

**FALKIRK COUNCIL**

**MINUTE of SPECIAL MEETING of FALKIRK COUNCIL held in the MUNICIPAL BUILDINGS, FALKIRK on MONDAY 7 JANUARY 2013 at 7.00 PM.**

**PRESENT:** Provost Reid; Depute Provost Patrick; Councillors Alexander, Balfour, Bird, 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, Paterson, Ritchie, Spears and Turner.

**CONVENER:** Provost Reid.

**ATTENDING:** Director of Development Services; Chief Governance Officer; Depute Chief Governance Officer; Development Manager (I Dryden), Senior Planning Officer (B Vivian); Legal Services Manager (I Henderson); Network Co-ordinator (R Steedman); Environmental Health Officer (S Henderson); Roads Development Officer (C Russell); Transport Planning Co-ordinator; and Democratic Services Manager.

**ALSO**  
**ATTENDING:** Sport and Recreation Manager (Falkirk Community Trust).

**FC75. SEDERUNT**

The sederunt was taken by way of a roll call.

**FC76. APOLOGY**

An apology was intimated on behalf of Councillor Oliver.

**FC77. DECLARATIONS OF INTEREST**

No declarations were made.

**FC78. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of Planning Committee (comprising all Members of the Council) held on 14 November 2012.

**FC79. MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND SPORTS FACILITIES ON LAND TO THE EAST OF BONNYBRIDGE HOSPITAL, BONNYBRIDGE FOR ANTONINE PROPERTY DEVELOPMENTS GROUP LTD – P/09/0431/OUT**

With reference to Minute of Meeting of the Planning Committee (comprising all Members of the Council) held on 14 November 2012 (Paragraph P129 refers), there was submitted Report (circulated) dated 20 December 2012 by the Director of Development Services on an application for planning permission in principle for the mixed use development comprising residential development (including approximately 200 dwellinghouses) and sports facilities on land, extending approximately to 19 hectares lying to the east of the existing Bonnybridge urban limit.

Councillor Buchanan, identified the following considerations which he determined to be material and which collectively outweighed the terms of the development plan:-

- the location of the proposed development is a sustainable one;
- the proposal offers benefits to the community, most notably the proposed sports facilities which would meet a local need;
- the extent of public support for the proposal;
- the provision of affordable housing;
- the provision of a improved road infrastructure together with a canal towpath and cycleways;
- the provision of a nursing home, and
- economic benefits flowing from the extent of construction in the development.

Councillor Buchanan, seconded by Councillor McLuckie accordingly moved that Council be minded to grant planning permission in principle, subject to the provisions of paragraph 7 c.4 of the Report detailed below:-

- (a) The submission by the applicant of a Transport Assessment, a Visual/Landscape Assessment, an Air Quality Assessment, an amended Drainage Statement and additional information in respect of potential flood risk from the Forth and Clyde Canal and the Rowan Tree Burn.
- (b) Further consideration in respect of the means by which to mitigate the potential impact of the proposed development on local school and nursery capacity.
- (c) Further consideration in respect of the provision of play facilities to serve the proposed development, including the upgrade of existing facilities at Anderson Park.
- (d) Further consideration of the Masterplan and the establishing of design principles for the proposed development having regard to the Council's Supplementary Planning Guidance Note for Housing Layout and Design.
- (e) The submission by the applicant of proposals to overcome the 'Advise Against' response from the Health and Safety Executive.

- (f) The submission by the applicant of details of the proposed phasing of the development.
- (g) Resolution of the matters to be considered in (a) to (f) above to the satisfaction of the Director of Development in consultation with the relevant consultees, provided that the Director of Development Services may exercise a judgment to refer the application back to Council in respect of any matters in respect of items (a) to (f) above.

And thereafter that planning permission in principle be granted following the satisfactory completion of any necessary legal agreement and subject to the imposition of appropriate conditions; both matters which would be remitted to the Director of Development Services.

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

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

For the motion (13) – Depute Provost Patrick; Councillors Blackwood, Buchanan, D Goldie, G Goldie, Gow, MacDonald, McLuckie, Mahoney, C Martin, Dr C R Martin, Nicol and Paterson.

For the amendment (18) – Provost Reid; Councillors Alexander, Balfour, Bird, Black, Carleschi, Chalmers, Coleman, Hughes, Jackson, McCabe, McNally, Meiklejohn, Murray, Nimmo, Ritchie, Spears and Turner.

Accordingly **AGREED** to **REFUSE** planning permission in principle for the following reasons:-

- (1) The proposed development is contrary to Policy ENV.1 (Countryside and Protected Areas) of the Falkirk Council Structure Plan and Policies EQ19 (Countryside) and SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan as it has not been demonstrated that a countryside location is essential for the proposed development. It therefore represents unjustified development in the countryside;
- (2) The proposed development is contrary to Policy ENV.2 (Green Belt) of the Falkirk Council Structure Plan and Policy EQ20 (Green Belt) of the Falkirk Council Local Plan as the proposed development would undermine the role of the Green Belt by detracting from its existing landscape character, reducing the separation between the settlements of Bonnybridge and Camelon, incrementally contributing to the overall coalescence of these settlements and compromising the future use of the development site for countryside recreation;

- (3) The application site has not been identified as a housing opportunity site under the Falkirk Council Local Plan to contribute towards meeting the Housing Land Requirement, and the proposed development is not required to maintain an effective 5 year housing land supply. Therefore, the proposed development is not required to achieve the development strategy of the Falkirk Council Structure Plan and cannot be justified by the need for housing land;
- (4) The proposed development is contrary to Policy ENV.4 (Coastal Planning and Flooding) of the Falkirk Council Structure Plan and Policy ST12 (Flooding) of the Falkirk Council Local Plan as it has not been demonstrated that the proposed development would be free from the risk of flooding from the Forth and Clyde Canal and the Rowan Tree Burn, or that an increase in the level of risk to existing development would be avoided as a consequence of surface water drainage discharge from the proposed development;
- (5) The proposed development is contrary to Policies COM.5 (Developer Contributions) and COM.7 (School Provision) of the Falkirk Council Structure Plan and Policies SC11 (Developer Contributions to Community Infrastructure) and SC14 (Education and New Housing Development) of the Falkirk Council Local Plan as it has not been demonstrated that proper provision has been made to mitigate the potential impact of the proposed development on school capacity and local roads infrastructure;
- (6) The proposed development is contrary to Policy TRANS.3 (Transport Assessment) of the Falkirk Council Structure Plan and Policy ST7 (Transport Assessment) of the Falkirk Council Local Plan as it has not been demonstrated how the impact of the proposed development on the surrounding road network would be minimised and how other modes of travel rather than the car would be encouraged;
- (7) The proposed development is contrary to Policy EQ30 (Agricultural Land) of the Falkirk Council Local Plan as the proposed development would result in the loss of Class 3.1 prime quality agricultural land which is not allocated for development in the Local Plan;
- (8) The proposed development is contrary to Policies EQ16 (Sites of Archaeological Interest) and EQ17 (Antonine Wall) of the Falkirk Council Local Plan as it has not been demonstrated that the proposed development would protect the settings of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and the Forth and Clyde Canal Scheduled Monument, and
- (9) The proposed development is contrary to Policy EP18 (Major Hazards) of the Falkirk Council Local Plan as the proposed development would result in an unacceptable increase in the number of people exposed to risk from two high pressure gas pipelines which bisect the application site.