

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AT LAND TO THE WEST OF 2 STEVENSON AVENUE, STEVENSON AVENUE, POLMONT, FALKIRK FOR MR ANDY CONWAY - P/13/0448/FUL

Meeting: PLANNING COMMITTEE

Date: 22 August 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application proposes the change of use to garden ground and enclosure of a small area of open space. The area of land is located between 2 Stevenson Avenue, Polmont and Polmont Library and is currently roughly grassed. The site fronts onto Salmon Inn Road and is proposed to be enclosed by a 1.8 metre high, close boarded timber fence to match the existing boundary fence at 2 Stevenson Avenue.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application site is currently owned by Falkirk Council and under the current approved Scheme of Delegation the application therefore requires consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections to the proposal.

- 4.2 The Environmental Protection Unit has no objection to the proposal, however they have requested that the applicant undertake limited soil sampling and analysis within the application site. This sampling and analysis can be adequately secured by way of a condition attached to any permission granted.

5. COMMUNITY COUNCIL

- 5.1 No comments received from the Community Council.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation have been received.

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 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

- 7a.2 Policy SC12 - 'Urban Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."*

7a.3 The area of land which is subject to this application is currently roughly grassed over. The land does not contribute positively to the character, appearance or recreational amenity of the area and is not considered to have significant ecological or connectivity value. The proposed change of use is in accordance with the terms of Policy SC2.

7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the policies contained within the Falkirk Local Development Plan (Proposed Plan).

Falkirk Local Development Plan Proposed Plan (April 2013)

7b.2 The Proposed Falkirk Local Development Plan was approved by the Council for consultation in 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 current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 Policy INF03 – 'Protection of Open Space' states:

"The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value. Accordingly:

1. *Development involving the loss of urban open space will only be permitted where:*
 - *There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
 - *There will be no significant adverse effect on the overall recreational amenity of the local area, taking account of the Council's open space standards (defined within the Open Space Strategy) and its release for development will be compensated for by qualitative improvements to other parts of the green network in the local area;*
 - *The area is not of significant ecological value (this can include areas that are not specifically designated for ecological features, but which are important in supporting the qualifying features of Natura 2000 sites); and*
 - *Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*
2. *Where development would also involve the loss of playing fields or sports pitches, it must additionally be demonstrated that:*
 - *The proposed development is ancillary to the principal use of the site as a playing field; or*
 - *The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; or*
 - *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; or*

- *The Council's pitch strategy has shown that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision."*

7b.4 The area of land subject to this application is not considered to have any landscape, amenity, recreational or ecological value. The proposed change of use and enclosure of this urban open space would not have an adverse impact upon the character or appearance of the area and would not adversely impact upon recreational amenity value, ecological value or connectivity within the surrounding area. The proposal therefore accords with Policy INF03.

7c Conclusion

7c.1 It is considered that the proposal is acceptable development and is in accordance with the terms of the Development Plan. There are no material planning considerations which would justify refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Prior to the start of work on site, soil sampling and analysis shall be undertaken, details of which shall be submitted to and approved in writing by the Planning Authority. Where contamination is identified, a detailed remediation strategy should be submitted to and approved in writing by the Planning Authority. Any such required remediation work shall be completed prior to the commencement of development on the site.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01B.

- (2) Further to the requirements of condition (2) above, in the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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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. Falkirk Local Development Plan (Proposed Plan April 2013)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan **P/13/0448/FUL**

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



Falmouth Council



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