 A.M.**

**PRESENT:** Councillors 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; Network Co-ordinator; Transport Planning Co-ordinator; Environmental Health Officer (S Henderson); Legal Services Manager (I Henderson); and Committee Officer (A Sobieraj).

**P192. APOLOGIES**

Apologies were intimated on behalf of Councillor Alexander.

**P193. DECLARATIONS OF INTEREST**

Councillor Paterson declared a non financial interest in Item 4 (minute P198) by virtue of her property ownership in the vicinity of the proposed Order and considered that she required to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct.

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

- Councillor Mahoney informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/12/0566/FUL, P/12/0362/PPP, P/12/0410/FUL, P/12/0588/FUL and P/12/0611/FUL (minute P199, P200, P203, P204 and P205).
- Councillor Nicol informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/12/0566/FUL (minute P199) but he would take part in consideration of planning applications P/12/0362/PPP, P/12/0534/LBC and P/12/0533/FUL (minute P200, P201 and P202) as he was sufficiently familiar with the sites.
- Councillor Buchanan informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/12/0566/FUL, P/12/0362/PPP, P/12/0534/LBC and P/12/0533/FUL (minute P199, P200, P201 and P202).

**P194. REQUESTS FOR SITE VISITS**

Having heard requests by Members for site visits, the Committee agreed to the continuation of the application for hazardous substances consent P/12/0597/HAZ to allow an inspection of the site by Committee and to consider the application P/12/0827/FUL and a request for a site visit as detailed at minute item P196.

**P195. 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.

**P196. ERECTION OF NEW SOCIAL HOUSING CONSISTING OF 8 VILLAS AND 16 FLATS, ASSOCIATED ROADS, PARKING AND SUDS PROVISION ON LAND TO THE SOUTH OF GLENFUIR COURT, SUMMERFORD, FALKIRK FOR FALKIRK COUNCIL - P/12/0827/FUL**

There was submitted Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for full planning permission for the erection of new social housing consisting of 8 villas and 16 flats, associated roads, parking and suds provision on land to the south of Glenfuir Court, Summerford, Falkirk.

In accordance with Standing Order 33.3 the Committee agreed to suspend Standing Orders to allow a representative from the applicant, who was present as an observer at the meeting, to respond to Members questions.

The Committee thereafter reconvened normal business.

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

The Committee, being conscious of time constraints, was willing to meet for a Special meeting of the Committee following the site visit to take a decision on the application.

**P197. MINUTES**

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 30 January 2013;
- (b) Minute of Meeting of the Planning Committee held on On-Site on 11 February 2013;  
and
- (c) Minute of Meeting of the Planning Committee held on On-Site on 15 February 2013.

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

**P198. THE FALKIRK COUNCIL (7.5T PART-TIME WEIGHT RESTRICTION) (A905, BEANCROSS ROAD, GRANGEMOUTH) ORDER 2012**

There was submitted Report (circulated) dated 25 January 2013 by the Director of Development Services seeking a decision on the Falkirk Council (7.5T Part-Time Weight Restriction) (A905, Beancross Road, Grangemouth) Order 2012 to prohibit, on a part time basis from 6 p.m. to 8 a.m. 7 days per week, vehicles over 7.5T on the A905 Beancross Road, Grangemouth between Earls Gate Park Roundabout and Beancross Roundabout.

In accordance with Standing Order 35.1 (viii) the Convener gave consent to Councillor Spears to speak in relation to this item of business, the said Member having duly given at least 24 hours notice.

Councillor Carleschi, seconded by Councillor Chalmers, moved that the Traffic Regulation Order not be made and that a Traffic Regulation Order be promoted, promoting a weight restriction 24 hours a day 7 days a week.

By way of an amendment, Councillor Black, seconded by Councillor C Martin, moved that the Traffic Regulation Order be made as detailed in the Report, and as promoted in line with the Committee decision of 28 November 2012, and that Roads officers monitor the impact of the Order and bring a Report back to Committee on its impact.

On a division, 4 Members voted for the motion and 6 voted for the amendment.

Accordingly, **AGREED:-**

- (1) To make the Traffic Regulation Order referred to in the Report, and as promoted in line with the Committee decision of 28 November 2012; and
- (2) That Roads officers monitor the impact of the Order and bring a Report back to Committee on its impact.

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

The Convener agreed a 5 minute recess prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillors Buchanan, Mahoney and Nicol.

Councillor Buchanan had left the Chair at the recess and consequently, prior to consideration of the following item of business, Councillor McLuckie assumed the role of Convener.

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

**P199. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P171 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the erection of a single wind turbine (measuring 225 kilowatts and 45.9 metres in height) with a temporary access track and substation (27 metre blade diameter) at West Kelt Farm, Denny.

Councillor Carleschi, seconded by Councillor Chalmers, moved that the matter be continued to allow consultation to be carried out with residents of Station Road.

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

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

In accordance with Standing Order 21.6, in the case of equality of votes, the Convener used his casting vote for the amendment.

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

- (1) Before the development commences, the exact details of the colour(s) of the proposed turbine and substation 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.
- (2) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), any excavated material shall be levelled, soiled and grassed over, and the access track and hardstanding areas shall be partially soiled and grassed over, to ensure that a minimum construction is retained solely for the purposes of maintenance/turning, in accordance with details submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), any existing landscape features (e.g. hedges, tracks, fences, trees) required to be removed/altered to enable access by construction vehicles, shall be reinstated in accordance with details approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (4) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine provided that the proposed turbine and access track shall not be sited any closer to Pond 10 (as identified in Great Crested Newt Appraisal prepared by ECOS Countryside Services LLP, dated 18 June 2012) than the respective distances to Pond 10 shown on the approved plans.
- (5) All construction works shall take place outwith the period 1 March to 31 October.
- (6) Before the development commences, a Species Protection Plan for Great Crested Newt shall be submitted to and approved in by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (7) Before the development commences, a Construction Method Statement in relation to any required vehicular access crossing of any watercourse shall be submitted to and approved in writing by the Planning Authority. The statement shall include full details of the nature of the proposed crossing. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) An archaeological watching brief shall be carried out during all ground breaking activities in accordance with a scheme approved in writing by the Planning Authority before the development commences.
- (9) At any time upon the direction of the Planning Authority, the wind turbine operator shall, at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbine in accordance with a scoping to be agreed in writing by the Planning Authority. The report shall be submitted for the written approval of the Planning Authority within one month of the direction of the Planning Authority, and shall include details of any required measures to mitigate noise disturbance.
- (10) Before the development commences, intrusive site investigation works shall be undertaken and the results of those intrusive works shall be submitted to and approved in writing by the Planning Authority in consultation with the Coal Authority. Any necessary remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, shall be carried out in accordance with an approved remediation strategy before the development commences.
- (11) Before the development commences, the proposed route for any abnormal loads on the trunk road network shall be approved by the Planning Authority in consultation with the Trunk Road Authority and/or operating company. Any accommodation measures required, including the temporary removal of street furniture, junction widening, traffic management shall similarly be approved by this Planning Authority in consultation with the Trunk Road Authority and/or operating company.
- (12) Before the development commences, any need for additional signing or temporary traffic control measures, due to the size and length of the loads being delivered, shall be agreed with the Planning Authority in consultation with the Trunk Roads Authority and/or operating company. Thereafter, the agreed

measures shall be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Planning Authority in consultation with the Trunk Roads Authority and/or operating company.

- (13) Before the development commences, the following details shall be submitted for the purpose of notification to the Ministry of Defence:-
- (i) The date construction starts and is planned to end;
  - (ii) The maximum height of construction equipment; and
  - (iii) The latitude and longitude of the proposed turbine.
- (14) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Within two months of the date on which the use ceases (unless otherwise agreed in writing by the Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by the Planning Authority.

Reason(s):-

- (1-3) To safeguard the visual amenity of the area.
- (4) To safeguard the visual amenity of the area and the interests of a protected species.
- (5-6) To safeguard the interests of a protected species.
- (7) To safeguard the water environment.
- (8) To safeguard possible archaeological resources in the area.
- (9) To safeguard the residential amenity of the area.
- (10) To ensure the ground is suitable for the proposed development.
- (11) To maintain safety for both Trunk Road traffic and traffic moving to and from the development, and to ensure that the transportation will not have any detrimental effects on structures within the route path.
- (12) To minimise interference with the safety and free flow of traffic on the Trunk Road Network.
- (13) To provide a consultee with the necessary information they require to safeguard aircraft safety.
- (14) To ensure the satisfactory removal of redundant wind turbine installations.

Informative(s):-

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

- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01-10, 11A and 12.
- (3) The applicant is advised to contact Falkirk Council (Roads Services) and Development Services (Structures Section) before the development commences to arrange pre and post construction road surveys. The Falkirk Council contacts are Alistair McEwan (Area Roads Officer), Roads Services, Earls Road, Grangemouth on telephone number 01324 501133 and Ralph Ridley (Bridges and Structure Design Co-ordinator), Abbotsford House, David's Loan, Falkirk on telephone number 01324 504825.
- (4) The applicant is advised to notify Falkirk Council of any abnormal load details through the email address: [abnormalloads@falkirk.gov.uk](mailto:abnormalloads@falkirk.gov.uk).
- (5) The applicant is advised to cease all work on the affected part of the site in the event of any made ground, suspect material or odours being encountered during site works/operations following commencement of the development. In such an event, the applicant is advised to contact the Planning Authority immediately, carry out a Contaminated Land Risk Assessment in accordance with current guidance and legislation, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.

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

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

**P200. DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT SCOUT HALL, GARTCOWS ROAD, FALKIRK FOR FALKIRK DISTRICT SCOUT COUNCIL - P/12/0362/PPP (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P173 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for planning permission in principle for the removal of the Scout Hall and the development of land for residential use on a site running into the adjacent woodland area of Blinkbonny Park at Gartcows Road, Falkirk.

Councillor Chalmers, seconded by Councillor Nicol, moved that the application be refused on the grounds of the development having an adverse effect on road safety and a detrimental effect on the amenity of the neighbouring properties.

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

On a division, 5 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** to **REFUSE** planning permission in principle on the grounds of the development having an adverse effect on road safety and a detrimental effect on the amenity of the neighbouring properties.



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

**P201. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P176 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said 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, 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.

**P202. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P177 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said 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.

**AGREED to REFUSE** planning permission on the basis that the proposal is considered contrary to Falkirk Council Local Plan Policies EQ12 - 'Conservation Areas' and SC8 - 'Infill Development and Subdivision of Plots' in that the proposal has an adverse effect on the visual amenity, does not preserve or enhance the character of the area in terms of its location, setting, the architectural style and materials of building, is detrimental to the privacy and amenity of neighbouring properties, there are concerns at the height of the property in comparison to neighbouring properties and the backland development nature of the proposal.

The Convener agreed a further 5 minute recess 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 Mahoney.

Councillor Buchanan resumed the Convenership of the meeting after the recess and prior to consideration of the following item of business.

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

**P203. FORMATION OF RAISED DECKING AREA AND DISABLED ACCESS RAMP TO FORM EXTERNAL SEATING AREA (RETROSPECTIVE) AT CRAIGLEE INN, REDDING ROAD, REDDINGMUIRHEAD, FALKIRK FK2 0DP FOR MRS MHARI FRENCH - P/12/0410/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P170 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the formation of a raised timber decking area and disabled access ramp (in retrospect) to form an external seating area to the front of the Craiglee Inn, Redding Road, Reddingmuirhead, Falkirk.

**AGREED** to **GRANT** temporary planning permission for a period of one year and subject to the condition that the decking area be vacated by 10 p.m. each day and other appropriate conditions as determined by the Director of Development Services.

**P204. EXTENSION TO LOUNGE BAR AT REDDING AND WESTQUARTER UNITY CLUB, REDDING ROAD, REDDING, FALKIRK FK2 9TX FOR REDDING AND WESTQUARTER UNITY CLUB - P/12/0588/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P180 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for the erection of a single storey extension to accommodate an additional lounge/bar and seating area within the Redding and West Quarter Unity Club, Redding, Falkirk.

**AGREED** to **CONTINUE** consideration of the application to allow the applicant an opportunity to provide additional information to seek to address the concerns raised by the Coal Authority.

**P205. 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 (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 30 January 2013 (Paragraph P175 refers), Committee gave further consideration to Report (circulated) dated 22 January 2013 by the Director of Development Services and an additional Report (circulated) dated 19 February 2013 by the said Director of Development Services on an application for full planning permission for a change of use from a class 2, (financial, professional and other services) to a sui generis (hot food takeaway use) at 6 Waggon Road, Brightons, Falkirk.

**AGREED** to **CONTINUE** consideration of the application to allow officers to obtain information on the details of the removal of the yellow lining adjacent to the 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 and agreed that a decision on the application would be taken at a Special meeting of the Committee following the site visit:-

**P206. REMOVAL OF CONDITION ATTACHED TO HAZARDOUS SUBSTANCES CONSENT P/10/0582/HAZ TO ALLOW STORAGE OF ETHANOL IN WAREHOUSES M, N AND S, INCREASING THE OVERALL MAXIMUM STORAGE QUANTITY TO 41,000 TONNES AT STORAGE UK, GRANGE LANE, GRANGEMOUTH FK3 8EG FOR DIAGEO (SCOTLAND) LTD - P/12/0597/HAZ**

**P207. ERECTION OF RECYCLING BUILDING AT KINNEIL KERSE RECYCLING CENTRE, GRANGEMOUTH ROAD, BO'NESS EH51 0PU FOR FALKIRK COUNCIL - P/12/0830/FUL**

There was submitted Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for full planning permission for the erection of a recycling building at Kinneil Recycling Centre, Grangemouth Road, Bo'ness.

**AGREED** to **CONTINUE** consideration of the application to the next meeting to allow officers to obtain further information from the applicant in relation to the specific waste to be recycled.

The Committee was willing to consider the application at a Special meeting of the Committee to take a decision on the application on receipt of the requested information.

**P208. ERECTION OF RECYCLING BUILDING AND FORMATION OF CONCRETE HARDSTANDING AT ROUGHMUTE REFUSE TRANSFER STATION, BONNYBRIDGE FOR FALKIRK COUNCIL - P/12/0831/FUL**

There was submitted Report (circulated) dated 19 February 2013 by the Director of Development Services on an application for full planning permission for the erection of a recycling building and the formation of a concrete hardstanding at Roughmute Refuse Transfer Station, Bonnybridge.

**AGREED** to **CONTINUE** consideration of the application to the next meeting to allow officers to obtain further information from the applicant in relation to the specific waste to be recycled.

The Committee was willing to consider the application at a Special meeting of the Committee to take a decision on the application on receipt of the requested information.

DRAFT**FALKIRK COUNCIL**

**MINUTE of MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 6 MARCH 2013 at 9.45 AM.**

**PRESENT:** Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Black, Blackwood, Buchanan, Carleschi, Chalmers, Coleman, D Goldie, G Goldie, Gow, Hughes, Jackson, Macdonald, McCabe, McLuckie, McNally, Mahoney, C Martin, Dr C R Martin, Meiklejohn, Murray, Nicol, Nimmo, Oliver, Paterson, Ritchie, Spears and Turner.

**CONVENER:** Provost Reid.

**ATTENDING:** Chief Executive; Directors of Corporate and Neighbourhood Services, of Development Services, of Education Services and of Social Work Services; Chief Finance Officer; Chief Governance Officer; Heads of Economic Development and Environmental Services, of Planning and Transportation Services and of Policy, Technology and Improvement; Depute Chief Finance Officer (J Flannigan); Depute Chief Governance Officer; Planning Environment Manager; Capital Manager; Development Plan Co-ordinators (C Hemfrey and A Shaw); Transport Planning Co-ordinator and Democratic Services Manager.

**FC88. SEDERUNT**

The sederunt was taken by way of a roll call. An apology was submitted on behalf of Councillor Bird.

**FC89. DECLARATIONS OF INTEREST**

With regard to Item FC100 on Welfare Reform, Councillor Jackson noted that while he was an employee of the Department of Work and pensions he did not consider that this gave rise to a declarable interest under the Code of Conduct.

Councillor Ritchie declared a non financial interest in item FC101 as a member of the Newton Park Working Group but did not consider that this required her to recuse herself from consideration of the item having had regard to the objective test in the Code of Conduct.

Councillor McNally declared a financial interest in item FC95 as the owner of a business in Denny and indicated that he would recuse himself from consideration of the item.

## FC90. MINUTES AND INFORMATION BULLETIN

- (a) There was submitted (circulated) for approval the draft minute of the meeting held on 5 December 2012.

Councillor Spears, seconded by Councillor McCabe, moved approval of the draft minute subject to the following:-

FC70 Notices of Motion – Motion (j) was heard before motions (f); (g); (h); (i) which were guillotined by the Provost.

By way of an amendment, Councillor G Goldie, seconded by Councillor Nimmo, moved approval of the draft minute as a correct record.

On a division 17 members voted for the amendment and 14 voted for the motion.

Accordingly, **APPROVED** the draft minute of the meeting held on 5 December 2012 as a correct record.

- (b) There was submitted (circulated) for approval the draft minute of the Special meeting held on 7 January 2013.

**APPROVED** the draft minute subject to the insertion of the following after item FC74(g):-

“Councillor McCabe rejoined the meeting during consideration of the foregoing item of business”

- (c) There was submitted (circulated) and **APPROVED** the Minute of Special Falkirk Council held on 7 January 2013;
- (d) There was submitted (circulated) and **APPROVED** the Minute of Special Falkirk Council held on 13 February 2013;
- (e) There was submitted (circulated) and **NOTED** Volume of Minutes – Volume 4 2012/2013, and
- (f) There was submitted (circulated) and **NOTED** Information Bulletin – Volume 4 2012/2013.

## FC91. QUESTION

### Question by Councillor T Coleman

“It has recently been reported that Scottish Councils over the last five years have paid out in excess of £33 million pounds in settlement of compensation claims. Falkirk Council is purported to have paid out the largest amount £6.7 million around 20% of the total sum claimed from Councils. By way of comparison, Edinburgh City Council paid out £3.2 million which is less than half the Falkirk figure.

Would Officers now provide this Council with the number and average value of claims settled together with the claim categories in particular personal injury, vehicle claims and housing claims?”.

### **Response by Provost Reid**

"As was pointed out in an article in the Falkirk Herald of 10 January 2013, the figure quoted of £6.7m being settlement of compensation claims for Falkirk Council for the 5 years to 31 March 2012, is entirely misleading.

The original enquiry from a parliamentary researcher requested information on instances of damages paid by the Council over the above period. We told the researcher that due to the way the information is held in our system we could not provide the information in the format requested and sent him at his request, a list of all insurance claims both made by and against the Council over that period.

He said he would come back to us for further detail on specific areas but unfortunately did not do so and highly misleadingly published the aggregate figure. As a result the figures contained in the article for Falkirk Council are grossly inflated.

The figures quoted for other Councils are only in respect of compensation claims paid by them and had our figures also been shown on the same basis, which I would estimate at c£1m, they would not have been out of place in comparison”.

## **FC92. ORDER OF BUSINESS**

Councillor Chalmers requested that the order of business be varied to allow Council to consider his Notice of Motion next and that those members of the public in attendance be permitted to address Council on this item.

Provost Reid explained that the requirements of Standing Order 30 relating to Deputations or Delegations had not been met as there had been no application in advance made to Council to be heard and, as such, the deputation could not be received unless the Standing Order was suspended in accordance with Standing Order 33.3.

To do this Council would first have to agree that the request to suspend the Standing Order was urgent as due notice of it had not been given and, if so, agreed, then to vote in the motion to suspend with at least two thirds of those present and voting and on absolute majority of the Council, voting in favour of the motion.

Councillor Chalmers, seconded by Councillor Meiklejohn, then moved that Council agrees to consider as an urgent item, the motion to suspend Standing Order 30.

On a division 14 members voted for the motion and 17 voted against.

In terms of Standing Order 15.2(i) the Provost then varied the order of business from that detailed on the agenda for the meeting, advising that the motion submitted by Councillor Chalmers would be considered after the immediately succeeding item.

The following items have been recorded in the order they were taken at the meeting.

### **FC93. MODERN FOREIGN LANGUAGE ASSISTANTS**

In terms of the Council's Scheme of Delegation, this item had been called in to Council by Councillors Alexander, Chalmers and Hughes.

There was submitted (circulated) (a) extract of minute of meeting of the Education Committee held on 29 January 2013, and (b) report by the Director of Education Services to the said meeting providing an update on the historical role of, and costs associated with, the engagement of Foreign Language Assistants in secondary schools.

Councillor Nimmo, seconded by Councillor Dr C R Martin, moved that Council:-

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

By way of amendment, Councillor Hughes, seconded by Councillor Coleman, moved the following in addition to the motion:-

- (3) further, endorses the reinstatement of a Modern Language Assistants Programme at the cost of £64,000 per annum.

On a division 14 members voted for the amendment and 17 voted for the motion.

Accordingly, **AGREED** the terms of the motion.

### **FC94. NOTICE OF MOTION**

Councillor Chalmers, seconded by Councillor Meiklejohn, moved that:-

“Council notes with disappointment the announced removal, without consultation of the crossing patrol at Cochrane Avenue serving Comely Park Primary School.

Council recognises the unique location of the school and the specific dangers to the safety of the pupils of the school, as a result of this.

Council therefore resolves to request officers to reinstate this patrol forthwith and advertise as appropriate for a replacement crossing patrol attendant”.

Councillor Dr C R Martin, seconded by Councillor Paterson, moved the following amendment in substitution for the motion:-



“Council is satisfied that officers followed established council policy when dealing with the school crossing patrol at Cochrane Avenue. Council supports the view that the deployment of school crossing patrols should continue to be dealt with at officer level in accordance with the policy set by Council members based upon the extremely generous criteria that have governed the deployment of such patrols in the Falkirk Council area since 1998. Council accordingly considers the matter to be determined in respect of this and any other school crossing patrol.”

During consideration of this item the Provost advised that he had received a petition in regard to the school crossing patrol and instructed the Clerk to circulate a copy of the preamble to the said petition to members of the Council.

Following discussion, Councillor D Goldie, seconded by Councillor Gow, moved that the “question now be put”.

On a division 17 members voted for the motion and 14 voted against, following which Councillor Chalmers exercised his right of reply before the question was put to the meeting.

In terms of Standing Order 21.4(1) a vote was taken by roll call, there being 31 members present with voting as undernoted:-

For the motion (14) - Councillors Alexander, Balfour, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Oliver, Ritchie, Spears and Turner.

For the amendment (17) – Provost Reid; Depute Provost Patrick; Councillors Black, Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Murray, Nicol, Nimmo and Paterson.

Accordingly, **AGREED** the terms of the amendment.

In accordance with his declaration of interest, Councillor McNally left the meeting prior to consideration of the following item of business and took no part in it.

At this stage, Councillor Nicol declared a financial interest in the following item of business as the spouse of an owner in business in Grangemouth and withdrew from the meeting, taking no part in the discussion and decision making.

## **FC95. TOWN CENTRE REGENERATION STRATEGY – UPDATE REPORT**

In terms of the Council’s Scheme of Delegation, this item had been called in to Council by Councillors Carleschi, Coleman and Oliver.

There was submitted (circulated) (a) extract of minute of meeting of the Economic Strategy and Development Committee held on 26 February 2013, and (b) report by the Director of Development Services (i) advising of the progress of the Council’s regeneration activities in town centres; (ii) giving an update regarding the progress of work for each centre, taking place during a period of significant changes in market conditions, and (iii) suggesting the next steps for each centre.

Councillor D Goldie, seconded by Councillor Black, moved the recommendations as set out in the report.

By way of an amendment, Councillor Oliver moved that, in addition to the motion:-

Council instructs officers to restore the regeneration groups in Denny, Bo'ness, Grangemouth and Falkirk.

Provost Reid stated that, in terms of Standing Order 32, the proposed amendment was substantially the same as the further amendment considered as part of the decision taken at item FC64 on 5 December 2012 and in terms of the Standing Order, no item of business the same or substantially the same may be discussed within 6 months, unless two thirds of members present and voting, and an absolute majority of Council, agree otherwise.

Councillor Oliver, seconded by Councillor Chalmers, therefore moved that Council agrees, in accordance with Standing Order 32, to consider of the proposed amendment.

On a division 13 members voted for the motion and 16 voted against. The amendment consequently fell.

Accordingly, **NOTED:-**

- (1) the progress of the Council's actions relating to town centre regeneration, and
- (2) the progress with the Stage 1 application to the Heritage Lottery Fund Townscape Heritage Initiative for Falkirk Town Centre and the recent award of £1.6m of CARS funding by Historic Scotland.

**AGREED** to receive further reports on town centre regeneration.

Councillors McNally and Nicol rejoined the meeting following consideration of the foregoing item of business and Councillor Alexander withdrew from the meeting.

#### **FC96. REFERRAL FROM THE SPECIAL ECONOMIC STRATEGY AND DEVELOPMENT COMMITTEE ON 18 FEBRUARY 2013 FALKIRK LOCAL DEVELOPMENT PLAN – PROPOSED PLAN**

With reference to the minute of the Special meeting of the Economic Strategy and Development Committee held on 18 February 2013 (para ESD22 refers) there was submitted report (circulated) by the Director of Development Services advising that Committee had agreed to revise the draft Local Development Plan to include 4 site specific changes and to refer the amended draft Plan and Action Programme to Council for approval.

Councillor D Goldie, seconded by Councillor Gow, moved the recommendation as set out in the report.

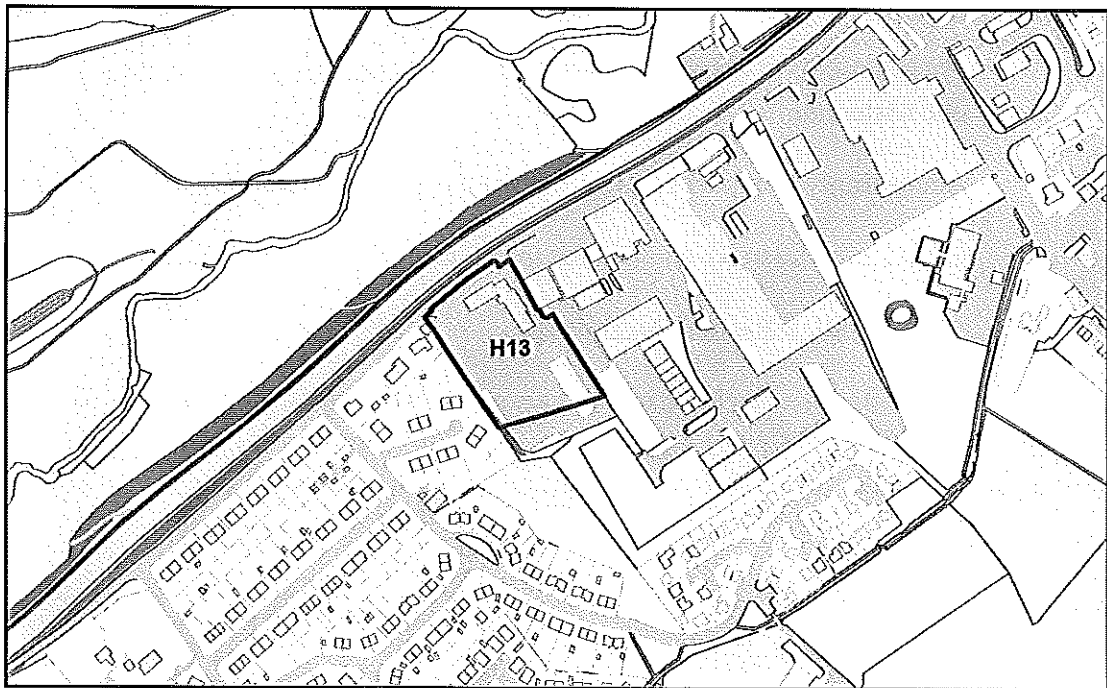
Councillor Oliver advised that he intended to propose, a further 9 site specific amendments to the proposed plan. Provost Reid confirmed that they would require to be contained within one amendment in accordance with Standing Order 19.5 which prohibited any individual member from moving more than one amendment to each motion. Each separate site contained within the amendment would, however, be considered separately.

Councillor Spears gave notice of a further amendment.

Councillor Oliver, seconded by Councillor McCabe in respect of Seabegs Road, Greenhill and, upon clarification by the provost of the terms of Standing Order as detailed above, by Councillor Meiklejohn in respect of the remainder of the amendment, moved to add the following site specific change to the proposed Plan and Action Programme:-

**(1) Seabegs Road, Greenhill**

To delete the housing site H13 Seabegs Road, Greenhill, as shown in the map below, from the proposed plan.



**Detailed Changes to Proposed Plan**

Spatial Strategy

Figure 3.1

Make consequential adjustments to the housing land allocations for Bonnybridge and Banknock settlement area.

Bonnybridge and Banknock Settlement Statement

Figure 4.4

Bonnybridge and Banknock Proposals/Opportunities (paragraph 4.16)  
Remove H13 Seabegs Road, High Bonnybridge from Other Sites section.

Appendix 1: Site Schedule

Remove H13 Seabegs Road, High Bonnybridge.

Proposals Map: Map 1

Remove site H13 from map.

**Changes to Supporting Information**

SEA Environmental Report

Make consequential changes to Environmental Report to reflect the removal of the proposal.

Proposed Action Programme

Remove proposal from action programme.

Technical Reports

Make consequential changes to Site Assessment to reflect the removal of the proposal.”

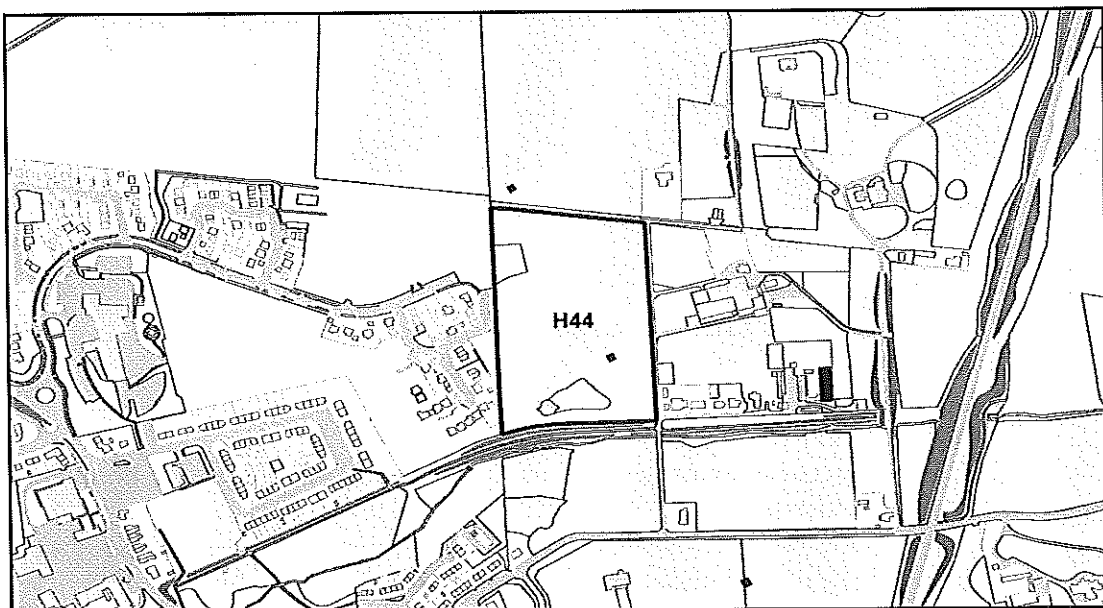
On a division, 13 members voted for the amendment and 16 voted for the motion with one abstention.

**Accordingly this part of the amendment was NOT AGREED.**

Councillor Alexander rejoined the meeting.

**(2) Parkhall Farm 2, Maddiston**

To delete the site H44 Parkhall Farm 2, Maddiston, as shown in the map below, from the Proposed Plan.



## Detailed Changes to Proposed Plan

### Spatial Strategy

Figure 3.1

Make consequential adjustments to the housing land allocations for Polmont settlement area.

### Polmont Settlement Statement

Figure 4.14 Polmont Area Proposals/Opportunities (paragraph 4.55)

Remove H44 Parkhall Farm 2, Maddiston from Maddiston East SGA section.

### Appendix 1: Site Schedule

Remove H44 Parkhall Farm 2, Maddiston.

### Proposals Map: Map 5

Remove site H44 from map.

## Changes to Supporting Information

### SEA Environmental Report

Make consequential changes to Environmental Report to reflect the removal of the proposal.

### Proposed Action Programme

Remove proposal from action programme

### Technical Reports

Make consequential changes to Site Assessment to reflect the removal of the proposal.”

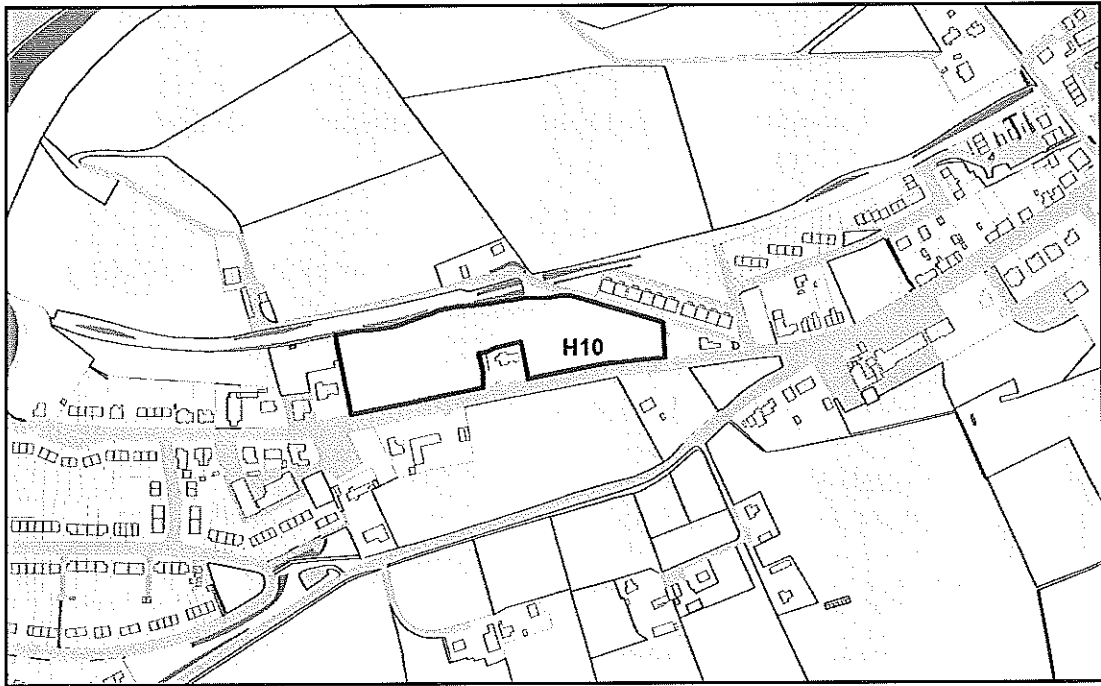
On a division, 14 members voted for the amendment and 16 voted against with 1 abstention.

**Accordingly the part of the amendment was NOT AGREED.**

The Provost sought to clarify the decision making process in regard to the proposed amendments and stated that each remaining amendment would be determined by a straight forward vote for or against the amendment.

### **(3) Kilsyth Road 2, Haggs**

To delete the housing site H10 Kilsyth Road 2, as shown in the map below, from the Proposed Plan.



### **Detailed Changes to Proposed Plan**

#### Spatial Strategy

Figure 3.1

Make consequential adjustments to the housing land allocations for Bonnybridge and Banknock settlement area.

#### Bonnybridge and Banknock Settlement Statement

Figure 4.4

Bonnybridge and Banknock Proposals/Opportunities (paragraph 4.16)

Remove H10 Kilsyth Road 2 from Other Sites section.

#### Appendix 1: Site Schedule

Remove H10 Kilsyth Road 2.

#### Proposals Map: Map 1

Remove site H10 from map.

### **Changes to Supporting Information**

#### SEA Environmental Report

Make consequential changes to Environmental Report to reflect the removal of the proposal.

#### Proposed Action Programme

Remove proposal from action programme

#### Technical Reports

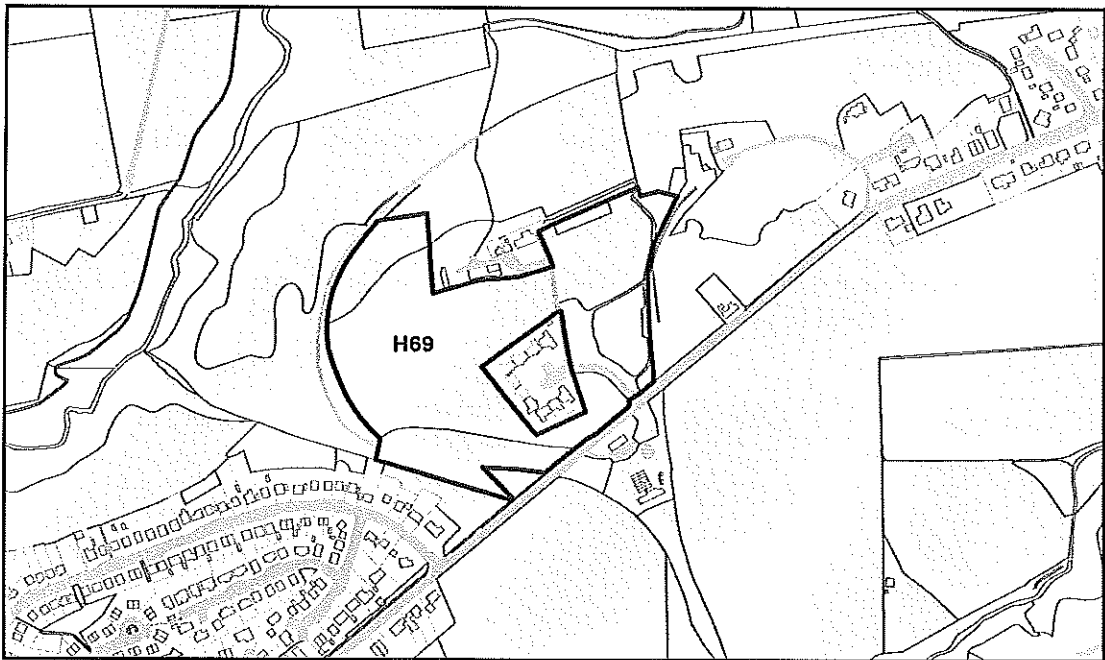
Make consequential changes to Site Assessment to reflect the removal of the proposal.”

On a division 14 members voted for the amendment and 16 voted against with 1 abstention.

Accordingly the part the amendment was **NOT AGREED**.

**(4) Hillcrest, Shieldhill**

To delete the housing site H69 Hillcrest, Shieldhill, as shown in the map below, from the Proposed Plan.



**Detailed Changes to Proposed Plan**

Spatial Strategy

Figure 3.1

Make consequential adjustments to the housing land allocations for Rural South settlement area.

Rural South Settlement Statement

Figure 4.18 Rural North Proposals/Opportunities (paragraph 4.72)

Remove H69 Hillcrest, Shieldhill from other sites section.

Appendix 1: Site Schedule

Remove H69 Hillcrest, Shieldhill.

Proposals Map: Map 4

Remove site H69 from map.

## Changes to Supporting Information

### SEA Environmental Report

Make consequential changes to Environmental Report to reflect the removal of the proposal.

### Proposed Action Programme

Remove proposal from action programme.

### Technical Reports

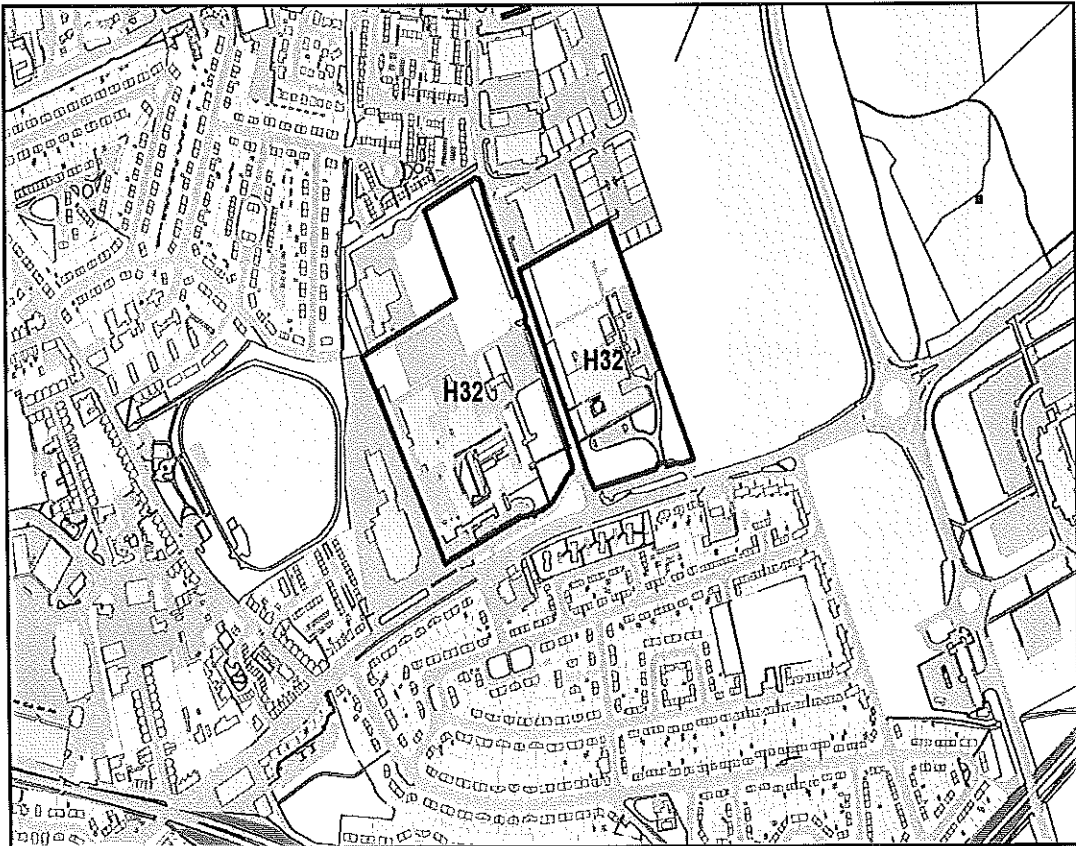
Make consequential changes to Site Assessment to reflect the removal of the proposal.”

On a division 14 members voted for the amendment and 16 voted against with 1 abstention.

Accordingly this part of the amendment was **NOT AGREED**.

### (5) Grangemouth Road, Falkirk

To change the allocation of site H32 Grangemouth Road, Falkirk, as shown in the map below, from housing to mixed use.



## Detailed Changes to Proposed Plan



Proposals Map: Map 2

Amend H32 to mixed use on map

Appendix 1: Site Schedule

Transfer site H32 Grangemouth Road from Housing section and insert as site M\* Grangemouth Road in the mixed use section.

**Changes to Supporting Information**SEA Environmental Report

Make consequential changes to Environmental Report to reflect the change to the site's designation.

Proposed Action Programme

Make consequential changes to Action Programme to reflect the change to the site's designation.

Technical Reports

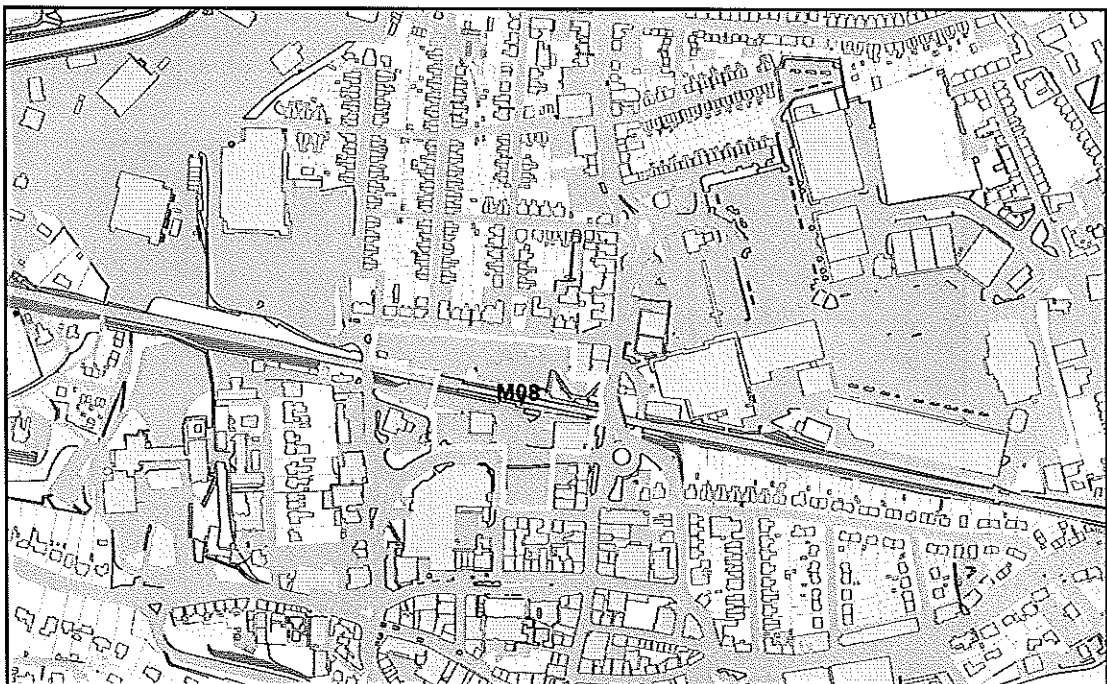
Make consequential changes to Site Assessment to reflect the change to the site's designation."

On a division 14 members voted for the amendment and 16 voted against with 1 abstention.

**Accordingly this part of the amendment was NOT AGREED.**

**(6) Grahamston Opportunity Area, Falkirk**

To delete the site M08 Grahamston Opportunity Area, Falkirk, as shown in the map below, from the Proposed Plan.



## Detailed Changes to Proposed Plan

### Falkirk Settlement Statement

Figure 4.6 Falkirk Proposals/Opportunities (paragraph 4.8)

Remove M08 Grahamston Opportunity Area from Town Centres section.

### Appendix 1: Site Schedule

Remove M08 Grahamston Opportunity Area.

### Proposals Map: Map 2

Remove site M08 from map 2 and Town Centre Inset map.

## Changes to Supporting Information

### SEA Environmental Report

Make consequential changes to Environmental Report to reflect the removal of the proposal.

### Proposed Action Programme

Remove proposal from action programme.

### Technical Reports

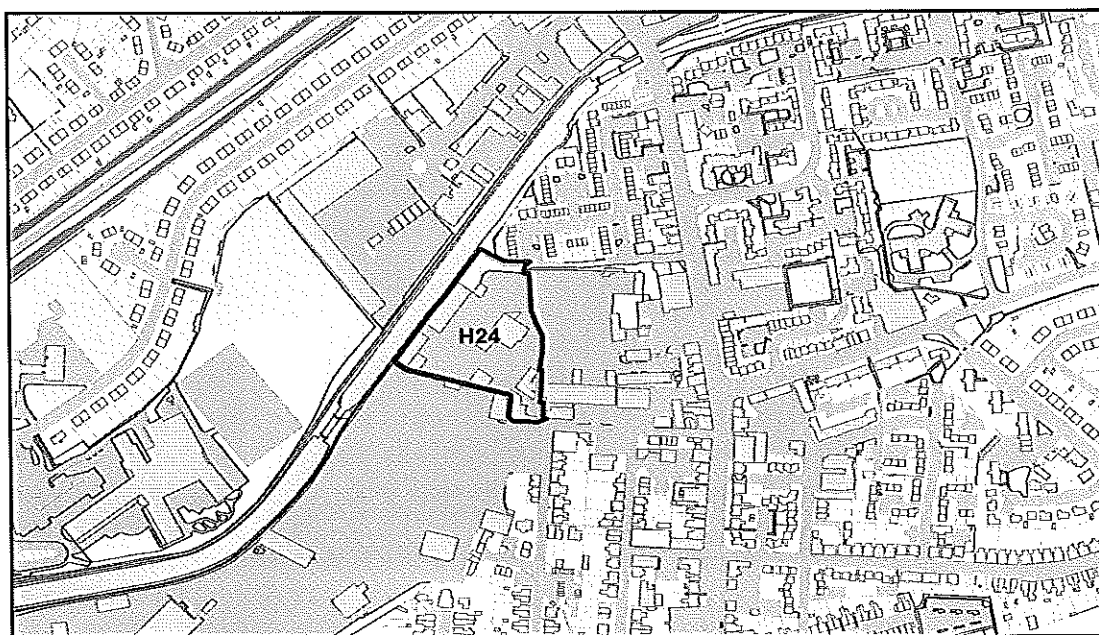
Make consequential changes to Site Assessment to reflect the removal of the proposal.”

On a division 14 members voted for the amendment and 16 voted against with 1 abstention.

Accordingly this part of the amendment was **NOT AGREED**.

## (7) Gowan Avenue, Falkirk

To amend the development requirements for site H24 Gowan Avenue, Falkirk, as shown in the map below, to include the investigation of a potential alternative or additional access from the site through to Bryson Street.



## Detailed Changes to Proposed Plan

### Appendix 2: Strategic Growth Area Guidance

#### Falkirk Canal Corridor

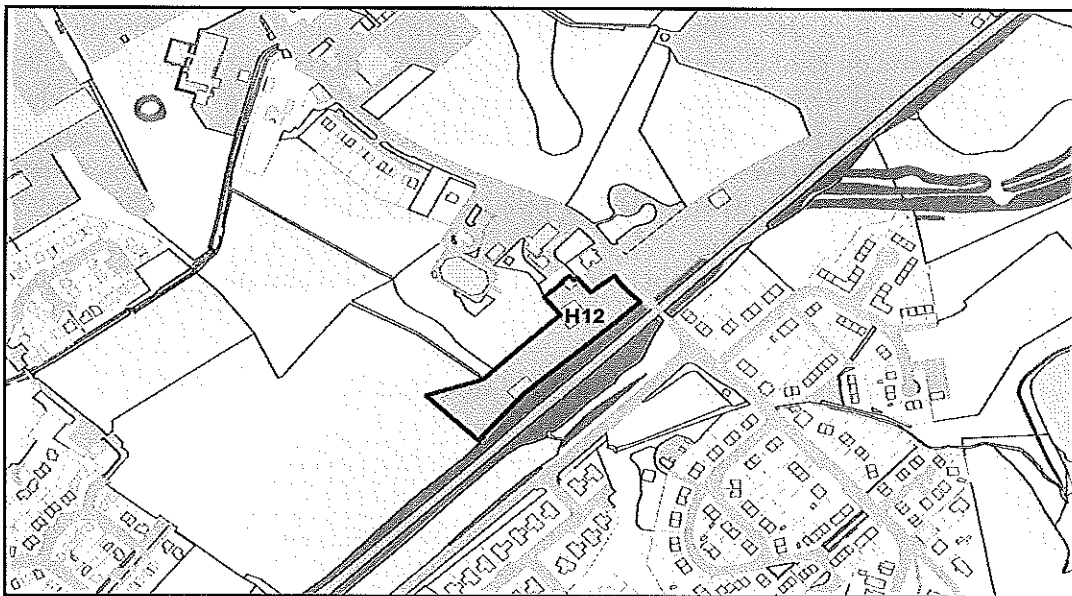
Gowan Avenue (H24) to amend bullet point 'Access to Grahams Road is constrained - investigate potential for alternative or additional access from the site through to Bryson Street'

On a division 14 members voted for the amendment and 15 voted against with 2 abstentions.

Accordingly this part of the amendment was **NOT AGREED**.

#### (8) Broomhill Road, High Bonnybridge

To delete the housing site H12 Broomhill Road, High Bonnybridge, as shown in the map below, from the Proposed Plan.



#### Proposals Map: Map 1

Remove site H12 from map.

## Changes to Supporting Information

#### SEA Environmental Report

Make consequential changes to Environmental Report to reflect the removal of the proposal.

#### Proposed Action Programme

Remove proposal from action programme.

#### Technical Reports

Make consequential changes to Site Assessment to reflect the removal of the proposal.”

On a division 14 members voted for the amendment and 15 voted against with 2 abstentions.

**Accordingly this part of the amendment was NOT AGREED**

**(9) Hillend Farm, Slamannan**

To amend the strategic growth area guidance in relation to H70 Hillend Farm, Slamannan to emphasise the scope of technical work required as part of necessary flood risk and drainage studies.

**Detailed Changes to Proposed Plan**

Appendix 2: Strategic Growth Area Guidance  
Slamannan (Sites H70 & H71)

Under ‘Constraints’, delete 4<sup>th</sup> sentence and replace with the following:

‘Flood Risk and Drainage Assessments must be carried out, supported by technical reports on rainfall runoff, including flow from surface water drainage outfalls, overland flow and indirect water flows. New up to date flood maps must be included in the technical reports. The studies must include a catchment wide assessment of flooding and drainage issues. They should inform the layout of development and seek to alleviate existing off-site flooding problems including those along Mosscastle Road’.

On a division 14 members voted for the amendment and 16 voted against with 1 abstention.

**Accordingly this part of the amendment was NOT AGREED.**

Having considered each of the amendments the original motion remained unchanged.

By way of further amendment, Councillor Spears, seconded by Councillor McCabe, then moved two site specific changes to the proposed Plan and Action Programme as undernoted.

The Provost stated that Council would consider each part of the amendment in turn and that members would be asked to vote for or against the amendment.

**(10) H35 – Oxbang Road, Grangemouth**

To delete the housing site H35 from the proposed plan and retain it as on playing fields.

Having heard the terms of the amendment, Councillor Black declared a financial interest in the item as the owner of a premises near to Oxbang Road and withdrew from the meeting, taking no part in the discussion or decision making.

On a division 14 members voted for the amendment and 15 voted against with 1 abstention.

Councillor Black rejoined the meeting following consideration of the preceding item.

**(11) ED14 – South Bridge Street, Grangemouth**

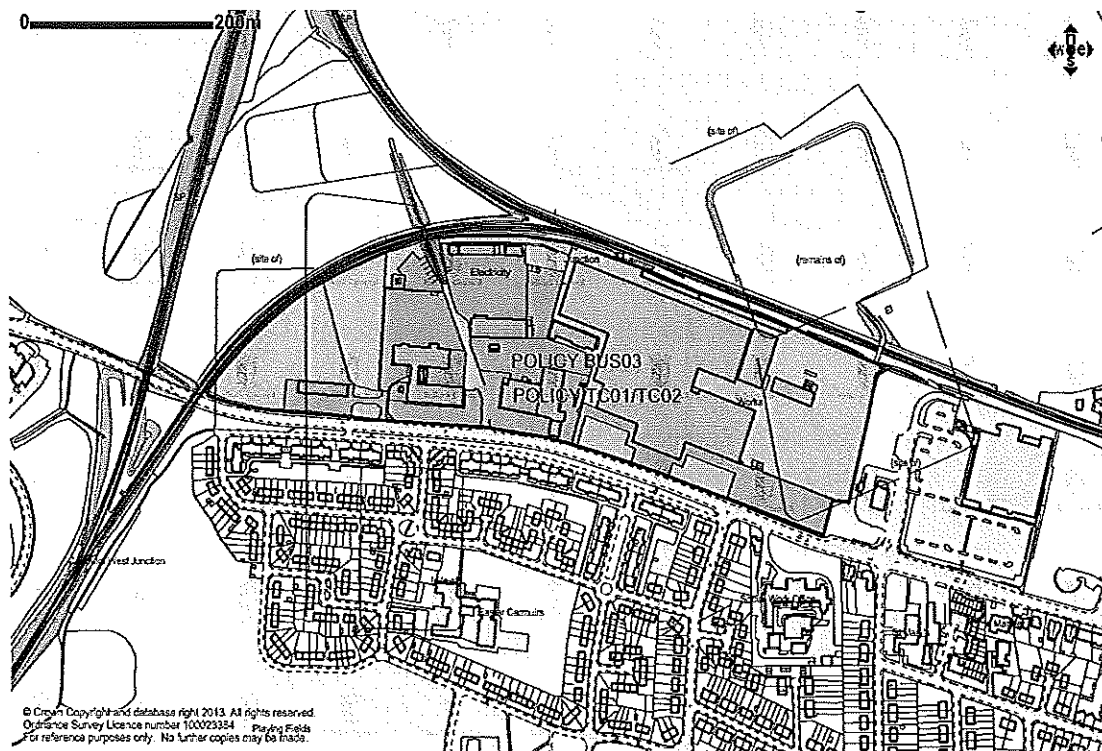
To delete reference to the site being used for business/industry and retain it for leisure, retail and housing.

On a division 12 members voted for the amendment and 16 voted against with 3 abstentions.

Having considered in turn each of the 11 proposed amendments, **AGREED** the Falkirk Local Development Plan: Proposed Plan and the Proposed Action Programme submitted to the Economic Development and Strategy Committee on 18 February 2013 and that consultation is undertaken in accordance with the relevant legislation, subject to the Proposed Plan and Proposed Action Programme being amended to include and reflect the following site specific changes and any consequential modifications that may require to be made:-

**(1) Glasgow Road, Camelon**

To change the designation of land at Glasgow Road Industrial Estate, as shown in the map below, from a core business area (Policy BUS02) to a Business Area with Potential for Redevelopment (Policy BUS03), and to extend the Camelon Local Centre Boundary (Policies TC01/TC02) to include this site.



## Detailed Changes to Proposed Plan

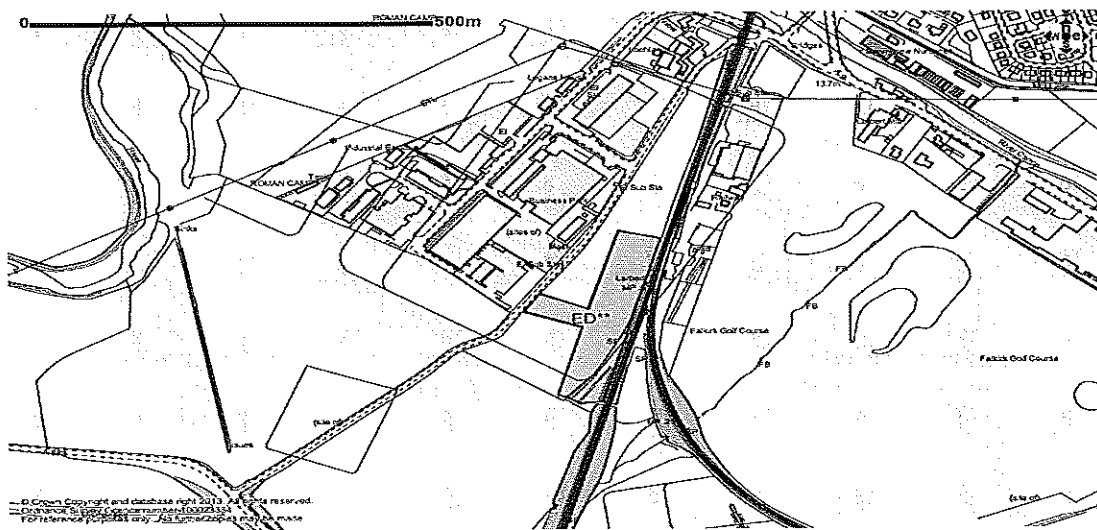
### Proposals Map: Map 2

Change area shown in map above from Core Business Area (Policy BUS02) to Business Area with Potential for Redevelopment.

Extend the Camelon Local Centre Boundary westwards as shown in the map above.

### (2) Lochlands, Larbert

To include a site at Lochlands, Larbert, as shown in the map below, as a proposal for economic development in the Proposed Plan, forming an extension to Lochlands Industrial Estate.



## Detailed Changes to Proposed Plan

### Falkirk Settlement Statement

Figure 4.8 Falkirk Proposals/Opportunities (paragraph 4.34)

Add new proposal ED\*\* Lochlands Industrial Estate in Business/Local Sites section.

### Appendix 1: Site Schedule

Add new proposal ED\*\* Lochlands Industrial Estate as follows:-

Ref No: ED\*\*

Site Name: Lochlands Industrial Estate

Site Size (ha): 1.7

Proposed Uses: Business/industry

Status: New proposal

Site Comments:

- Extension to industrial estate on the west side of Lochlands Loan.
- Site lies within Scheduled Ancient Monument (Lochlands Roman Camps). Scheduled monument consent will be required from Historic Scotland. Full archaeological assessment/justification and mitigation measures required to accompany proposals.