

**FALKIRK COUNCIL**

**PLANNING PRE-DETERMINATION HEARING PROCEDURES**

1. The Convener will formally welcome all those present and explain the purpose of the Hearing.
2. The order of proceedings and the procedures to be followed at the Hearing will be explained.
3. The Convener will ask the relevant officer from the Council to present the report relating to the planning proposal.
4. The Convener will invite the applicant or their agent and any statutory consultees to speak in relation to the proposal. The applicant or their agent will normally be entitled to speak for 10 minutes whereas statutory consultees will normally be entitled to speak for up to 5 minutes.
5. The Members of the Committee will be invited to question the applicant/agent/statutory consultees and may seek guidance on factual or legal matters from the officers after each presentation.
6. The Convener will invite other persons submitting representations (including the objector(s) or supporter (s) to speak to the terms of their representation(s) submitted in response to the planning proposal. Each party will normally be permitted to address the Committee once for up to 5 minutes. So as to avoid repetition, where parties have a similar interest or objection, a spokesperson will be invited to speak on behalf of the group. In these circumstances, the spokesperson will normally be permitted to speak for up to 10 minutes.
7. The Convener may limit the number of speakers addressing the Hearing on any particular topic or may curtail any speech which repeats any matter on which the Hearing has already been addressed.
8. The applicant and/or agent will have a right of reply to any points raised by any party heard by the Committee.
9. The Members of the Committee will be invited to question any party heard by the Committee or may seek guidance on factual or legal matters from Council officers after each presentation.
10. Members of the Committee may identify any other planning issues that they wish to see addressed in the report to the meeting of Council that will consider the application.
11. The Convener will close the Pre-Determination Hearing.

**NOTES:**

- (A) NO CROSS EXAMINATION WILL BE PERMITTED UNDER ANY CIRCUMSTANCES. ALL REMARKS MUST BE DIRECTED TO THE CONVENER, WHOSE DECISION ON ANY MATTERS OF ORDER WILL BE FINAL.
- (B) IF ANYONE WHO HAS INTIMATED THEIR INTENTION TO BE HEARD AT THE HEARING FAILS TO APPEAR AT THE HEARING TIMEOUSLY, THE COMMITTEE MAY PROCEED WITH THE BUSINESS WITHOUT HEARING THAT PERSON.
- (C) THE CONVENER WILL BE RESPONSIBLE FOR ENSURING THAT THE HEARING IS CONDUCTED EFFICIENTLY HAVING DUE REGARD TO THE PRINCIPLES OF NATURAL JUSTICE.
- (D) FOR THE AVOIDANCE OF DOUBT, NO DECISION ON THE APPLICATION WILL BE TAKEN AT THE HEARING.

**FALKIRK COUNCIL**

**Subject: MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND SPORTS FACILITIES AT LAND TO THE EAST OF BONNYBRIDGE HOSPITAL, BONNYBRIDGE FOR ANTONINE PROPERTY DEVELOPMENTS GROUP LTD - P/09/0431/OUT**  
**Meeting: PLANNING COMMITTEE PRE-DETERMINATION HEARING**  
**Date: 14 November 2012**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members: Ward - Bonnybridge and Larbert**

**Councillor Billy Buchanan**  
**Councillor Tom Coleman**  
**Councillor Linda Gow**

**Community Council: Bonnybridge Community Council**

**Case Officer: Brent Vivian (Senior Planning Officer), Ext.4935**

**UPDATE REPORT FOLLOWING PREVIOUS CONSIDERATION BY FALKIRK COUNCIL**

1. This application is a major development and seeks planning permission in principle for a mixed use development comprising residential development (including approximately 200 dwellinghouses) and sports facilities.
2. Members will recall that the application was originally considered at a Pre-Determination Hearing on 8 June 2010. Following the Pre-Determination Hearing, the application was considered by Falkirk Council on 23 June 2010. A Pre-Determination Hearing and consideration of the application by full Council were required as the application is a major development that is significantly contrary to the Development Plan.
3. The reports presented to the Pre-Determination Hearing on 8 June 2010 and considered by Falkirk Council on 23 June 2010 are attached to this report. Paragraph 1.5 of the report dated 23 June 2010 (see Appendix 2) details the information submitted by the applicant in support of the application. Paragraph 1.6 of that report details the various aspects of the proposed Masterplan submitted with the application. Paragraph 2.2 of that report provides a summary of the previous Pre-Determination Hearing. The report recommended refusal of the application for the reasons set out in Section 8 at the end of the report.
4. At the Council meeting on 23 June 2010, there was an equality of votes on the application and the matter was undetermined.
5. The applicant has now requested that the application be reconsidered by the Council. Prior to this taking place, it has been agreed that a further Pre-Determination Hearing be held. This decision is in recognition of the passage of time since the Council Members heard the original

submissions, the change to some of the Council membership following the Local Government elections in May of this year and the importance of all Members becoming acquainted with the relevant information to satisfy their decision making responsibilities.

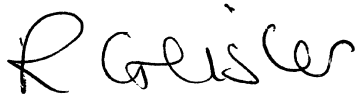
6. Since the Council meeting on 23 June 2010, the following letters relating to the application have been received:-
  - A letter dated 19 July 2010 from Dawn Homes confirming their aspiration to work in partnership with the applicant in delivering this residential opportunity to Bonnybridge. The letter states they would welcome the opportunity to be involved in the negotiations with Falkirk Council regarding the required Section 75 Agreement and the community facility;
  - A letter dated 29 October 2010 from Jones Lang LaSalle advising that the applicant is keen to demonstrate that they are taking necessary action to give due regard to the objection from the Health and Safety Executive. In this respect, the applicant has appointed Jones Lang LaSalle to consider the potential for overcoming the objection from the Health and Safety Executive. (Jones Lang LaSalle are a financial and professional services firm specialising in real estate services and investment management);
  - A letter dated 26 April 2011 from the applicant's agent, Jewitt Archavir and Wilkie Architects, advising that Jones Lang LaSalle had now completed preliminary investigations and were confident that a resolution may be possible, although some loss in the initially proposed development density may be required as a consequence;
  - A letter dated 18 November 2011 from Jewitt Archavir and Wilkie Architects advising that the applicant had taken specialist consultant's advice through Jones Lang LaSalle regarding the implications of the existing high pressure gas mains and had been advised that a solution could be generated from mitigation measures to enable a meaningful sports, recreational and residential development at the site, subject to further detailed Health and Safety assessment and planning studies. The letter indicated the backing of two major national housebuilders (Wimpey Homes and Dawn Homes); and
  - A letter dated 15 December 2011 from Jewitt Archavir and Wilkie Architects advising that the applicant had carried out further studies to assess the costs of appointing Consultants to provide the relevant information to justify the proposals. The letter indicated that the cost would amount to a six figure sum, and it would be foolhardy to undertake the studies if the application is to be automatically refused on policy grounds. The letter suggested a 'Minded to Grant' decision would provide the applicant with the necessary confidence to commit to very expensive studies.
7. The previous report to the Council considered on 23 June 2010 (see attached) recommended refusal of the application for ten reasons. Some of these related to a lack of information to demonstrate that certain constraints or impacts had been satisfactorily overcome or addressed. These matters remain outstanding. An amended Masterplan/proposed mitigation measures have not to date been submitted in order to attempt to overcome, for example, the 'Advise Against' response from the Health and Safety Executive.
8. As no additional information has been submitted since the previous consideration of the application by Falkirk Council, no further consultations have been undertaken including with statutory consultees.

9. The following matters should be noted since previous consideration of the application:-

- The Falkirk Council Local Plan was adopted in December 2010. The application was previously considered under the Bonnybridge and Banknock Local Plan, the Rural Local Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version). The situation has not changed regarding the designation of the land as it is retained within the countryside, outwith the settlement limits, under the Falkirk Council Local Plan. In addition, the application site formed part of a Green Belt under the Falkirk Council Local Plan Finalised Draft (Deposit Version). This is also the case under the Falkirk Council Local Plan;
- The Falkirk Council Local Development Plan (FCLDP) is currently being prepared. The applicant's site was indicated as a "non preferred site" for housing development in the Main Issues Report (MIR) published in November 2011. A second letter dated 18 November 2011 was received from the applicant's agent, Jewitt Archavir and Wilkie Architects, as part of the MIR consultation process and is currently under consideration. The letter requested inclusion of the site within the FCLDP for sport and recreation as well as housing land supply. The next stage of the FCLDP process is publication of the Proposed Plan, which is due to be published in April 2013;
- Falkirk Council's Supplementary Planning Guidance Note on Public Open Space, Falkirk Greenspace and New Development came into being in June 2011. Any revisions to the proposed Masterplan to address the various issues and constraints (including the Health and Safety issue detailed in paragraph 6) would need to be assessed for compliance against this new guidance;
- The Council's Housing Land Audit 2011/12 indicates that there is an effective housing land supply of 175 units in the Bonnybridge and Banknock area. In combination with the house completions within the Development Plan period, this is sufficient to meet the housing land requirement to at least the year 2017. It therefore remains the case that the proposed housing is not required to maintain an effective 5 year housing land supply;
- The Falkirk Community Trust advised on 15 October 2012 that the Council's Sports Pitch Strategy has been completed and requires adoption by the Council and the Falkirk Community Trust Board. The Strategy, once adopted, would provide a context in which to assess the sporting facilities proposed in this application. The Strategy supports the need for a network of third generation artificial pitches across the Falkirk Council area and the desirability of locations with multiple pitches (grass and synthetic);
- The Falkirk Community Trust advised on 15 October 2012 that Bonnybridge is not identified in the current round as one of the sites for a third generation artificial pitch. However, Denny is an identified site which could affect the view of the need for another artificial pitch in this area; and
- There is now a Bonnybridge Community Council. This was not the case when the application was previously considered. The Bonnybridge Community Council have been advised by Falkirk Council Democratic Services that they are welcome to attend the Pre-Determination Hearing.

10. Conclusion

- 10.1 This report provides an update since the application was previously considered by Falkirk Council on 23 June 2010. Following the Pre-Determination Hearing, a full assessment of the planning issues raised will be forwarded to a subsequent meeting of the Council, following consideration of the matters discussed at this hearing.



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Director of Development Services

Date: 6<sup>th</sup> November, 2012

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan
3. Scottish Planning Policy (February 2010)
4. Letter from Dawn Homes dated 19 July 2010.
5. Letter from Jones Lang LaSalle dated 29 October 2010.
6. Letter from Jewitt Archavir and Wilkie Architects dated 26 April 2011.
7. Letters (two) from Jewitt Archavir and Wilkie Architects dated 18 November 2011.
8. Letter from Jewitt Archavir and Wilkie Architects dated 15 December 2011.
9. Approved Falkirk Council Structure Plan.
10. Adopted Bonnybridge and Banknock Local Plan
11. Adopted Rural Local Plan
12. Falkirk Council Local Plan Finalised Draft (Deposit Version)
13. Scottish Planning Policy (February 2010)
14. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG
15. Letter of Support from Jewitt Archavir & Wilkie, 38 New City Road, Glasgow G4 9JT on 2 February 2010
16. Letter of Support from Falkirk Football Club, FAO David R White - General Manager Falkirk Stadium Falkirk FK2 9DX on 28 January 2010
17. Letter of Support from Bonnybridge Youth Football Club, No Address Given on 12 May 2010
18. Letter of Support from Mr Joseph Differ, 7 Fergusson Grove Bonnybridge FK4 1PU on 12 May 2010
19. Letter of Support from Mr Colin Ramsay, 9 Greenhill Square Bonnybridge FK4 2EG on 12 May 2010
20. Letter of Support from Mr Andrew McPhate, 18 Falcon Drive Larbert FK5 4QX on 12 May 2010
21. Letter of Support from Mr Christopher Shaw, 74 Gateside Avenue Bonnybridge FK4 1AY on 12 May 2010
22. Letter of Support from Mr C Fullard, 12 Cairnoch Walk Denny FK6 5DD on 12 May 2010
23. Letter of Support from Mr Jordan Shirra, 17 Anderson Street Bonnybridge FK4 1AN on 12 May 2010
24. Letter of Support from Ms Catherine Shirra, 17 Anderson Street Bonnybridge FK4 1AN on 12 May 2010

25. Letter of Support from Ms Pauline O'Raw, 33 Gateside Avenue Bonnybridge FK4 1AX on 12 May 2010
26. Letter of Support from Mr Peter O'Raw, 14 Paterson Place Bonnybridge FK4 1BE on 12 May 2010
27. Letter of Support from Ms Lyn Shaw, 74 Gateside Avenue Bonnybridge FK4 1AY on 12 May 2010
28. Letter of Support from Ms Lorraine Kane, 52 Woodburn Crescent Bonnybridge FK4 2DJ on 12 May 2010
29. Letter of Support from Paul Martin, No Address on 12 May 2010
30. Letter of Support from Mr Lorne Campbell, 30 Thornton Avenue Bonnybridge FK4 1AP on 12 May 2010
31. Letter of Support from Mr Ross Craig, Central Skip Hire Chattan Industrial Estate Bonnyside Road Bonnybridge on 12 May 2010
32. Letter of Support from Mr Andrew Anderson, G A Plumbers 68 Alloway Crescent Bonnybridge on 12 May 2010
33. Letter of Support from Mr Edwin Griffin, Chattan Bonnyside Road Bonnybridge FK4 2AD on 12 May 2010
34. Letter of Support from Mr Derek Grant, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 12 May 2010
35. Letter of Support from Mr Duncan Menzies, 112 Ure Crescent Bonnybridge FK4 1NR on 12 May 2010
36. Letter of Support from Mr Ross Hardie, McCormack Glass & Glazing Co 31 - 33 High Street Bonnybridge FK4 1BX on 12 May 2010
37. Letter of Support from Mr David McMillan, Stately Roofing No5 Canalbank Industrial Estate Seebeggs Road Bonnybridge on 12 May 2010
38. Letter of Support from Ms Alyson Lowe, Alexander Taylor 7A High Street Bonnybridge FK4 1BX on 12 May 2010
39. Letter of Support from Mr James Rafferty, Kelvin Valley Properties 2 High Street Bonnybridge FK4 1DA on 12 May 2010
40. Letter of Support from Allan and Gillian Brown and McLelland, Coffee-Teria on 12 May 2010
41. Letter of Support from Mr Colin Hird, 87 Laburnum Grove Stirling FK8 2PR on 12 May 2010
42. Letter of Support from Mr Liam Fitzpatrick, Antonine Works Broomhill Road Bonnybridge FK4 2AL on 12 May 2010
43. Letter of Support from Mr John Goacher, A & G Vets 39 Main Street Bonnybridge FK4 1AF on 12 May 2010
44. Letter of Support from Ms Sara Divin, Bonnybridge Dental Practice 2 - 4 Bridge Street Bonnybridge on 12 May 2010
45. Letter of Support from Mr David Williams, TTT Scaffold Ltd 3 Windsor Crescent Falkirk FK1 5DD on 12 May 2010
46. Letter of Support from For Eyes Opticians, Unit 15 High Street Bonnybridge FK4 1BX on 12 May 2010
47. Letter of Support from Mr Stephen Carr, on 12 May 2010
48. Letter of Support from Ms Marie Peat, Woodchips Stables Dalnair Road Bonnybridge FK4 1AA on 12 May 2010
49. Letter of Support from Mr Liam Fitzpatric, Chieftain Contracts Ltd Antonine Works Broomhill Road Bonnybridge on 12 May 2010
50. Letter of Support from Mr Peter McMillan, MA Scaffolding 62C Bridge Street Bonnybridge FK4 1AB on 12 May 2010
51. Letter of Support from Mr Allan Forsyth, 11 Castings Court Falkirk FK2 7BA on 12 May 2010
52. Letter of Support from Mr Brian Gillies, Unit 2 Central Court Bonnybridge FK4 2AG on 12 May 2010
53. Letter of Support from Mr Jeff Forrest, House Of Blinds Ltd Unit 10 Bonnybridge Industrial Estate Murnin Road Bonnybridge on 12 May 2010

54. Letter of Support from Ms Chelsea Stewart, Jaroc Motor Services Ltd Unit 11 Chattan Ind Est Bonnyside Road Bonnybridge on 12 May 2010
55. Letter of Support from W Campbell, W C Rcovery Sunnybrae 1 Bonnyside Road Bonnybridge on 12 May 2010
56. Letter of Support from D Deans, Central Recycling Ltd Central House Chattan Industrial Estate Bonnyside Road on 12 May 2010
57. Letter of Support from Mr Donald McAlister, Rapid Response 12 Robertphilp Road Kirkcaldy Fife KY2 6PE on 12 May 2010
58. Letter of Support from Mr George Notman, Royal Blind P O Box No 500 Gillespie Crescent Edinburgh on 12 May 2010
59. Letter of Support from Mr William Dunn, 41B Glenhove Road Cumbernauld on 12 May 2010
60. Letter of Support from J Forrest, 18 Lyon Cross Dennyloanhead FK4 1WG on 12 May 2010
61. Letter of Support from Mr S Campbell, 1 Mariner Gardens Falkirk FK1 4JS on 12 May 2010
62. Letter of Support from Mr D Stewart, 78 Chestnut Crescent Dunipace Denny FK6 6LF on 12 May 2010
63. Letter of Support from Mr Wilson Taylor, 69 Grangeburn Road Grangemouth FK3 9AN on 13 May 2010
64. Letter of Support from Mr Alexander Scott, 22 Spence Street Bonnybridge FK4 1NH on 13 May 2010
65. Letter of Support from Mr John Mackie, 1 Denny Road Dennyloanhead Bonnybridge FK4 1RG on 13 May 2010
66. Letter of Support from Mr and Mrs George Stirling, 46 Ure Crescent Bonnybridge FK4 1NB on 13 May 2010
67. Letter of Support from Mr Robert Stirling, 89 High Street Bonnybridge FK4 1BY on 13 May 2010
68. Letter of Support from Mr David Harvey, 10 Millar Place Bonnybridge FK4 2AR on 13 May 2010
69. Letter of Support from J McMahon, 12 Wheatlands Avenue Bonnybridge FK4 1PN on 13 May 2010
70. Letter of Support from Mr A Gray, 45 Norwood Avenue Bonnybridge FK4 1PY on 13 May 2010
71. Letter of Support from Mr and Mrs Kane, Claremont Street Bonnybridge on 13 May 2010
72. Letter of Support from B Sevaney, 8 High Street Bonnybridge FK4 1DA on 13 May 2010
73. Letter of Support from Mr James Brown, 6 Corona Crescent Bonnybridge FK4 1GG on 13 May 2010
74. Letter of Support from Ms Mary Kemp, 3 Gibdun Place Head Of Muir Denny FK6 5PH on 13 May 2010
75. Letter of Support from Mr and Miss T Conway / McMahon, 22 Barleyhill Bonnybridge FK4 1AH on 13 May 2010
76. Letter of Support from Mr Steven Bennie, Hillfoot Cottage 3 Bonnyside Road Bonnybridge FK4 2AD on 13 May 2010
77. Letter of Support from Mr David Ross, 1 Denny Road Dennyloanhead Bonnybridge FK4 1RG on 13 May 2010
78. Letter of Support from Mr John Carson, 14 Gateside Avenue Bonnybridge FK4 1AX on 13 May 2010
79. Letter of Support from Mr William Penman, 18A High Street Bonnybridge FK4 1DA on 13 May 2010
80. Letter of Support from Mr Gary Wright, 46 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RY on 13 May 2010
81. Letter of Support from Mr Colin Sneddon, 10 Church Street High Bonnybridge Bonnybridge FK4 2AZ on 13 May 2010
82. Letter of Support from Mr Michael Riddell, 37 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RY on 13 May 2010



83. Letter of Support from Ms Isabel Liddell, 31 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on 13 May 2010
84. Letter of Support from Mr Scott O'Hara, 21 Glenview Avenue Banknock Bonnybridge FK4 1JU on 13 May 2010
85. Letter of Support from Mr Mark Fullerton, Southmuir Greenbank Falkirk FK1 5PU on 13 May 2010
86. Letter of Support from Mr Fraser Paterson, 17 Main Street Bonnybridge FK4 1AF on 13 May 2010
87. Letter of Support from Mr Michael Warnock, 16 Garvald Road Head Of Muir Denny FK6 5NP on 13 May 2010
88. Letter of Support from Mr Adam Daisley, 40 Wall Street Falkirk FK1 4HU on 13 May 2010
89. Letter of Support from Mr Brian Houston, 108 Hayfield Terrace Head of Muir Denny FK6 5PB on 13 May 2010
90. Letter of Support from Mr Richard Lapsley, 9 Spence Street Bonnybridge FK4 1NH on 13 May 2010
91. Letter of Support from Mr Alaister MacVicar, 12 Ure Crescent Bonnybridge FK4 1NA on 13 May 2010
92. Letter of Support from Mr Alan Peat, 52 Thornton Avenue Bonnybridge FK4 1AP on 13 May 2010
93. Letter of Support from Mr David Mackay, 20 Lyoncross Dennyloanhead Bonnybridge FK4 1UG on 13 May 2010
94. Letter of Support from Mr C Beveridge, 2 Glenbervie Avenue Larbert FK5 4NN on 13 May 2010
95. Letter of Support from Mr William McArthur, 87 Gateside Avenue Bonnybridge FK4 1AY on 13 May 2010
96. Letter of Support from Mr Mark Campbell, 29 Falkirk Road Bonnybridge FK4 1BG on 13 May 2010
97. Letter of Support from Mr Lesley Rennie, 11 John Bassey Drive Banknock Bonnybridge FK4 1TN on 13 May 2010
98. Letter of Support from Mr John Fadian, 34 St. Catherine Maddiston Falkirk FK2 0SL on 13 May 2010
99. Letter of Support from Mr A Kucharskie, 36 Mannfield Avenue Bonnybridge FK4 2DA on 13 May 2010
100. Letter of Support from Owner/Occupier, 14 Pirleyhill Drive Shieldhill Falkirk FK1 2EA on 13 May 2010
101. Letter of Support from Mr Kevin Fitzpatrick, 14 Broomhill Road High Bonnybridge Bonnybridge FK4 2AN on 13 May 2010
102. Letter of Support from M Brody, 15 Leith Place Head Of Muir Denny FK6 5NN on 13 May 2010
103. Letter of Support from Owner/Occupier, Gradalie South Drum Farm Bonnybridge FK4 2EH on 13 May 2010
104. Letter of Support from T Rooney, 2 Grahamsdyke Road Bonnybridge FK4 2DF on 13 May 2010
105. Letter of Support from Mrs Marie Peat, Broomhill Road Bonnybridge FK4 2AN on 13 May 2010
106. Letter of Support from Mr G Wallace, 90 Kintyre Crescent Plains Airdrie ML6 7NG on 13 May 2010
107. Letter of Support from Mr David Wishart, 20 Leny Road Deanston Stirling on 13 May 2010
108. Letter of Support from K Reid, 23 The Grove Glasgow G67 3AX on 13 May 2010
109. Letter of Support from Mr Robert Reid, 19 Seabegs Crescent Bonnybridge FK4 2DB on 13 May 2010
110. Letter of Support from Mr and Mrs Alastair Duff, 17 Quenn Margaret Gardens Dunfermline Fife KY12 0RD on 13 May 2010

111. Letter of Support from Ms Tracie Robertson, 29 Braes View Denny FK6 5NG on 13 May 2010
112. Letter of Support from Chloe Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
113. Letter of Support from Mr Paul McGarry , 48 Montgomery Street Grangemouth FK3 8QP on 13 May 2010
114. Letter of Support from Mr Alan Kucharskie, 36 Mansfield Avenue Bonnybridge on 13 May 2010
115. Letter of Support from Mr Derek Catiger, 53A Smithfield Loan Alloa Clackmananshire FK10 1NH on 13 May 2010
116. Letter of Support from Mr John Ferguson, 27 Waverley Crescent High Bonnybridge Bonnybridge FK4 2AX on 13 May 2010
117. Letter of Support from Mr Brian Thomson, 16 Craigton Road Milngavie Glasgow G62 7TR on 13 May 2010
118. Letter of Support from Mr David Liddell, 46 Comely Place Falkirk FK1 1QG on 13 May 2010
119. Letter of Support from Mr Richard Peacock, 5 Windsor Avenue Falkirk FK1 5HH on 13 May 2010
120. Letter of Support from Mr A Peat, 89 Allandale Cottages Bonnybridge FK4 2HE on 13 May 2010
121. Letter of Support from Mr Billy Reid, 32 Hawthorn Road Abronhill Cumbernauld G67 3LY on 13 May 2010
122. Letter of Support from Ms Beth Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
123. Letter of Support from Owner/Occupier, 48 Bothkennar Road Carronshore Falkirk FK2 8HS on 13 May 2010
124. Letter of Support from Mr Alexander Mitchell, 16 Blenheim Court Kilsyth on 13 May 2010
125. Letter of Support from Mr and Mrs P Bishop, 89 Allandale Cottages Allandale By Bonnybridge on 13 May 2010
126. Letter of Support from Mr and Mrs D Drysdale, 19 Balfour Street Bonnybridge FK4 1NP on 13 May 2010
127. Letter of Support from R McIntosh, 39 Roman Road Bonnybridge FK4 2DE on 13 May 2010
128. Letter of Support from Mr and Mrs Colin Wallance, 12 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL on 13 May 2010
129. Letter of Support from Mr and Mrs Joe McMenamin, Larbert Road Bonnybridge FK4 1EN on 13 May 2010
130. Letter of Support from A Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
131. Letter of Support from Mr Steven Bartlett, 26 Cullaloe View Cowdenbeath Fife KY4 8JY on 13 May 2010
132. Letter of Support from Mr Gary Bishop, 155 Ladysmill Falkirk FK2 9AP on 13 May 2010
133. Letter of Support from Mr James Ferrie, 38 Kilsyth Road Queenzieburn G65 9EB on 13 May 2010
134. Letter of Support from Mr Jim Brodie, 20 Barnego Road Dunipace Denny FK6 6JS on 13 May 2010
135. Letter of Support from Mr Peter McArthur, 44 Chestnut Crescent Dunipace Denny FK6 6LF on 13 May 2010
136. Letter of Support from Mr William Moffat, Bonnybridge FK4 2BS on 12 May 2010
137. Letter of Support from Ms Nicola Deans, Central House Chattan Industrial Estate Bonnyside Road Bonnybridge on 12 May 2010
138. Letter of Support from Mr Kevin Craig, Ian Craig (Haulage) Ltd Roughmute Transport Depot Larbert FK5 3NP on 12 May 2010
139. Letter of Support from Mr Ian McGrory, St Andrew Works Bonnyhill Road Bonnybridge Falkirk on 12 May 2010

140. Letter of Support from Ms Diane Craig, RM Tyres (Scotland) Ltd Roughmute Transport Depot Larbert FK5 3NP on 12 May 2010
141. Letter of Support from Mr William Hughes, W H Tyres Ltd 1 Wellpark Terrace Bonnybridge FK4 1DE on 12 May 2010
142. Letter of Support from Mr Derek McLaren, McLaren Joinery 15 Bonnyside Road Bonnybridge FK4 2AD on 12 May 2010
143. Letter of Support from Mr Gordon McIntosh, Ecosse Metals Ltd Broomhill Road Bonnybridge FK4 2AN on 12 May 2010
144. Letter of Support from Mr Jim McCracken, Hayfield Riding School Beam Road High Bonnybridge FK4 2ET on 12 May 2010
145. Letter of Support from Mr William Denholm, Denholm Plant Hire Glenyards House 12 Glenyards Road Greenhill on 12 May 2010
146. Letter of Support from Mr David Russell, Chattan Complex Bonnyside Road Bonnybridge Falkirk on 12 May 2010
147. Letter of Support from Ms Joyce McCueshan, Bonnybridge Social and Recreational Sports Bar 35 Main Street Bonnybridge FK4 1AF on 12 May 2010
148. Letter of Support from Mr Paul McGarry, Broomside Property Development Central House Chattan Industrial Estate Bonnyside Road on 12 May 2010

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

**FALKIRK COUNCIL**

**Subject:** MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND SPORTS FACILITIES AT LAND TO THE EAST OF BONNYBRIDGE HOSPITAL, BONNYBRIDGE FOR ANTONINE PROPERTY DEVELOPMENTS GROUP LTD - P/09/0431/OUT

**Meeting:** FALKIRK COUNCIL

**Date:** 23 June 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** None

**Case Officer:** Brent Vivian (Senior Planning Officer), 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application is for a major development and seeks planning permission in principle for a mixed use development comprising residential development (including approximately 200 dwellinghouses) and sports facilities.
- 1.2 The application was registered prior to the commencement of the requirements of the Planning Etc. (Scotland) Act 2006 for the undertaking of Pre-Application Consultation for major developments. Therefore, the pre-application consultation procedures for major developments do not apply in this instance. These procedures include consulting with any relevant community council and the holding of a public event.
- 1.3 The application site extends to approximately 19 hectares and lies on both sides of the A803 (Falkirk Road) to the immediate east of the existing Bonnybridge urban limit. The site is in agricultural use and is open in nature. The portion of the site to the south of the A803 rises in level to meet the Forth and Clyde Canal where there is mature planting along the canal edge. Watercourses lie in close proximity to the east and north boundaries of the application site and are flanked by riparian planting.
- 1.4 Land within the same ownership as the application site lies to the immediate north and east. To the north, this land extends to adjoin the Bonny Water. To the north-east and east it extends to adjoin the Rowan Tree Burn and, for some of its length, straddles the Rowan Tree Burn.

1.5 The following information has been submitted by the applicant in support of the application:-

- A Masterplan.
- A Design Statement.
- A Planning Statement.
- A Statement of Projected Revenue and Costs.
- An Initial Cultural Heritage Statement.
- A Flood Risk Statement.
- A Transport Statement.
- A Drainage Statement.
- A Contaminated Land Assessment (Phase 1).
- A Protected Species Assessment.
- Statements of Public Support, consisting of:-
  - Signatures by Members of the Public on Petition (1,642)
  - Letters on behalf of local Football Teams and Players (18)
  - Letters from Local Businesses (41)
  - Letter from Management Committee, Bonnybridge Community Education Centre
  - Letters from General Public (80)
  - Letter of Interest to operate a Nursing Home (Royal Services for the Blind)

1.6 The Masterplan submitted with the application indicates the following:-

- Two residential areas.
- Two affordable housing sites.
- A nursing home area.
- A new roundabout on the A803.
- Two multi-purpose grass sport pitches.
- An all-weather sports pitch surrounded by an all-weather athletics track (floodlit).
- A fitness complex housing changing facilities and a gym.
- A car park for the sporting facilities.

- A river-walk link from the north across the Bonny Water through the site to the Forth and Clyde Canal.
- Easement zones either side of two gas feeder lines traversing the site in a north-south direction.
- Landscape planting between the application site boundaries and the Bonny Water and Rowan Tree Burn.

1.7 The Design Statement submitted with the application states the following:-

- Bonnybridge currently has two grass sports pitches and no purpose-built changing facilities or gym for public use, whilst it is home to 14 football teams of varying age groups. As a result, the current facilities are inadequate and do not meet public demand or the "Active Nation" requirements of the Scottish Government.
- The cost of providing the proposed sports facilities would be cross-subsidised by new build residential development, providing a range of housing from affordable housing, care for the elderly to mainstream family dwellings.
- Owing to a high pressure gas main bisecting the site from north to south, the proposed playing fields have been located to provide the required Health and Safety Executive safety and maintenance access stand-off distances.
- The implications of extending the eastern development boundary of Bonnybridge are recognised, and it is proposed to consolidate this edge by large scale landscape structure planting to the Rowan Tree Burn, which would preserve and enhance the existing biodiversity of the area.
- The proposed sports complex would offer 10 new jobs and employ a full-time manager, with assistant staff and groundsman, whilst the Elderly Care Home would provide up to 40 jobs.
- The proposed development seeks to join the existing Bonny Water and Forth and Clyde Canal walks to create a circuit route from the Town Centre. This would provide quality walking and cycling surfaces and facilitate and promote access to the countryside.
- The proposed changing facilities and car parking would enhance use of the existing pitch at Anderson Park. Pedestrian access from the new facilities to Anderson Park would be via the Canal track.
- The A803 is a major road with 2 child fatalities recently due to over-parking and high traffic speeds. The proposed development seeks to address these matters by providing off-street parking for use of Anderson Park and introducing a series of traffic calming measures on the A803.
- There are 1,200 people of pensionable age in Bonnybridge, and only two care home facilities. It is clear that Bonnybridge requires the addition of a good quality residential care facility.

1.8 The Planning Statement submitted with the application states the following:-

- There is a clearly established need for improved community and leisure facilities locally in Bonnybridge, but no apparent means of providing these. Recent economic conditions have resulted in significant impacts on the delivery of new development. Consequently, the provision of community facilities and infrastructure through developer contributions has been compromised. The proposals set out in this planning application offer a solution.
- In the current economic conditions, housing land supply and completions are in a state of flux. The result is that many developments that were expected to deliver housing to meet local need have been delayed significantly or shelved completely. In this scenario, and with a Development Plan strategy which seeks to promote growth, the Council must find new approaches to the delivery of housing. Opening up opportunities for developers who have the resources to accelerate housing provision is a critical means of responding positively to the provision of housing delivery in difficult economic conditions.
- The proposed development is a natural extension to Bonnybridge and would have clearly delineated and defensible boundaries with the Rowan Tree Burn and overhead power cables to the east, the Forth and Clyde Canal to the south and significant level changes to the north. In addition, it would not create coalescence between Falkirk and Bonnybridge.

## **2. REASON FOR COUNCIL CONSIDERATION**

- 2.1 Council consideration is required for a major development that is significantly contrary to the Development Plan. The proposed development is considered to be significantly contrary to the approved Falkirk Council Structure Plan, the adopted Bonnybridge and Banknock Local Plan and the adopted Rural Local Plan, due to its countryside designation and its scale and nature within the context of the local area.
- 2.2 A Pre-Determination Hearing is required for a major development that is significantly contrary to the Development Plan. This hearing was held at Bonnybridge Primary School on 8 June 2010 at 7 p.m. A site visit by Members was undertaken prior to the Pre-Determination Hearing, at 5.30 p.m. At the hearing, the applicant spoke in support of the proposed development and highlighted its benefits to the local community; Sportscotland, Education Services and the Transport Planning Unit reiterated and expanded on their consultation responses; and local residents and football club representatives spoke in support of the proposal, particularly the proposed sports facilities.

## **3. SITE HISTORY**

- 3.1 Planning application ref : F/95/0278 for the development of land for housing purposes (outline) was refused in February 1996. This application related to part of the site subject to the current application. The reasons for refusal were as follows:
- The proposed development would result in a significant additional number of occupants being exposed to risk from two high pressure gas pipelines.

- The proposed development would adversely affect an existing pipeline corridor, within which new pipelines should be located.
- The proposed development would form an undesirable extension beyond the Urban Limits of a town with a well defined edge.
- The proposed development is located outwith the urban limit and is not identified for housing development.
- The proposed development is not in the interests of road safety as it has not been demonstrated that the indicative housing layout with a roundabout provides an adequate stopping distance due to the vertical and horizontal alignment of the A803 at this location.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that the development layout would be required to comply with the Design Guidelines and Construction Standards for Roads in the Falkirk Council area (DGCS) and that access to the development from the A803 would involve a review of the current unrestricted speed limit. The review process would determine the design criteria for the new access. Further information is requested in respect of the Drainage Statement in order to confirm the intended surface water discharge point(s). In addition, further information is requested in respect of the Flood Risk Statement to demonstrate that the proposed development would not be at significant risk of flooding from the Forth and Clyde Canal as a consequence of spill (and any associated drainage or seepage from it), or from the Rowan Tree Burn as a receiving watercourse of any spill from the Canal.
- 4.2 Scottish Water has no objection to the application but has advised that connection to its infrastructure cannot be guaranteed.
- 4.3 The Scottish Environmental Protection Agency (SEPA) has no objection to the application on flood grounds as the indicative layout has been amended to replace housing with car parking and a fitness centre in the area closest to the Rowan Tree Burn. However, SEPA has advised that the planning authority may wish to satisfy itself that the adjoining Canal does not pose a significant flood risk, including from seepage or culverted watercourses. SEPA would not object to the application on waste water and surface water drainage grounds if conditions are imposed to require the development to connect to the public waste water network and the submission of a full site-specific surface water scheme for the approval of this planning authority in consultation with SEPA.
- 4.4 The Environmental Protection Unit has requested the submission of an Air Quality Assessment to demonstrate that the proposed development would not significantly impact on air quality. In addition, a Noise Impact Assessment is requested to determine the impact of transportation noise on the proposed development. In addition, the Environmental Protection Unit has advised that an adequate preliminary risk assessment in relation to contaminated land would generally appear to have been undertaken, subject to the submission of further information in relation to land contamination sources, pathways and receptors.
- 4.5 The Transport Planning Unit has requested the submission of a full Transport Assessment and has noted that the submitted Transport Statement is a scoping exercise outlining the work that



would be carried out in preparing a Transport Assessment. However, no information has been submitted on the trip rates that a development of this size would create, the junctions under consideration or the potential impact on the surrounding road network. The Transport Planning Unit has therefore advised that it is currently unable to assess the potential transport related impacts of the proposed development.

- 4.6 Scottish Natural Heritage has no objection to the application subject to the development being carried out in strict accordance with the recommended mitigation measures and the undertaking of further survey work as detailed in the ecological report. The mitigation measures include the provision of a 10 metre buffer at the top of the Rowan Tree Burn gully in order to protect bat and water vole habitat. The further survey work relates to a pre-construction walkover survey to check for the presence of breeding birds.
- 4.7 Historic Scotland is concerned that the applicant has not selected the site or planned the layout of the development with due consideration to the principles of national planning policy and the constraints imposed by the presence of the Antonine Wall and the Forth and Clyde Canal, which are of national importance to the heritage of Scotland, and in the case of the Antonine Wall, of international significance. Historic Scotland considers that the applicant must clearly demonstrate that the development is unlikely to have an adverse effect on these important heritage assets before development of this nature can be permitted.
- 4.8 The Health and Safety Executive has advised against granting the application, on the grounds that a Pipeline Consultation Zone for two high pressure gas mains bisect the site in a north-south direction such that there would be the risk of harm to people at the proposed development.
- 4.9 British Waterways Scotland has no objection to the application subject to the imposition of suitably worded conditions in relation to protection of the structural integrity of the Canal embankment, landscaping adjacent to the Canal and protection of the Canal and canalside during construction of the proposed development.
- 4.10 Central Scotland Police has made recommendations in relation to the provision of secure boundary treatments, open landscaping and car parking which is overlooked.
- 4.11 Education Services has objected to the application due to the scale of the proposed development, which has not been planned for and which would be expected to contribute significantly to the demand for the provision of additional school capacity at Bonnybridge Primary, St Joseph's RC Primary, Denny High and St Mungo's RC High, as well as nursery capacity. Primary and pre-school provision in particular is under significant pressure in Bonnybridge. However, if planning permission is granted, Education Services would request a pro-rata contribution of £4,500 per house and £2,900 per flat towards the expected required investment in local schools.
- 4.12 Community Services (Parks and Recreation) has advised that the provision of multi-purpose pitches, particularly full size adult pitches, would be welcomed if they are freely available to the community. However, concerns are raised at the proximity of the proposed sporting facilities to proposed housing, and the need for careful consideration of screen planting to mitigate noise and light pollution. The provision of on-site play provision to meet the needs of the new residential areas is queried.
- 4.13 Community Services (Sports and Leisure) consider that there is insufficient demand for another athletics track in the Bonnybridge area, or across the Falkirk area in general. There is currently an international standard athletics stadium in Grangemouth, which presently meets the needs

of the Falkirk area. An additional full size artificial pitch would attract interest in this area, however the Council is currently undertaking the development of a network of third generation artificial pitches across the Council area at various locations. The management and operational arrangements for the proposed sporting facilities should be submitted for consideration.

- 4.14 SportsScotland welcomes in principle the provision of additional sports facilities in Bonnybridge but notes that Falkirk Council does not have a Pitches Strategy in place at present, therefore an analysis of the existing pitch provision has not been carried out. In terms of design, it is advised that pitches should generally have a north/south orientation for sunlight reasons, rather than east/west as proposed. SportsScotland advises that a national analysis of athletics facilities was carried out in 2005 which indicated that there is a small level of unmet demand for athletics in Falkirk, but it is unlikely that this demand is sufficient to support new athletics facilities. An alternative athletics facility at this location may have a detrimental impact on the use of the Grangemouth Sports Stadium.

## **5. COMMUNITY COUNCIL**

- 5.1 There is no Community Council for the Bonnybridge area.

## **6. PUBLIC REPRESENTATION**

- 6.1 One letter of representation and one letter of support have been sent directly to this planning authority. In addition, the applicant has submitted statements from the public in support of the application, as detailed in paragraph 1.5 of this report.
- 6.2 The contents of the letters sent to this planning authority and the statements of support submitted by the applicant can be summarised as follows:-
- Query regarding how wheelchair access from the proposed development to the Canal would be provided.
  - The proposed sports facilities would be an asset to the local community.
  - The proposed facilities would provide a safe and secure environment for sports activities.
  - Lack of grassed and all-weather sports facilities and changing rooms in Bonnybridge.
  - The changing facilities at Duncan Stewart Park and Anderson Park are out of date and badly in need of refurbishment.
  - The existing pitches are not always suitable to play on.
  - There are no training grounds available in Bonnybridge and local football teams have to travel to Denny High School to train.
  - Training problems in bad weather, as there are not enough astro-turf pitches for teams to practice on.

- At present Bonnybridge football teams are scattered around the area and have difficulty finding slots for match play and training.
- The Council has not provided any funding to improve the quality of the existing pitches or changing rooms.
- At a time of increased pressure on local authority budgets, it would be beneficial to the local community if sports facility investment could come from the private sector.
- Parking for football games is a major issue at the existing parks in Bonnybridge (Anderson, Loch and Duncan Stewart Parks).
- Parking on the A803 to use the pitch at Anderson Park is dangerous, impedes the road, is insufficient and there have been two child fatalities.
- Lack of facilities greatly inhibits young people from participating in sport at the local level.
- Improved facilities would take children off the streets, tackle child obesity and encourage older people to exercise and improve their health.
- Royal Services for the Blind currently operates one nursing home and is currently in the market for further opportunities.
- The proposed development would provide the opportunity for local employment during the construction phase and upon completion.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### **7a The Development Plan**

#### ***Approved Falkirk Council Structure Plan***

- 7a.1 The development strategy of the Structure Plan is to provide for population and economic growth based on dispersal of growth amongst the different settlements in the Falkirk Council area whilst promoting strategic development nodes, protecting the environmental assets of the area and delivering the required social and physical infrastructure.
- 7a.2 The implications of the development strategy include: providing sufficient new housing land to facilitate an increase in the population of the area; concentrating new investment in community infrastructure on improving the quality of existing facilities; adopting a phased approach to the release of housing land in order to regulate development rates in each settlement; applying appropriate levels of protection to landscape, ecological and heritage assets within the area; providing for a system of Green Belts around the urban fringe of the main settlements in the

Council area in order to protect their identity and setting; and locating new development in locations which minimise the number and length of car trips.

7a.3 The broad implications of the development strategy for the Bonnybridge and Banknock area are that development will be based on limited settlement expansion, but Banknock will be a priority area for housing led regeneration. The housing opportunity sites to contribute towards achieving the Development Strategy are identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version). No new housing opportunity sites are allocated to the east or north of the existing Bonnybridge urban limits. A proposed Green Belt is drawn tightly around the existing urban area at these locations, in order to prevent the coalescence of Bonnybridge, Falkirk, Larbert and Denny and protect their landscape settings.

7a.4 Policy ENV.1 ‘Countryside and Protected Areas’ states:

*“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*

*(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.5 The application site lies outwith the Bonnybridge urban limits, within the countryside, as identified in the adopted Local Plan. Under this policy there is a general presumption against development unless it can be demonstrated that a countryside location is essential or the proposed development is an appropriate form of agricultural diversification. In this instance, the essential need for a countryside location has not been demonstrated and the proposal is not a form of agricultural diversification. The proposed development therefore does not accord with this policy.

7a.6 Policy ENV.2 ‘Green Belt’ states:

*“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.*

*The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”*

7a.7 The land to the east of Bonnybridge is indicated on the Key Diagram of the Structure Plan as Green Belt, although the detailed boundaries for the Green Belt are defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version). Accordingly, the proposed development will be assessed against the Falkirk Council Local Plan Finalised Draft (Deposit Version) in relation to this matter. The application site does not lie within a Green Belt under the adopted Local Plan.

7a.8 Policy ENV.3 'Nature Conservation' states:

*"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:*

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:
  - (a) it will not adversely affect the integrity of the site, or;*
  - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.**
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.9 This policy states that the protection of nature conservation interests will be an important consideration in assessing development proposals. In this instance the development would not impact on any designated or potential European Site or a Ramsar or Site of Special Scientific Interest (SSSI). However, the proposed development adjoins the Forth and Clyde Canal, which is a Listed Wildlife Site as identified in the adopted Rural Local Plan. At present there is a mature landscape buffer between the Canal and the application site. Provided this buffer is maintained and enhanced, and the Canal embankment is not compromised by the proposed development, no direct impacts on the Wildlife Site are anticipated. Conditions could be imposed on any grant of permission in relation to these matters.

7a.10 The policy also states that Local Plans will identify measures to ensure the protection of priority local habitats and species as identified in the Falkirk Council Local Biodiversity Action Plan. This matter will be considered in relation to the relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7a.11 Subject to the imposition of appropriate conditions, the proposed development accords with this policy.

7a.12 Policy ENV.4 'Coastal Planning and Flooding' states:

*"The Council will apply the following general principles with regard to coastal planning and flooding issues:*

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.13 Clause 4 of this policy is relevant as the proposed development lies in close proximity to the Bonny Water, the Rowan Tree Burn and the Forth and Clyde Canal. A Flood Risk Statement has been submitted with the application, which has been reviewed by SEPA and the Roads Development Unit. In consequence, SEPA and the Roads Development Unit have accepted that the proposed development lies outwith the low lying areas likely to be at risk of flooding from the Bonny Water and the Rowan Tree Burn. In the case of the Rowan Tree Burn, the indicative layout has been amended to remove housing from the low lying area adjoining this burn. This led to SEPA withdrawing its objection to the application on flood grounds. In addition, SEPA has advised that finished floor levels should be raised to an appropriate level for any properties located within the area of the site below the emergency spill level of the A803, to ensure that the relevant properties are protected in the event that the culvert for the A803 is completely blocked.

7a.14 SEPA has, however, advised that the Forth and Clyde Canal is higher than the proposed development and therefore presents an associated flood risk. SEPA has therefore advised that the Planning Authority may wish to satisfy itself that the Forth and Clyde Canal does not pose a significant flood risk to the site, including from any seepage or culverted watercourses. In that regard, the Roads Development Unit has requested further information in relation to topographic levels, the potential impact of overflow from the Forth and Clyde Canal (both over the Canal towpath and at an overflow weir from the Canal which discharges into the Rowan Tree Burn), and potential impacts on water levels in combination with blockage of the A803 culvert. In addition, the Roads Development Unit has requested information on the source of waterlogging adjacent to the Forth and Clyde Canal and proposals for an appropriate drainage mechanism to avoid any future waterlogging of the development site at this location. This should include measures to deal with flow from any drainage culverts under the Canal and seepage from the Canal itself. This information has been requested from the applicant but, to date, no further information has been received.

7a.15 A Drainage Statement has been submitted with the application. This statement indicates that surface water flows would be collected, treated and attenuated using a Sustainable Urban Drainage (SUDs) scheme. In the absence of a detailed drainage design, including proposals for surface water discharge, the potential for an increased flood risk to existing development as a consequence of the proposed development cannot be assessed. However, it is accepted that the submission of a site specific surface water scheme could be the subject of a condition of any grant of permission. It should be appreciated that the provision of on-site measures could impact on site layout. No such measures are indicated on the Masterplan submitted with the application.

7a.16 In light of the above comments, it is accepted that the proposed development would not be at significant risk of flooding from Bonny Water. However, it has not been demonstrated that the proposed development would be free of significant flood risk from the Forth and Clyde Canal and the Rowan Tree Burn (as a receiving watercourse of any spill from the Canal). Accordingly, the proposed development is considered to be contrary to this policy.

7a.17 Policy COM.1 'Housing Land Allocations' states:

*"The Council will:*

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate."*

7a.18 This policy indicates that the Council will maintain an effective 5 year supply of housing land within the Falkirk Council housing market area. The effective housing land supply is defined in the Structure Plan as *"the part of the established land supply that is expected to be free of constraints in the 5 year period under consideration and will therefore be available for construction of houses"*. The established housing land supply is defined as *"all land with agreed potential for housing development by virtue of having planning permission or being identified in an adopted Local Plan or other relevant planning documents"*.

7a.19 Yearly housing completion rates can provide a method of calculating effective housing land supply. The Council's records for the Bonnybridge and Banknock area for the past 5 years (2004-2009) indicate an average yearly completion rate of 69 units, although the rates for the past 2 years have been 63 and 39 units respectively. This recent slow down reflects the current economic conditions, with completion rates not expected to significantly pick up until 2013/14. The requirement to maintain an effective housing land supply applies to the Falkirk Council housing market as a whole. Notwithstanding this, the Council's Housing Land Audit 2009/10 indicates an effective housing land supply for the Bonnybridge and Banknock area which should be sufficient for the 5 year period if the recent low rates of completion continue.

7a.20 There is, however, considerable scope for a substantial increase in the effective housing land supply in the 5 year period, taking into account the established housing land supply comprising the housing opportunity sites indicated in the Falkirk Council Local Plan Finalised Draft (Deposit Version). These opportunity sites have been supported by the Scottish Government Reporter, following the Public Local Inquiry into objections to the Falkirk Council Local Plan Finalised Draft (Deposit Version). In addition, the SIRR Banknock sites provide significant additional opportunities for housing within the local area.

7a.21 It is therefore considered that the proposed development is not required to maintain an effective 5 year housing land supply. Accordingly, the proposed development cannot be justified by the need for housing land.

7a.22 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

*“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”*

7a.23 The Planning Statement submitted with the application states that *“this application proposes that 40% of all houses constructed on the site will meet affordable needs”*. This ratio is well in excess of the 15% figure required by Policy SC4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version). The scale and nature of affordable housing provision would require discussion with this Planning Service in consultation with Corporate and Neighbourhood Services having regard to housing needs assessments for the local community. Subject to agreement on these matters, the proposed development accords with this policy.

7a.24 Policy COM.5 ‘Developer Contributions’ states:

*“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:*

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

*The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”*



- 7a.25 It is considered that developer funding would be required in order to meet the infrastructure needs of the proposed development and mitigate its impact on the locality. It is anticipated that landscape enhancements would be required in order to mitigate the potential impact of the proposed development on the setting of Bonnybridge and the Antonine Wall. The detailed mitigation measures would be informed by a Landscape/Visual Assessment. It is anticipated that improvements to physical infrastructure, in the form of road improvements, public transport facilities and pedestrian/cycling facilities would be required. These matters would be informed by a Transport Assessment. In addition, the provision and enhancement of community facilities such as play facilities and school facilities would be required.
- 7a.26 The submission of a Landscape/Visual Assessment and a Transport Assessment have been requested but, to date, have not been received. The mitigation measures in relation to landscape and transport impacts, including the need for development funding for on or off-site works, have therefore not been defined or agreed.
- 7a.27 As detailed in paragraph 4.11 of this report, Education Services has objected to the application but has requested a financial contribution of £4,500 per house and £2,900 per flat towards the expected requested investment in local schools if the proposed development is granted. The applicant has not, to date, responded to this request for a financial contribution.
- 7a.28 Accordingly, it has not, to date, been demonstrated that the infrastructure needs of the proposed development would be properly met or that the impacts of the proposed development would be adequately mitigated. The proposed development is therefore contrary to this policy.
- 7a.29 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

*“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons.”*

- 7a.30 This policy seeks to ensure that a satisfactory distribution and quality of open space and recreational facilities exist across the Council area. Clause 4 of the policy states that all new housing development must contribute to the provision and maintenance of open space and recreational facilities and that standards will be set out in Local Plans. In that regard, Policy SC13 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) indicates that the baseline standard for open space in new development will generally be 60 m<sup>2</sup> per dwelling. However, circumstances are detailed where a financial contribution towards improvements to off-site facilities may be acceptable.
- 7a.31 The Masterplan submitted with the application indicates open space areas adjacent to the Bonny Water and Rowan Tree Burn and sporting facilities in the form of an all-weather pitch, two multi-purpose pitches and an athletics track. It is considered that these proposals would satisfy in broad terms the baseline standard of the Falkirk Council Local Plan Finalised Draft (Deposit Version). The detailed provision, location and design would be the subject of any subsequent application for Matters Specified in Conditions. This would include consideration of provision of on-site play facilities to serve the proposed development.
- 7a.32 Clause 3 of the policy states that resources will generally be concentrated on improving the quality, management and accessibility of existing provision. The existing provision at Anderson Park satisfies the accessibility standards detailed in the Council's Consultative Draft Open Space Strategy that would apply to the proposed development. This strategy states that all dwellinghouses should be within 400 metres of a play facility and 800 metres of a sports area. The proposed development therefore provides an opportunity to contribute towards improving the quality of these existing facilities. In addition, as informed by Community Services (Parks and Recreation) and Community Services (Sports and Leisure), it is recognised that the proposed multi-purpose grass and all weather pitches would satisfy a need in the wider area for such facilities.
- 7a.33 Subject to the imposition of appropriate conditions on any grant of permission and/or the satisfactory completion of an appropriate legal agreement, the proposed development accords with this policy.
- 7a.34 Policy COM.7 'School Provision' states:
- "New housing development will not be permitted unless adequate school capacity is available or will be made available."*
- 7a.35 Education Services has advised that the proposed development would significantly contribute to the need for additional capacity at Bonnybridge Primary School, St Joseph's RC Primary School, Denny High School and St Mungo's RC High School. Bonnybridge Primary School is projected to reach capacity within 4 to 5 years, St Mungo's RC High within the next 5 to 10 years and Denny High in the next 10 years. St Joseph's RC Primary has reached its capacity, and mobile classrooms have been installed to manage this. Accordingly, Education Services has objected to the application but has requested a pro-rata contribution towards the required investment in educational capacity should the application be granted. The contribution rates that would apply are detailed in the Council's Supplementary Planning Guidance Note for Education and New Housing Development.
- 7a.36 The applicant has not, to date, responded to the request for a financial contribution. Therefore, there is no agreed means by which to provide the necessary infrastructure to meet the educational needs of the proposed development. The proposed development is therefore contrary to this policy.

7a.37 Policy TRANS.3 ‘Transport Assessment’ states:

*“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”*

7a.38 A full Transport Assessment has been requested due to the significant increase in travel demand that would result from the proposed development. However, to date, the applicant has submitted only a Transport Statement, which outlines the work that would be carried out in preparing a full assessment. At this time, therefore, it has not been demonstrated how the impact of the proposed development on the surrounding network could be minimised and adequately mitigated, and how other modes of travel other than the car would be encouraged. The proposed development is therefore contrary to this policy.

### ***Adopted Bonnybridge and Banknock Local Plan***

7a.39 The application site lies outwith the urban limits for Bonnybridge, within the countryside, as defined in the adopted Bonnybridge and Banknock Local Plan. In addition, the site lies within a Pipeline Consultation Zone.

7a.40 Policy BON 1 states:

*“That the boundary of the urban area is regarded as the desirable limit to the growth of the Bonnybridge and Banknock area for the period of the Local Plan. Accordingly, there shall be a general presumption against proposals for development which would either extend the urban area beyond this limit or which would constitute sporadic development in the countryside. (Figures 1, 2 and 3).”*

7a.41 This policy generally presumes against new development that would extend the urban area beyond its current limits as defined in the adopted Local Plan. In this instance, the proposed development adjoins the existing Bonnybridge urban limit and would therefore effectively extend the urban area beyond its current limit. The proposed development is considered to be contrary to this policy.

### ***Adopted Rural Local Plan***

7a.42 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District*

*Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*

3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."*

7a.43 This policy generally presumes against new development in the countryside except in the circumstances identified in the policy. In this instance, none of the exceptions to the general presumption are satisfied. The proposed development is therefore contrary to this policy.

7a.44 Policy RURAL 10 'Agricultural Land' states:

*"That development of prime quality agricultural land (Classes 1, 2 and 3.1) shall be restricted to that which is directly related to the pursuance of agriculture unless there are overriding national or local circumstances."*

7a.45 The proposed development lies on land which is classified as Class 3.1 as defined in the Macaulay Land Use Research Institute "Land Capability for Agricultural" classification. This class of land is considered to be prime quality agricultural land. In accordance with this policy, the use of this land shall be restricted to the pursuance of agriculture unless there are overriding national or local circumstances. In this instance, it is not considered that there are any overriding national or local circumstances. Whilst a need for additional and improved sports pitches in the local area is accepted, the essential need to provide these facilities at this location has not been demonstrated. Accordingly, the proposed development does not accord with this policy.

7a.46 RURAL 12 'Ecological Sites' states:

*"That to protect and conserve wildlife and other natural features of significance :-*

1. *There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.*
2. *Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.*

3. *Other sites of high nature conservation value will be safeguarded wherever possible.*
4. *Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,*
5. *Appropriate site management will be encouraged wherever possible,*
6. *Local nature reserves will be designated as appropriate."*

7a.47 The matters raised in respect of this policy have been considered within the terms of Policy ENV.3 of the approved Falkirk Council Structure Plan. Accordingly, for the same reasons, the proposed development accords with this policy subject to the imposition of appropriate conditions on any grant of permission, in order to mitigate potential impacts on the Forth and Clyde Canal Listed Wildlife Site.

7a.48 Policy RURAL 17 'Antonine Wall' states:

*"That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably."*

7a.49 The Antonine Wall lies approximately 0.7 kilometres to the south of the application site at its closest point. Under the Falkirk Council Local Plan Finalised Draft (Deposit Version), the portion of the application site to the south of the A803 lies within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site buffer zone. Historic Scotland has raised concerns that the proposed development has the potential to impact on this important heritage asset. In response to this, the applicant was requested to submit a Landscape/Visual Assessment. However, to date, no such assessment has been received. It is recognised, however, that the Antonine Wall would be well screened from the proposed development by intervening woodland and the proposed structure planting, and would sit at a lower level than the adjoining Forth and Clyde Canal. Nonetheless, in the absence of a proper assessment of the potential impact, it has not been demonstrated that the setting of the Antonine Wall would be protected. By virtue of this, the proposed development is contrary to this policy.

7a.50 Policy RURAL 18 'Canals' states:

*"That the recreation potential of the Forth and Clyde Canal and the Union Canal for water and canal related activities be recognised. Accordingly, favourable consideration will be given to proposals which would lead to a sympathetic use of the canals for tourism, local recreation and interpretation. However, there will be a general presumption against development which will have an adverse effect upon the amenity, setting or nature conservation value of the canals."*

7a.51 The Forth and Clyde Canal Scheduled Monument adjoins the application site to the south, at a higher level, and is screened from the site by mature planting on the Canal embankment. Historic Scotland has raised concerns that the proposed development would have an adverse effect on the setting of this scheduled monument. In response to this, the applicant was requested to submit a Landscape/Visual Assessment. However, to date, no information in relation to this request has been submitted. Whilst it is recognised that retention and enhancement of the existing landscape buffer along the Canal edge would contribute to protecting its setting, in the absence of a proper assessment, it has not been demonstrated that setting issues have been addressed. By virtue of this, the proposed development is contrary to this policy.

7a.52 Policy RURAL 32 'Pipeline Corridors' states:

*"That within the Pipeline Consultation Zones generally indicated on the Policies and Proposals Map, development will not normally be permitted unless the District Council is satisfied that :-*

- 1. Future users or occupants will not significantly add to the number of people exposed to the existing risk from a pipeline.*
- 2. The development will not in any way affect the operational safety of a pipeline."*

7a.53 The application site falls within a Pipeline Consultation Zone for two high pressure gas Mains which bisect the site in a north-south direction. The Masterplan submitted with the application indicates that the proposed sports pitches and new access road from the A803 would be sited above the two gas pipelines. As such, the applicant has advised that the required safety and maintenance stand-off distances for the two pipelines would be achieved. Accordingly, it is accepted that operational aspects in relation to the pipelines may not be compromised. However, the Health and Safety Executive has advised against granting the application on the grounds that there would be the risk of harm to people at the proposed development. At present, the application site is in agricultural use and therefore there is only a small risk of harm to people associated with this use. In contrast, the proposed development would significantly increase the number of people exposed to the existing risk due to the proposed housing and the number of people that would visit the site to use the proposed sporting facilities. Accordingly, due to this significant increase in risk, the proposed development is contrary to this policy.

7a.54 Overall, the proposed development is considered to be contrary to the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are Scottish Planning Policy (February 2010), the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses, the representations received, the submissions by the applicant in support of the application and urban design issues.

### ***Scottish Planning Policy (February 2010)***

7b.2 Scottish Planning Policy (February 2010) is a statement of Scottish Government policy on nationally important land use planning matters, and indicates the following:-

## **Housing**

- 7b.3 The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

## **Rural Land**

- 7b.4 Prime quality agricultural land is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need.

## **Historic Environment**

- 7b.5 Development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances. The immediate setting of a World Heritage Site, important views, and other areas which are important to the site and its protection, should be protected from inappropriate development.

## **Landscape and Natural Heritage**

- 7b.6 Landscape and natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects are considered when deciding planning applications. Planning authorities should take a broad approach to landscape and natural heritage, taking into account the ecosystems and natural processes in their area. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity.

## **Open Space and Physical Activity**

- 7b.7 Access to good quality open space and opportunities for sport and recreation make important contributions to a healthier Scotland. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation. New development should incorporate new and enhanced access opportunities, linked to wider access networks. Planning authorities and developers should aim to create new open spaces which are fit for purpose, maintained and sustainable over the long term, well designed and built to a high standard. Playing fields are an important resource for sport and should be provided in sufficient quality, quantity and accessibility to satisfy current and likely future community demand. Local authorities are expected to develop a playing fields strategy in consultation with Sportscotland as part of the wider open space strategy.

## **Green Belt**

- 7b.8 Green Belt boundaries identified in local development plans should reflect the long term settlement strategy and ensure that settlements are able to accommodate planned growth. Inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and Green Belt boundary. Green Belt boundaries should be clearly identifiable on the ground. Green Belt designations can be used to prevent the coalescence of settlements. However there may be circumstances where coalescence would create a more sustainable settlement pattern.

## **Transport**

- 7b.9 The planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport and provides safe and convenient opportunities for cycling and walking. A Transport Assessment should be carried out where a new development is likely to result in a significant increase in the number of trips. Planning permission should not be granted for significant travel generating uses in locations that would encourage reliance on the private car.

## **Flooding and Drainage**

- 7b.10 Planning authorities must take the probability of flooding from all sources and the risk involved into account when determining planning applications. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water from new development to be treated by a Sustainable Drainage System (SUDS) before it is discharged into the water environment. Planning permission should not be granted unless the proposed arrangements for surface water drainage are adequate and appropriate long term maintenance arrangements are in place.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.11 The application site lies outwith the urban limits for Bonnybridge, within the countryside and a Green Belt, as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version). In addition, the site lies within a Pipeline Consultation Zone and the buffer zone for the Antonine Wall World Heritage site, and adjoins a Wildlife Site and Scheduled Monument (the Forth and Clyde Canal). Relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) are detailed in paragraphs 7b.12 to 7b.30 as follows:-

- 7b.12 Policy EQ16 ‘Sites of Archaeological Interest’ states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”*

- 7b.13 Policy EQ17 ‘Antonine Wall’ states:

*“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*



- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is not conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map."*

7b.14 Policy EQ19 - 'Countryside' states:

- "(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- it can be demonstrated that they require a countryside location;*
  - they constitute appropriate infill development; or*
  - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
  - building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
  - boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7b.15 Policy EQ22 'Landscape and Visual Assessment' states:

*"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."*

7b.16 Policy EQ27 - 'Watercourses' states:

*"The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:*

- (1) *There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) *Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) *There will be a general presumption against the culverting of watercourses.”*

7b.17 Policy EQ30 - ‘Agricultural Land’ states:

*“Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless the site is allocated for development in the Local Plan or there are overriding local or national circumstances.”*

7b.18 Policy SC3 - ‘Housing Development In The Countryside’ states:

*“Housing development in the countryside will only be permitted in the following circumstances:*

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - *The operational need for the additional house in association with the business*
  - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - *The restored or converted building is of comparable scale and character to the original building*
  - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.19 Policy SC4 ‘Special Needs and Affordable Housing’ states:

*“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as*

*affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:*

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing. Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."*

7b.20 Policy SC5 - 'Residential Care Facilities' states:

*"Proposals for residentially based community care facilities and nursing homes will generally be considered favourably provided that:*

- (1) The location provides a good residential environment;*
- (2) There is good access to community facilities and public transport;*
- (3) The development is of a scale and character appropriate to the site; and*
- (4) Sufficient garden ground can be provided for the enjoyment of residents."*

7b.21 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

*"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:*

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7b.22 Policy SC13 'Open Space and Play Provision in New Development' states:

*"New development will be required to contribute to open space and play provision. Provision should accord with the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) The baseline standard for open space development in new residential development is 60 m<sup>2</sup> per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*

- *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - *The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
  - *The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
  - *is accessible and otherwise fit for its designated purpose;*
  - *links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - *sensitively incorporates existing biodiversity and natural features within the site;”*
  - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7b.23 Policy SC14 ‘Education and New Housing Development’ states:

*“Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council’s education policies. The contribution will be a proportionate one , the basis of which will be set out in the SPG Note on ‘Developer Contributions; Education and New Housing Development’. In cases where the school cannot be improved in a manner consistent with the Council’s education policies, the development will not be permitted.”*

7b.24 Policy EP17 - ‘Canals’ states:

*“The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:*

- (1) *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) *The protection and enhancement of the operational capacity of the canals*
  - *for recreational use, including the maintenance of navigation and the provision of infrastructure and amenities for a wide range of canal users;*
  - *for freight use, including the development of any necessary freight transfer facilities;*
- (3) *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) *Appropriate canal-side development which*
  - *is compatible with the broad objectives, policies and key development opportunities set out in the Council’s ‘Canal Corridor Development Framework’;*

- *is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, mooring points and slipways;*
- *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
- *incorporates measures to ensure that there is no detriment to the canal water environment; and*
- *accords with other Local Plan policies including Policy ST12 (Flooding;*
- *ensures there is no detriment to the structural stability of the canal."*

7b.25 Policy EP18 - 'Major Hazards' states:

*"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) *The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means."*

7b.26 Policy ST2 - 'Pedestrian Travel And Cycling' states:

*"New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.*

- (1) *All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) *Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) *Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) *Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*

- (8) *Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

7b.27 Policy ST3 - 'Bus Travel And New Development' states:

*"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.*

- (1) *Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) *Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) *New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) *New developments may require bus links to rail stations or other public transport infrastructure."*

7b.28 Policy ST7 - 'Transport Assessments' states:

- (1) *Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) *Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) *The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

7b.29 Policy ST11 - 'Sustainable Urban Drainage' states:

*"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7b.30 Policy ST12 - 'Flooding' states:

*"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."*

7b.31 The issues raised in these policies have, in the main, been assessed in relation to the relevant policies of the approved Structure Plan, the adopted Bonnybridge and Banknock Local Plan and the adopted Rural Local Plan. Accordingly, similar conclusions can be reached in respect of the Falkirk Council Local Plan Finalised Draft (Deposit Version). However, it is considered that Policies EQ20 (Green Belt), EQ24 (Ecological Sites and Features) and EQ25 (Biodiversity) raise additional issues which are assessed, in turn, as follows:-

7b.32 Policy EQ20 - 'Green Belt' states:

*"There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:*

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
  - detracting from its existing landscape character;*
  - reducing the visual separation between settlements; or*
  - compromising its existing or potential future use for countryside recreation.*

*Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21."*

7b.33 The application site lies within a Green Belt as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version). Within the terms of this policy, there will be a strong presumption against development in the Green Belt except where two criteria are satisfied. In respect of criterion 1, the proposed development does not satisfy the relevant countryside policies (Policies EQ19 (Countryside) and SC3 (Housing Development in the Countryside)). In respect of criterion 2, it is considered that the proposed development would undermine the role of the Green Belt. This is because it would detract from its existing landscape character, reduce the visual separation between Bonnybridge and Camelon, Falkirk, and foreclose future use of the application site for countryside recreation (although it is acknowledged that a link is proposed through the site to join the existing Bonny Water and Forth and Clyde Canals Walks). The existing landscape character between Bonnybridge and Camelon is characterised by open agricultural fields. In contrast, the proposed development is urban in character and would significantly reduce the open character at this location. The separation between Bonnybridge and Camelon would be reduced by approximately 400 metres as a consequence of the proposed development. The proposed development is considered to be contrary to this policy.

7b.34 Policy EQ24 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7b.35 The relevant aspects of this policy are clauses (3), (4) and (5). The potential impact of the proposed development on the Forth and Clyde Canal Listed Wildlife Site has been considered elsewhere in this report. A Protected Species Assessment has been submitted with the application which noted that the development footprint would directly impact on existing agricultural land only and not the semi-natural habitats in the proximity of the Bonny Water and Rowan Tree Burn, which potentially support protected species. Scottish Natural Heritage has accepted the findings of the Protected Species Assessment subject to the carrying out of the recommended mitigation measures. Accordingly, the proposed development accords with this policy.

7b.36 Policy EQ25 'Biodiversity' states:

*“The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:*

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*



- (2) *The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) *Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) *Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

7b.37 The Protected Species Assessment submitted with the application indicates that the developable areas of the site are mostly in arable and pastoral agricultural use and have no nationally or regionally notable plant species. In addition, no notable bird species were identified; however further bird survey work is recommended. The proposed development includes substantial areas of green space which provide considered scope to enhance local biodiversity. The detailed proposals for these areas would be the subject of conditions of any grant of permission. Subject to the imposition of appropriate conditions, the proposed development accords with this policy.

### ***Consultation responses***

7b.38 The consultation responses are summarised in section 4 of this report. The main outstanding issues raised in these responses relate to flood risk, traffic impact, air quality, impact on heritage assets (the Antonine Wall and the Forth and Clyde Canal), Health and Safety (two gas mains bisect the site) and impact on school capacity.

7b.39 Additional information and clarification has been requested from the applicant in relation to a number of these matters. However, the applicant has raised concerns at the expense of providing further information at this stage for an application seeking planning permission in principle. The applicant would be fully prepared to submit further information including a Transport Assessment, a Surface Water Strategy, an Air Quality Assessment and a Landscape Visual Assessment at detailed planning stage and would respectfully request that such items be subject to Matters Specified in Conditions in determination of the current application for planning permission in principle.

7b.40 A number of matters raised in consultation responses would be the subject of conditions of any grant of permission. These include the submission of a site specific surface water drainage scheme, a noise impact assessment, further ecological assessment and further contaminated land assessment.

### ***Representations Received***

7b.41 The representations received and the statements of support submitted by the applicant are summarised in Section 6 of this report. The following comments are considered to be relevant in respect of these representations and statements of support: -

- Provision of disabled access from the proposed development to the Forth and Clyde Canal would be a matter for consideration as part of a detailed application.
- It is acknowledged that the proposed sports facilities have the potential to benefit and meet a need in the local community.

- Community Services (Parks and Recreation) has acknowledged that grass pitches in the local area are at capacity and that most teams have to travel to train.
- Community Services (Parks and Recreation) has advised that grass pitches at some point become unsuitable for play. This is a fact of life for public grass pitches.
- Community Services (Sports and Leisure) does not disagree strongly with any of the comments made in the statements of support regarding the condition of existing changing facilities and pitches.
- Community Services (Parks and Recreation) has advised that the Council has invested in pitches and continues to do so. To date this year, £85,000 has been invested.
- Community Services (Sports and Leisure) has advised that a report was submitted to Council around a year ago detailing artificial pitch proposals. This was part of the Council's Capital Expenditure Programme. One of the identified locations is the former Denny High School site and completion is planned for December this year. Further proposals will be submitted to Council, finance permitting, on other preferred locations. Part of the Capital Programme identified a requirement for an upgrade of the artificial pitch behind the Bonnybridge Community Centre. This is currently out to tender.
- Community Services (Parks and Recreation) has advised that it is currently in the process of developing a Pitch Strategy that will initially examine the Council's existing pitches and determine whether they are fit for use and the measures required to improve them to a Category B standard.
- Community Services (Parks and Recreation) has advised that parking for football matches is always an issue. Road works have been undertaken at Anderson Park to help address the issue and gates to the Park have been removed to allow off-street parking.

### ***Submissions by the Applicant***

7b.42 The submissions by the applicant in support of the application are detailed in paragraphs 1.5 to 1.8 of this report. The statements in support of the proposed development are noted.

7b.43 The Planning Statement submitted with the application is summarised in paragraph 1.8. With regard to this statement, the following comments are considered to be relevant:

- The Council has proposals to upgrade and provide artificial pitches in the local area as part of its Capital Expenditure Programme, as detailed in paragraph 7a.41 of this report. In addition, financial contributions from developers towards community and leisure facilities have routinely been collected in respect of new housing development in the area in recent years. These contributions have resulted in new facilities including the creation of Bonnybridge Local Nature Reserve and provision of funding towards the Banknock, Longcroft and Haggs Sports Hall. It is anticipated that additional financial contributions towards upgrading community infrastructure will be collected from those housing opportunity sites identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version).

- It is understood that the applicant would develop housing initially in order to cross fund the provision of the proposed sports facilities. It is assumed that the timescales for house completions would be influenced by the rate of economic recovery, as would be the case in respect of allocated housing opportunity sites in the local area. In that regard, it is anticipated that the local area will be well placed to respond to the expected pick up in building activity in 2013/2014, without the need for the proposed development. As evidence of this, planning applications for sites identified in the Falkirk Council Local Plan Finalised Draft (Deposit Version) for the local area are under consideration. These include sites at Dennyloanhead and Banknock (both for approximately 550 units). The proposed development is not considered to be necessary in order to maintain an effective housing land supply or achieve the Structure Plan development strategy.
- The land identified for the proposed development was not put forward by the applicant as an alternative housing opportunity site when the Falkirk Council Local Plan Finalised Draft (Deposit Version) was put out for consideration. The next opportunity for the applicant to promote their site for housing development by means of the local plan review process would be during the preparation of the forthcoming Falkirk Local Development Plan which is scheduled for adoption in 2014.
- It is considered that the proposed development would make an incremental contribution to the overall coalescence of Bonnybridge and Camelon, Falkirk. However, it is accepted that the application site is demarcated by the Bonny Water, Rowan Tree Burn, the Forth and Clyde Canal and overhead power lines further to the east. This might assist to resist any further incremental development proposals within this part of the Green Belt.

### ***Urban Design***

- 7b.44 Concerns are raised that the Masterplan submitted with the application appears to indicate an introspective layout, which turns its back on the main edges (e.g. the A803), and a conventional roadway pattern that is car rather than vehicle driven. It is therefore considered that the Masterplan should be reviewed within the context of the Council's Supplementary Planning Guidance Note for Housing Layout and Design, which includes guidance in relation to built edges and road and housing configuration. As part of this review, design principles for the proposed development should be established.

### **7c. Conclusion**

- 7c.1 The proposed development is considered to be contrary to be Development Plan for the reasons detailed in this report. These reasons are considered to be reinforced by the relevant statements of Scottish Planning Policy (February 2010) as detailed in this report. Balanced against this, it is recognised that the location of the proposed development is a relatively sustainable one and that the proposal offers potential benefits to the local community. Most notably, the proposed sports facilities would meet a local need, particularly if delivered timeously, and subject to suitable management and maintenance being put in place, although it is noted that the Council has proposals to improve local sports pitches and allocated housing sites will provide the opportunity to collect developer contributions to fund future provision and improvements.

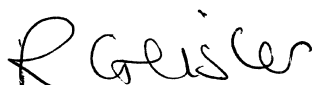
- 7c.2 However, the potential benefits of the proposed development are not considered to outweigh the fundamental planning policy issues that exist in the context of the Structure Plan development strategy, the countryside and proposed Green Belt designations and the lack of need for housing land. In addition, there are significant constraints at this location which have not been properly addressed or may not be able to be overcome. These relate to the location of the site within a Pipeline Consultation Zone and on Class 3.1 prime quality agricultural land, and potential impacts on local heritage assets (the setting of the Antonine Wall and the Forth and Clyde Canal), school capacity and the local road network.
- 7c.3 It is considered that the appropriate means by which to promote the proposed development would be through the forthcoming preparation of a Local Development Plan. This would enable comprehensive and strategic review of the need for housing land and the local Green Belt and settlement boundaries within the context of the development strategy. It would also potentially enable consideration of the proposed sporting facilities within the context of the Council's Sports Pitch Strategy which is currently being prepared.
- 7c.4 Accordingly, the application is recommended for refusal. However, should the Council consider that the potential benefits of the proposed development outweigh the terms of the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version), it is recommended that the Council indicate that it is minded to grant the application subject to:
- (a) The submission and consideration 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 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 agreement by the Director of Development Services in respect of the matters to be considered in (a) to (d) above.
  - (f) Referral to Scottish Ministers as the Health and Safety Executive has advised against granting the application and potentially because Historic Scotland has raised concerns pending the submission of additional information regarding potential impacts on heritage assets.
- 7c.5 And thereafter that planning permission 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.

## **8. RECOMMENDATION**

### **8.1 It is recommended that Council refuse the application for the following reasons:-**

- (1) The proposed development is contrary to Policy ENV.1 (Countryside and Protected Areas) of the approved Falkirk Council Structure Plan, Policy Rural 1 (New Development in the Countryside) of the adopted Rural Local Plan and Policies EQ19 (Countryside) and SC3 (Housing Development in the Countryside) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 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 approved Falkirk Council Structure Plan and Policy EQ20 (Green Belt) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 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 proposed development is contrary to Policy BON 1 of the adopted Bonnybridge and Banknock Local Plan as the proposed development would extend the Bonnybridge urban area beyond its existing Urban Limit as defined in this Plan, which there is a general presumption against under this policy.
- (4) The application site has not been identified as a housing opportunity site under the adopted Bonnybridge and Banknock Local Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) 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 approved Falkirk Council Structure Plan and cannot be justified by the need for housing land.
- (5) The proposed development is contrary to Policy ENV.4 (Coastal Planning and Flooding) of the approved Falkirk Council Structure Plan and Policy ST12 (Flooding) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 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.
- (6) The proposed development is contrary to Policies COM.5 (Developer Contributions) and COM.7 (School Provision) of the approved Falkirk Council Structure Plan and Policies SC11 (Developer Contributions to Community Infrastructure) and SC14 (Education and New Housing Development) 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.

- (7) The proposed development is contrary to Policy TRANS.3 (Transport Assessment) of the approved Falkirk Council Structure Plan and Policy ST7 (Transport Assessment) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 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.
- (8) The proposed development is contrary to Policy Rural 10 (Agricultural Land) of the adopted Rural Local Plan and Policy EQ30 (Agricultural Land) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 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.
- (9) The proposed development is contrary to Policies Rural 17 (Antonine Wall) and Rural 18 (Canals) of the adopted Rural Local Plan and Policies EQ16 (Sites of Archaeological Interest) and EQ17 (Antonine Wall) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as it has not been demonstrated that the proposed development would not have any adverse impacts on the settings of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and the Forth and Clyde Canal Scheduled Monument.
- (10) The proposed development is contrary to Policy Rural 32 (Pipeline Corridors) of the adopted Rural Local Plan and Policy EP18 (Major Hazards) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) as the proposed development would significantly increase the number of people exposed to risk from two high pressure gas pipelines which bisect the site, relative to the existing risk associated with the current agricultural use of the land.



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Director of Development Services

Date: 15<sup>th</sup> June, 2010

## **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Bonnybridge and Banknock Local Plan
3. Adopted Rural Local Plan
4. Falkirk Council Local Plan Finalised Draft (Deposit Version)
5. Scottish Planning Policy (February 2010)
6. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG
7. Letter of Support from Jewitt Arschavir & Wilkie, 38 New City Road, Glasgow G4 9JT on 2 February 2010
8. Letter of Support from Falkirk Football Club, FAO David R White - General Manager Falkirk Stadium Falkirk FK2 9DX on 28 January 2010
9. Letter of Support from Bonnybridge Youth Football Club, No Address Given on 12 May 2010
10. Letter of Support from Mr Joseph Differ, 7 Fergusson Grove Bonnybridge FK4 1PU on 12 May 2010
11. Letter of Support from Mr Colin Ramsay, 9 Greenhill Square Bonnybridge FK4 2EG on 12 May 2010
12. Letter of Support from Mr Andrew McPhate, 18 Falcon Drive Larbert FK5 4QX on 12 May 2010
13. Letter of Support from Mr Christopher Shaw, 74 Gateside Avenue Bonnybridge FK4 1AY on 12 May 2010
14. Letter of Support from Mr C Fullard, 12 Cairnoch Walk Denny FK6 5DD on 12 May 2010
15. Letter of Support from Mr Jordan Shirra, 17 Anderson Street Bonnybridge FK4 1AN on 12 May 2010
16. Letter of Support from Ms Catherine Shirra, 17 Anderson Street Bonnybridge FK4 1AN on 12 May 2010
17. Letter of Support from Ms Pauline O'Raw, 33 Gateside Avenue Bonnybridge FK4 1AX on 12 May 2010
18. Letter of Support from Mr Peter O'Raw, 14 Paterson Place Bonnybridge FK4 1BE on 12 May 2010
19. Letter of Support from Ms Lyn Shaw, 74 Gateside Avenue Bonnybridge FK4 1AY on 12 May 2010
20. Letter of Support from Ms Lorraine Kane, 52 Woodburn Crescent Bonnybridge FK4 2DJ on 12 May 2010
21. Letter of Support from Paul Martin, No Address on 12 May 2010
22. Letter of Support from Mr Lorne Campbell, 30 Thornton Avenue Bonnybridge FK4 1AP on 12 May 2010
23. Letter of Support from Mr Ross Craig, Central Skip Hire Chattan Industrial Estate Bonnyside Road Bonnybridge on 12 May 2010
24. Letter of Support from Mr Andrew Anderson, G A Plumbers 68 Alloway Crescent Bonnybridge on 12 May 2010
25. Letter of Support from Mr Edwin Griffin, Chattan Bonnyside Road Bonnybridge FK4 2AD on 12 May 2010
26. Letter of Support from Mr Derek Grant, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 12 May 2010
27. Letter of Support from Mr Duncan Menzies, 112 Ure Crescent Bonnybridge FK4 1NR on 12 May 2010
28. Letter of Support from Mr Ross Hardie, McCormack Glass & Glazing Co 31 - 33 High Street Bonnybridge FK4 1BX on 12 May 2010
29. Letter of Support from Mr David McMillan, Stately Roofing No5 Canalbank Industrial Estate Seebeggs Road Bonnybridge on 12 May 2010
30. Letter of Support from Ms Alyson Lowe, Alexander Taylor 7A High Street Bonnybridge FK4 1BX on 12 May 2010

31. Letter of Support from Mr James Rafferty, Kelvin Valley Properties 2 High Street Bonnybridge FK4 1DA on 12 May 2010
32. Letter of Support from Allan and Gillian Brown and McLelland, Coffee-Teria on 12 May 2010
33. Letter of Support from Mr Colin Hird, 87 Laburnum Grove Stirling FK8 2PR on 12 May 2010
34. Letter of Support from Mr Liam Fitzpatrick, Antonine Works Broomhill Road Bonnybridge FK4 2AL on 12 May 2010
35. Letter of Support from Mr John Goacher, A & G Vets 39 Main Street Bonnybridge FK4 1AF on 12 May 2010
36. Letter of Support from Ms Sara Divin, Bonnybridge Dental Practice 2 - 4 Bridge Street Bonnybridge on 12 May 2010
37. Letter of Support from Mr David Williams, TTT Scaffold Ltd 3 Windsor Crescent Falkirk FK1 5DD on 12 May 2010
38. Letter of Support from For Eyes Opticians, Unit 15 High Street Bonnybridge FK4 1BX on 12 May 2010
39. Letter of Support from Mr Stephen Carr, on 12 May 2010
40. Letter of Support from Ms Marie Peat, Woodchips Stables Dalnair Road Bonnybridge FK4 1AA on 12 May 2010
41. Letter of Support from Mr Liam Fitzpatric, Chieftain Contracts Ltd Antonine Works Broomhill Road Bonnybridge on 12 May 2010
42. Letter of Support from Mr Peter McMillan, MA Scaffolding 62C Bridge Street Bonnybridge FK4 1AB on 12 May 2010
43. Letter of Support from Mr Allan Forsyth, 11 Castings Court Falkirk FK2 7BA on 12 May 2010
44. Letter of Support from Mr Brian Gillies, Unit 2 Central Court Bonnybridge FK4 2AG on 12 May 2010
45. Letter of Support from Mr Jeff Forrest, House Of Blinds Ltd Unit 10 Bonnybridge Industrial Estate Murnin Road Bonnybridge on 12 May 2010
46. Letter of Support from Ms Chelsea Stewart, Jaroc Motor Services Ltd Unit 11 Chattan Ind Est Bonnyside Road Bonnybridge on 12 May 2010
47. Letter of Support from W Campbell, W C Rcovery Sunnybrae 1 Bonnyside Road Bonnybridge on 12 May 2010
48. Letter of Support from D Deans, Central Recycling Ltd Central House Chattan Industrial Estate Bonnyside Road on 12 May 2010
49. Letter of Support from Mr Donald McAlister, Rapid Response 12 Robertphilp Road Kirkcaldy Fife KY2 6PE on 12 May 2010
50. Letter of Support from Mr George Notman, Royal Blind P O Box No 500 Gillespie Crescent Edinburgh on 12 May 2010
51. Letter of Support from Mr William Dunn, 41B Glenhove Road Cumbernauld on 12 May 2010
52. Letter of Support from J Forrest, 18 Lyon Cross Dennyloanhead FK4 1WG on 12 May 2010
53. Letter of Support from Mr S Campbell, 1 Mariner Gardens Falkirk FK1 4JS on 12 May 2010
54. Letter of Support from Mr D Stewart, 78 Chestnut Crescent Dunipace Denny FK6 6LF on 12 May 2010
55. Letter of Support from Mr Wilson Taylor, 69 Grangeburn Road Grangemouth FK3 9AN on 13 May 2010
56. Letter of Support from Mr Alexander Scott, 22 Spence Street Bonnybridge FK4 1NH on 13 May 2010
57. Letter of Support from Mr John Mackie, 1 Denny Road Dennyloanhead Bonnybridge FK4 1RG on 13 May 2010
58. Letter of Support from Mr and Mrs George Stirling, 46 Ure Crescent Bonnybridge FK4 1NB on 13 May 2010
59. Letter of Support from Mr Robert Stirling, 89 High Street Bonnybridge FK4 1BY on 13 May 2010
60. Letter of Support from Mr David Harvey, 10 Millar Place Bonnybridge FK4 2AR on 13 May 2010



61. Letter of Support from J McMahon, 12 Wheatlands Avenue Bonnybridge FK4 1PN on 13 May 2010
62. Letter of Support from Mr A Gray, 45 Norwood Avenue Bonnybridge FK4 1PY on 13 May 2010
63. Letter of Support from Mr and Mrs Kane, Claremont Street Bonnybridge on 13 May 2010
64. Letter of Support from B Sevaney, 8 High Street Bonnybridge FK4 1DA on 13 May 2010
65. Letter of Support from Mr James Brown, 6 Corona Crescent Bonnybridge FK4 1GG on 13 May 2010
66. Letter of Support from Ms Mary Kemp, 3 Gibdun Place Head Of Muir Denny FK6 5PH on 13 May 2010
67. Letter of Support from Mr and Miss T Conway / McMahon, 22 Barleyhill Bonnybridge FK4 1AH on 13 May 2010
68. Letter of Support from Mr Steven Bennie, Hillfoot Cottage 3 Bonnyside Road Bonnybridge FK4 2AD on 13 May 2010
69. Letter of Support from Mr David Ross, 1 Denny Road Dennyloanhead Bonnybridge FK4 1RG on 13 May 2010
70. Letter of Support from Mr John Carson, 14 Gateside Avenue Bonnybridge FK4 1AX on 13 May 2010
71. Letter of Support from Mr William Penman, 18A High Street Bonnybridge FK4 1DA on 13 May 2010
72. Letter of Support from Mr Gary Wright, 46 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RY on 13 May 2010
73. Letter of Support from Mr Colin Sneddon, 10 Church Street High Bonnybridge Bonnybridge FK4 2AZ on 13 May 2010
74. Letter of Support from Mr Michael Riddell, 37 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RY on 13 May 2010
75. Letter of Support from Ms Isabel Liddell, 31 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on 13 May 2010
76. Letter of Support from Mr Scott O'Hara, 21 Glenview Avenue Banknock Bonnybridge FK4 1JU on 13 May 2010
77. Letter of Support from Mr Mark Fullerton, Southmuir Greenbank Falkirk FK1 5PU on 13 May 2010
78. Letter of Support from Mr Fraser Paterson, 17 Main Street Bonnybridge FK4 1AF on 13 May 2010
79. Letter of Support from Mr Michael Warnock, 16 Garvald Road Head Of Muir Denny FK6 5NP on 13 May 2010
80. Letter of Support from Mr Adam Daisley, 40 Wall Street Falkirk FK1 4HU on 13 May 2010
81. Letter of Support from Mr Brian Houston, 108 Hayfield Terrace Head of Muir Denny FK6 5PB on 13 May 2010
82. Letter of Support from Mr Richard Lapsley, 9 Spence Street Bonnybridge FK4 1NH on 13 May 2010
83. Letter of Support from Mr Alaister MacVicar, 12 Ure Crescent Bonnybridge FK4 1NA on 13 May 2010
84. Letter of Support from Mr Alan Peat, 52 Thornton Avenue Bonnybridge FK4 1AP on 13 May 2010
85. Letter of Support from Mr David Mackay, 20 Lyoncross Dennyloanhead Bonnybridge FK4 1UG on 13 May 2010
86. Letter of Support from Mr C Beveridge, 2 Glenbervie Avenue Larbert FK5 4NN on 13 May 2010
87. Letter of Support from Mr William McArthur, 87 Gateside Avenue Bonnybridge FK4 1AY on 13 May 2010
88. Letter of Support from Mr Mark Campbell, 29 Falkirk Road Bonnybridge FK4 1BG on 13 May 2010

89. Letter of Support from Mr Lesley Rennie, 11 John Bassey Drive Banknock Bonnybridge FK4 1TN on 13 May 2010
90. Letter of Support from Mr John Fadian, 34 St. Catherine Maddiston Falkirk FK2 0SL on 13 May 2010
91. Letter of Support from Mr A Kucharskie, 36 Mannfield Avenue Bonnybridge FK4 2DA on 13 May 2010
92. Letter of Support from Owner/Occupier, 14 Pirleyhill Drive Shieldhill Falkirk FK1 2EA on 13 May 2010
93. Letter of Support from Mr Kevin Fitzpatrick, 14 Broomhill Road High Bonnybridge Bonnybridge FK4 2AN on 13 May 2010
94. Letter of Support from M Brody, 15 Leith Place Head Of Muir Denny FK6 5NN on 13 May 2010
95. Letter of Support from Owner/Occupier, Gradalie South Drum Farm Bonnybridge FK4 2EH on 13 May 2010
96. Letter of Support from T Rooney, 2 Grahamsdyke Road Bonnybridge FK4 2DF on 13 May 2010
97. Letter of Support from Mrs Marie Peat, Broomhill Road Bonnybridge FK4 2AN on 13 May 2010
98. Letter of Support from Mr G Wallace, 90 Kintyre Crescent Plains Airdrie ML6 7NG on 13 May 2010
99. Letter of Support from Mr David Wishart, 20 Leny Road Deanston Stirling on 13 May 2010
100. Letter of Support from K Reid, 23 The Grove Glasgow G67 3AX on 13 May 2010
101. Letter of Support from Mr Robert Reid, 19 Seabegs Crescent Bonnybridge FK4 2DB on 13 May 2010
102. Letter of Support from Mr and Mrs Alastair Duff, 17 Quenn Margaret Gardens Dunfermline Fife KY12 0RD on 13 May 2010
103. Letter of Support from Ms Tracie Robertson, 29 Braes View Denny FK6 5NG on 13 May 2010
104. Letter of Support from Chloe Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
105. Letter of Support from Mr Paul McGarry , 48 Montgomery Street Grangemouth FK3 8QP on 13 May 2010
106. Letter of Support from Mr Alan Kucharskie, 36 Mansfield Avenue Bonnybridge on 13 May 2010
107. Letter of Support from Mr Derek Catiger, 53A Smithfield Loan Alloa Clackmananshire FK10 1NH on 13 May 2010
108. Letter of Support from Mr John Ferguson, 27 Waverley Crescent High Bonnybridge Bonnybridge FK4 2AX on 13 May 2010
109. Letter of Support from Mr Brian Thomson, 16 Craigton Road Milngavie Glasgow G62 7TR on 13 May 2010
110. Letter of Support from Mr David Liddell, 46 Comely Place Falkirk FK1 1QG on 13 May 2010
111. Letter of Support from Mr Richard Peacock, 5 Windsor Avenue Falkirk FK1 5HH on 13 May 2010
112. Letter of Support from Mr A Peat, 89 Allandale Cottages Bonnybridge FK4 2HE on 13 May 2010
113. Letter of Support from Mr Billy Reid, 32 Hawthorn Road Abronhill Cumbernauld G67 3LY on 13 May 2010
114. Letter of Support from Ms Beth Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
115. Letter of Support from Owner/Occupier, 48 Bothkennar Road Carronshore Falkirk FK2 8HS on 13 May 2010
116. Letter of Support from Mr Alexander Mitchell, 16 Blenheim Court Kilsyth on 13 May 2010

117. Letter of Support from Mr and Mrs P Bishop, 89 Allandale Cottages Allandale By Bonnybridge on 13 May 2010
118. Letter of Support from Mr and Mrs D Drysdale, 19 Balfour Street Bonnybridge FK4 1NP on 13 May 2010
119. Letter of Support from R McIntosh, 39 Roman Road Bonnybridge FK4 2DE on 13 May 2010
120. Letter of Support from Mr and Mrs Colin Wallance, 12 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL on 13 May 2010
121. Letter of Support from Mr and Mrs Joe McMenamin, Larbert Road Bonnybridge FK4 1EN on 13 May 2010
122. Letter of Support from A Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
123. Letter of Support from Mr Steven Bartlett, 26 Cullaloe View Cowdenbeath Fife KY4 8JY on 13 May 2010
124. Letter of Support from Mr Gary Bishop, 155 Ladysmill Falkirk FK2 9AP on 13 May 2010
125. Letter of Support from Mr James Ferrie, 38 Kilsyth Road Queenzieburn G65 9EB on 13 May 2010
126. Letter of Support from Mr Jim Brodie, 20 Barnego Road Dunipace Denny FK6 6JS on 13 May 2010
127. Letter of Support from Mr Peter McArthur, 44 Chestnut Crescent Dunipace Denny FK6 6LF on 13 May 2010
128. Letter of Support from Mr William Moffat, Bonnybridge FK4 2BS on 12 May 2010
129. Letter of Support from Ms Nicola Deans, Central House Chattan Industrial Estate Bonnyside Road Bonnybridge on 12 May 2010
130. Letter of Support from Mr Kevin Craig, Ian Craig (Haulage) Ltd Roughmute Transport Depot Larbert FK5 3NP on 12 May 2010
131. Letter of Support from Mr Ian McGrory, St Andrew Works Bonnyhill Road Bonnybridge Falkirk on 12 May 2010
132. Letter of Support from Ms Diane Craig, RM Tyres (Scotland) Ltd Roughmute Transport Depot Larbert FK5 3NP on 12 May 2010
133. Letter of Support from Mr William Hughes, W H Tyres Ltd 1 Wellpark Terrace Bonnybridge FK4 1DE on 12 May 2010
134. Letter of Support from Mr Derek McLaren, McLaren Joinery 15 Bonnyside Road Bonnybridge FK4 2AD on 12 May 2010
135. Letter of Support from Mr Gordon McIntosh, Ecosse Metals Ltd Broomhill Road Bonnybridge FK4 2AN on 12 May 2010
136. Letter of Support from Mr Jim McCracken, Hayfield Riding School Beam Road High Bonnybridge FK4 2ET on 12 May 2010
137. Letter of Support from Mr William Denholm, Denholm Plant Hire Glenyards House 12 Glenyards Road Greenhill on 12 May 2010
138. Letter of Support from Mr David Russell, Chattan Complex Bonnyside Road Bonnybridge Falkirk on 12 May 2010
139. Letter of Support from Ms Joyce McCueshan, Bonnybridge Social and Recreational Sports Bar 35 Main Street Bonnybridge FK4 1AF on 12 May 2010
140. Letter of Support from Mr Paul McGarry, Broomside Property Development Central House Chattan Industrial Estate Bonnyside Road on 12 May 2010

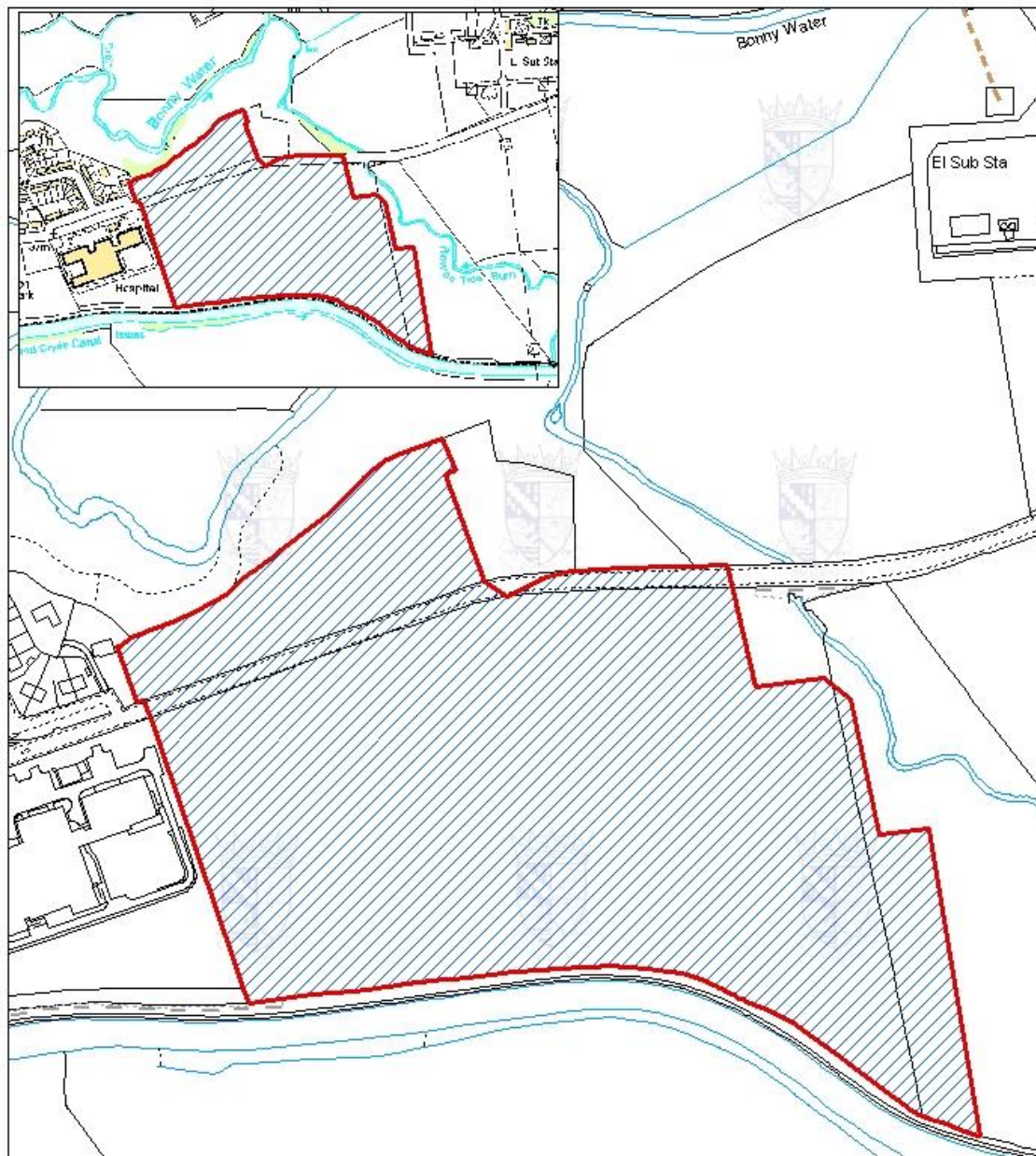
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/09/0431/OUT**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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**FALKIRK COUNCIL**

**Subject: MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND SPORTS FACILITIES AT LAND TO THE EAST OF BONNYBRIDGE HOSPITAL, BONNYBRIDGE FOR ANTONINE PROPERTY DEVELOPMENTS GROUP LTD - P/09/0431/OUT**  
**Meeting: PLANNING COMMITTEE PRE-DETERMINATION HEARING**  
**Date: 8 June 2010**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** None

**Case Officer:** Brent Vivian (Senior Planning Officer), 4935

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application is for a major development and seeks planning permission in principle for a mixed use development comprising residential development (including approximately 200 dwellinghouses) and sports facilities.
- 1.2 The application was registered prior to the commencement of the requirements of the Planning Etc. (Scotland) Act 2006 for the undertaking of Pre-Application Consultation for major developments. Therefore, the pre-application consultation procedures for major developments do not apply in this instance. These procedures include consulting with any relevant community council and the holding of a public event.
- 1.3 The application site extends to approximately 19 hectares and lies on both sides of the A803 (Falkirk Road) to the immediate east of the existing Bonnybridge urban limit. The site is in agricultural use and is open in nature. The portion of the site to the south of the A803 rises in level to meet the Forth and Clyde Canal where there is mature planting along the canal edge. Watercourses lie in close proximity to the east and north boundaries of the application site and are flanked by riparian planting.
- 1.4 Land owned by the applicant adjoins the application site to the north and east. To the north, this land extends to adjoin the Bonny Water. To the north-east and east it extends to adjoin the Rowan Tree Burn and, for some of its length, straddles the Rowan Tree Burn.
- 1.5 The following information has been submitted by the applicant in support of the application:-
  - A Masterplan.
  - A Design Statement.

- A Planning Statement.
- A Statement of Projected Revenue and Costs.
- An Initial Cultural Heritage Statement.
- A Flood Risk Statement.
- A Transport Statement.
- A Drainage Statement.
- A Contaminated Land Assessment (Phase 1).
- A Protected Species Assessment.
- Statements of Public Support, consisting of:-
  - Signatures by Members of the Public on Petition (1,642)
  - Letters on behalf of local Football Teams and Players (18)
  - Letters from Local Businesses (41)
  - Letter from Management Committee, Bonnybridge Community Education Centre
  - Letters from General Public (80)
  - Letter of Interest to operate a Nursing Home (Royal Services for the Blind)

1.6 The Masterplan submitted with the application indicates the following:-

- Two residential areas.
- Two affordable housing sites.
- A nursing home area.
- A new roundabout on the A803.
- Two multi-purpose grass sport pitches.
- An all-weather sports pitch surrounded by an all-weather athletics track (floodlit).
- A fitness complex housing changing facilities and a gym.
- A car park for the sporting facilities.
- A river-walk link from the north across the Bonny Water through the site to the Forth and Clyde Canal.
- Easement zones either side of two gas feeder lines traversing the site in a north-south direction.

- Landscape planting between the application site boundaries and the Bonny Water and Rowan Tree Burn.

1.7 The Design Statement submitted with the application states the following:-

- Bonnybridge currently has two grass sports pitches and no purpose-built changing facilities or gym for public use, whilst it is home to 14 football teams of varying age groups. As a result, the current facilities are inadequate and do not meet public demand or the "Active Nation" requirements of the Scottish Government.
- The cost of providing the proposed sports facilities would be cross-subsidised by new build residential development, providing a range of housing from affordable housing, care for the elderly to mainstream family dwellings.
- Owing to a high pressure gas main bisecting the site from north to south, the proposed playing fields have been located to provide the required Health and Safety Executive safety and maintenance access stand-off distances.
- The implications of extending the eastern development boundary of Bonnybridge are recognised, and it is proposed to consolidate this edge by large scale landscape structure planting to the Rowan Tree Burn, which would preserve and enhance the existing biodiversity of the area.
- The proposed sports complex would offer 10 new jobs and employ a full-time manager, with assistant staff and groundsman, whilst the Elderly Care Home would provide up to 40 jobs.
- The proposed development seeks to join the existing Bonny Water and Forth and Clyde Canal walks to create a circuit route from the Town Centre. This would provide quality walking and cycling surfaces and facilitate and promote access to the countryside.
- The proposed changing facilities and car parking would enhance use of the existing pitch at Anderson Park. Pedestrian access from the new facilities to Anderson Park would be via the Canal track.
- The A803 is a major road with 2 child fatalities recently due to over-parking and high traffic speeds. The proposed development seeks to address these matters by providing off-street parking for use of Anderson Park and introducing a series of traffic calming measures on the A803.
- There are 1,200 people of pensionable age in Bonnybridge, and only two care home facilities. It is clear that Bonnybridge requires the addition of a good quality residential care facility.
- 

1.8 The Planning Statement submitted with the application states the following:-

- There is a clearly established need for improved community and leisure facilities locally in Bonnybridge, but no apparent means of providing these. Recent economic conditions have resulted in significant impacts on the delivery of new development.

Consequently, the provision of community facilities and infrastructure through developer contributions has been compromised. The proposals set out in this planning application offer a solution.

- In the current economic conditions, housing land supply and completions are in a state of flux. The result is that many developments that were expected to deliver housing to meet local need have been delayed significantly or shelved completely. In this scenario, and with a Development Plan strategy which seeks to promote growth, the Council must find new approaches to the delivery of housing. Opening up opportunities for developers who have the resources to accelerate housing provision is a critical means of responding positively to the provision of housing delivery in difficult economic conditions.
- The proposed development is a natural extension to Bonnybridge and would have clearly delineated and defensible boundaries with the Rowan Tree Burn and overhead power cables to the east, the Forth and Clyde Canal to the south and significant level changes to the north. In addition, it would not create coalescence between Falkirk and Bonnybridge.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 A Pre-Determination Hearing is required for a major development that is significantly contrary to the Development Plan. The proposed development is considered to be significantly contrary to the approved Falkirk Council Structure Plan, the adopted Bonnybridge and Banknock Local Plan and the adopted Rural Local Plan, due to its countryside location and its scale and nature within the context of the local area.
- 2.2 This report provides factual and background information in relation to the proposed development. No planning assessment of the proposed development is included or implied.

## **3. SITE HISTORY**

- 3.1 Planning application ref : F/95/0278 for the development of land for housing purposes (outline) was refused.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that the development layout would be required to comply with the Design Guidelines and Construction Standards for Roads in the Falkirk Council area (DGCS) and that access to the development from the A803 would involve a review of the current unrestricted speed limit. The review process would determine the design criteria for the new access. Further information is requested in respect of the Drainage Statement in order to confirm the intended surface water discharge point(s). In addition, further information is requested in respect of the Flood Risk Statement to demonstrate that the proposed development would not be at significant risk of flooding from the Forth and Clyde Canal as a consequence of spill (and any associated drainage or seepage from it), or from the Rowan Tree Burn as a receiving watercourse of any spill from the Canal.
- 4.2 Scottish Water has no objection to the application but has advised that connection to its infrastructure cannot be guaranteed.



- 4.3 The Scottish Environmental Protection Agency (SEPA) has no objection to the application on flood grounds as the indicative layout has been amended to replace housing with car parking and a fitness centre in the area closest to the Rowan Tree Burn. However, SEPA has advised that the planning authority may wish to satisfy itself that the adjoining Canal does not pose a significant flood risk, including from seepage or culverted watercourses. SEPA would not object to the application on waste water and surface water drainage grounds if conditions are imposed to require the development to connect to the public waste water network and the submission of a full site-specific surface water scheme for the approval of this planning authority in consultation with SEPA.
- 4.4 The Environmental Protection Unit has requested the submission of an Air Quality Assessment to demonstrate that the proposed development would not significantly impact on air quality. In addition, a Noise Impact Assessment is requested to determine the impact of transportation noise on the proposed development. In addition, the Environmental Protection Unit has advised that an adequate preliminary risk assessment in relation to contaminated land would generally appear to have been undertaken, subject to the submission of further information in relation to land contamination sources, pathways and receptors.
- 4.5 The Transport Planning Unit has requested the submission of a full Transport Assessment and has noted that the submitted Transport Statement is a scoping exercise outlining the work that would be carried out in preparing a Transport Assessment. However, no information has been submitted on the trip rates that a development of this size would create, the junctions under consideration or the potential impact on the surrounding road network. The Transport Planning Unit has therefore advised that it is currently unable to assess the potential transport related impacts of the proposed development.
- 4.6 Scottish Natural Heritage has no objection to the application subject to the development being carried out in strict accordance with the recommended mitigation measures and the undertaking of further survey work as detailed in the ecological report. The mitigation measures include the provision of a 10 metre buffer at the top of the Rowan Tree Burn gully in order to protect bat and water vole habitat. The further survey work relates to a pre-construction walkover survey to check for the presence of breeding birds.
- 4.7 Historic Scotland is concerned that the applicant has not selected the site or planned the layout of the development with due consideration to the principles of national planning policy and the constraints imposed by the presence of the Antonine Wall and the Forth and Clyde Canal, which are of national importance to the heritage of Scotland, and in the case of the Antonine Wall, of international significance. Historic Scotland considers that the applicant must clearly demonstrate that the development is unlikely to have an adverse effect on these important heritage assets before development of this nature can be permitted.
- 4.8 The Health and Safety Executive has advised against granting the application, on the grounds that a Pipeline Consultation Zone for two high pressure gas mains bisect the site in a north-south direction such that there would be the risk of harm to people at the proposed development.
- 4.9 British Waterways Scotland has no objection to the application subject to the imposition of suitably worded conditions in relation to protection of the structural integrity of the Canal embankment, landscaping adjacent to the Canal and protection of the Canal and canalside during construction of the proposed development.

- 4.10 Central Scotland Police has made recommendations in relation to the provision of secure boundary treatments, open landscaping and car parking which is overlooked.
- 4.11 Education Services has objected to the application due to the scale of the proposed development, which has not been planned for and which would be expected to contribute significantly to the demand for the provision of additional school capacity at Bonnybridge Primary, St Joseph's RC Primary, Denny High and St Mungo's RC High, as well as nursery capacity. Primary and pre-school provision in particular is under significant pressure in Bonnybridge. However, if planning permission is granted, Education Services would request a pro-rata contribution of £4,500 per house and £2,900 per flat towards the expected required investment in local schools.
- 4.12 Community Services (Parks and Recreation) has advised that the provision of multi-purpose pitches, particularly full size adult pitches, would be welcomed if they are freely available to the community. However, concerns are raised at the proximity of the proposed sporting facilities to proposed housing, and the need for careful consideration of screen planting to mitigate noise and light pollution. The provision of on-site play provision to meet the needs of the new residential areas is queried.
- 4.13 Community Services (Sports and Leisure) consider that there is insufficient demand for another athletics track in the Bonnybridge area, or across the Falkirk area in general. There is currently an international standard athletics stadium in Grangemouth, which presently meets the needs of the Falkirk area. An additional full size artificial pitch would attract interest in this area, however the Council is currently undertaking the development of a network of third generation artificial pitches across the Council area at various locations. The management and operational arrangements for this type of development should be submitted for consideration.
- 4.14 Sportscotland welcomes in principle the provision of additional sports facilities in Bonnybridge but notes that Falkirk Council does not have a Pitches Strategy in place at present, therefore an analysis of the existing pitch provision has not been carried out. In terms of design, it is advised that pitches should generally have a north/south orientation for sunlight reasons, rather than east/west as proposed. Sportscotland advises that a national analysis of athletics facilities was carried out in 2005 which indicated that there is a small level of unmet demand for athletics in Falkirk, but it is unlikely that this demand is sufficient to support new athletics facilities. An alternative athletics facility at this location may have a detrimental impact on the use of the Grangemouth Sports Stadium.
- 4.15 The applicant has raised concerns at the expense of providing further information at this stage for an application seeking planning permission in principle. The applicant would be fully prepared to submit further information including a full Transport Assessment, a Surface Water Strategy, an Air Quality Assessment and a Landscape/Visual Assessment at detailed planning stage and would respectfully request that such items be subject to Matters Specified in Conditions in determination of the current application for planning permission in principle.

## **5. COMMUNITY COUNCIL**

- 5.1 There is no Community Council for the Bonnybridge area.

## **6. PUBLIC REPRESENTATION**

6.1 One letter of representation and one letter of support have been sent directly to this planning authority. In addition, the applicant has submitted statements from the public in support of the application, as detailed in paragraph 1.5 of this report.

6.2 The contents of the letters sent to this planning authority and the statements of support submitted by the applicant can be summarised as follows:-

- Query regarding how wheelchair access from the proposed development to the Canal would be provided.
- The proposed sports facilities would be an asset to the local community.
- The proposed facilities would provide a safe and secure environment for sports activities.
- Lack of grassed and all-weather sports facilities and changing rooms in Bonnybridge.
- The changing facilities at Duncan Stewart Park and Anderson Park are out of date and badly in need of refurbishment.
- The existing pitches are not always suitable to play on.
- There are no training grounds available in Bonnybridge and local football teams have to travel to Denny High School to train.
- Training problems in bad weather, as there are not enough astro-turf pitches for teams to practice on.
- At present Bonnybridge football teams are scattered around the area and have difficulty finding slots for match play and training.
- The Council has not provided any funding to improve the quality of the existing pitches or changing rooms.
- At a time of increased pressure on local authority budgets, it would be beneficial to the local community if sports facility investment could come from the private sector.
- Parking for football games is a major issue at the existing parks in Bonnybridge (Anderson, Loch and Duncan Stewart Parks).
- Parking on the A803 to use the pitch at Anderson Park is dangerous, impedes the road, is insufficient and there have been two child fatalities.
- Lack of facilities greatly inhibits young people from participating in sport at the local level.
- Improved facilities would take children off the streets, tackle child obesity and encourage older people to exercise and improve their health.

- Royal Services for the Blind currently operates one nursing home and is currently in the market for further opportunities.
- The proposed development would provide the opportunity for local employment during the construction phase and upon completion.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

- 7a.1 The following policies of the Development Plan are potentially relevant to the determination of this application.

#### ***Approved Falkirk Council Structure Plan***

- 7a.2 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

- 7a.3 Policy ENV.2 ‘Green Belt’ states:

*“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.*

*The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”*

- 7a.4 Policy ENV.3 ‘Nature Conservation’ states:

*“The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:*

- (1) *Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special*

*Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*

- (a) it will not adversely affect the integrity of the site, or;*
  - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.*
- (2) Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.5 Policy ENV.4 'Coastal Planning and Flooding' states:

*"The Council will apply the following general principles with regard to coastal planning and flooding issues:*

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.6 Policy COM.1 ‘Housing Land Allocations’ states:

*“The Council will:*

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate.”*

7a.7 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

*“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”*

7a.8 Policy COM.5 ‘Developer Contributions’ states:

*“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:*

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

*The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”*

7a.9 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

*“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*

- (2) *Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) *resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) *all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons."*

7a.10 Policy COM.7 'School Provision' states:

*"New housing development will not be permitted unless adequate school capacity is available or will be made available."*

7a.11 Policy TRANS.3 'Transport Assessment' states:

*"Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged."*

### ***Adopted Bonnybridge and Banknock Local Plan***

7a.12 The application site lies outwith the urban limits for Bonnybridge, within the countryside, as defined in the adopted Bonnybridge and Banknock Local Plan. In addition, the site lies within a Pipeline Consultation Zone.

7a.13 Policy BON 1 states:

*"That the boundary of the urban area is regarded as the desirable limit to the growth of the Bonnybridge and Banknock area for the period of the Local Plan. Accordingly, there shall be a general presumption against proposals for development which would either extend the urban area beyond this limit or which would constitute sporadic development in the countryside. (Figures 1,2 and 3)."*

### ***Adopted Rural Local Plan***

7a.14 Policy RURAL 1 'New Development in the Countryside' states:

*"That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District*

*Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*

3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."*

7a.15 Policy RURAL 10 'Agricultural Land' states:

*"That development of prime quality agricultural land (Classes 1, 2 and 3.1) shall be restricted to that which is directly related to the pursuance of agriculture unless there are overriding national or local circumstances."*

7a.16 Policy RURAL 12 'Ecological Sites' states:

*"That to protect and conserve wildlife and other natural features of significance :-*

1. *There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.*
2. *Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.*
3. *Other sites of high nature conservation value will be safeguarded wherever possible.*
4. *Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,*
5. *Appropriate site management will be encouraged wherever possible,*
6. *Local nature reserves will be designated as appropriate."*



7a.17 Policy RURAL 17 ‘Antonine Wall’ states:

*“That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably.”*

7a.18 Policy RURAL 18 ‘Canals’ states:

*“That the recreation potential of the Forth and Clyde Canal and the Union Canal for water and canal related activities be recognised. Accordingly, favourable consideration will be given to proposals which would lead to a sympathetic use of the canals for tourism, local recreation and interpretation. However, there will be a general presumption against development which will have an adverse effect upon the amenity, setting or nature conservation value of the canals.”*

7a.19 Policy RURAL 22 ‘Countryside Access’ states:

*“That the District Council seeks to protect and signpost existing rights of way and other recognised footpaths and, where appropriate, will encourage the creation of new means of access to the countryside for walking, cycling and equestrian purposes.”*

7a.20 Policy RURAL 32 ‘Pipeline Corridors’ states:

*“That within the Pipeline Consultation Zones generally indicated on the Policies and Proposals Map, development will not normally be permitted unless the District Council is satisfied that :-*

- 1. Future users or occupants will not significantly add to the number of people exposed to the existing risk from a pipeline.*
- 2. The development will not in any way affect the operational safety of a pipeline.”*

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are Scottish Planning Policy (February 2010), the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses, the representations received and the submissions by the applicant in support of the application.

### ***Scottish Planning Policy (February 2010)***

7b.2 Scottish Planning Policy (February 2010) is a statement Scottish Government policy in land use planning and indicates the following:-

#### **Housing**

7b.3 The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

## **Rural Land**

- 7b.4 Prime quality agricultural land is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need.

## **Historic Environment**

- 7b.5 Development which would have an adverse effect on a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances. The immediate setting of a World Heritage Site, important views, and other areas which are important to the site and its protection, should be protected from inappropriate development.

## **Landscape and Natural Heritage**

- 7b.6 Landscape and natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects are considered when deciding planning applications. Planning authorities should take a broad approach to landscape and natural heritage, taking in account the ecosystems and natural processes in their area. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity.

## **Open Space and Physical Activity**

- 7b.7 Access to good quality open space and opportunities for sport and recreation make important contributions to a healthier Scotland. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation. New development should incorporate new and enhanced access opportunities, linked to wider access networks. Planning authorities and developers should aim to create new open spaces which are fit for purpose, maintained and sustainable over the long term, well designed and built to a high standard. Playing fields are an important resource for sport and should be provided in sufficient quality, quantity and accessibility to satisfy current and likely future community demand. Local authorities are expected to develop a playing fields strategy in consultation with Sportscotland as part of the wider open space strategy.

## **Green Belt**

- 7b.8 Green Belt boundaries identified in local development plans should reflect the long term settlement strategy and ensure that settlements are able to accommodate planned growth. Inner boundaries should not be drawn too tightly around the urban edge, but where appropriate should create an area suitable for planned development between the existing settlement edge and Green Belt boundary. Green Belt boundaries should be clearly identifiable on the ground. Green Belt designations can be used to prevent the coalescence of settlements. However there may be circumstances where coalescence would create a more sustainable settlement pattern.

## **Transport**

- 7b.9 The planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport and provides safe and convenient opportunities for cycling and walking. A Transport Assessment should be carried out where a new development

is likely to result in a significant increase in the number of trips. Planning permission should not be granted for significant travel generating uses in locations that would encourage reliance on the private car.

### **Flooding and Drainage**

- 7b.10 Planning authorities must take the probability of flooding from all sources and the risk involved into account when determining planning applications. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water from new development to be treated by a Sustainable Drainage System (SUDS) before it is discharged into the water environment. Planning permission should not be granted unless the proposed arrangements for surface water drainage are adequate and appropriate long term maintenance arrangements are in place.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.11 The application site lies outwith the urban limits for Bonnybridge, within the countryside and a Green Belt, as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version). In addition, the site lies within a Pipeline Consultation Zone and the buffer zone for the Antonine Wall World Heritage site, and adjoins a Wildlife Site (the Forth and Clyde canal).

- 7b.12 Policy EQ16 ‘Sites of Archaeological Interest’ states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”*

- 7b.13 Policy EQ17 ‘Antonine Wall’ states:

*“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining*

*planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.14 Policy EQ19 - ‘Countryside’ states:

- “(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- it can be demonstrated that they require a countryside location;*
  - they constitute appropriate infill development; or*
  - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
  - building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
  - boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.15 Policy EQ20 - ‘Green Belt’ states:

*“There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:*

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
- detracting from its existing landscape character;*
  - reducing the visual separation between settlements; or*
  - compromising its existing or potential future use for countryside recreation.*

*Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.”*

7b.16 Policy EQ22 ‘Landscape and Visual Assessment’ states:

*“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”*

7b.17 Policy EQ24 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7b.18 Policy EQ25 'Biodiversity' states:

*“The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:*

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*

- (4) *Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued.”*

7b.19 Policy EQ27 - ‘Watercourses’ states:

*“The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:*

- (1) There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) There will be a general presumption against the culverting of watercourses.”*

7b.20 Policy EQ29 ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
  - opportunities specified on the Proposals Map*
  - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
  - other areas of proven demand as identified through community consultation; and*
  - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
  - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
  - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
  - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
  - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7b.21 Policy EQ30 - ‘Agricultural Land’ states:

*“Development involving the loss of prime quality agricultural land (Classes 1, 2 and 3.1) will not be permitted unless the site is allocated for development in the Local Plan or there are overriding local or national circumstances.”*

7b.22 Policy SC3 - 'Housing Development In The Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - The operational need for the additional house in association with the business*
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - The restored or converted building is of comparable scale and character to the original building*
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.23 Policy SC4 'Special Needs and Affordable Housing' states:

*"For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:*

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."*

7b.24 Policy SC5 - 'Residential Care Facilities' states:

*"Proposals for residentially based community care facilities and nursing homes will generally be considered favourably provided that:*

- (1) The location provides a good residential environment;*
- (2) There is good access to community facilities and public transport;*
- (3) The development is of a scale and character appropriate to the site; and*
- (4) Sufficient garden ground can be provided for the enjoyment of residents."*

7b.25 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

*"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:*

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7b.26 Policy SC13 'Open Space and Play Provision in New Development' states:

*"New development will be required to contribute to open space and play provision. Provision should accord with the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) The baseline standard for open space development in new residential development is 60 m<sup>2</sup> per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
  - The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) The location and design of open space should be such that it:*
  - forms an integral part of the development layout, contributing to its character and identity;*



- *is accessible and otherwise fit for its designated purpose;*
  - *links into the wider network of open space and pedestrian/cycle routes in the area;*
  - *sensitively incorporates existing biodiversity and natural features within the site;”*
  - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7b.27 Policy SC14 ‘Education and New Housing Development’ states:

*“Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council’s education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on ‘Developer Contributions; Education and New Housing Development’. In cases where the school cannot be improved in a manner consistent with the Council’s education policies, the development will not be permitted.”*

7b.28 Policy EP17 - ‘Canals’ states:

*“The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:*

- (1) *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (3) *The protection and enhancement of the operational capacity of the canals*
  - *for recreational use, including the maintenance of navigation and the provision of infrastructure and amenities for a wide range of canal users;*
  - *for freight use, including the development of any necessary freight transfer facilities;*
- (3) *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) *Appropriate canal-side development which*
  - *is compatible with the broad objectives, policies and key development opportunities set out in the Council’s ‘Canal Corridor Development Framework’;*
  - *is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, mooring points and slipways;*
  - *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
  - *incorporates measures to ensure that there is no detriment to the canal water environment; and*
  - *accords with other Local Plan policies including Policy ST12 (Flooding;*
  - *ensures there is no detriment to the structural stability of the canal.”*

7b.29 Policy EP18 - 'Major Hazards' states:

*"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means."*

7b.30 Policy ST2 - 'Pedestrian Travel And Cycling' states:

*"New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.*

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

7b.31 Policy ST3 - 'Bus Travel And New Development' states:

*"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.*

- (1) *Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) *Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) *New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) *New developments may require bus links to rail stations or other public transport infrastructure."*

7b.32 Policy ST7 - 'Transport Assessments' states:

- (1) *Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) *Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) *The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

7b.33 Policy ST11 - 'Sustainable Urban Drainage' states:

*"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7b.34 Policy ST12 - 'Flooding' states:

*"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."*

## **Consultation Responses**

7b.35 The consultation responses are summarised in section 4 of this report.

### ***Representations Received***

7b.36 The representations received and the statements of support submitted by the applicant are summarised in section 6 of this report.

### ***Submissions by the Applicant***

7b.37 The submissions by the applicant in support of the application are detailed in paragraphs 1.5 to 1.8 of this report.

## **8 Conclusion**

8a.1 It should be noted that this report provides factual and background information in relation to the proposed development and no assessment is included or implied. A full assessment of the planning issues raised will be forwarded to a subsequent meeting of the Council, following consideration of matters discussed at this Hearing.



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for Director of Development Services

Date: 31<sup>st</sup> May, 2010

### **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Bonnybridge and Banknock Local Plan
3. Adopted Rural Local Plan
4. Falkirk Council Local Plan Finalised Draft (Deposit Version)
5. Scottish Planning Policy (February 2010)
6. Letter of Representation from Mr Peter Rowe, 16 Dundas Street, Bo'ness EH51 0DG
7. Letter of Support from Jewitt Arschavir & Wilkie, 38 New City Road, Glasgow G4 9JT on 2 February 2010
8. Letter of Support from Falkirk Football Club, FAO David R White - General Manager Falkirk Stadium Falkirk FK2 9DX on 28 January 2010
9. Letter of Support from Bonnybridge Youth Football Club, No Address Given on 12 May 2010
10. Letter of Support from Mr Joseph Differ, 7 Fergusson Grove Bonnybridge FK4 1PU on 12 May 2010
11. Letter of Support from Mr Colin Ramsay, 9 Greenhill Square Bonnybridge FK4 2EG on 12 May 2010
12. Letter of Support from Mr Andrew McPhate, 18 Falcon Drive Larbert FK5 4QX on 12 May 2010
13. Letter of Support from Mr Christopher Shaw, 74 Gateside Avenue Bonnybridge FK4 1AY on 12 May 2010
14. Letter of Support from Mr C Fullard, 12 Cairnoch Walk Denny FK6 5DD on 12 May 2010

15. Letter of Support from Mr Jordan Shirra, 17 Anderson Street Bonnybridge FK4 1AN on 12 May 2010
16. Letter of Support from Ms Catherine Shirra, 17 Anderson Street Bonnybridge FK4 1AN on 12 May 2010
17. Letter of Support from Ms Pauline O'Raw, 33 Gateside Avenue Bonnybridge FK4 1AX on 12 May 2010
18. Letter of Support from Mr Peter O'Raw, 14 Paterson Place Bonnybridge FK4 1BE on 12 May 2010
19. Letter of Support from Ms Lyn Shaw, 74 Gateside Avenue Bonnybridge FK4 1AY on 12 May 2010
20. Letter of Support from Ms Lorraine Kane, 52 Woodburn Crescent Bonnybridge FK4 2DJ on 12 May 2010
21. Letter of Support from Paul Martin, No Address on 12 May 2010
22. Letter of Support from Mr Lorne Campbell, 30 Thornton Avenue Bonnybridge FK4 1AP on 12 May 2010
23. Letter of Support from Mr Ross Craig , Central Skip Hire Chattan Industrial Estate Bonnyside Road Bonnybridge on 12 May 2010
24. Letter of Support from Mr Andrew Anderson, G A Plumbers 68 Alloway Crescent Bonnybridge on 12 May 2010
25. Letter of Support from Mr Edwin Griffin, Chattan Bonnyside Road Bonnybridge FK4 2AD on 12 May 2010
26. Letter of Support from Mr Derek Grant, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 12 May 2010
27. Letter of Support from Mr Duncan Menzies, 112 Ure Crescent Bonnybridge FK4 1NR on 12 May 2010
28. Letter of Support from Mr Ross Hardie, McCormack Glass & Glazing Co 31 - 33 High Street Bonnybridge FK4 1BX on 12 May 2010
29. Letter of Support from Mr David McMillan, Stately Roofing No5 Canalbank Industrial Estate Seebeggs Road Bonnybridge on 12 May 2010
30. Letter of Support from Ms Alyson Lowe, Alexander Taylor 7A High Street Bonnybridge FK4 1BX on 12 May 2010
31. Letter of Support from Mr James Rafferty, Kelvin Valley Properties 2 High Street Bonnybridge FK4 1DA on 12 May 2010
32. Letter of Support from Allan and Gillian Brown and McLelland, Coffee-Teria on 12 May 2010
33. Letter of Support from Mr Colin Hird, 87 Laburnum Grove Stirling FK8 2PR on 12 May 2010
34. Letter of Support from Mr Liam Fitzpatrick, Antonine Works Broomhill Road Bonnybridge FK4 2AL on 12 May 2010
35. Letter of Support from Mr John Goacher, A & G Vets 39 Main Street Bonnybridge FK4 1AF on 12 May 2010
36. Letter of Support from Ms Sara Divin, Bonnybridge Dental Practice 2 - 4 Bridge Street Bonnybridge on 12 May 2010
37. Letter of Support from Mr David Williams, TTT Scaffold Ltd 3 Windsor Crescent Falkirk FK1 5DD on 12 May 2010
38. Letter of Support from For Eyes Opticians, Unit 15 High Street Bonnybridge FK4 1BX on 12 May 2010
39. Letter of Support from Mr Stephen Carr, on 12 May 2010
40. Letter of Support from Ms Marie Peat, Woodchips Stables Dalnair Road Bonnybridge FK4 1AA on 12 May 2010
41. Letter of Support from Mr Liam Fitzpatric, Chieftain Contracts Ltd Antonine Works Broomhill Road Bonnybridge on 12 May 2010
42. Letter of Support from Mr Peter McMillan, MA Scaffolding 62C Bridge Street Bonnybridge FK4 1AB on 12 May 2010
43. Letter of Support from Mr Allan Forsyth, 11 Castings Court Falkirk FK2 7BA on 12 May 2010

44. Letter of Support from Mr Brian Gillies, Unit 2 Central Court Bonnybridge FK4 2AG on 12 May 2010
45. Letter of Support from Mr Jeff Forrest, House Of Blinds Ltd Unit 10 Bonnybridge Industrial Estate Murnin Road Bonnybridge on 12 May 2010
46. Letter of Support from Ms Chelsea Stewart, Jaroc Motor Services Ltd Unit 11 Chattan Ind Est Bonnyside Road Bonnybridge on 12 May 2010
47. Letter of Support from W Campbell, W C Rcovery Sunnybrae 1 Bonnyside Road Bonnybridge on 12 May 2010
48. Letter of Support from D Deans, Central Recycling Ltd Central House Chattan Industrial Estate Bonnyside Road on 12 May 2010
49. Letter of Support from Mr Donald McAlister, Rapid Response 12 Robertphilp Road Kirkcaldy Fife KY2 6PE on 12 May 2010
50. Letter of Support from Mr George Notman, Royal Blind P O Box No 500 Gillespie Crescent Edinburgh on 12 May 2010
51. Letter of Support from Mr William Dunn, 41B Glenhove Road Cumbernauld on 12 May 2010
52. Letter of Support from J Forrest, 18 Lyon Cross Dennyloanhead FK4 1WG on 12 May 2010
53. Letter of Support from Mr S Campbell, 1 Mariner Gardens Falkirk FK1 4JS on 12 May 2010
54. Letter of Support from Mr D Stewart, 78 Chestnut Crescent Dunipace Denny FK6 6LF on 12 May 2010
55. Letter of Support from Mr Wilson Taylor, 69 Grangeburn Road Grangemouth FK3 9AN on 13 May 2010
56. Letter of Support from Mr Alexander Scott, 22 Spence Street Bonnybridge FK4 1NH on 13 May 2010
57. Letter of Support from Mr John Mackie, 1 Denny Road Dennyloanhead Bonnybridge FK4 1RG on 13 May 2010
58. Letter of Support from Mr and Mrs George Stirling, 46 Ure Crescent Bonnybridge FK4 1NB on 13 May 2010
59. Letter of Support from Mr Robert Stirling, 89 High Street Bonnybridge FK4 1BY on 13 May 2010
60. Letter of Support from Mr David Harvey, 10 Millar Place Bonnybridge FK4 2AR on 13 May 2010
61. Letter of Support from J McMahon, 12 Wheatlands Avenue Bonnybridge FK4 1PN on 13 May 2010
62. Letter of Support from Mr A Gray, 45 Norwood Avenue Bonnybridge FK4 1PY on 13 May 2010
63. Letter of Support from Mr and Mrs Kane, Claremont Street Bonnybridge on 13 May 2010
64. Letter of Support from B Sevaney, 8 High Street Bonnybridge FK4 1DA on 13 May 2010
65. Letter of Support from Mr James Brown, 6 Corona Crescent Bonnybridge FK4 1GG on 13 May 2010
66. Letter of Support from Ms Mary Kemp, 3 Gibdun Place Head Of Muir Denny FK6 5PH on 13 May 2010
67. Letter of Support from Mr and Miss T Conway / McMahon, 22 Barleyhill Bonnybridge FK4 1AH on 13 May 2010
68. Letter of Support from Mr Steven Bennie, Hillfoot Cottage 3 Bonnyside Road Bonnybridge FK4 2AD on 13 May 2010
69. Letter of Support from Mr David Ross, 1 Denny Road Dennyloanhead Bonnybridge FK4 1RG on 13 May 2010
70. Letter of Support from Mr John Carson, 14 Gateside Avenue Bonnybridge FK4 1AX on 13 May 2010
71. Letter of Support from Mr William Penman, 18A High Street Bonnybridge FK4 1DA on 13 May 2010

72. Letter of Support from Mr Gary Wright, 46 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RY on 13 May 2010
73. Letter of Support from Mr Colin Sneddon, 10 Church Street High Bonnybridge Bonnybridge FK4 2AZ on 13 May 2010
74. Letter of Support from Mr Michael Riddell, 37 Bankhead Crescent Dennyloanhead Bonnybridge FK4 1RY on 13 May 2010
75. Letter of Support from Ms Isabel Liddell, 31 Lind Place Dennyloanhead Bonnybridge FK4 1NQ on 13 May 2010
76. Letter of Support from Mr Scott O'Hara, 21 Glenview Avenue Banknock Bonnybridge FK4 1JU on 13 May 2010
77. Letter of Support from Mr Mark Fullerton, Southmuir Greenbank Falkirk FK1 5PU on 13 May 2010
78. Letter of Support from Mr Fraser Paterson, 17 Main Street Bonnybridge FK4 1AF on 13 May 2010
79. Letter of Support from Mr Michael Warnock, 16 Garvald Road Head Of Muir Denny FK6 5NP on 13 May 2010
80. Letter of Support from Mr Adam Daisley, 40 Wall Street Falkirk FK1 4HU on 13 May 2010
81. Letter of Support from Mr Brian Houston, 108 Hayfield Terrace Head of Muir Denny FK6 5PB on 13 May 2010
82. Letter of Support from Mr Richard Lapsley, 9 Spence Street Bonnybridge FK4 1NH on 13 May 2010
83. Letter of Support from Mr Alaister MacVicar, 12 Ure Crescent Bonnybridge FK4 1NA on 13 May 2010
84. Letter of Support from Mr Alan Peat, 52 Thornton Avenue Bonnybridge FK4 1AP on 13 May 2010
85. Letter of Support from Mr David Mackay, 20 Lyoncross Dennyloanhead Bonnybridge FK4 1UG on 13 May 2010
86. Letter of Support from Mr C Beveridge, 2 Glenbervie Avenue Larbert FK5 4NN on 13 May 2010
87. Letter of Support from Mr William McArthur, 87 Gateside Avenue Bonnybridge FK4 1AY on 13 May 2010
88. Letter of Support from Mr Mark Campbell, 29 Falkirk Road Bonnybridge FK4 1BG on 13 May 2010
89. Letter of Support from Mr Lesley Rennie, 11 John Bassey Drive Banknock Bonnybridge FK4 1TN on 13 May 2010
90. Letter of Support from Mr John Fadian, 34 St. Catherine Maddiston Falkirk FK2 0SL on 13 May 2010
91. Letter of Support from Mr A Kucharskie, 36 Mannfield Avenue Bonnybridge FK4 2DA on 13 May 2010
92. Letter of Support from Owner/Occupier, 14 Pirleyhill Drive Shieldhill Falkirk FK1 2EA on 13 May 2010
93. Letter of Support from Mr Kevin Fitzpatrick, 14 Broomhill Road High Bonnybridge Bonnybridge FK4 2AN on 13 May 2010
94. Letter of Support from M Brody, 15 Leith Place Head of Muir Denny FK6 5NN on 13 May 2010
95. Letter of Support from Owner/Occupier, Gradalie South Drum Farm Bonnybridge FK4 2EH on 13 May 2010
96. Letter of Support from T Rooney, 2 Grahamsdyke Road Bonnybridge FK4 2DF on 13 May 2010
97. Letter of Support from Mrs Marie Peat, Broomhill Road Bonnybridge FK4 2AN on 13 May 2010
98. Letter of Support from Mr G Wallace, 90 Kintyre Crescent Plains Airdrie ML6 7NG on 13 May 2010

99. Letter of Support from Mr David Wishart, 20 Leny Road Deanston Stirling on 13 May 2010
100. Letter of Support from K Reid, 23 The Grove Glasgow G67 3AX on 13 May 2010
101. Letter of Support from Mr Robert Reid, 19 Seabegs Crescent Bonnybridge FK4 2DB on 13 May 2010
102. Letter of Support from Mr and Mrs Alastair Duff, 17 Quenn Margaret Gardens Dunfermline Fife KY12 0RD on 13 May 2010
103. Letter of Support from Ms Tracie Robertson, 29 Braes View Denny FK6 5NG on 13 May 2010
104. Letter of Support from Chloe Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
105. Letter of Support from Mr Paul McGarry , 48 Montgomery Street Grangemouth FK3 8QP on 13 May 2010
106. Letter of Support from Mr Alan Kucharskie, 36 Mansfield Avenue Bonnybridge on 13 May 2010
107. Letter of Support from Mr Derek Catiger, 53A Smithfield Loan Alloa Clackmananshire FK10 1NH on 13 May 2010
108. Letter of Support from Mr John Ferguson, 27 Waverley Crescent High Bonnybridge Bonnybridge FK4 2AX on 13 May 2010
109. Letter of Support from Mr Brian Thomson, 16 Craigton Road Milngavie Glasgow G62 7TR on 13 May 2010
110. Letter of Support from Mr David Liddell, 46 Comely Place Falkirk FK1 1QG on 13 May 2010
111. Letter of Support from Mr Richard Peacock, 5 Windsor Avenue Falkirk FK1 5HH on 13 May 2010
112. Letter of Support from Mr A Peat, 89 Allandale Cottages Bonnybridge FK4 2HE on 13 May 2010
113. Letter of Support from Mr Billy Reid, 32 Hawthorn Road Abronhill Cumbernauld G67 3LY on 13 May 2010
114. Letter of Support from Ms Beth Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
115. Letter of Support from Owner/Occupier, 48 Bothkennar Road Carronshore Falkirk FK2 8HS on 13 May 2010
116. Letter of Support from Mr Alexander Mitchell, 16 Blenheim Court Kilsyth on 13 May 2010
117. Letter of Support from Mr and Mrs P Bishop, 89 Allandale Cottages Allandale By Bonnybridge on 13 May 2010
118. Letter of Support from Mr and Mrs D Drysdale, 19 Balfour Street Bonnybridge FK4 1NP on 13 May 2010
119. Letter of Support from R McIntosh, 39 Roman Road Bonnybridge FK4 2DE on 13 May 2010
120. Letter of Support from Mr and Mrs Colin Wallance, 12 Lochinvar Place High Bonnybridge Bonnybridge FK4 2BL on 13 May 2010
121. Letter of Support from Mr and Mrs Joe McMenamin, Larbert Road Bonnybridge FK4 1EN on 13 May 2010
122. Letter of Support from A Peat, Antonine View 2A Broomhill Road High Bonnybridge Bonnybridge on 13 May 2010
123. Letter of Support from Mr Steven Bartlett, 26 Cullaloe View Cowdenbeath Fife KY4 8JY on 13 May 2010
124. Letter of Support from Mr Gary Bishop, 155 Ladysmill Falkirk FK2 9AP on 13 May 2010
125. Letter of Support from Mr James Ferrie, 38 Kilsyth Road Queenzieburn G65 9EB on 13 May 2010
126. Letter of Support from Mr Jim Brodie, 20 Barnego Road Dunipace Denny FK6 6JS on 13 May 2010
127. Letter of Support from Mr Peter McArthur, 44 Chestnut Crescent Dunipace Denny FK6 6LF on 13 May 2010
128. Letter of Support from Mr William Moffat, Bonnybridge FK4 2BS on 12 May 2010



129. Letter of Support from Ms Nicola Deans, Central House Chattan Industrial Estate Bonnyside Road Bonnybridge on 12 May 2010
130. Letter of Support from Mr Kevin Craig, Ian Craig (Haulage) Ltd Roughmute Transport Depot Larbert FK5 3NP on 12 May 2010
131. Letter of Support from Mr Ian McGrory, St Andrew Works Bonnyhill Road Bonnybridge Falkirk on 12 May 2010
132. Letter of Support from Ms Diane Craig, RM Tyres (Scotland) Ltd Roughmute Transport Depot Larbert FK5 3NP on 12 May 2010
133. Letter of Support from Mr William Hughes, W H Tyres Ltd 1 Wellpark Terrace Bonnybridge FK4 1DE on 12 May 2010
134. Letter of Support from Mr Derek McLaren, McLaren Joinery 15 Bonnyside Road Bonnybridge FK4 2AD on 12 May 2010
135. Letter of Support from Mr Gordon McIntosh, Ecosse Metals Ltd Broomhill Road Bonnybridge FK4 2AN on 12 May 2010
136. Letter of Support from Mr Jim McCracken, Hayfield Riding School Beam Road High Bonnybridge FK4 2ET on 12 May 2010
137. Letter of Support from Mr William Denholm, Denholm Plant Hire Glenyards House 12 Glenyards Road Greenhill on 12 May 2010
138. Letter of Support from Mr David Russell, Chattan Complex Bonnyside Road Bonnybridge Falkirk on 12 May 2010
139. Letter of Support from Ms Joyce McCueshan, Bonnybridge Social and Recreational Sports Bar 35 Main Street Bonnybridge FK4 1AF on 12 May 2010
140. Letter of Support from Mr Paul McGarry, Broomside Property Development Central House Chattan Industrial Estate Bonnyside Road on 12 May 2010

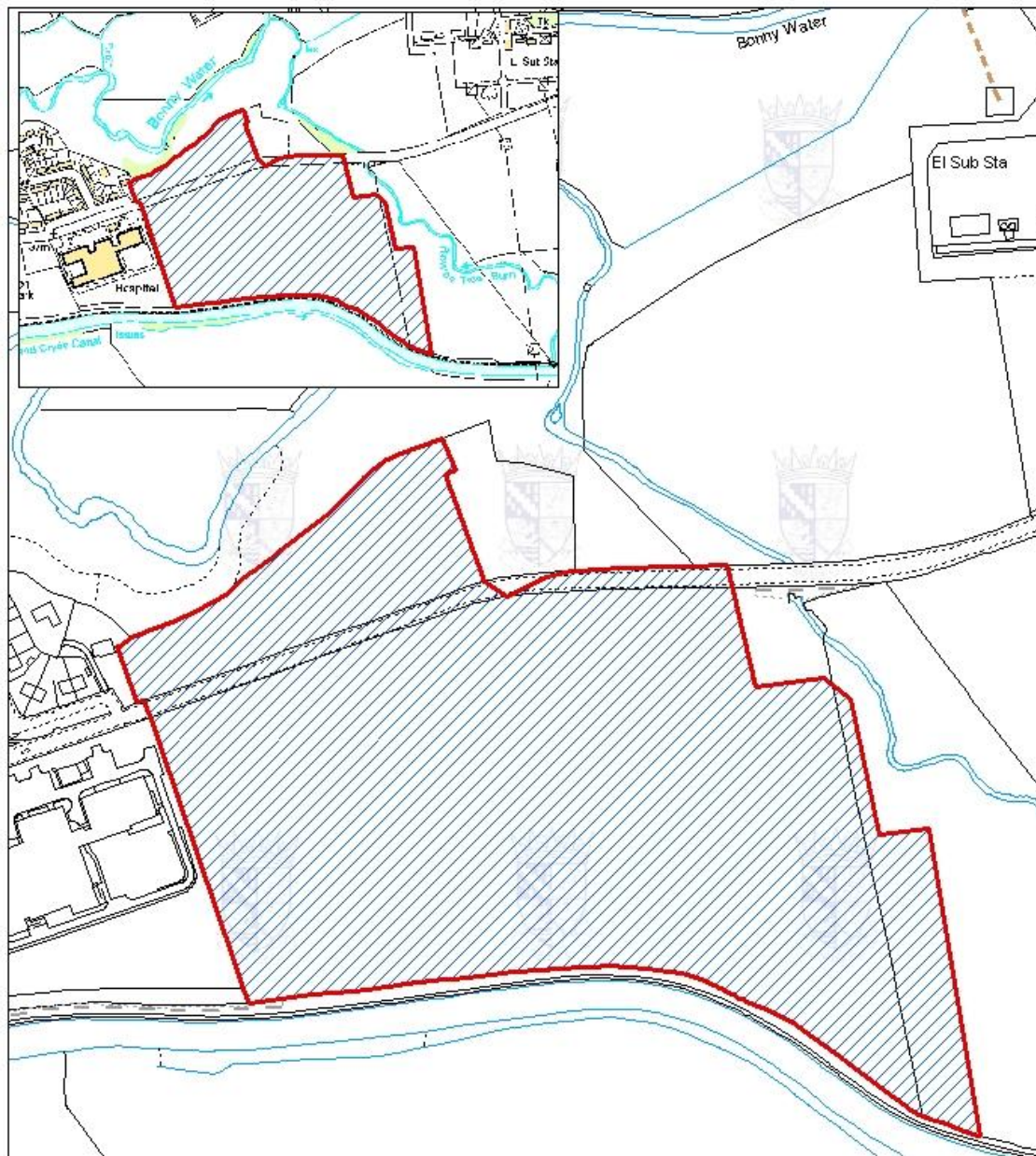
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

**P/09/0431/OUT**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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