

FALKIRK COUNCIL

Subject: DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS & SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP

Meeting: PLANNING COMMITTEE

Date: 29 January 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

CONTINUED REPORT FOLLOWING PLANNING COMMITTEE

1. Members will be aware that this application was referred to the Planning Committee meeting of 25 June 2013 (copy of previous report appended), where it was agreed to continue the application for a Committee site visit. This took place on Monday 5 August 2013.
2. Following on from this site visit, the Planning Committee on 22 August 2013 (copy of previous report appended) agreed (a) to continue for (i) further information on the method of calculation by Sportscotland in relation to the £40,000 developer contribution and what it is intended to achieve; (ii) for discussions on alternatives to provision at Dollar Park; and (iii) to allow officers to have further discussions with the applicant on the opportunity for a mixed development; and (b) that any discussions on alternative provision to that proposed at Dollar Park should involve consultation with the local community.
3. This application was also the subject of a further update report to the Planning Committee on 18 September (copy of previous report appended) where it was agreed to continue this planning application further.
4. In relation to point (b) of the Planning Committee's direction, (Planning Committee 22 August) the recommendation is that the compensatory payment should be used to upgrade facilities at Dollar Park. Grahamston, Middlefield and Westfield Community Council was consulted on this matter on 24 October 2013 in order to seek its comments in relation to any tennis provision within the local area which might benefit from funding as an alternative to the Dollar Park option. A response was received on 18 November 2013.

5. In summary, the Community Council continue to object to the application on the basis of:
- It is wrong for an individual to buy a sports or social club, achieve closure and profit from its development for housing;
 - Communities need sport and leisure facilities and additional housing should not be built at their expense;
 - Facilities should be replicated within the local community before the use of a site can change;
 - There has been no consultation between Falkirk Community Trust and local parties regarding the proposals by **Sportscotland**. The decision to use the £40,000 compensation at Dollar Park has been taken with no consultation;
 - Consultations regarding the loss of bowling facilities was based on erroneous information;
 - £40,000 does not represent adequate compensation for the loss of these facilities;
 - The compensation sum should be used to improve facilities in the local area. Access to Dollar Park for residents is problematic in terms of distance and public transport;
6. A meeting with representatives of Grahamston, Middlefield and Westfield Community Council, Falkirk Community Trust, **Sportscotland** and a representative from Falkirk Council's Development Management took place on Friday 10 January 2014. At that meeting, the Community Council raised several matters relating to the application and further consideration will be required in relation to this.
7. At the time of writing, no further information has been lodged by the Community Council, but discussions centred on (a) whether the information relating to bowling participation was accurate; (b) whether bowling may be considered as a provision also requiring financial mitigation; (c) whether the envisaged £40,000 is adequate mitigation; and (d) whether any financial mitigation could be retained for use in the local area. However, these topics may be expanded upon or amended on receipt of further expected correspondence from the Community Council.
8. As a consequence, it is envisaged that further consideration of the application will be required and any outcome presented at the earliest available opportunity.
9. **It is recommended that the Planning Committee agree to note the content of this report and continue consideration of the planning application.**

Pp

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Director of Development Services

Date: 17 January 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.

2. Falkirk Council Local Plan.
4. Letter of Objection received from Mrs Tracey Fullerton, 48 Kennard Street, Falkirk, FK2 9EJ on 8 October 2012.
5. Letter of Representation received from Mr Andrew Kidd, 52 Kennard Street, Falkirk, FK2 9EJ on 25 September 2012.
6. Letter of Representation received from Mr Andrew Kidd, 52 Kennard Street, Falkirk, FK2 9EJ on 25 September 2012.
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8. Letter of Objection received from C Reid, 41 Dumyat Drive, Falkirk, FK1 5PA on 18 October 2012.
9. Letter of Objection received from B Dearson, 65 Woodburn Crescent, Bonnybridge, FK4 2DJ on 18 October 2012.
10. Letter of Objection received from Anne Mein, 44 Kennard Street, Falkirk, FK2 9EJ on 12 October 2012.
11. Letter of Objection received from James Mein, 44 Kennard Street, Falkirk, FK2 9EJ on 12 October 2012.
12. Letter of Objection (Petition with 38 Signatories attached) received from Margaret A Douglas, 9 College Crescent, Falkirk, FK2 9HL on 12 October 2012.
13. Letter of Objection received from V Barr, 90 Alexander Avenue, Falkirk, FK2 9EA on 29 October 2012.
14. Letter of Objection received from G Gardner, 15 Thornbridge Road, Falkirk, FK2 9AZ on 29 October 2012.
15. Letter of Objection received from Rachel Ross, 53 Woodburn Road, Falkirk, FK2 9BT on 29 October 2012.
16. Letter of Objection received from W Young, 17 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
17. Letter of Objection received from Eileen Young, 17 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
18. Letter of Objection received from G King, 66 Woodburn Road, Falkirk, FK2 9BS on 29 October 2012.
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27. Letter of Objection received from Elizabeth Burden, 19 York Street, Falkirk, FK2 9EN on 19 October 2012.
28. Letter of Objection received from E Munro, 8 Grange Avenue, Falkirk, FK2 9ER on 19 October 2012.

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33. Letter of Objection received from D Melville, 41 Montgomery Street, Falkirk, FK2 9BN on 19 October 2012.
34. Letter of Objection received from Mr Jim Craigie, 117 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
35. Letter of Objection received from Mrs Jacqueline Craigie, 117 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
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37. Letter of Objection received from W Ray Russell, 107 Randyford Street, Falkirk, FK2 9DH on 29 October 2012.
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49. Letter of Objection received from R O'Hara, 14 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
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54. Letter of Objection received from Graham J Nicoll, 40 Chacefield Street, Bonnybridge, FK4 1PS on 29 October 2012.
55. Letter of Objection received from A Strachan, 14 Scotstoun Road, Cowie, Stirling, FK7 7AL on 29 October 2012.
56. Letter of Objection received from Mr Jim Maxwell, 2 Kersehill Crescent, Falkirk, FK2 9GH on 29 October 2012.
57. Letter of Objection received from Owner/Occupier, 21 Westfield Street, Falkirk, FK2 9DT on 29 October 2012.
58. Letter of Objection received from Mr James McPherson, 11 Cunningham Gardens, Falkirk, FK2 9BE on 29 October 2012.
59. Letter of Objection received from Mr Charles Fullerton, 48 Kennard Street, Falkirk, FK2 9EJ on 28 October 2012.
60. Letter of Objection received from Irene McPherson, 11 Cunningham Gardens, Falkirk, FK2 9BE on 30 October 2012.
61. Letter of Objection received from Andrew McInnes, 1A Munro Street, Stenhousemuir, Larbert, FK5 4QF on 30 October 2012.
62. Letter of Objection received from M Christie 98 Woodburn Road, Falkirk, FK2 9BS on 30 October 2012.
63. Letter of Objection received from M Walinck, 5 Thornbridge Square, Falkirk, FK2 9BA on 30 October 2012.
64. Letter of Objection received from Mary Kerr, 19 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
65. Letter of Objection received from Betty Cook, 33 Livingstone Crescent, Falkirk, FK2 9BW on 30 October 2012.
66. Letter of Objection received from C Dickinson, 34 Kerse Gardens, Falkirk, FK2 9DY on 30 October 2012.
67. Letter of Objection received from C Sutherland, 19 Woodburn Street, Falkirk, FK2 9DR on 30 October 2012.
68. Letter of Objection received from Owner/Occupier, 4 Woodburn Road, Falkirk, FK2 9BP on 30 October 2012.
69. Letter of Objection received from Elizabeth N McNeil, 35 Inchyra Place, Grangemouth, FK3 9EQ on 30 October 2012.
70. Letter of Objection received from Tracy Gorbitt, 5 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
71. Letter of Objection received from Mary MacDonald, 9 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
72. Letter of Objection received from Wilma Cumming, 11 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
73. Letter of Objection received from J Gemmell, 65 Westfield Street, Falkirk, FK2 9DX on 30 October 2012.
74. Letter of Objection received from Joanne Cumming, 11 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
75. Letter of Objection received from J Cook, 33 Livingstone Crescent, Falkirk, FK2 9BW on 30 October 2012.
76. Letter of Objection received from Owner/Occupier, 5 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
77. Letter of Objection received from Owner/Occupier, 13 Mariner Street, Falkirk, FK1 4LF on 30 October 2012.
78. Letter of Objection received from James Gardiner, 28 Montgomery Street, Falkirk, FK2 9BN on 30 October 2012.

79. Letter of Objection received from LVD Hock, 3 Thornbridge Square, Falkirk, FK2 9BA on 30 October 2012.
80. Letter of Objection received from Barbara Cruse, 31 Braemar Drive, Falkirk, FK2 9HB on 19 October 2012.
81. Letter of Objection received from D Easton, 6 Thistle Street, Falkirk, FK2 7ED on 19 October 2012.
82. Letter of Objection received from Agnes Brown, 47 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
83. Letter of Objection received from J McIntosh, 37 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
84. Letter of Objection received from E Davie, 5 York Drive, Falkirk, FK2 9EP on 19 October 2012.
85. Letter of Objection received from Owner/Occupier, 37 Thornhill Court, Falkirk, FK2 9HH on 19 October 2012.
86. Letter of Objection received from J Bodman, 53 Thornhill Court, Falkirk, FK2 9HH on 19 October 2012.
87. Letter of Objection received from Owner/Occupier, 35 Eriskay Court, Falkirk, FK1 2PZ on 19 October 2012.
88. Letter of Objection received from Owner/Occupier, 19 Eriskay Court, Falkirk, FK1 2PZ on 19 October 2012.
89. Letter of Objection received from J Dunlop, 18 Earn Court, Grangemouth, FK3 0HT on 19 October 2012.
90. Letter of Objection received from Liz McCaffer, 50 Thornbridge Square, Falkirk, FK2 9BA on 12 October 2012.
91. Letter of Objection received from Fraser Halliday, 80 Westfield Street, Falkirk, FK2 9DX on 12 October 2012.
92. Letter of Objection received from J.S. Marshall, 6 Cunningham Gardens, Falkirk, FK2 9BE on 12 October 2012.
93. Letter of Objection received from Charles McKerral, 9 Russel Street, Falkirk, FK2 7HX on 12 October 2012.
94. Letter of Objection received from Thornwood Tenants & Residents Association, F.A.O Elizabeth Godfrey (Chairperson), 14 Woodburn Road, Falkirk, FK2 9BP on 16 October 2012.
95. Letter of Objection received from Mr William M Wilson, 7 George Street, Falkirk, FK2 7EY on 19 October 2012.
96. Letter of Objection received from Owner/Occupier, 5 York Drive, Falkirk, FK2 9EP on 19 October 2012.
97. Letter of Objection received from J Copeman, 66 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
98. Letter of Objection received from Mr John Williamson, 62 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
99. Letter of Objection received from Janet Strathie, 4 Woodburn Road, Falkirk, FK2 9BP on 19 October 2012.
100. Letter of Objection received from Anne Miller, 4 Burnfield Place, Falkirk, FK2 9HW on 19 October 2012.
101. Letter of Objection received from Mr Andrew Miller, 4 Burnfield Place, Falkirk, FK2 9HW on 19 October 2012.
102. Letter of Objection received from H McGovern, 73 College Crescent, Falkirk, FK2 9HL on 19 October 2012.
103. Letter of Objection received from Mrs Simone Easton, 17 Camelon Road, Falkirk, FK1 5RU on 26 October 2012.

104 Letter received from Grahamston, Middlefield and Westfield Community Council on 18 November 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

FALKIRK COUNCIL

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DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT CASTINGS COMMUNITY SPORTS & SOCIAL CLUB, ETNA
ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW -
P/12/0543/PPP

Meeting: PLANNING COMMITTEE

Date: 18 September 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

CONTINUED REPORT FOLLOWING PLANNING COMMITTEE

1. Members will recall that this application was discussed at the Planning Committee of 22 August 2013 where it was agreed to continue the application to allow further clarification of matters relating to education provision, amendment to the proposal to incorporate tennis provision, appropriateness of the sum and direction of any commuted payment and, to allow Sport Scotland and Falkirk Community Trust representatives to attend the next meeting.
2. At the time of writing, personnel changes within Sport Scotland have precluded potential attendance at this Planning Committee and any response to the matters raised. However, it is envisaged that these matters will be addressed through an update report and attendance at the next available Planning Committee.
3. **It is recommended that the Planning Committee agree to note the content of this report and continue this planning application.**

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Pp Director of Development Services

Date: 6 September 2013

FALKIRK COUNCIL

Subject: DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS & SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP

Meeting: PLANNING COMMITTEE

Date: 22 August 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will be aware that this application was referred to the Planning Committee meeting of 25 June 2013 (copy of previous report appended) where it was agreed to continue the application for a Committee site visit. This took place on Monday 5 August 2013.
2. At the site meeting, Members raised the matter of surface water flooding in the area and inherent drainage issues on a nearby flatted development.
 - (i) On the matter of surface water flooding, colleagues in Falkirk Council's Roads Development advise that a previous event at this location was the result of a sewer choke. The recently observed surface water in the carriageway is liable to have been the result of the volume of rainfall from the sudden deluge surcharging the combined sewer network. When a combined sewer surcharges it temporarily prevents water from the road draining to the sewer. When road crews attended the road had drained suggesting this was the case and water levels in the sewer had reduced.
 - (ii) On the matter of drainage issues on nearby development, colleagues in Falkirk Council's Roads Development advise that such matters could originate through the sewer network, Scottish Water, road drainage or surface water run-off from hard dry surfaces. More detail would be required to determine the source of complaint. It should be noted that this planning application is seeking to establish the principle of development only. The recommendation, however, requires the provision of a drainage assessment to be undertaken (proposed condition no. 3) before any works commence on site.

3. For clarification, a variety of definitions exist as to the description of 'Brownfield Development', the most succinct of which is "any land which has been previously developed" (Scottish Government Parliamentary Offices of Science and Technology 1998). It can also refer to the re-use of redundant buildings for new uses. In this instance, the site is not allocated in the Falkirk Council Local Plan as 'open space' but was a commercial enterprise comprising bowling greens, tennis courts, social club and ancillary outbuildings. The site has been developed but the existing use has since declined and is now vacant. This matter is expanded upon within part 7a.6 of the planning report.
4. Since the preparation of the Planning Committee Report, 1 objector has withdrawn their representation.
5. Matters regarding the contribution to the application by Sport Scotland and Falkirk Community Trust are reflected in part 4.1 and 4.2 of the report.
6. A further letter of representation by the applicant has been submitted (appendix 1) seeking to address matters which were raised through comment at the site inspection, not least:-
 - The facility was a private social/sports club of historically low membership.
 - The site is considered 'brownfield' through Scottish Government definition.
 - The potential refusal of the application would not bring about the re-establishment of the former use of the site.
 - It will not be possible to incorporate a mixed housing and sport provision on the site.
7. No matters were raised at the site visit that alter the recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:-

8. RECOMMENDATION

- 8.1 **It is recommended that the Planning Committee indicate that it is minded to grant planning permission in principle subject to:**
 - (a) **Approval of an appropriate legal agreement to secure financial mitigation in the sum of £40,000 from the applicant toward off site sports provision; and**
 - (b) **Referral of any decision to approve to Scottish Ministers, due the presence of a registered hazardous installation and thereafter, on conclusion of the foregoing, to remit to the Director of Development Services to grant planning permission subject to:-**

- (1) As part of any application for Matters Specified in Conditions, a Contaminated Land Assessment shall be submitted for the written approval of this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.
- (2)
 - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (3) Development shall not begin until a Drainage Assessment has been submitted to and approved in writing by the Planning Authority.
- (4) The development hereby approved shall be limited to no more than 16 units.
- (5) For the avoidance of doubt, any development proposal exceeding 16 units shall incur a requirement for commuted payment towards Education provision on a pro-rata basis of £900 per unit, details to be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1-2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure the ground is suitable for the proposed development.
- (4) To ensure that the development is adequately drained.
- (5) To allow the planning authority to control the capacity of the site in relation to Educational provision in the area.

Informative(s):-

- (1) Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.

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Director of Development Services

Date: 13 August 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter in support of planning application from Mr A Bennie dated 6 July 2013, received on 8 August 2013.
4. Letter of Objection received from Mrs Tracey Fullerton, 48 Kennard Street, Falkirk, FK2 9EJ on 8 October 2012.
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56. Letter of Objection received from Mr Jim Maxwell, 2 Kersehill Crescent, Falkirk, FK2 9GH on 29 October 2012.
57. Letter of Objection received from Owner/Occupier, 21 Westfield Street, Falkirk, FK2 9DT on 29 October 2012.
58. Letter of Objection received from Mr James McPherson, 11 Cunningham Gardens, Falkirk, FK2 9BE on 29 October 2012.
59. Letter of Objection received from Mr Charles Fullerton, 48 Kennard Street, Falkirk, FK2 9EJ on 28 October 2012.
60. Letter of Objection received from Irene McPherson, 11 Cunningham Gardens, Falkirk, FK2 9BE on 30 October 2012.
61. Letter of Objection received from Andrew McInnes, 1A Munro Street, Stenhousemuir, Larbert, FK5 4QF on 30 October 2012.
62. Letter of Objection received from M Christie 98 Woodburn Road, Falkirk, FK2 9BS on 30 October 2012.
63. Letter of Objection received from M Walinck, 5 Thornbridge Square, Falkirk, FK2 9BA on 30 October 2012.
64. Letter of Objection received from Mary Kerr, 19 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
65. Letter of Objection received from Betty Cook, 33 Livingstone Crescent, Falkirk, FK2 9BW on 30 October 2012.

66. Letter of Objection received from C Dickinson, 34 Kerse Gardens, Falkirk, FK2 9DY on 30 October 2012.
67. Letter of Objection received from C Sutherland, 19 Woodburn Street, Falkirk, FK2 9DR on 30 October 2012.
68. Letter of Objection received from Owner/Occupier, 4 Woodburn Road, Falkirk, FK2 9BP on 30 October 2012.
69. Letter of Objection received from Elizabeth N McNeil, 35 Inchyra Place, Grangemouth, FK3 9EQ on 30 October 2012.
70. Letter of Objection received from Tracy Gorbitt, 5 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
71. Letter of Objection received from Mary MacDonald, 9 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
72. Letter of Objection received from Wilma Cumming, 11 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
73. Letter of Objection received from J Gemmell, 65 Westfield Street, Falkirk, FK2 9DX on 30 October 2012.
74. Letter of Objection received from Joanne Cumming, 11 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
75. Letter of Objection received from J Cook, 33 Livingstone Crescent, Falkirk, FK2 9BW on 30 October 2012.
76. Letter of Objection received from Owner/Occupier, 5 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
77. Letter of Objection received from Owner/Occupier, 13 Mariner Street, Falkirk, FK1 4LF on 30 October 2012.
78. Letter of Objection received from James Gardiner, 28 Montgomery Street, Falkirk, FK2 9BN on 30 October 2012.
79. Letter of Objection received from LVD Hock, 3 Thornbridge Square, Falkirk, FK2 9BA on 30 October 2012.
80. Letter of Objection received from Barbara Cruse, 31 Braemar Drive, Falkirk, FK2 9HB on 19 October 2012.
81. Letter of Objection received from D Easton, 6 Thistle Street, Falkirk, FK2 7ED on 19 October 2012.
82. Letter of Objection received from Agnes Brown, 47 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
83. Letter of Objection received from J McIntosh, 37 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
84. Letter of Objection received from E Davie, 5 York Drive, Falkirk, FK2 9EP on 19 October 2012.
85. Letter of Objection received from Owner/Occupier, 37 Thornhill Court, Falkirk, FK2 9HH on 19 October 2012.
86. Letter of Objection received from J Bodman, 53 Thornhill Court, Falkirk, FK2 9HH on 19 October 2012.
87. Letter of Objection received from Owner/Occupier, 35 Eriskay Court, Falkirk, FK1 2PZ on 19 October 2012.
88. Letter of Objection received from Owner/Occupier, 19 Eriskay Court, Falkirk, FK1 2PZ on 19 October 2012.
89. Letter of Objection received from J Dunlop, 18 Earn Court, Grangemouth, FK3 0HT on 19 October 2012.
90. Letter of Objection received from Liz McCaffer, 50 Thornbridge Square, Falkirk, FK2 9BA on 12 October 2012.

91. Letter of Objection received from Fraser Halliday, 80 Westfield Street, Falkirk, FK2 9DX on 12 October 2012.
92. Letter of Objection received from J.S. Marshall, 6 Cunningham Gardens, Falkirk, FK2 9BE on 12 October 2012.
93. Letter of Objection received from Charles McKerral, 9 Russel Street, Falkirk, FK2 7HX on 12 October 2012.
94. Letter of Objection received from Thornwood Tenants & Residents Association, F.A.O Elizabeth Godfrey (Chairperson), 14 Woodburn Road, Falkirk, FK2 9BP on 16 October 2012.
95. Letter of Objection received from Mr William M Wilson, 7 George Street, Falkirk, FK2 7EY on 19 October 2012.
96. Letter of Objection received from Owner/Occupier, 5 York Drive, Falkirk, FK2 9EP on 19 October 2012.
97. Letter of Objection received from J Copeman, 66 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
98. Letter of Objection received from Mr John Williamson, 62 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
99. Letter of Objection received from Janet Strathie, 4 Woodburn Road, Falkirk, FK2 9BP on 19 October 2012.
100. Letter of Objection received from Anne Miller, 4 Burnfield Place, Falkirk, FK2 9HW on 19 October 2012.
101. Letter of Objection received from Mr Andrew Miller, 4 Burnfield Place, Falkirk, FK2 9HW on 19 October 2012.
102. Letter of Objection received from H McGovern, 73 College Crescent, Falkirk, FK2 9HL on 19 October 2012.
103. Letter of Objection received from Mrs Simone Easton, 17 Camelon Road, Falkirk, FK1 5RU on 26 October 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

ANDREW BENNIE
PLANNING LIMITED

Mr. J Milne
Falkirk Council
Development Services
Abbotsford House
David's Loan
FALKIRK
FK2 7YZ



6th July 2013

Dear John

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPLICATION REFERENCE P/12/0543/PPP
PROPOSED REDEVELOPMENT OF FORMER CASTINGS SOCIAL CLUB

I refer to the above and to our ongoing discussions concerning the same.

As discussed with you following the site visit yesterday morning, and having now had the opportunity to discuss matters with my client, I write to set out, in brief terms, my response to a number of the matters which were raised both by those members of the public and Councillors who attended the meeting.

First and foremost, I would wish to highlight that these proposals relate to the redevelopment of the site, which up until the point at which it ceased to operate, was run as a **private** social/sports club. Notwithstanding the views that were expressed by a number of the attendees at the meeting, the site did not operate as facility to which members of the public had unrestricted general access. Rather, access to the site was restricted to those members of either the bowling or tennis club.

The comments made to the effect that local children "jumped" the fence to gain access to the tennis club "for free" gives a clear indication that whilst parties were prepared to use the facility, they were not prepared to join the club in order to do so legitimately and that as such, their use of the facility was wholly unlawful.

This lack of willingness to support the tennis club manifested itself in the historically low membership levels, which in part at least, contributed to the downfall of the wider facility.

It was also of note that none of the actual members of the former tennis club were in attendance at the site meeting to speak to the impact of the closure thereof, with the only party who did address this issue having made clear that she only used the facility when "she was a wee girl".

As is noted above, this was a facility the use of which was, or at least should have been, restricted to the members of the respective clubs, which operated from the site and in this sense it does not in my view constitute a community facility in the sense that the attendees at the meeting suggested.

Had the tennis club been better managed and operated, it is almost certain that in common with other private tennis clubs in the area, unauthorised access thereto by non club members would not have been possible.

It is also telling that there was no suggestion made by those in attendance at the meeting, which included within their numbers various members of the former bowling club, that there was any history of unauthorised use of the bowling green, which simply serves to further underline the private nature of the former facility.

In short, and unless it suggested that unlawful use of the site should be condoned, the closure of the facility can only have had a direct impact upon the very limited number of people who were actually members of the bowling or tennis clubs and it cannot have had an impact upon the wider community, the vast majority of which had no actual right to use the facilities on the site.

On the issue of whether or not the site comprises brownfield land, there can be no doubt that in light of the Scottish Minister's definition of brownfield land, which is set down within the Glossary to the SPP, that the site does qualify as being brownfield.

Whilst accepting that the given its historic use, the redevelopment of the site falls to be assessed against, amongst other things, Policy SC12 of the adopted Local Plan, it is of note that the site itself is not afforded any form of protective policy designation, rather, it is simply identified as falling within the boundary of the general urban area.

It is my view that within the report which recommends the application for approval, all of the relevant policies of the development plan have been due and appropriate consideration and although it is accepted without question that it is for elected members to determine the application, it is worth highlighting that whilst through the determination of the application, it will be possible for members to influence the future of the site, they have no more ability to bring about the re-establishment of the former use of the site than they would in relation to any other failed commercial venture.

Finally, I would wish to confirm that whilst in theory, it would be possible to accommodate a mix of sports provision and housing on the site, having considered this issue in detail, taking into account the actual physical ability of the site to accommodate both housing and a tennis court, including the associated access thereto, and the significant adverse impact that the reduction in the residential capacity of the site would have upon the overall viability of the redevelopment proposals, it is simply not possible to amend the proposals to include for the provision of a tennis court.

I trust that you find the above comments to be in order and that they are of assistance to you in terms of the preparation of the follow up report which will be presented to the committee when they meet on the 22nd of the month to further consider my clients application.

Should you require any further information at this stage, please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'A Bennie'.

ANDREW BENNIE

Director

FALKIRK COUNCIL

Subject: DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT CASTINGS COMMUNITY SPORTS & SOCIAL CLUB, ETNA ROAD, FALKIRK FK2 9EG FOR MR MARK AGNEW - P/12/0543/PPP

Meeting: PLANNING COMMITTEE

Date: 25 June 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprise an area of land formerly utilised for a social club, bowling green, tennis courts and pavilion facilities.
- 1.2 The site is some 0.67 hectares in size and is located at the corner of Etna Road / Kinnard Street, Falkirk. With Etna Road to the north, the site is predominantly bounded to the west, south and east by housing.
- 1.3 The site is currently unoccupied and the bowling and tennis grounds unmaintained. The applicant contends that these sporting facilities have been permanently lost.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is considered potentially contrary to Development Plan policy regarding the loss of Open Space and Play Provision.

3. SITE HISTORY

- 3.1 P/11/0680/PPP - Demolition of Existing Buildings and Development of Land for Residential Purposes - withdrawn 20 March 2012.

- 3.2 F/99/0022 – Display of Illuminated Advertisements – Refused 1 February 2000.
- 3.3 F/2004/0271 - Erection and Renewal of Fencing and Sitting Area - Granted 19 April 2004.
- 3.4 06/1191/FUL - Erection of Smoking Shelter - Granted 5 February 2007.
- 3.5 F/91/0500 - External Alterations (Detailed) - Granted 17 June 1991.

4. CONSULTATIONS

- 4.1 Sportscotland have advised that the applicant has been in negotiations with them and a commuted sum of £40,000 has been agreed. The monies would contribute towards the improvement of Dollar Park tennis courts as compensation for the loss of the three blaes tennis courts on the application site. Sportscotland initially objected to the proposal, unless a compensatory figure of £100 - 200,000 was made to allow the complete reinstatement of three courts in the local vicinity. Following discussions with Tennis Scotland, Falkirk Community Trust and reference to the draft Falkirk Pitches Strategy it was agreed that a contribution towards the proposed improvements to the existing tennis courts at Dollar Park would be the best solution to enhance tennis provision locally.

It is sportscotland's opinion that the courts at Castings social club have very limited changing provision, blaes surface courts, dilapidated fencing and no floodlighting. The outline proposals at Dollar Park include improved changing accommodation, surface upgrading and the addition of floodlighting. Overall, considering the scope of these improvements, it was considered that this project should be able to compensate for the loss of the three courts at Castings. The additional hours available through the provision of floodlighting would significantly increase the playing capacity of the site. Access would also be available during the winter months, which would not have been an option for the Castings courts. In terms of bowling the applicant demonstrated the bowling provision within the local vicinity is more than capable of accommodating members who were displaced by the closure of the Casting Bowling Club. There are other clubs and public greens within the vicinity of the site. The governing body did not raise concerns when contacted about the loss of this green nor suggest that the loss of the greens would be of detriment to the provision locally. There therefore appears to be ample green capacity to cope with demand in the Falkirk area.

Sportscotland advise that, based on the applicant's commitment and the extent of their statutory role in the planning process, it is willing to withdraw its objection to the planning application on the understanding that a legal mechanism is put in place to secure the payment of £40,000 to the Falkirk Community Trust for the improvements to the Dollar Park tennis courts prior to the approval of planning permission.

- 4.2 Falkirk Community Trust agree with sportscotland in relation to the commuted sum of £40,000 in mitigation for the loss of the sports provision.
- 4.3 Scottish Water does not object to the planning application, but any approval of the proposal does not guarantee a connection to Scottish Water Infrastructure.

- 4.4 Falkirk Council's Environmental Health Unit advise that, if the application were to be approved a planning conditions should be imposed requesting a contaminated land assessment. In addition a planning condition should be imposed requesting a scheme for protecting the occupiers of the proposed dwellings from transportation noise.
- 4.5 Falkirk Council's Education Service indicates that development of the site would have limited impact on Victoria Primary School, St Andrew's RC Primary School or Graeme High School. In terms of St Mungo's RC High School, only if the development threshold exceeded 16 units would a commuted payment of £900 per unit be required.
- 4.6 Falkirk Council's Road Development Unit have no objections, in principle, to the development. However, matters regarding site access, design and standard of roadways and footpaths as well as drainage assessment and discharge require to be addressed. Given that the application seeks the principle of development, it is considered appropriate to address these matters through planning conditions.

5. COMMUNITY COUNCIL

- 5.1 Grahamston, Middlefield and Westfield Community Council object to the proposals, considering that the Castings Social Club is a valuable local amenity.

6. PUBLIC REPRESENTATION

- 6.1 2 representations neither objecting nor supporting the application have been received, commenting:

- Any new housing may have an adverse amenity impact on existing neighbours and the previous facilities seemed to be paying their way. However, if the site were to sit vacant for a number of years, it may attract the wrong kind of attention.

- 6.2 98 representations objecting to the application have been received, commenting:

- This represents a loss of an established local sports and recreation facility, as well as community hub;
- There are plenty of other 'derelict' land parcels suitable for development;
- The proposal is contrary to Scottish Planning Policy 11 'Open Space and Physical Activity';
- The residents of Etna Road and Middlefield are already under provided in terms of access to sports areas, play space and green areas;
- The Falkirk Open Space Strategy survey places the area in a 'Priority Regeneration Area' and developers should be supporting the community not cut the heart from it;
- The land is zoned for leisure, not housing;

- The application is in breach of the Falkirk Council Local Development Plan;
- The application is a breach of the Scottish Governments policies and legislation relating to the protection of sports grounds;
- The application is in breach of Falkirk Council's Leisure Strategy and Corporate Plan.

6.3 A petition containing 38 signatures has also been received objection to the application on the grounds of:

- The application results in a loss of amenity to the local community;
- The land is zoned for leisure, not housing;
- The application is in breach of the Falkirk Council Local Development Plan;
- The application is a breach of the Scottish Governments policies and legislation relating to the protection of sports grounds;
- The application is in breach of Falkirk Council's Leisure Strategy and Corporate Plan.

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

Falkirk Council Structure Plan

7a.1 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.2 In this instance, it is considered appropriate to seek financial mitigation should the recreation use of the site be replaced. Community and recreational facilities require to meet demand generated by development and specifically, the loss of tennis provision within the area requires to be offset.

7a.3 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.4 In this instance, the recreational facilities are privately owned and, currently, cease to be operated. While not of a strategic impact, the sites loss could be mitigated through a financial contribution towards improvements to off-site provision at Dollar Park.

Falkirk Local Plan

7a.5 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

“Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal.”*

7a.6 In planning terms, Brownfield Sites are defined as sites that have previously been developed or used for some purpose which has ceased. This excludes, for example, open space and garden ground. In terms of the privately owned bowling green and tennis courts, the use would more normally be defined as being within the Town and Country Planning (Use Classes) (Scotland) Order 1997 Classes 11 - Assembly and Leisure. Subsequently, the site could be considered Brownfield and therefore justified in consideration for development.

7a.7 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."*

"There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available."

7a.8 In general terms, the priority for the Local Plan is to ensure that there is no overall diminution in the quality of community provision through development of land use change. Accordingly, this policy generally prohibits the loss of facilities without a clear justification based on need or alternative means of service delivery.

7a.9 However, in this instance, the cessation of use on the site and the advice from sportscotland that the loss can be mitigated through financial contribution influences interpretation of the policy.

7a.10 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."*

7a.11 It is considered appropriate to secure a sum of £40,000 subject to an appropriate legal agreement prior to initiation of development of the site. Given the current economic climate, it is considered reasonable that the landowner be afforded a timescale to secure development commitment prior to payment.

7a.12 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.”

7a.13 Through consultation with Falkirk Council's Education Services, no commuted payment towards education is requested unless the site capacity exceeds 16 units.

7a.14 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;*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means. and*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments.”*

7a.15 The application site falls within the zone of influence of a major hazard, as identified within the Falkirk Council Local Plan. However, the Gasometer in question was demolished and removed from site a number of years ago. While Falkirk Council is currently pursuing a revocation order to remove this feature from the Health and Safety Executive's library of hazardous installations, the feature should be considered as relevant in assessment terms although the use of PADHI+ inappropriate. Therefore any decision to approve the application should be referred to Scottish Ministers for consideration.

7a.16 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are Scottish Planning Policy (May 2010), the policies of the emerging Falkirk Local Development Plan, the points raised through comment and the matters raised through the applicant's submitted supporting statement.

Scottish Planning Policy

7b.2 Scottish Planning policy recognizes that playing fields are an important resource for sport and should be provided in sufficient quantity, quality and accessibility to satisfy current and likely future community demand. Playing fields and sports pitches should not be redeveloped except where specific criteria applies, of which are:

- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area.

7b.3 The applicant has demonstrated that the bowling demand can be absorbed within other nearby greens and that the tennis courts were of limited value in terms of construction and usage, being blaze courts without artificial lighting. Sportscotland has conceded that a financial sum be acceptable to improve quality of other tennis facilities in the area.

Falkirk Council Local Development Plan

7b.4 The proposed Falkirk Local Development Plan was approved by the Council for consultation on 6 March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the extant Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's view in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.

7b.5 The following policies of the emerging Falkirk Local Development Plan are relevant to the assessment of the application under consideration:

Policy HSG03 - Windfall Housing;
 Policy INFO2 - Developer Contributions to Community Infrastructure
 Policy INFO3 - Protection of Open Space;
 Policy INFO4 - Open Space and New Residential Development;
 Policy INFO5 - Education and New Housing Development;
 Policy DO3 - Urban Design
 Policy DO4 - Low and Carbon Zero Development.

7b.6 The above policies reinforce and develop relevant policies in the extant Falkirk Structure Plan and Falkirk Council Local Plan.

7b.7 The proposal considered to be in accordance with these policies, as expanded upon within paras 7a.1 - 7a.15

Point Raised by Contributors

7b.8 It is noted that the site is currently not in use. As a privately owned site, this is a matter for the landowner. However, any unwanted presence on the site could well be a police matter.

7b.9 The application seeks the principle of development and, if successful, the details of building numbers, design and layout would be subject to further approach to the planning authority.

7b.10 The redundancy of the facility is a commercial decision implemented by the landowner.

7b.11 The land is not 'zoned' for leisure, but is designated urban land within a settlement envelope. The current use is considered assembly and leisure but this does not, in itself, preclude development for other purposes.

- 7b.12 Falkirk Council's Leisure Strategy and Corporate Plan may promote leisure and recreation, but where a private owner ceases such operations, this loss of provision cannot be reversed. It is in the determination of this application an assessment of whether development of the site for housing purposes would be considered acceptable, subject to appropriate mitigation measures being in place.

Applicant's Supporting Statement

- 7b.13 In summary, the applicant has submitted a statement in support of the proposal, indicating that:
- The Castings Social Club, which includes both the bowling club and the tennis club, has failed to produce a sufficient revenue to ensure that the club can meet all of its reasonable running costs and has accumulated a significant debt, the level of which the club is not in a position to service;
 - There is no ongoing activity on the site and it should be noted that the social club, bowling club and tennis club will not reopen, irrespective of the outcome of this application;
 - The applicant contends that the terms of the development plan have been met;
 - The proposal does not result in the loss of any sporting facility, given that facilities in question have already been permanently lost, and
 - The applicant is willing to offer financial mitigation to offset the previously established sports' provision.

7c Conclusion

- 7c.1 The application site comprises a former bowling and tennis club with associated clubhouse and pavilion. The applicant has submitted that financial constraints dictate that there is no prospect of the facility reopening. The applicant has reached agreement with sportscotland and Falkirk Community Trust that a financial contribution would offset the loss of the tennis courts, which were limited in their usage. No financial contribution is invited regarding the bowling club element, in light of membership levels within similar facilities nearby.
- 7c.2 In terms of the Development Plan, the site is not designated uniquely for recreational proposes and it is considered that the applicant has demonstrated that the loss of the previously recreational provision can be offset and the site adopted to housing purposes without offence to current development plan policy.
- 7c.3 The site is technically within the zone of influence of a registered major hazard (now removed) and any favourable determination of the application would require referral to Scottish Ministers.
- 7c.4 The matter of the commuted payment is intended to be dealt with by means of legal agreement.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee indicate that it is minded to grant planning permission in principle subject to:

- **Approval of an appropriate legal agreement to secure financial mitigation of the sum of £40,000 from the applicant toward off site sports provision; and**
- **Referral of any decision to approve to Scottish Ministers, due the presence of a registered hazardous installation and thereafter, on conclusion of the foregoing, to remit to the Director of Development Services to grant planning permission subject to:-**

Condition(s)-

- 1. As part of any application for Matters Specified in Conditions, a Contaminated Land Assessment shall be submitted for the written approval of this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be completed in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.**
- 2. (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .**
(ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
(iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- 3. Development shall not begin until a Drainage Assessment has been submitted to and approved in writing by the Planning Authority.**
- 4. The development hereby approved shall be limited to no more than 16 units.**

5. For the avoidance of doubt, any development proposal exceeding 16 units shall incur a requirement for commuted payment towards Education provision on a pro-rata basis of £900 per unit, details to be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- 1,2. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
3. To ensure the ground is suitable for the proposed development.
4. To ensure that the development is adequately drained.
5. To allow the planning authority to control the capacity of the site in relation to Educational provision in the area.

Informative(s):-

1. Plans and particulars of the matters listed above shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of Falkirk Council as planning authority has been given, and the development shall be carried out in accordance with that approval.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01.

PP

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Director of Development Services

Date: 17 June 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of Objection received from Mrs Tracey Fullerton, 48 Kennard Street, Falkirk, FK2 9EJ on 8 October 2012.
4. Letter of Representation received from Mr Andrew Kidd, 52 Kennard Street, Falkirk, FK2 9EJ on 25 September 2012.
5. Letter of Representation received from Mr Andrew Kidd, 52 Kennard Street, Falkirk, FK2 9EJ on 25 September 2012.
6. Letter of Objection received from Grahamston, Middlefield and Westfield Community Council FAO: Ray Bruce, Secretary, 26 Alma Street, Falkirk, FK2 7HD on 2 October 2012.
7. Letter of Objection received from C Reid, 41 Dumyat Drive, Falkirk, FK1 5PA on 18 October 2012.
8. Letter of Objection received from B Dearson, 65 Woodburn Crescent, Bonnybridge, FK4 2DJ on 18 October 2012.
9. Letter of Objection received from Anne Mein, 44 Kennard Street, Falkirk, FK2 9EJ on 12 October 2012.
10. Letter of Objection received from James Mein, 44 Kennard Street, Falkirk, FK2 9EJ on 12 October 2012.
11. Letter of Objection (Petition with 38 Signatories attached) received from Margaret A Douglas, 9 College Crescent, Falkirk, FK2 9HL on 12 October 2012.
12. Letter of Objection received from V Barr, 90 Alexander Avenue, Falkirk, FK2 9EA on 29 October 2012.
13. Letter of Objection received from G Gardner, 15 Thornbridge Road, Falkirk, FK2 9AZ on 29 October 2012.
14. Letter of Objection received from Rachel Ross, 53 Woodburn Road, Falkirk, FK2 9BT on 29 October 2012.
15. Letter of Objection received from W Young, 17 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
16. Letter of Objection received from Eileen Young, 17 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
17. Letter of Objection received from G King, 66 Woodburn Road, Falkirk, FK2 9BS on 29 October 2012.
18. Letter of Objection received from Wilma Cowan, 99 Randyford Street, Falkirk, FK2 9DH on 29 October 2012.
19. Letter of Objection received from J Cowan, 99 Randyford Street, Falkirk, FK2 9DH on 29 October 2012.
20. Letter of Objection received from Patricia A Main, 16 Wolfe Road, Falkirk, FK1 1SL on 12 November 2012.
21. Letter of Objection received from K Fleming, 30 Grange Avenue, Falkirk, FK2 9ER on 19 October 2012.
22. Letter of Objection received from D Stewart, 28 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
23. Letter of Objection received from Owner/Occupier, 51 Caledonian Court, Falkirk, FK2 7FL on 19 October 2012.
24. Letter of Objection received from M McKay, 48 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
25. Letter of Objection received from Owner/Occupier, 7 Grange Drive, Falkirk, FK2 9ES on 19 October 2012.

26. Letter of Objection received from Elizabeth Burden, 19 York Street, Falkirk, FK2 9EN on 19 October 2012.
27. Letter of Objection received from E Munro, 8 Grange Avenue, Falkirk, FK2 9ER on 19 October 2012.
28. Letter of Objection received from Owner/Occupier, 5 York Street, Falkirk, FK2 9EN on 19 October 2012.
29. Letter of Objection received from Owner/Occupier, 52 South Green Drive, Airth, Falkirk, FK2 8JP on 19 October 2012.
30. Letter of Objection received from S McFarlane, 33 College Crescent, Falkirk, FK2 9HL on 19 October 2012.
31. Letter of Objection received from Mr John McKinlay, 71 Braemar Drive, Falkirk, FK2 9HB on 19 October 2012.
32. Letter of Objection received from D Melville, 41 Montgomery Street, Falkirk, FK2 9BN on 19 October 2012.
33. Letter of Objection received from Mr Jim Craigie, 117 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
34. Letter of Objection received from Mrs Jacqueline Craigie, 117 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
35. Letter of Objection received from A M Young, 77 Montgomery Street, Falkirk, FK2 9BN on 29 October 2012.
36. Letter of Objection received from W Ray Russell, 107 Randyford Street, Falkirk, FK2 9DH on 29 October 2012.
37. Letter of Objection received from Catherine Stewart, 53 Cunningham Gardens, Falkirk, FK2 9BE on 29 October 2012.
38. Letter of Objection received from R Young, 77 Montgomery Street, Falkirk, FK2 9BN on 29 October 2012.
39. Letter of Objection received from Jessie Gibb, 69 Livingstone Crescent, Falkirk, FK2 9BW on 29 October 2012.
40. Letter of Objection received from Yvonne Cook, 71 Livingstone Crescent, Falkirk, FK2 9BW on 29 October 2012.
41. Letter of Objection received from R Garth, 14 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
42. Letter of Objection received from J Corrigan, 71 Westfield Street, Falkirk, FK2 9DX on 29 October 2012.
43. Letter of Objection received from Owner/Occupier, 85 Randyford Street, Falkirk, FK2 9DH on 29 October 2012.
44. Letter of Objection received from M Williamson, 31 Woodburn Road, Falkirk, FK2 9BT on 29 October 2012.
45. Letter of Objection received from Maureen McDonald, 34 Woodburn Road, Falkirk, FK2 9BS on 29 October 2012.
46. Letter of Objection received from C Swan, 29 Woodburn Road, Falkirk, FK2 9BT on 29 October 2012.
47. Letter of Objection received from Owner/Occupier, 63 Livingstone Crescent, Falkirk, FK2 9BW on 29 October 2012.
48. Letter of Objection received from R O'Hara, 14 Woodburn Road, Falkirk, FK2 9BP on 29 October 2012.
49. Letter of Objection received from Owner/Occupier, 84A Easton Drive, Shieldhill, Falkirk, FK1 2TA on 29 October 2012.
50. Letter of Objection received from J McCallum, 40 Glenview Avenue, Banknock, Bonnybridge, FK4 1JX on 29 October 2012.

51. Letter of Objection received from Alex Fisher, 7 Dawson Place, Bo'ness, EH51 0NW on 29 October 2012.
52. Letter of Objection received from Mr Peter Docherty, 22 Woodside Road, Tullibody, Alloa on 29 October 2012.
53. Letter of Objection received from Owner/Occupier, 15 Portree Crescent, Polmont, Falkirk, FK2 0PA on 29 October 2012.
54. Letter of Objection received from Graham J Nicoll, 40 Chacefield Street, Bonnybridge, FK4 1PS on 29 October 2012.
55. Letter of Objection received from A Strachan, 14 Scotstoun Road, Cowie, Stirling, FK7 7AL on 29 October 2012.
56. Letter of Objection received from Mr Jim Maxwell, 2 Kersehill Crescent, Falkirk, FK2 9GH on 29 October 2012.
57. Letter of Objection received from Owner/Occupier, 21 Westfield Street, Falkirk, FK2 9DT on 29 October 2012.
58. Letter of Objection received from Mr James McPherson, 11 Cunningham Gardens, Falkirk, FK2 9BE on 29 October 2012.
59. Letter of Objection received from Mr Charles Fullerton, 48 Kennard Street, Falkirk, FK2 9EJ on 28 October 2012.
60. Letter of Objection received from Irene McPherson, 11 Cunningham Gardens, Falkirk, FK2 9BE on 30 October 2012.
61. Letter of Objection received from Andrew McInnes, 1A Munro Street, Stenhousemuir, Larbert, FK5 4QF on 30 October 2012.
62. Letter of Objection received from M Christie 98 Woodburn Road, Falkirk, FK2 9BS on 30 October 2012.
63. Letter of Objection received from M Walinck, 5 Thornbridge Square, Falkirk, FK2 9BA on 30 October 2012.
64. Letter of Objection received from Mary Kerr, 19 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
65. Letter of Objection received from Betty Cook, 33 Livingstone Crescent, Falkirk, FK2 9BW on 30 October 2012.
66. Letter of Objection received from C Dickinson, 34 Kerse Gardens, Falkirk, FK2 9DY on 30 October 2012.
67. Letter of Objection received from C Sutherland, 19 Woodburn Street, Falkirk, FK2 9DR on 30 October 2012.
68. Letter of Objection received from Owner/Occupier, 4 Woodburn Road, Falkirk, FK2 9BP on 30 October 2012.
69. Letter of Objection received from Elizabeth N McNeil, 35 Inchyra Place, Grangemouth, FK3 9EQ on 30 October 2012.
70. Letter of Objection received from Tracy Gorbitt, 5 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
71. Letter of Objection received from Mary MacDonald, 9 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
72. Letter of Objection received from Wilma Cumming, 11 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
73. Letter of Objection received from J Gemmell, 65 Westfield Street, Falkirk, FK2 9DX on 30 October 2012.
74. Letter of Objection received from Joanne Cumming, 11 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
75. Letter of Objection received from J Cook, 33 Livingstone Crescent, Falkirk, FK2 9BW on 30 October 2012.

76. Letter of Objection received from Owner/Occupier, 5 Thornbridge Road, Falkirk, FK2 9AZ on 30 October 2012.
77. Letter of Objection received from Owner/Occupier, 13 Mariner Street, Falkirk, FK1 4LF on 30 October 2012.
78. Letter of Objection received from James Gardiner, 28 Montgomery Street, Falkirk, FK2 9BN on 30 October 2012.
79. Letter of Objection received from LVD Hock, 3 Thornbridge Square, Falkirk, FK2 9BA on 30 October 2012.
80. Letter of Objection received from Barbara Cruse, 31 Braemar Drive, Falkirk, FK2 9HB on 19 October 2012.
81. Letter of Objection received from D Easton, 6 Thistle Street, Falkirk, FK2 7ED on 19 October 2012.
82. Letter of Objection received from Agnes Brown, 47 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
83. Letter of Objection received from J McIntosh, 37 Kennard Street, Falkirk, FK2 9EH on 19 October 2012.
84. Letter of Objection received from E Davie, 5 York Drive, Falkirk, FK2 9EP on 19 October 2012.
85. Letter of Objection received from Owner/Occupier, 37 Thornhill Court, Falkirk, FK2 9HH on 19 October 2012.
86. Letter of Objection received from J Bodman, 53 Thornhill Court, Falkirk, FK2 9HH on 19 October 2012.
87. Letter of Objection received from Owner/Occupier, 35 Eriskay Court, Falkirk, FK1 2PZ on 19 October 2012.
88. Letter of Objection received from Owner/Occupier, 19 Eriskay Court, Falkirk, FK1 2PZ on 19 October 2012.
89. Letter of Objection received from J Dunlop, 18 Earn Court, Grangemouth, FK3 0HT on 19 October 2012.
90. Letter of Objection received from Liz McCaffer, 50 Thornbridge Square, Falkirk, FK2 9BA on 12 October 2012.
91. Letter of Objection received from Fraser Halliday, 80 Westfield Street, Falkirk, FK2 9DX on 12 October 2012.
92. Letter of Objection received from J.S. Marshall, 6 Cunningham Gardens, Falkirk, FK2 9BE on 12 October 2012.
93. Letter of Objection received from Charles McKerral, 9 Russel Street, Falkirk, FK2 7HX on 12 October 2012.
94. Letter of Objection received from Thornwood Tenants & Residents Association, F.A.O Elizabeth Godfrey (Chairperson), 14 Woodburn Road, Falkirk, FK2 9BP on 16 October 2012.
95. Letter of Objection received from Mr William M Wilson, 7 George Street, Falkirk, FK2 7EY on 19 October 2012.
96. Letter of Objection received from Owner/Occupier, 5 York Drive, Falkirk, FK2 9EP on 19 October 2012.
97. Letter of Objection received from J Copeman, 66 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
98. Letter of Objection received from Mr John Williamson, 62 College Crescent, Falkirk, FK2 9HN on 19 October 2012.
99. Letter of Objection received from Janet Strathie, 4 Woodburn Road, Falkirk, FK2 9BP on 19 October 2012.
100. Letter of Objection received from Anne Miller, 4 Burnfield Place, Falkirk, FK2 9HW on 19 October 2012.

101. Letter of Objection received from Mr Andrew Miller, 4 Burnfield Place, Falkirk, FK2 9HW on 19 October 2012.
102. Letter of Objection received from H McGovern, 73 College Crescent, Falkirk, FK2 9HL on 19 October 2012.
103. Letter of Objection received from Mrs Simone Easton, 17 Camelon Road, Falkirk, FK1 5RU on 26 October 2012.

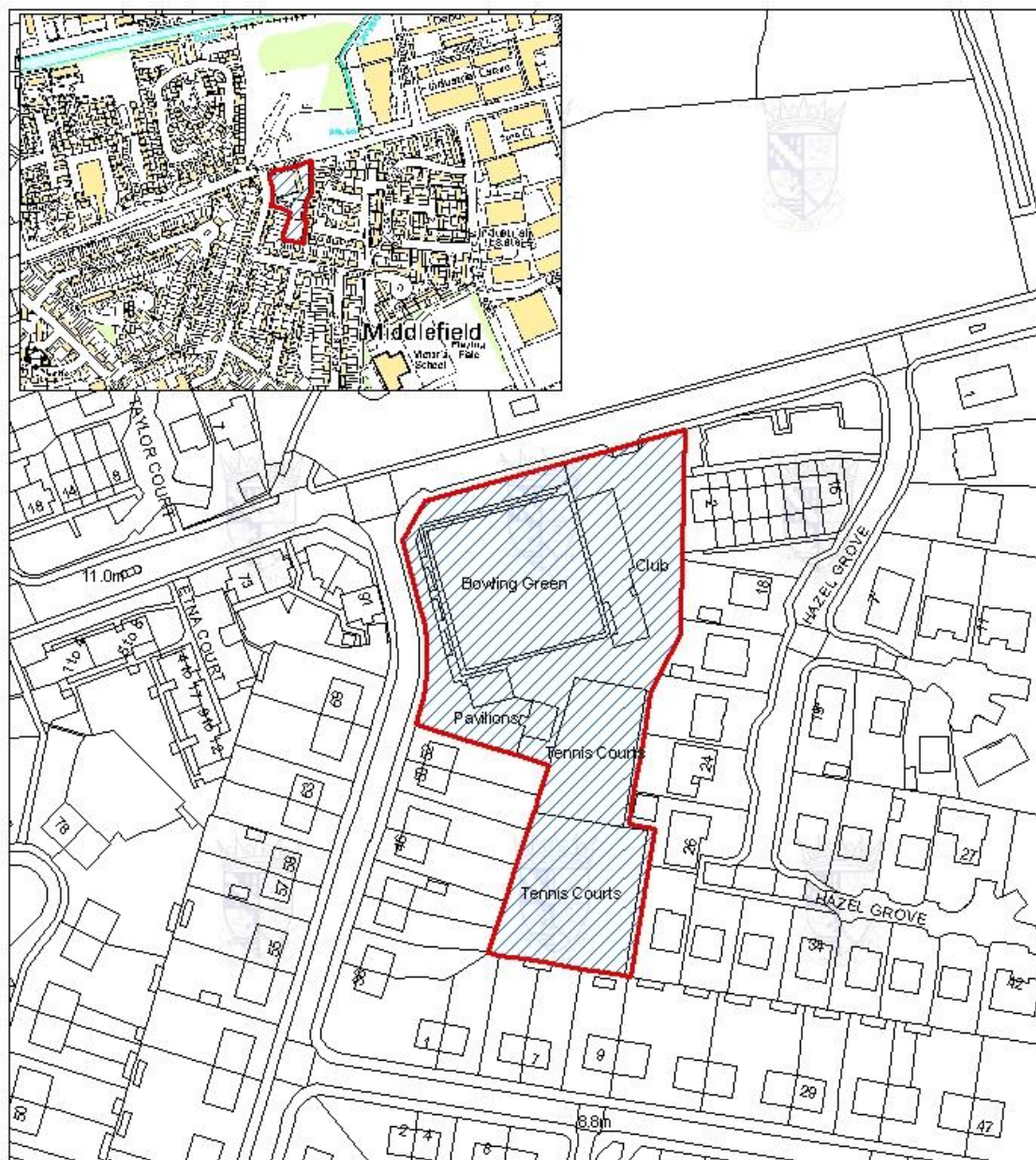
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0543/PPP

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



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