

FALKIRK COUNCIL

**Minute of special meeting of Falkirk Council held in the Municipal Buildings,
Falkirk on Monday 10 June 2019 at 9.30 a.m.**

Councillors: David Aitchison Niall Coleman Cecil Meiklejohn
David Alexander Joan Coombes Lynn Munro
David Balfour Jim Flynn Laura Murtagh
Lorna Binnie Paul Garner Malcolm Nicol
Robert Bissett Dennis Goldie Alan Nimmo
Allyson Black Nigel Harris Pat Reid
Jim Blackwood Gordon Hughes Depute Provost Ann Ritchie
Gary Bouse Adanna McCue Robert Spears
Provost William Buchanan

Officers: Kevin Collins, Transport Planning Co-ordinator
Douglas Duff, Head of Planning & Economic Development
Arlene Fraser, Committee Services Officer
Rhona Geisler, Director of Development Services
Iain Henderson, Legal Services Manager
Colin Moodie, Chief Governance Officer
Brian Pirie, Democratic Services Manager
Alastair Shaw, Development Plan Co-ordinator
Russell Steadman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Brent Vivian, Senior Planning Officer
Bernard Whittle, Development Management Co-ordinator

FC10. Sederunt

The sederunt was taken by way of a roll call. Apologies were intimated on behalf of Councillors Collie, Grant and Patrick.

FC11. Declarations of Interest

No declarations were made.

FC12. Order of Business

In Terms of Standing Order 14.2 the Provost advised of a change to the order of business. The following items have been recorded in the order that they were considered at the meeting.

FC13. Development of Land for Residential Use with Associated Open Space, Site Development Works and Landscaping at Middlerig Farm, Reddingmuirhead, Falkirk FK2 0DZ for Taylor Wimpey UK Limited - P/19/0125/PPP

The Provost advised that the applicant's agent had written to request that Council continue consideration of the application to allow officers to conclude an assessment of an updated transport assessment which had been provided by the applicant. The Director of Development Services stated that in the circumstances the request was reasonable.

The Provost sought Council's view on the request. There was general agreement with the proposal to continue consideration of the item to a future meeting.

Decision

Council agreed to continue consideration of the item to a future meeting.

FC14. Minutes

- (a) Minute of Meeting of the Planning Committee (comprising all Members of Council) held on 27 March 2018 – agreed as a correct record, and
- (b) Minute of Meeting of the Planning Committee (comprising all Members of Council) 30 April 2019 – agreed as a correct record.

FC15. Deputation Requests

The Provost advised that 2 deputation requests had been made in relation to item FC16 (below). He invited Council to determine at this point whether it was minded to hear the deputations later in the meeting. The Provost confirmed that the requests had been made in accordance with Standing Orders.

Prior to consideration of the item the Provost advised that he had received a letter from DLA Piper, dated 7 June 2019 on behalf of Hansteen Land Limited. The Director stated that she had no objection to the letter being circulated to members. The letter was circulated.

Decision

Council agreed to hear the deputations.

FC16. Development of Land for Residential/ Mixed Use and Commercial (of Classes 1, 3, 4, 7 and 10) with Associated Landscaping, Services, Access and Car-Parking at Land to the East of Gilston Farm, Gilston Crescent, Polmont for Hansteen Land Limited - P/17/0332/PPP

In line with Standing Order 33 and Council's earlier decision (ref FC15) to hear the 2 deputation requests submitted in relation to this item Council proceeded to hear from each of the parties.

Prior to hearing the deputations the Provost allowed members time to read the letter by DLA Piper referred to above (ref FC15).

Rosemary Taylor, on behalf of Polmont Community Council, an objector, addressed the Council.

Phillip Neaves and Sandy Telfer, on behalf of the applicant, addressed the Council following which members asked questions of them.

Council considered a report by the Director of Development Services on an application for planning permission for the development of land for residential/mixed use and commercial (of classes 1,3,4 7 and 10) with associated landscaping services, access and car-parking at land to the east of Gilston Farm, Gilston Crescent, Polmont.

Decision

Council refused to grant planning permission for the following reasons:-

- 1. The application is contrary to Policy BUS1 'Business and Tourism' of the Falkirk Local Development Plan as the site forms part of a Strategic Business Location and is set aside specifically for economic development opportunities consisting of business, leisure, tourism, distribution, motor retail and local retail. In contrast, the principal use proposed in the application is housing. At up to 500 residential units, this is a major departure from the allocated use;**
- 2. The application is contrary to Policy HSG01 'Housing Growth' of the Falkirk Local Development Plan as the proposed development is not considered to represent a sustainable development proposal. The application is not supported by an overall masterplan for ED23 and there is no information on the total content and layout of ED23. The provision of an overall masterplan would have provided clarity over land use, compatibility of the nature and location of the overall land uses and the infrastructure required to support the overall ED23 site, as well as a co-ordinated and comprehensive approach to site planning. The proposed development therefore represents piecemeal and unco-ordinated development within ED23, which is**

not a sustainable approach to the planning of this area. Another key issue in terms of sustainability relates to the loss of strategic business land, to the potential detriment of the Falkirk area's longer term economic potential;

3. The application is contrary to Policy RW06 'Flooding' of the Falkirk Local Development Plan as it has not been demonstrated that the proposed development would be likely to be free of risk of flooding. The impact of flood risk on the masterplan and the development content has not yet been confirmed;
4. SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the Development Plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. The proposed development raises sustainability issues which are considered to outweigh the potential benefits of the proposed development. The primacy of the Development Plan should therefore be maintained in determining this planning application, and
5. Granting the application would prejudice the LDP2 plan making process by pre-determining decisions around strategic business land provision which is central to the emerging plan. Decisions around this strategic issue should be properly considered through the LDP2 process and not, de facto, by decisions on individual planning applications.

Councillor Goldie left the meeting following consideration of this item of business.

FC17. Motion

Council considered the following motion by Councillor Coombes, seconded by Councillor Bissett:-

Council agrees that any decision made on the stopping up order to close the Bo'ness Road, Grangemouth will be made by full Council in recognition of its importance.

Council then adjourned at 11.30 a.m. to allow members to consider the terms of the motion and reconvened at 12.06 p.m. with all members present as per the sederunt, with the exception of Councillor Goldie who left the meeting.

Councillor Alexander moved the following in substitution for the motion:-

Council notes with concern the attempt by the mover of the motion to treat one particular application differently from accepted normal practice of the authority.

Council recognises the role played by the author of the motion who has participated in a high profile campaign against this particular application for a stopping up order as well as previous related issues.

Council also recognises the potential implications for the authority if the motion is successful as any perceived bias and predetermination positions adopted may lead to one or more of the following scenarios.

Deviation in the treatment of the application may create a perception of bias and encourage the company to take the application directly to Scottish Ministers thus removing some influence and all decision making.

Council therefore agrees to retain the practices of the scheme of delegation on planning matters introduced in 2009 to ensure all applications are dealt with consistently.

Council then adjourned at 12.10 p.m. to allow members to consider the terms of the amendment and reconvened at 12.25 p.m. with all members present as per the sederunt, with the exception of Councillor Goldie.

Councillor Meiklejohn seconded the amendment.

Following discussion and in terms of Standing Order 22.4 (i) a vote was taken by roll call, there being 24 members present with voting as undernoted:-

For the motion (8) – Provost Buchanan, Councillors Aitchison, Bissett, Black, Blackwood, Coombes, Nimmo and Reid.

For the amendment (15) – Councillors Alexander, Balfour, Binnie, Bouse, Coleman, Flynn, Garner, Harris, Hughes, McCue, Meiklejohn, Munro, Murtagh, Nicol and Spears.

Abstain (1) – Depute Provost Ritchie

Decision

Council agreed the amendment.

FC18. Closing Remarks

The Provost advised that he had written to the Mayor of Christchurch following the attacks on mosques in the city on 15 March 2019. Provost Buchanan had received a response from Lianne Dalziel, Mayor of Christchurch, and this would be circulated to all members after the meeting.