

**FALKIRK COUNCIL**

**Subject:** EXTENSION TO THE OPERATIONAL AREA AND FORMATION OF HARD-STANDING FOR THE PURPOSES OF MATERIAL STORAGE AT LAND TO THE EAST OF 34 BROOMHILL ROAD, BROOMHILL ROAD, HIGH BONNYBRIDGE FOR CENTRAL DEMOLITION LTD – P/13/0620/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 26 March 2014

**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 extend the operational area of an existing waste management facility and form a hardstanding area for the purpose of material storage. The extended area would be subdivided into separate areas for the storage of processed sands and gravels, material for crushing and skips. Access to the area would be from the existing site to the north.
- 1.2 The application site is a grass area (playing field) at Broomhill Park and is located in the High Bonnybridge area. It lies adjacent to mature trees to the west and south, and the existing waste management operation to the north and east. The line of the Antonine Wall adjoins the southern boundary of the site.
- 1.3 The applicant has submitted the following information in support of the application:-
- The company processes construction and demolition waste for re-use as aggregates and is seeking to maximise the sustainable use of a wider range of aggregate materials. This requires increased storage space both in terms of the individual stockpiles and the access required around these stockpiles for the deposition or loading of materials;
  - A need for additional storage space for the skips utilised to bring recycling material to the site has also been identified. The current availability of storage space at the site is limited;

- Overall, the proposed extension to the operational area would allow for better management and safer working practices. This would include easier movement of vehicles depositing and collecting the skips;
- The extended area would be stripped of soil and replaced with a capping layer and hardcore (total depth 500mm) to form the new storage facility. Finished levels would be similar to existing;
- The conditions of the existing Waste Management Licence would be adhered to and amended to cover the extended operational area;
- The hours of operation would be on the same basis as the existing site (0700 to 1830 hours Monday to Saturday);
- There would be no change in HGV movements on the public road. The proposal is not to bring in a wider range of waste but to split the waste down to a greater extent in the recycling process thereby producing a wider range of recycled products;
- Within the site there would be an increase in vehicle movements as processed material is transferred from the recycling area to the designated stockpile areas within the proposed extension area;
- No additional plant is required and it is not proposed to install new lighting within the extension area;
- It is envisaged that the stockpiles would be maintained at around 6 to 8 metres in height; and
- It is proposed to upgrade the existing nearby recreational facilities at Loch Park to offset the loss of the application site as recreational land. The proposals at Loch Park are to upgrade the sports pitch (drainage and re-turfing works), refurbish and extend the pavilion, and improve the car park. An outline specification indicating works in the sum of £205,346 has been submitted in support of the application.

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

- 2.1 The application requires consideration by the Planning Committee as granting it would be contrary to the Development Plan.

## **3. SITE HISTORY**

- 3.1 Planning application ref: F/97/0676 for the erection of an office building was granted in November 1997.
- 3.2 Certificate of Lawful Use ref: F/2001/0804 for the use of land for Class 5 use was issued in April 2002.

- 3.3 Planning application ref: F/2002/0248 for the use of land for crushing, recycling and storage of timber and steel was granted in December 2002.
- 3.4 Planning application ref: P/12/0549/FUL for demolition of an existing detached skip hire office and extension to the existing main office was granted in November 2012.
- 3.5 Planning application ref: P/13/0812/FUL for the use of land to form a storage area for skips, plant and equipment (retrospective) was received on 24 December 2013 and is currently pending consideration.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have noted the information accompanying the application which explains that the additional storage area is required in order to create a wider range of recycled material and there would be no change in vehicle movements associated with the existing operation. On this basis, they advise that there would be no roads related conditions to attach to any grant of planning permission.
- 4.2 Scottish Water have no objection to the application. They advise that a totally separate drainage system would be required, with the surface water discharging to a suitable outlet.
- 4.3 The Environmental Protection Unit have advised that the site is regulated by SEPA under a Waste Management License (which covers a range of matters including hours of operation, the operation of the site in accordance with an approved Working Plan and the control of dust, mud on roads, litter and noise). They note that there is to be no increase in traffic to the site, the crushing equipment would not be moving, the new area would only be for storage, dust suppression equipment is on-site and they have had no complaints about the site. They advise that a contaminated land assessment would be required due to the presence of a former landfill at the site.
- 4.4 Corporate and Neighbourhood Services (Estates) have no objection to the application. They advise that any compensatory works at Loch Park will require suitable measures to be put in place to safeguard the users of the adjacent play facilities and existing trees. In addition, the adjacent road and car parking should be swept routinely during the works.
- 4.5 Historic Scotland have noted that the application has been amended by redrawing the boundary of the development area 20 metres from the edge of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site, with a line of trees to be planted immediately to the south of the boundary fence to provide a degree of screening. They advise that this change addresses their concern regarding the direct impact on the World Heritage Site and, whilst there will still be an adverse impact on the setting of the world heritage site and scheduled monument, given the existing industrial site, they are content that the impact is acceptable.
- 4.6 Falkirk Community Trust (Heritage) have advised that the setting of both the scheduled area of the Antonine Wall and the World Heritage Site need to be considered, in order to retain an appreciation of the original topographic setting and to avoid unsightly new development and the tunnel effect that occurs if development is set right up to the site boundary. They note the agreement reached with Historic Scotland to maintain a 20 metre buffer and boundary screen planting.

- 4.7 The Scottish Environment Protection Agency (SEPA) have no objection to the application and advise that the existing Waste Management Licence would need to be modified prior to any waste being stored in the area applied for. They are satisfied from the information accompanying the application that the water environment would be adequately protected.
- 4.8 Falkirk Community Trust (Sport and Recreation) have advised that the playing area has not been in use as a recreational space for a number of years and is not maintained in the same manner as their existing playing pitches and is not administered by them as a sports pitch let. There are no changing facilities available at this location and they do not anticipate using this space as a sports area. They have been provided with detailed information of the improvements the applicant proposes to Loch Park which includes a fully refurbished changing area and upgraded parking facilities. They advise that they have consulted with the football teams in the area and this was their preference as a form of compensation for the loss of the area concerned.
- 4.9 Sportscotland consider that the proposed compensation measures in the sum of approximately £205,000 will result in a better quality facility at the chosen site, Loch Park, and that this represents a convenient location for users of the Broomhill Pitch, and that this will, at the very least, maintain the overall playing capacity in the area. They are therefore of the view that the loss of the pitch will be adequately compensated for by the proposed upgrade of Loch Park and, as such, the requirements of Scottish Planning Policy, insofar as they relate to the loss of playing fields, would have been met. They therefore have no objection to the application, provided that the Council and Sportscotland (and potentially the applicant) enter into a legal agreement (or any alternative mechanism that may be appropriate) that outlines the compensation provisions and the mechanism and timescale for their delivery, prior to the issuing of any planning permission.
- 4.10 Network Rail consider that the proposed development would not have any impact on railway infrastructure and therefore have no objection to the application.
- 4.11 The Coal Authority have advised that the application site falls within the defined Development High Risk Area. However, they do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposal, given that the works will not require substantial foundations or earthworks, and the proposed hard-standing is to be used purely for the storage of materials. They therefore do not object to the application.
- 4.12 The Asset Management Unit, Development Services, have advised that the Executive decided on 18 June 2013 to declare land at Broomhill Park surplus to requirements for negotiated disposal to the company, Central Demolition and on the basis of Central Demolition undertaking improvement works at Loch Park in return for their acquisition of land at Broomhill Park and obtaining all necessary statutory consents required in relation to the proposed yard extension and for the works at Loch Park. Negotiation of conditions of finalised land disposal and in respect of the improvement works at Loch Park is ongoing. The improvement works to Loch Park are over and above the purchase price for the land, with the proceeds of the land sale being credited to the Council's General Fund.

- 4.13 The Building Design Unit, Development Services, have confirmed that the details submitted with the planning application in respect of the proposed improvement works at Loch Park are consistent with the Council's previous discussions and agreement with the company, Central Demolition, in terms of both cost and the content of the proposals.

## **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council have objected to the application on the following grounds:-

- The land is used by people as a general recreational area;
- The development may be accessed through an adjoining car park which is used by parents of pupils and staff at St Josephs Primary; and
- If this happened, there would be increased traffic in Broomhill Road, which is bad enough at the moment when the schools are going in and out.

## **6. PUBLIC REPRESENTATION**

- 6.1 Two objections to the application have been received. The concerns raised in these objections can be summarised as follows:-

- Lost playing fields cannot be reclaimed in the future;
- The development is behind the main car park used by parents taking children to school;
- The development will result in increased noise, pollution, dust and HGV movements;
- The HGV use of Broomhill Road is already dangerous and the road is not suitable for the HGV traffic of Central Demolition;
- Any increase in heavy goods vehicles on this road within range of two primary schools is unacceptable; and
- Will the community benefit from the proceeds of the sale of the land?

## **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 outwith the urban limits, within the countryside, as defined in the Falkirk Council Local Plan. In addition, it is identified as an Open Space (Playing Field) and adjoins the Antonine Wall World Heritage Site and a Business and Industry Retention Area.

- 7a.3 Policy EP5 – ‘Business and Industrial Development in the Countryside’ states:

*“New business and industrial development in the countryside will only be permitted in the following circumstances:*

- (1) Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment;*
- (5) Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites; or*
- (6) Appropriate leisure and tourism development that accords with Policy EP16.*

*Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18).”*

- 7a.4 This policy permits limited extensions to existing established Class 4, 5 and 6 uses within the countryside which can be accommodated without any additional adverse impact on the rural environment. The proposed development is an extension to an existing Class 5 waste management facility. The applicant has submitted that the proposal is to facilitate the production of a wider range of recycled products and there would be no change in heavy vehicle movements on the public road. In addition, as stated in paragraph 4.3, the Environmental Protection Unit have noted that the site is regulated by SEPA under a Waste Management Licence, the crushing equipment would not be moving, the new area would only be used for storage, dust suppression equipment is on-site and they have had no complaints about the site. In addition, as detailed in paragraph 4.7, SEPA have advised that the existing Waste Management Licence would need to be modified prior to any waste being stored in the new area and they are satisfied that the water environment would be adequately protected. In terms of visual impact, the proposed development would appear against the backdrop of the existing waste management operation and is effectively screened to the north and west by existing woodland. Subject to the height of the stockpiles being controlled, and retention and

effective management of the woodland, the visual impact is mitigated. The provision of a buffer, to protect the setting of the Antonine Wall World Heritage Site is discussed in paragraph 7a.10.

7a.5 On the basis of the information accompanying the application (see paragraph 1.3), the comments in the consultation responses and the provision of suitable mitigation measures, no additional adverse impacts on the rural environment are anticipated and the application accords with this policy.

7a.6 Policy EQ19 - 'Countryside' states:

*“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

*(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.7 This policy states that the scale, siting and design of development within the countryside will be strictly controlled to ensure there is no adverse impact on the character of the countryside. At this location, the character of the countryside is influenced by the existing waste management operation and the visual containment afforded by the existing woodland. The proposed extension would therefore be in keeping with the existing character of the area and a restriction on the height of the stockpiles and retention of the woodland would mitigate the visual impact and help to integrate the development into its surroundings. The extended site would be enclosed by palisade fencing, to ensure site security, which would also be in keeping with the character of the area. Its visual impact would be mitigated by the existing woodland and proposed new planting. Overall, the application is considered to accord with this policy.

7a.8 Policy EQ17 - 'Antonine Wall' states:

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

- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall."*

7a.9 This policy seeks to retain, protect, preserve and enhance the Antonine Wall and its associated archaeology, character and setting. The proposed development would not have any direct impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and the proposed development incorporates a 20 metre setback from the World Heritage Site and boundary planting which have been agreed with Historic Scotland. Whilst Historic Scotland advise that there would still be an adverse impact on the setting of the World Heritage Site, they are content that the impact has been reduced to an acceptable degree, having regard to the industrial character of the area (see paragraph 4.5). Taking into account the advice of Historic Scotland, the application is considered to accord with this policy.

7a.10 Policy EQ21 - 'Falkirk Greenspace ' states:

*"Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:*

- (1) *Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) *The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) *Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development."*

7a.11 This policy requires developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development. The application site is located at an urban fringe location (see paragraph 7b.21 of this report). The proposed development incorporates an open space buffer adjoining the Antonine Wall and new tree planting to help screen the extended operation. In addition, the site adjoins a woodland area which provides effective screening of the proposed development along its west and south-west boundaries. On the basis of provision of the buffer, and the securing of a Management Plan for the buffer and adjoining woodland, it is considered that the developer has contributed satisfactorily to landscape improvements at this urban fringe location. The application therefore accords with this policy.



7a.12 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 the Council's open space audit and strategy, 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.13 This policy protects all urban open space, including playing fields, which is considered to have landscape, amenity, recreational or ecological value. Development involving the loss of urban open space will only be permitted in certain circumstances as detailed in parts 1 to 4 of the policy. The proposed development is not considered to raise any issues with regard to parts 1, 3 and 4 of the policy. Part 2 of the policy only provides for the loss of recreational open space where it can be clearly demonstrated from the Council's open space audit and strategy that the area is surplus to recreational requirements. Under the Council's Open Space Strategy, the application site is identified as a playing field (see paragraphs 7b.10 to 7b.13 of this report) and the strategy identifies that households should have access to a sports area within 800 metres or 10 minutes walk (see paragraph 7b.19). The playing field at Broomhill Park lies in the High Bonnybridge area and the strategy identifies that most of the houses within this area are further than 800 metres from a sports area, and its loss as a consequence of the proposed development would result in an additional 40 households being beyond the 800 metre threshold. In compensation for the loss of the playing field, the applicant has proposed improvement works to Loch Park, the acceptability of which is discussed elsewhere in this report. However, on the basis that the proposal would lead to additional households being further than 800 metres from a sports area, it cannot be clearly demonstrated from the Open Space Strategy that the area is surplus to recreational requirements. The application is therefore contrary to this policy.

7a.14 The application is considered to be contrary to the Development Plan as it has not been clearly demonstrated from the Council's Open Space Strategy that the playing field to be lost to the development proposal is surplus to recreational requirements.

**7b Material Considerations**

7b.1 The material consideration to be assessed in respect of this application are Scottish Planning Policy, Falkirk Council's Open Space Strategy, Falkirk Council's Supplementary Planning Guidance (SPG) for Public Open Space, Falkirk Greenspace and New Development, the Falkirk Local Development Plan (Proposed Plan), the consultation responses and the representations received.

## **Scottish Planning Policy**

7b.2 Scottish Planning Policy states (at paragraph 151) that planning authorities should take a strategic and long term approach to managing the open space in their area, assessing both current and future needs and protecting all spaces which can help to meet those needs. It states that authorities should undertake an audit of the open space resource in their area and detail how well it meets the needs of the community and, using the information from the audit, prepare an Open Space Strategy which sets out the vision for new and improved open space and addresses any deficiencies identified.

7b.3 Scottish Planning Policy states that open spaces which are identified in the open space audit and strategy as valued and functional should be identified and protected in the development plan and there is a presumption against development of those open spaces. Only where there is a strong justification should open space be developed either partly or fully for a purpose unrelated to use as open space. Where a planning authority grants permission for development which would result in or exacerbate a deficit, replacement open space of appropriate type, quantity, accessibility and quality should be provided.

7b.4 At paragraph 156, Scottish Planning Policy specifically refers to playing fields and sports pitches and states that they should not be redeveloped except where:-

*“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 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 improve the overall quality of provision”.*

7b.5 Sportscotland have reviewed the application against paragraph 156 of Scottish Planning Policy and consider that the loss of Broomhill Park would be adequately compensated for by the proposed upgrade works at Loch Park, which they consider to be at a convenient location for users of Broomhill Park. They have concluded that the requirements of Scottish Planning Policy, insofar as these relate to the loss of playing fields, have been met (see paragraph 4.9)

7b.6 Scottish Planning Policy also states that, where a playing field is no longer required for formal sports use, planning authorities should consider whether the site has other recreational, amenity, landscape or biodiversity value which would warrant its retention as open space. It is accepted that the playing field at Broomhill Park may provide for a wider recreational use, but whether this would warrant its retention as open space has to be weighed against other considerations.

7b.7 Scottish Planning Policy states at paragraph 212 that:-

*“The Scottish Government has adopted zero waste as a goal. The means eliminating the unnecessary use of raw materials, sustainable design, resource efficiency and waste prevention, reusing products wherever possible and recovering value from products when they reach the end of their lives either through recycling, composting or energy recovery in accordance with the waste hierarchy”.*

7b.8 Scottish Planning Policy states further, in paragraph 212, that:-

*"The planning system has a crucial role in ensuring that installations are delivered in time to allow waste management targets to be met. A significant commitment to enabling the development of new waste management infrastructure through the planning system is required"*

7b.9 The proposed development is supported by this aspect of Scottish Planning Policy as it would enhance an existing waste management facility and its contribution toward achieving the Scottish Government's goal of zero waste.

### ***Falkirk Council Open Space Strategy***

7b.10 In line with Scottish Planning Policy, the Council undertook an open space audit which informed the preparation of the Council's Open Space Strategy (April 2010). Under this Strategy, Broomhill Park is identified as a sports area.

7b.11 The main benefits of the open space at Broomhill Park were described in the Strategy as:-

*"Recreational space with maintained sports pitch. Good car parking, Antonine Wall runs through the southern part of the site".*

7b.12 The main detractions of the open space were described as:-

*"Lots of litter. Industrial character of the adjacent site".*

7b.13 The recommendations were:-

*"Enhance as a recreational ground with improved facilities and enhance boundary planting. Addition of bins/improve maintenance to tackle litter".*

7b.14 As detailed in paragraph 1.3, the applicant proposes improvement works to Loch Park, in order to compensate for the loss of the playing field at Broomhill Park. Under the Open Space Strategy, Loch Park is identified as an open semi-natural area, within which there is a sports area and a play space.

7b.15 The main benefits of the open space at Loch Park were described in the Strategy as:-

*"Wildlife benefits of St Helen's Loch and adjacent waterside. Cultural Heritage of Antonine Wall to north of site and outlying features e.g. Elf Hill. Play space with playground and pitch next to residential area. Accessibility - path along Military Road to wider countryside".*

7b.16 The main detractions of the open space were described as:-

*"Shelterbelt littered with alcohol containers. Connections between playing field area and the wider site".*

7b.17 The recommendations were:-

*"Maintain space for recreation near to residential area while encouraging 'wilder', less maintained space around Loch to the east. Implement clear access strategy with area/facilities near Loch and Antonine Wall, with other areas with limited access maintained for wildlife and conservation".*

- 7b.18 Whilst the recommendations in the Strategy for Loch Park do not specifically refer to the proposed compensation works to improve the pitch, refurbish and extend the pavilion and improve the car park, there is a clear aspiration in the Strategy to maintain the recreation facilities at Loch Park and the proposals would be consistent with that aspiration.
- 7b.19 The Strategy sets out accessibility standards and states that householders should have access to a sports area within 800 metres or 10 minutes walk. The Strategy acknowledges that no nationally accepted standards are available for distance thresholds to various types of public open space. The accessibility standards in the Strategy are based in combination on existing UK, national and Falkirk access standards, other open space strategies, past experience and common sense. As detailed in paragraph 7a.13, the loss of the playing field at Broomhill Park for the proposed development would result in an additional 40 households within the High Bonnybridge area being further than 800 metres from a sports area. However, this matter needs to be weighed against other considerations such as the impact of the proposals on the overall residential amenity of the area and the advice of Sportscotland.

### ***Supplementary Planning Guidance***

- 7b.20 Falkirk Council's Supplementary Planning Guidance (SPG) for Public Open Space, Falkirk Greenspace and New Development replicates the accessibility standards of the Council's Open Space Strategy (see paragraph 7b.19).
- 7b.21 The SPG for Public Open Space, Falkirk Greenspace and New Development states that all forms of development in urban fringe locations will be required to incorporate or contribute financially towards landscape and/or access improvement projects in the Falkirk Greenspace Initiative area. Sites within urban fringe locations are defined as those which are within 400 metres walking distance of the urban/village limits and the Falkirk Greenspace Initiative area. This matter is considered in relation to Policy SC21 of the Falkirk Council Local Plan (see paragraph 7a.11 of this report).

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

- 7b.22 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, and submitted to the Scottish Ministers for examination in February 2014. 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.23 The application site lies outwith the urban limits, within the countryside, under the Proposed Plan. In addition, it is identified as an Open Space (Playing Field) and adjoins the Antonine Wall World Heritage Site and a Core Business Area (Waste Management Facility).
- 7b.24 The policies of the Proposed Plan are generally similar to those of the Falkirk Council Local Plan of relevance to this application, with the notable exception being Policy INF03 which includes the introduction of a specific policy for development involving the loss of playing fields or sports areas.

7b.25 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.26 Part 1 of the policy provides for development involving the loss of urban open space in certain circumstances. The circumstances detailed in the first, third and fourth bullet points of part 1 of this policy are similar to those considered in parts 1, 3 and 4 of Policy SC12 of the Falkirk Council Local Plan where no issues of concern were identified (see paragraph 7a.13). The second bullet point of part 1 of this policy is different from Policy SC12 of the Falkirk Council Local Plan in that it requires a consideration of the significance of impact on the overall recreational amenity of the area, whereas Policy SC12 is less flexible in that it requires the area in question to be surplus to recreational requirements, as determined by the open space audit and strategy. In this instance it is considered that the loss of Broomhill Park would not have a significant adverse effect on the overall recreational amenity of the area given that it is not maintained in the same manner as other playing fields (see the comments of the Falkirk Community Trust in paragraph 4.8), the proposed compensatory works to Loch Park and the relatively small impact of the loss of Broomhill Park on the accessibility of the local community to a sports area (given that Loch Park is conveniently accessible to users of Broomhill Park and appears to serve broadly the same population).

- 7b.27 Part 2 of the policy sets out additional considerations where development would also involve the loss of playing fields or sports pitches. In this instance, the proposal would result in the loss of a playing field and therefore bullet point 3 of part 2 of the policy is relevant. The wording of this bullet point replicates the wording of paragraph 156 of Scottish Planning Policy as set out in paragraph 7b.4 of this report. As detailed in paragraph 4.9 of this report, Sportscotland are satisfied that the proposed upgrade of Loch Park provides adequate compensation for the loss of the playing field at Broomhill Park and therefore consider that the relevant requirements of Scottish Planning Policy, insofar as they relate to the loss of playing fields, are met. On the basis of the advice of Sportscotland, it is considered that part 2 of the policy is met. Bullet point 4 of part 2 of the policy refers to the Council's pitch strategy but the loss of the playing field has not been considered against this document as the Council does not yet have an approved pitch strategy.
- 7b.28 In light of the above comments, the application is considered to accord with Policy INF03 of the Proposed Plan.

### ***Consultation Responses***

- 7b.29 The consultation responses are summarised in section 4 of this report. No objections to the application were received in the consultation responses and the matters raised in the responses could be generally the subject of conditions or informatives of any grant of planning permission.
- 7b.30 The comments of Sportscotland are summarised in paragraph 4.9 of this report. They have no objection to the application, provided that a legal agreement (or any alternative mechanism that may be appropriate) is entered into which outlines the compensation measures at Loch Park and the mechanism and timescale for their delivery. The appropriate means by which to deal with this matter is currently under consideration in consultation with the Council's Legal Services and which will require ongoing discussions with the applicant and Sportscotland to bring the matter to a conclusion.

### ***Representations Received***

- 7b.31 The concerns raised in the objections to the application are summarised in sections 5 and 6 of this report. In response to those concerns, the following comments are considered to be relevant:-
- It is accepted the Broomhill Park may have a wider recreational value but this must be balanced against other considerations such as the proximity of this park to Loch Park, the overall best outcome for the local community, given the proposed improvement works to Loch Park, and the existing amenity at Broomhill Park (which is impacted on by the adjoining waste management facility in terms of visual impact, setting and noise);
  - The proposed extension to the waste management facility would be accessed from the existing site and access to the site from the existing car park would be prevented by the erection of a security fence;
  - The applicant has advised that the proposal would not result in an increase in HGV movements on the public road; and

- In compensation for the loss of the playing field, improvement works are proposed to Loch Park as detailed in this report, and the proceeds of the land sale would accrue to the Council for use, for example, to augment general capital programme resources.

## **7c Conclusion**

7c.1 The application is considered to be contrary to the Development Plan, as it has not been clearly demonstrated from the Council's Open Space Strategy that the playing field at Broomhill Park to be lost to the development proposal is surplus to recreational requirements. However, weighed against this are a number of considerations which are considered to lend support to the proposed development. These are:-

- The enhancement of the overall recreational amenity of the local area, given that Broomhill Park is not maintained in the same manner as other playing fields in the Falkirk Council area, the proposed compensatory works to Loch Park and the relatively small impact of the loss of the playing field at Broomhill Park on the accessibility of the local community to a sports area, given that Loch Park is conveniently accessible to users of Broomhill Park and appears to serve broadly the same population;
- The acceptability of the proposed development to Sportscotland who have advised that the proposed compensatory measures at Loch Park meet the requirements of Scottish Planning Policy insofar as they relate to playing fields;
- The advantages of Loch Park over Broomhill Park in terms of amenity as the amenity of Broomhill Park is affected by its location adjoining a waste management facility;
- The support afforded to the proposal under Policy INFO3 (Protection of Open Space) of the Falkirk Local Development Plan (Proposed Plan); and
- The opportunity the proposed development presents to enhance an existing waste management facility and its contribution towards achieving the Scottish Government's goal of zero waste.

7c.2 In conclusion, it is considered that the terms of the Development Plan can be set aside in this instance. In taking all matters into account, it is recommended that the Committee indicate that it is minded to grant the application subject to an appropriate mechanism being put in place and agreed with Sportscotland to secure the delivery of the proposed compensation measures to Loch Park. Upon the satisfactory conclusion of this matter, it is recommended that planning permission be granted subject to appropriate conditions.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the Planning Committee indicate that it is minded to Grant planning permission subject to:-**

- (a) The satisfactory conclusion of a Legal Agreement with Sportscotland (or any alternative mechanism that may be appropriate) that outlines the compensation proposals for Loch Park and the mechanism and timescale for their delivery;**
- (b) And thereafter subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to 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) Before the development commences, a scheme of soft and hard landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):-**
    - (i) Existing and finished ground levels in relation to a fixed datum, preferably ordinance;**
    - (ii) An indication of existing trees, shrubs, hedges and grass areas to be removed, those to be retained and in the case of damage, proposals for their restoration;**
    - (iii) The location, height and specification of all proposed fences, walls and gates;**
    - (iv) The location of all new trees, hedges and grass areas;**
    - (v) A schedule of plants to comprise species, plant sizes and proposed numbers/density; and**
    - (vi) A programme for completion and subsequent maintenance.**

**Thereafter the development shall be carried out and maintained in accordance with the approved details.**

- (3) No development shall commence until a Woodland Management Plan to secure the retention and ongoing maintenance of the existing woodland adjoining the application site has been submitted to and approved in writing by this Planning Authority. Thereafter, the woodland shall be maintained in accordance with the approved details.**
- (4) For the avoidance of doubt, the 20 metre buffer zone as shown on the approved site layout plan (Figure 3 : Rev 7.3.14) shall be maintained as such for the lifetime of the development hereby approved, in accordance with the details approved within the terms of condition 2 of this permission.**



- (5) For the avoidance of doubt, the application site excluding the 20 metre buffer zone shall be used solely for the purposes of storage and access, as shown on the approved site layout plan (Figure 3 : Rev 7.3.14).
- (6) The height of the materials stored within the 'processed material storage' areas and the 'material for crushing' area as shown on the approved site layout plan (Figure 3 : Rev 7.3.14) shall not at any time exceed 8 metres.
- (7) Unless otherwise agreed in writing by this Planning Authority, the height of the skips stored within the 'skips storage area' as shown on the approved site layout plan (Figure 3 : Rev 7.3.14) shall not at any time exceed 2 metres.
- (8) For the avoidance of doubt, the proposed boundary fencing shall be located so that it accords with the approved boundary fencing plan (Figure : BF 17.01.14) and no other fencing shall be erected without the prior written approval of this Planning Authority.
- (9) Unless otherwise agreed in writing by this Planning Authority, no development shall commence until a Contaminated Land Assessment has been submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out 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.
- (10) For the avoidance of doubt, the proposed boundary fencing as shown on the approved boundary fencing plan (Figure: BF 17.01.14) shall not include any means by which to provide access to the site.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2-4, 6-8) To safeguard the visual amenity of the area and/or the setting of the Antonine Wall World Heritage Site.
- (5,10) For the avoidance of doubt.
- (9) To ensure that the ground is suitable for the proposed development.

**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 , 02 , 03C and 04B.

- (3) SEPA have advised that the existing Waste Management License will require to be modified prior to any waste being stored in the area being applied for.
- (4) SEPA have advised that the existing waste treatment area will require to be appropriately sized to accommodate the increase in site area.
- (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). Alternatively the operations team at the local SEPA office can be contacted at:-

Bremner House, The Castle Business Park, Stirling FK9 4TF  
Tel: 01786 452595

- (6) The Coal Authority have advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0845 762 6848. Further information is available on the Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

- (7) Corporate and Neighbourhood Services have advised that the proposed compensation works at Loch Park will require suitable measures to be put in place to safeguard the existing users of the adjacent play facilities, and to protect the individual trees on the site from compaction around their bases from machinery and stored/excavated materials. In addition the adjacent road and car parking area will require to be swept routinely during the works.

Pp

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Director of Development Services

Date: 14 March 2014

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.
4. Falkirk Council Open Space Strategy.
5. Falkirk Council Supplementary Planning Guidance for Public Open Space, Falkirk Greenspace and New Development.
6. Falkirk Local Development Plan (Proposed Plan).
7. Letter of Objection from Mrs Clare Finlay, 7 Reilly Gardens, Bonnybridge Fk4 2BB on 2 October 2013.
8. Letter of Objection from Bonnybridge Community Council, FAO Graham Rae (Secretary) on 23 October 2013.
9. Letter of Objection from Mr Gordon McIntosh, St Josephs Parent Council, Broomhill Road, Bonnybridge FK4 2AN on 9 October 2013.

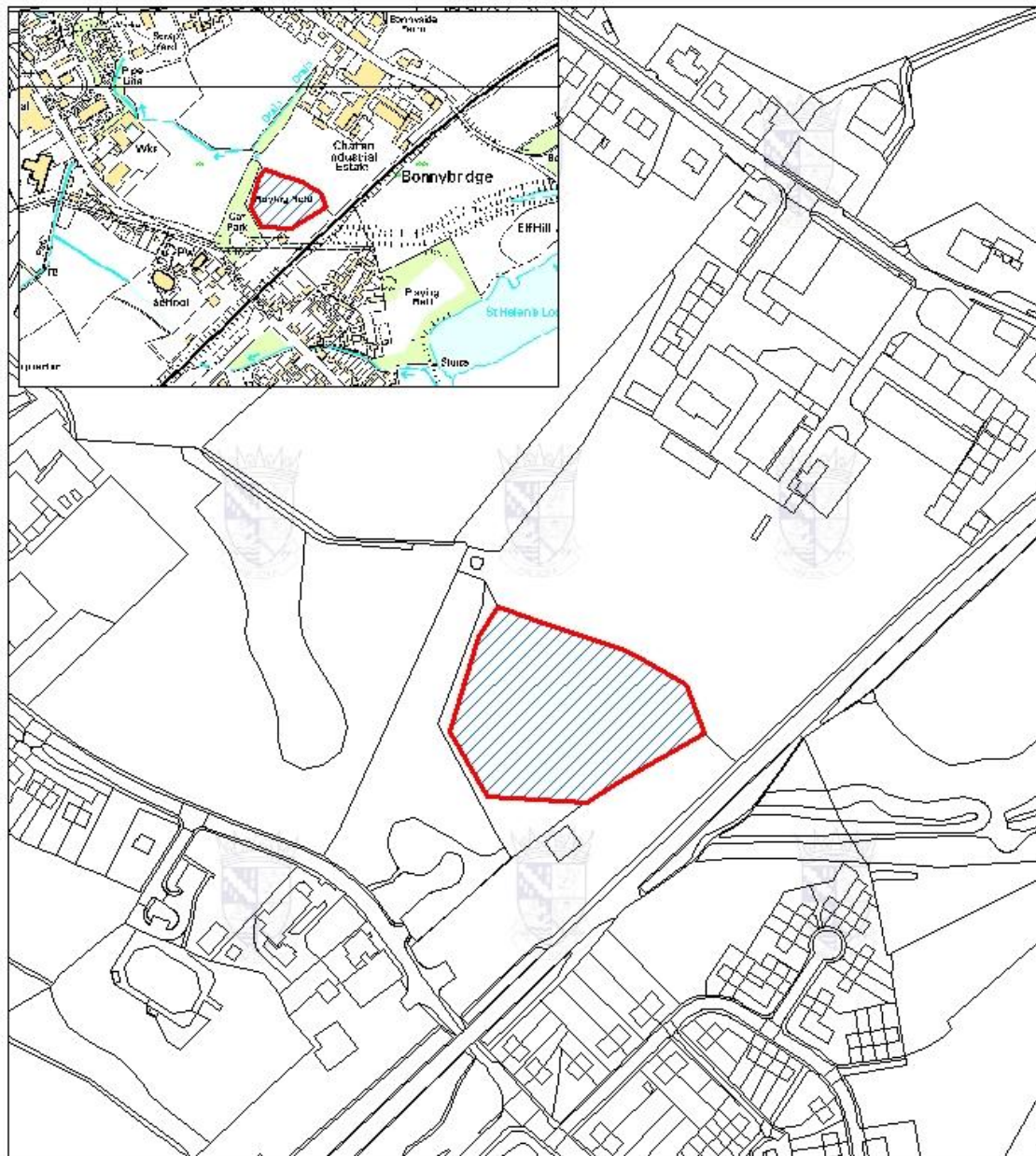
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning officer.

# Planning Committee

## Planning Application Location Plan

**P/13/0620/FUL**

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



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