

**FALKIRK COUNCIL**

**Subject:** FORMATION OF A MULTI USE GAMES AREA COURT (MUGA COURT) AT DUNCAN STEWART PARK, HIGH STREET, BONNYBRIDGE FOR FALKIRK COUNCIL – P/13/0419/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 30 October 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

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

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

- 1.1 The application seeks full planning permission to form a multi use games court (MUGA). The dimensions of the court would be 30 metres in length and 18 metres in width, and it would be enclosed by 0.9 metre high fencing, increasing in height to 3.7 metres at either end where there would be a goal and a basketball hoop.
- 1.2 The application site is a grassed portion of an open space area (Duncan Stewart Park, Bonnybridge) which has a playing field and an equipped play facility. The site lies adjacent to housing to the west and north, the Bonny Water to the east and Bonnyfield Nature Park to the south. The land rises to High Street to the north, from which the open space area can be accessed. The proposal includes a new path to link the MUGA to an existing bridge across Bonny Water and an existing path through the park.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Baillie Buchanan.

**3. SITE HISTORY**

- 3.1 There is no planning history for the application site.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have not raised any road related concerns. They advise that the proposed MUGA facility is on the flood plain of the Bonny Water and by connecting surface water drainage to the Bonny Water, with no apparent protection to the drainage system, there is the risk of water entering the pipeline serving the MUGA facility when water levels in the watercourse rise above the outfall invert. They note that the applicant may consider this to be a risk they are willing to accept.
- 4.2 The Environmental Protection Unit have advised that noise need not be considered a determining factor. They advise that a contaminated land assessment would be required if any made ground, suspect substances or odours are encountered during any works following commencement of the development.
- 4.3 The Scottish Environmental Protection Agency (SEPA) have no objection to the application on flood grounds, provided planning conditions are attached to prevent any land raising within the site boundaries or the erection of solid boundary fences or walls.
- 4.4 The Coal Authority have advised that the application site falls within the defined Coal Mining Development High Risk Area and that the coal mining legacy issue that may affect the site is the potential presence of historic underground coal mine workings at shallow depth. However, they understand that the proposal would not involve any significant foundations/earthworks or disturbance to the ground. They therefore consider that requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of the proposed development. They recommend that consideration be given to incorporating measures such as geo-grid within the MUGA make-up due to the potential presence of unrecorded shallow mine workings.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council have not made any representations.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One letter of objection has been received in relation to the application. This letter can be summarised as follows:-
- The objector agrees that the games court would be a positive for the park, but has a concern about it attracting more people. The objector considers this would cause stress to the objectors lives.
  - Existing problems with littering and anti-social behaviour.
  - The objector would like the Council to erect a more secure boundary fence around their property at 43 High Street to keep people away.

## 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 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

#### *Falkirk Council Local Plan*

- 7a.2 The application site lies within the urban limits and an open space area as defined within the Falkirk Council Local Plan.

- 7a.3 Policy EQ1 'Sustainable Design Principles' states:

*"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure."*

- 7a.4 This policy requires new development to achieve a high standard of design and compliance with the principles of sustainable development. The proposed MUGA is considered to be acceptable in design terms and able to respond positively to the park environment and its use as a recreational open space area. The facility would be readily accessible given the existing and proposed path links and its proximity to the town centre. The new facility would be maintained by Falkirk Council. The potential impacts of the development with regard to drainage, surface water management, flooding, traffic, road safety and noise have been assessed through consultation. The application is considered to accord with this policy.

7a.5 Policy EQ5 'Design and Community Safety' states:

*"Development proposals should create a safe and secure environment for all users through the application of the following principles:*

- (1) Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*
- (2) Boundaries between public and private space should be clearly defined;*
- (3) Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) Contributions to the provision of CCTV may be sought, where appropriate."*

7a.6 This policy states that development proposals should create a safe and secure environment for all users. The proposed MUGA would be centrally located within an existing recreational area, close to an equipped play facility and path links. It would have an open aspect and be overlooked to some degree by existing houses to the north. The application is therefore considered to accord with this policy.

7a.7 Policy SC7 - 'Established Residential Areas' states:

*"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."*

7a.8 This policy generally presumes against the introduction of uses within established residential areas that would be incompatible with the residential character and amenity of the area. The proposed MUGA would be located centrally within an existing park, it would not be lit (therefore it would not be expected to be used after dark) and the Environmental Protection Unit have previously advised that existing MUGA's in the Falkirk Council area have generated very few complaints. Any issues could be investigated and the facility monitored by the relevant authorities. In particular, the Council's Community Safety Team would report and follow-up on any anti-social issues if the need arises. Overall, and with these safeguards, the application is considered to accord with this policy.

7a.9 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.10 This policy protects all urban open space areas which are considered to have landscape, amenity, recreational or ecological value. In this instance, the open space area would appear to function mainly as a recreational and amenity open space area. No significant effects on its amenity value are anticipated and the proposed development would reinforce and enhance the recreational value and use of the park. The application is therefore considered to accord with this policy.

7a.11 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan), the consultation responses and the public representation.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 The Proposed Falkirk Local Development Plan (FLDP) 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 The application site lies within the urban limits and an urban open space area as defined within the FLDP. The FLDP contains similar policies to those of the Development Plan of relevance to the proposed development which the application has been assessed as complying with in this report.

### ***Consultation Responses***

7b.4 The consultation responses are summarised in section 4 of this report. No objections to the application have been received in the consultation responses and the matters raised could be the subject of conditions or informatives of any grant of planning permission.

### ***Assessment of Public Representations***

7b.5 The matters raised in the objection are summarised in section 6 of this report. The following comments are considered to be relevant in relation to those matters:-

- Amenity related concerns have been considered in this report.
- The concerns relate, to an extent, to existing issues rather than specifically to the proposed MUGA. Those concerns, which include anti-social behaviour, have been reported to the applicant (Corporate and Neighbourhood Services) for them to consider investigation as appropriate.

**7c Conclusion**

- 7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. The application is therefore recommended for grant of planning permission subject to appropriate conditions. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.

**8. RECOMMENDATION**

- 8.1 It is therefore recommended that 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) There shall be no land raising associated with the proposed development.
- (3) There shall be no erection of solid boundary fences or walls in association with the proposed development.

**Reason(s)**

- (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.
- (2) To ensure that no floodplain is lost and nearby development is not placed at greater flood risk.
- (3) To ensure that the MUGA court is not potentially removed from the floodplain.

**Informative(s):**

- (1) 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.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 05A, 06, 07, 08, 09, 10 and 11.
- (3) The applicant is advised to cease all work on the affected part of the site if any made ground, suspect substances or odours are encountered during any site works/operations following commencement of the development. In such circumstances the applicant is advised to notify the Planning Authority immediately, carry out a contaminated land risk assessment and undertake any necessary remediation work, and only recommence the development with the prior written approval of this Planning Authority.

- (4) The applicant is advised to contact The Coal Authority if any suspected coal mining feature is encountered during the course of the development. The Coal Authority have recommended that consideration be given to incorporating measures such as geo-grid within the MUGA make-up due to the potential presence of unrecorded shallow mine workings.
- (5) SEPA have advised that details of their regulatory requirements and good practice advice can be found on their website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx).

Pp

.....  
Director of Development Services

Date: 21 October 2013

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan)
4. Letter of Objection from Mrs Elizabeth Irwin, 43 High Street, Bonnybridge FK4 1BX on 26 July 2013.

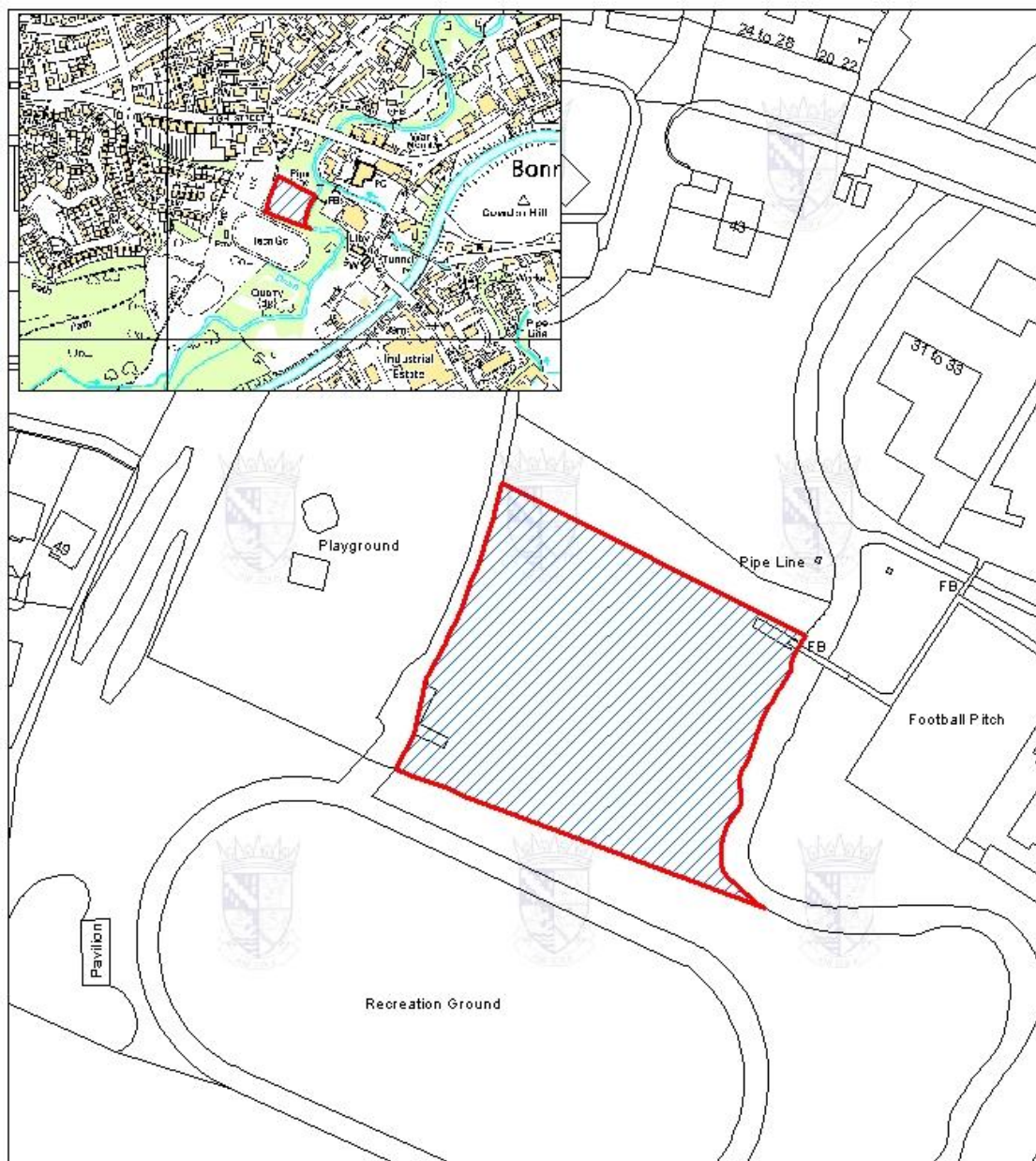
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/13/0419/FUL**

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



Reproduced by permission of Ordnance Survey on behalf of HM SO.  
© Crown copyright and database right 2013. All rights reserved.  
Ordnance Survey Licence number 100023384