

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK, FK2 7AY FOR EAST STIRLINGSHIRE FC - P/13/0234/PPP

Meeting: PLANNING COMMITTEE

Date: 27 November 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: Allan Finlayson (Senior Planning Officer), Ext. 4706

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 10 September 2014 when it was agreed to continue consideration to allow a site visit to take place on 29 September 2014. The Committee further considered the application on 29 October 2014 (copy of previous reports appended), when it was agreed to again continue the application to allow the submission of further information from the applicant in relation to alternative means of vehicular access to the site and attempts made to market the site for commercial users as proposed in the Development Plan.
2. In relation to site access the applicant's agent has confirmed that the applicant does not control any land over which an alternative vehicular access could be taken. He states that investigation into whether the retail park access could be adopted up to the edge of the site to remove the "ransom strip" found that this was not possible. The vehicular access position preferred by the Roads and Transport Planning Units of Falkirk Council is to the south of the site from Central Retail Park and the applicant's agent has confirmed that this land is owned by the owners of Central Retail Park.
3. The applicant's agent has advised that the site has been offered to every owner of Central Retail Park since the late 1990's without interest being shown. The agent considers that the reasons for this are the back land characteristics of the site and that incorporating the site into Central Retail Park would require substantial re-configuration of the existing layout and that changes in site levels may make this re-configuration unviable.

4. The agent considers that the proposed residential use is one which is compatible with all surrounding uses, that a retail use of the site would result in greater impact on existing residential amenity and that, if residential use is not accepted, the site may lie vacant for the foreseeable future.
5. No matters have arisen in the consideration of further information received that would amend the previous recommendation.

6. RECOMMENDATION

6.1 It is recommended that the Planning Committee indicates that it is minded to grant Planning Permission in Principle subject to:-

- (a) Notification of the application to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- (b) The satisfactory completion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require the making of a financial contribution (index linked from the date of any minded to grant decision) to require:
 - i) on-site provision of 15% affordable housing;
 - ii) financial contribution of £78,260 towards off-site open space provision in accordance with Falkirk Council's "Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance" and £30,000 towards improvements at Victoria Park, Falkirk to compensate for the loss of the former provision at Firs Park.
 - iii) financial contribution towards education capacity improvements at schools and children's nurseries in the catchment area of the site and required as a result of the proposed development; and
 - iv) financial contribution of £10,000 to allow future footpath links between the application site and the surrounding area.
- (c) The undertaking of an amended Transport Assessment to consider post-development off-site parking arrangements, turning arrangements from Thornhill Road and the completion of a Road Safety Audit.
- (d) Acceptance by the Director of Development Services of the findings of the amended Transport Assessment with regard to the outstanding safety audit.
- (e) And thereafter, on satisfactory conclusion of (a) and (b) above, to remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions relating to:
 - Site layout;
 - Building design and height;
 - Vehicular and pedestrian access provision;
 - Contaminated land;

- Construction impacts.

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) 01-05.

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Director of Development Services

Date: 17 November 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan).
4. Scottish Planning Policy (SPP)
5. Falkirk Council Supplementary Planning Guidance (SPG) – Public Open Space, Falkirk Greenspace and New Development.
6. Falkirk Council Supplementary Planning Guidance (SPG) – Affordable Housing
7. Letter of Objection received from Mr Gordon Doherty, 106 Wallace Street, Falkirk, FK2 7DX on 7 May 2013.
8. Letter of Support received from Mr Stewart Mulgrew, 32 Firs Street, Falkirk, FK2 7AY on 27 April 2013.
9. Letter of Objection received from Mr and Mrs Paul and Christine McPhail, 112 Wallace Street, Falkirk, FK2 7DX on 23 May 2013.
10. Letter of Objection received from Amanda Smart, 108 Wallace Street, Falkirk, FK2 7DX on 11 June 2013.
11. Letter of Objection received from Mr & Mrs William & Mandy Clark, 102 Wallace Street, Falkirk, FK2 7DX on 29 May 2013.
12. Letter of Representation received from Dr W Riggs, 18 Station Road, Church Village, Mid Glamorgan, CF38 1AH on 6 August 2013.
13. Letter of Support received from Mr Ian Blackie, 46 Firs Street, Falkirk, FK2 7AY on 27 March 2014.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK, FK2 7AY FOR EAST STIRLINGSHIRE FC - P/13/0234/PPP

Meeting: PLANNING COMMITTEE

Date: 29 OCTOBER 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: Allan Finlayson (Senior Planning Officer), Ext. 4706

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 10 September 2014 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 29 September 2014 when the Committee viewed the site and surrounding area.
2. At the meeting, a representative of East Stirlingshire Football spoke in support of the application and referred to the previous proposal when the site still had some recreational value, whereas now it lies vacant and derelict with no access permitted. It was also confirmed that there was no possibility of the football club returning to this site.
3. Objectors to the proposed development reiterated their concerns in relation to the loss of open space and traffic impacts. It was confirmed that the application was supported by a transport assessment which had been updated following refusal of the previous proposal. However the minded to grant recommendation includes a requirement for an amended transport assessment to be undertaken to assess off-site parking arrangements, turning arrangements from Thornhill Road and the completion of a Road Safety Audit.

4. Other matters relating to design, layout and boundary treatments were raised and it was clarified that this application seeks planning permission in principle and is accompanied by indicative layout drawings. If permission were to be granted, further applications would be required and it would be at that stage that a detailed assessment would be undertaken and would be subject to consultation and neighbour notification. It was also clarified that any structural damage caused by development on the site to neighbouring properties would be a civil matter.
5. In relation to matters raised by Members, it was confirmed that the previous use as a football ground had no dedicated parking provision. Vehicle access from Central Retail Park is not proposed in this application and the applicant's agent has confirmed that this would not be possible due to third party land ownership issues. If such an access were proposed this would require to be considered under a separate planning application.
6. In relation to alternative uses for the site, including use for retail / leisure / business use as identified in the Falkirk Council Local Plan and Falkirk Local Development Plan, the applicant's agent has confirmed that despite efforts over many years there has been no interest in these uses and that development for housing is preferred.
7. Local Members Provost Reid and Councillor Alexander were also heard in relation to concerns regarding traffic impacts, loss of amenity and privacy to existing residential properties, condition of the site and prematurity of the proposal.
8. No matters were raised which would amend the previous recommendation.

9. RECOMMENDATION

9.1 It is recommended that the Planning Committee indicates that it is minded to grant Planning Permission in Principle subject to:-

- (a) Notification of the application to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- (b) The satisfactory completion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require the making of a financial contribution (index linked from the date of any minded to grant decision) to require:
 - i) on-site provision of 15% affordable housing;
 - ii) financial contribution of £78,260 towards off-site open space provision in accordance with Falkirk Council's "Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance" and £30,000 towards improvements at Victoria Park, Falkirk to compensate for the loss of the former provision at Firs Park.
 - iii) financial contribution towards education capacity improvements at schools and children's nurseries in the catchment area of the site and required as a result of the proposed development; and

- iv) financial contribution of £10,000 to allow future footpath links between the application site and the surrounding area.
- (c) The undertaking of an amended Transport Assessment to consider post-development off-site parking arrangements, turning arrangements from Thornhill Road and the completion of a Road Safety Audit.
- (d) Acceptance by the Director of Development Services of the findings of the amended Transport Assessment with regard to the outstanding safety audit.
- (e) And thereafter, on satisfactory conclusion of (a) and (b) above, to remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions relating to:
 - Site layout;
 - Building design and height;
 - Vehicular and pedestrian access provision;
 - Contaminated land;
 - Construction impacts.

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) 01-05.

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Director of Development Services

Date: 20 October 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan).
4. Scottish Planning Policy (SPP)
5. Falkirk Council Supplementary Planning Guidance (SPG) – Public Open Space, Falkirk Greenspace and New Development.
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FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ACCESS AT FIRS PARK, FIRS STREET, FALKIRK, FK2 7AY FOR EAST STIRLINGSHIRE FC - P/13/0234/PPP

Meeting: PLANNING COMMITTEE

Date: 10 SEPTEMBER 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: Allan Finlayson (Senior Planning Officer), Ext. 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application to be considered seeks planning permission in principle for housing on land within the site of Firs Park, the former home of East Stirlingshire Football Club.
- 1.2 The application site (1.1 hectares) comprises generally level ground with a raised embankment at the north. Ground levels surrounding the site vary considerably with the application site both higher and lower than surrounding residential and commercial uses.
- 1.3 The proposed vehicular access is from Firs Street which is currently the only formal pedestrian or vehicular access to the site.
- 1.4 The application is supported by indicative development proposals that identify an anticipated capacity of 86 flatted dwellings with associated access, parking and open space.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Granting the proposal would be contrary to the Development Plan.

3. SITE HISTORY

- 3.1 The site was used as a football ground, starting in 1921, for East Stirlingshire Football Club. The club vacated the site in 2008. The football stands have subsequently been demolished and the site lies vacant and derelict.
- 3.2 A previous outline planning application for housing development was refused by the former Regulatory Committee in 2008 (P/07/0318/OUT). A subsequent appeal to Scottish Government was dismissed.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit has no objections to the principle of the proposed development but has concerns in relation to the site access being taken from Firs Street for reasons of restricted visibility at the Firs Street/Thornhill Road junction and existing on street parking on Firs Street. The investigation of alternative access to the site from Central Retail Park is requested. Drainage requirements are advised.
- 4.2 Falkirk Council's Transport Planning Unit has advised of the need for a revised Transport Assessment to be provided to address concerns relating to post-development parking arrangements on Firs Street and Victoria Road; clarification of pedestrian access from the east of the site, and turning arrangements from Thornhill Road. The investigation of an alternative access to the site from Central Retail Park has been requested.
- 4.3 Falkirk Council's Education Services has advised of a financial contribution of £90,300 in order to mitigate impacts on education (including nursery provision) capacity in catchment areas for the site. The applicant has agreed in principle to the provision of this contribution.
- 4.4 The Environmental Protection Unit of Falkirk Council has advised that a noise assessment would be required in order to determine transportation and commercial noise impacts on the site. A contaminated land assessment would also be required.
- 4.5 Sportscotland had previously objected to the loss of Firs Park playing field in relation to P/07/0318/OUT. Sportscotland recognises that the site is now vacant and has advised that compensation options should be explored in order to ensure that Scottish Planning Policy requirements in respect of playing field provision are addressed. The applicant has proposed a maximum compensation figure of £30,000 which is significantly less than benchmark guidance figures provided by Sportscotland for replacement pitch costs. In this respect it is considered that Sportscotland formally objects to the proposed development on the basis of loss of playing field provision. This issue is considered in more detail in paragraph 7b.26 of this report.
- 4.6 Scottish Water has no objections to the proposed development. The requirement for Scottish Water approval for water connection is noted.

5. COMMUNITY COUNCIL

- 5.1 Grahamston, Middlefield and Westfield Community Council have made no representation on this application.

6. PUBLIC REPRESENTATION

- 6.1 A total of 4 objections have been received from residents surrounding the site. In addition a petition with 18 signatories has been submitted objecting to the proposed development.
- 6.2 One letter of support for the proposal has been received and one representation has been submitted seeking guidance on proposed building heights and boundary treatments.
- 6.3 The grounds of objection relate to:
- Negative impact on local amenities and resources;
 - Privacy and security issues;
 - Loss of mature landscaping and natural habitat;
 - Traffic increase;
 - Adverse impact on natural drainage;
 - Construction noise nuisance;
 - Lack of information relating to building height.
- 6.4 The submitted letter of support considers that the proposed re-development of the site would be beneficial for the community.

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 site is not identified as strategic in the context of the Structure Plan. The following policies do however apply in the assessment of potential loss of open space.
- 7a.2 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.3 In recognition of the previous playing field use of the site, the applicant has agreed in principle to the provision of financial contributions to improve playing fields at nearby Victoria Park and education provision for schools in the site's catchment area. Developer contributions are assessed further in the material considerations section of this report.

7a.4 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.5 The assessment of potential open space loss and mitigation is assessed in more detail in the assessment of Scottish Planning Policy and the concerns of Sportscotland, in the material considerations section of this report. The Structure Plan establishes the importance of the provision of acceptable levels of open space, the careful assessment of any potential changes to this provision and the possible requirement for developer contributions to mitigate impacts on open space.

Falkirk Council Local Plan

7a.6 The application site lies within the established settlement area of Falkirk.

7a.7 The Falkirk Council Local Plan identifies the site as Opportunity ED.FAL05 for non-food retail / leisure use. Specific reference is made to the opportunity for further extension to the Central Retail Park given that East Stirlingshire FC have now vacated the site.

7a.8 Opportunity ED.FAL05 - Firs Park states:

Opportunity:	Non-Food Retail/Leisure
Site Area:	1.1 hectares
Agency:	Private
Comments:	Opportunity for further extension to Central Retail Park in the light of East Stirlingshire FC having relocated from Firs Park.

7a.9 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.10 The application site is a 'brownfield' site and the proposed residential use is compatible with surrounding residential and retail/leisure uses. Access to community facilities is good and the proposed residential use can be accommodated by surrounding land uses and facilities subject to, in the case of education and play provision, developer contributions to improve existing levels of provision.

7a.11 Policy SC4 'Special Needs and Affordable Housing' states:

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

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."

7a.12 The applicant has agreed to provide 15% affordable housing on the site. This provision is in accordance with Policy SC4 and Falkirk Council's Affordable Housing Supplementary Planning Guidance. The implementation of affordable housing on the site can be achieved by legal agreement.

7a.13 Policy SC6 - 'Housing Density and Amenity' states:

- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*

7a.14 The proposed indicative layout submitted with this application confirms that adequate density, housing mix and amenity can be achieved on the site. Should planning permission in principle (PPP) be granted the applicant would have to seek further approval of detailed proposals by applying for approval of matters specified in conditions (MSC).

7a.15 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.16 Policy SC13 'Open Space and Play Provision in New Development' states:

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

- (1) *Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
 - *existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - *in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
 - *The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
- (3) *The location and design of open space should be such that it:*
 - *forms an integral part of the development layout, contributing to its character and identity;*
 - *is accessible and otherwise fit for its designated purpose;*
 - *links into the wider network of open space and pedestrian/cycle routes in the area;*
 - *sensitively incorporates existing biodiversity and natural features within the site;”*
 - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
 - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7a.17 The indicative layout submitted with the application confirms that some open space can be provided on the site. Financial contribution to additional off-site open space provision will, however, be required as detailed in Falkirk Council's - 'Public Open Space, Falkirk Greenspace and New Development' Supplementary Guidance. A further financial contribution to compensate for the loss of former playing field provision at the site will be required. The applicant has agreed to the provision of £78,260 towards off-site open space provision. This contribution is calculated on a pro-rata basis and likely to be subject to change. In addition, the applicant has agreed to provide a fixed contribution of £30,000 to improve playing field provision at the nearby Victoria Park in recognition of the former use of Firs Park as a playing field.

7a.18 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.19 Education Services has advised of the requirement for a financial contribution of £90,300 to mitigate impacts on education provision that would arise directly as a result of the proposed development on St Mungo's High School and nursery provision. The required education contributions are calculated on a pro-rata basis of £900 per flat required for St. Mungo's High School and £150 per flat for nursery provision. The applicant has agreed to the provision of a financial contribution which can be secured through legal agreement.
- 7a.20 A recent updated consultation response from Education Services advises that the development, if not implemented by 2020 would contribute to capacity issues at Graeme High School. The applicant has indicated that development would be complete prior to 2020 and has advised that further contribution to education would render the development unviable. This issue is considered in more detail in paragraph 7b.27 of this report.
- 7a.21 The proposed development advances a residential use not proposed in the extant Falkirk Council Local Plan, which anticipates a commercial or leisure use for the site. The proposal does, however, comply with all other relevant Local Plan policies.
- 7a.22 Accordingly, the proposal does not accord with opportunity ED.FAL05 of the Falkirk Local Plan as the proposed use is not for non-food retail or leisure. However the proposed development is in accordance with all remaining policies of the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the emerging Falkirk Local Development Plan (Proposed Plan), Scottish Planning Policy (SPP), the views made by consultees, objectors and supporters and the history of the site.

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 is identified as Proposal ED.07 in the Falkirk Local Development Plan.

Site Name	Firs Park
Site Size	1.1 hectares
Proposed Uses	Business/leisure/retail
Status	Existing Supply Site
Site Comments	Redundant football stadium providing opportunity for business/leisure/retail development complementing Central Retail Park uses. Redevelopment of pitch will require assessment in terms of open space policy and may require compensatory provision or appropriate contributions.

- 7b.4 Proposal ED.07 identifies the site as an opportunity for business/leisure or retail use. Site specific comments note the potential for business, leisure or retail uses complementing the adjacent Central Retail Park. Re-use for residential use is not advanced in emerging policy.
- 7b.5 The following policies of the emerging Falkirk Local Development Plan are relevant to the assessment of the application.
- 7b.6 Policy HSG02 - ‘Affordable Housing’ states:

“New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 ‘Affordable Housing’.”

Figure 5.1 Affordable Housing Requirements in Settlement Areas

Settlement Area	Proportion of total site units required to be affordable
Larbert/Stenhousemuir Polmont Area Rural North Rural South	25%
Bo'ness Bonnybridge/Banknock Denny Falkirk Grangemouth	15%

- 7b.7 The applicant has agreed to the provision of 15% affordable housing on the site. This level of provision is in accordance with emerging policy HSG02 and Falkirk Council’s - ‘Affordable Housing’ SPG.
- 7b.8 Policy HSG03 - ‘Windfall Housing’ states:

“Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 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, sewage capacity, 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 INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies.”*

7b.9 The application site is 'brownfield' site accessible to transport and to nearby community facilities. The site can be served by adequate road infrastructure and the proposed housing use is compatible with surrounding land uses.

7b.10 Policy HSG04 - 'Housing Design' states:

"The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Housing Layout and Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved."

7b.11 The application under consideration is for planning permission in principle. Accordingly, only indicative development proposals have been submitted. Assessment of indicative proposals has confirmed that the site is capable of achieving high quality development in accordance with local and national design requirements.

7b.12 Policy INF02 - 'Developer Contributions to Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments."

7b.13 The applicant has agreed in principle to the provision of financial contributions to education capacity improvements, off site playing field improvement, off site open space improvements and future pedestrian access improvements to Central Retail Park.

7b.14 Policy INF04 - 'Open Space and New Residential Development' states:

"Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:

1. *New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*
2. *Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
3. *Arrangements must be made for the appropriate management and maintenance of new open space."*

7b.15 Indicative development proposals demonstrate that an attractive arrangement of open space can be incorporated within the development proposals. Additional off site open space contributions will, however, be required. The applicant has agreed to the provision of a financial contribution to off site open space improvements commensurate with the levels required by Falkirk Council's – 'Public Open Space, Falkirk Greenspace and New Development' SPG.

7b.16 Policy INF05 - 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school(s) 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 is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.

In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted."

7b.17 Policy INF10 - 'Transport Assessments' states:

1. *The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
2. *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
3. *The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

- 7b.18 The above policies broadly accord with extant Development Plan policy and have been considered in part 7a of this report. The provisions of the Development Plan have evolved since the consideration of previous application P/07/0318/OUT, which was prior to the adoption of the Falkirk Council Local Plan in December 2010. Of particular relevance to the current proposal are considerations of affordable housing, housing design and open space.
- 7b.19 Policy HSG02 - “Affordable Housing” is complemented by Falkirk Council’s Supplementary Planning Guidance (SPG) - Affordable Housing which establishes the position of Falkirk Council with respect to affordable housing. The applicant has agreed to the principle of a 15% provision of affordable housing subject to negotiation over the mechanism by which this is implemented.
- 7b.20 Policy HSG04 - “Housing Design” identifies the opportunity to implement the nationally emerging ‘Designing Streets’ philosophy. The application site is considered to be suitable for the implementation of Designing Streets in respect of imaginative layout opportunities and shared surface use of space.
- 7b.21 Policy INF04 - “Open Space and New Residential Development” is complemented by Falkirk Council’s Supplementary Planning Guidance (SPG) - Public Open Space. Falkirk Greenspace and New Development which establishes the position of Falkirk Council with respect to open space. Open space is considered in the assessment of the consultation response from Sportscotland below.
- 7b.22 Scottish Planning Policy (SPP) contains guidance on playing fields and states that playing fields and sports pitches should not be re-developed except where proposed development is ancillary to playing field use. Development of the site would not affect existing playing field use and improved playing provision would result, by means of improvements to Victoria Park playing fields.
- 7b.23 The site at Firs Park which is in private ownership, has not been in use for some five years and now lies vacant and derelict. The principles of Scottish Planning Policy remain applicable for the last use of the site as a playing field. It is considered, however, that the possibility to reinstate playing fields on the site has been lost and that it is pragmatic to consider options to achieve off-site playing field improvements at Victoria Park in proximity to the site. The applicant has agreed to the principle of making a financial contribution to the improvement of playing field provision at Victoria Park.

Responses to Consultation

- 7b.24 Sportscotland notes the planning history of the site and provides detailed assessment of Scottish Planning Policy (SPP) in relation to sport. In particular, playing field provision in the Falkirk Council area is assessed with the conclusion that pitch quality and changing accommodation are current constraints to participation in the local area.
- 7b.25 Sportscotland acknowledges the proposal, in considering the previously refused planning application P/07/0318/OUT, for a financial contribution to be made for the upgrade of existing pitches in the nearby Victoria Park.

- 7b.26 SportsScotland concludes that the provision of compensation measures should be explored to address the requirements of Scottish Planning Policy. As indicated above, this principle has been negotiated with the applicant, who has confirmed agreement to the maximum provision of £30,000 to improve playing field provision at Victoria Park in recognition of the former playing field use at Firs Park. This contribution can be required by legal obligation. The maximum financial contribution proposed by the applicant is significantly less than the benchmark replacement cost for pitch replacement of £130,000 advocated by SportsScotland. In this respect the consultation response from SportsScotland is considered to be a formal objection to the application. Should Members be minded to grant planning permission, referral to Scottish Ministers would therefore be required on the basis that SportsScotland is a statutory consultee. A response from Falkirk Community Trust remains outstanding in respect of the contribution being offered by the applicant. A verbal update on this issue will be given at Planning Committee on 10 September.
- 7b.27 Education Services initially advised of necessary contributions to mitigate impacts on St Mungo's High School and nursery provision as a result of the proposed development. These contributions totalled £90,300 and the applicant has confirmed acceptance of this subject to agreement over phasing of contributions in the required S75 legal obligation. In a recent updated Education consultation further contributions to future capacity issues at Graeme High School are identified as being likely post 2020 if the unrelated Whitecross development proceeds.
- 7b.28 Should development of new housing be implemented at Whitecross (allocated in the Development Plan for housing development) the 'windfall' status of the Firs Park would result in unforeseen pressure on St. Mungo's High School. Therefore in this eventuality, the Firs Park site would require to make financial contribution to assist in meeting capacity improvements at St. Mungo's High School. If, however, the Whitecross development is not commenced before the completion of development of the Firs Park site then education contributions would be reduced. These eventualities can be provided for in an appropriate legal agreement should the current application be approved.
- 7b.29 The applicant has stated that further contributions to education would render the site unviable and has questioned whether the Whitecross development, over which it has no control, will proceed as anticipated. It is further claimed that, should planning permission for the Firs Park site be granted, development would be completed before 2020.
- 7b.30 Following negotiation the applicant has agreed to the principle of providing contributions to Graeme High School on completion of 75% of the site development to be secured by S75 legal obligation with an appropriate repayment clause to allow the return of contributions should mitigation of capacity at Graeme High School not be required. This arrangement is considered both to protect the Council's position with regard to education capacity and afford the developer certainty that any contributions made will be returned should they not be required.
- 7b.31 The applicant has advised that the aspirations of the Roads Development Unit for an alternative vehicular access to the site from the access to the Central Retail Park cannot be achieved as this land is under the ownership of a third party. Drainage requirements have been noted. Visibility and traffic generation concerns are noted. These issues are considered likely to be able to be overcome in the requirement for an amended Transport Assessment identified below. In addition a road safety audit can be required to ensure that safe access to the site is achieved.

- 7b.32 The Transport Planning Unit has requested a revised Transport Assessment to ensure that post-development off-site parking arrangements, pedestrian access to the site from the east and turning arrangements from Thornhill Road have been fully considered by the applicant. The applicant contends that existing off-site parking arrangements in Firs Street and Victoria Road demonstrate that no impediment to site access would result and that on site arrangements could adequately provide for development parking requirements. Pedestrian access from the east currently exists to the site and this has the potential for improvement. A revised Transport Assessment clarifying the outstanding concerns held by the Transport Planning Unit can be required by planning condition. The applicant has agreed to a financial contribution of £10,000 to provide improved pedestrian access to the east of the site.
- 7b.33 The requirements for financial contribution identified by Education Services have been agreed with the applicant and can be achieved by means of legal agreement.
- 7b.34 The requirements of the Environmental Protection Unit with respect to noise and contaminated land assessments can be required by planning condition.

Objections Received

- 7b.35 The proposed residential use is not considered likely to result in a negative impact on local amenities or resources. Financial contribution to mitigate education impact has been agreed with the applicant as has the principle of contributions to off-site play and open space provision.
- 7b.36 The indicative layout submitted with this application for planning permission in principle (PPP) demonstrates that the site can be developed without any unacceptable impact on the privacy or security of the surrounding housing. Building height information has been submitted. The indicative maximum height of four storeys is considered acceptable given that this height of building currently exists in Victoria Road. Lower building heights are proposed where the proposed housing is adjacent to the rear gardens of one and a half and two storey housing in Wallace Street.
- 7b.37 The site has no nature designation or tree preservation order status. The indicative layout demonstrates an acceptable open space arrangement, with the embankment to the rear of Wallace Street maintained as generous rear gardens for the housing proposed at this location.
- 7b.38 The proposed development would inevitably result in increased traffic generation to the site. This would result from any re-development of the site. The likely traffic generation from the proposed use is considered to be acceptable subject to further considerations of access and parking that will be assessed on submission of a revised Transport Assessment. In addition a Road Safety Audit can be required to ensure that safe access arrangements and traffic circulation is provided.
- 7b.39 Drainage arrangements are considered to be acceptable in principle. Detailed assessment of drainage design is not possible at planning permission in principle stage.
- 7b.40 Construction nuisance will be an inevitable result of any re-development of the site. This nuisance, however, is temporary in nature and subject to control under the terms of Environmental Protection legislation. In this regard residential amenity will not be compromised.

- 7b.41 A further opportunity for the assessment of the development, indicating exact details of proposals, will be required in the submission of a further Matters Specified in Conditions (MSC) application. Further opportunity for neighbour notification and public participation will therefore result.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan in the assessment of policies relating to residential use and open space provision. The views of consultees can be addressed either by legal obligation requiring off-site playing field improvement, open space improvements, education contributions, pedestrian access improvements and the provision of affordable housing on the site. The requirements of other consultees can be achieved by planning conditions.
- 7c.2 The objection from Sportscotland has not been resolved. The applicant's proposed maximum financial contribution to off-site playing fields of £30,000 is significantly less than the benchmark requirement of £130,000 for replacement provision identified by Sportscotland. It is considered, however, that given the derelict condition of the site, the time which has elapsed since it was last used, the applicant's commitment to significant education contributions and concerns over site viability, that the proposed off-site playing field contribution is acceptable, in that some of site improvements would be achieved.
- 7c.3 The objections received from residents are either unsubstantiated or can be addressed in the assessment of future matters specified in conditions (MSC) application or by legal agreement planning condition.
- 7c.4 The proposed development has been shown to be contrary to opportunity ED.FAL05 of the Falkirk Local Plan in that the proposed use is for residential rather than non-food retail or leisure purposed. The proposed development is, however, considered to be in accordance with all other relevant policies of the Development Plan. In addition the material considerations assessed are considered to justify departure from opportunity ED.FAL05.
- 7c.5 As objection remains from Sportscotland, if the Planning Committee are minded to grant Planning Permission in principle, this planning application requires to be referred to Scottish Ministers for their consideration.

8. RECOMMENDATION

- 8.1 It is recommended that the Planning Committee indicates that it is minded to grant Planning Permission in Principle subject to:-
- (a) Notification of the application to the Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
 - (b) The satisfactory completion of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to require the making of a financial contribution (index linked from the date of any minded to grant decision) to require:
 - i) on-site provision of 15% affordable housing;

- ii) financial contribution of £30,000 towards improvement of sports pitches and further off-site open space improvements at Victoria Park, Falkirk in accordance with Falkirk Council's "Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance";
 - iii) financial contribution towards education capacity improvements at schools and children's nurseries in the catchment area of the site and required as a result of the proposed development; and
 - iv) financial contribution of £10,000 to allow future footpath links between the application site and the surrounding area.
- (c) The undertaking of an amended Transport Assessment to consider post-development off-site parking arrangements, turning arrangements from Thornhill Road and the completion of a Road Safety Audit.
- (d) Acceptance by the Director of Development Services of the findings of the amended Transport Assessment with regard to the outstanding safety audit.
- (e) And thereafter, on satisfactory conclusion of (a) and (b) above, to remit to the Director of Development Services to grant planning permission in principle subject to appropriate conditions relating to:
- Site layout;
 - Building design and height;
 - Vehicular and pedestrian access provision;
 - Contaminated land;
 - Construction impacts.

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) 01-05.

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Director of Development Services

Date: 29 August 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan).
4. Scottish Planning Policy (SPP)
5. Falkirk Council Supplementary Planning Guidance (SPG) – Public Open Space, Falkirk Greenspace and New Development.
6. Falkirk Council Supplementary Planning Guidance (SPG) – Affordable Housing
7. Letter of Objection received from Mr Gordon Doherty, 106 Wallace Street, Falkirk, FK2 7DX on 7 May 2013.
8. Letter of Support received from Mr Stewart Mulgrew, 32 Firs Street, Falkirk, FK2 7AY on 27 April 2013.
9. Letter of Objection received from Mr and Mrs Paul and Christine McPhail, 112 Wallace Street, Falkirk, FK2 7DX on 23 May 2013.
10. Letter of Objection received from Amanda Smart, 108 Wallace Street, Falkirk, FK2 7DX on 11 June 2013.
11. Letter of Objection received from Mr & Mrs William & Mandy Clark, 102 Wallace Street, Falkirk, FK2 7DX on 29 May 2013.
12. Letter of Representation received from Dr W Riggs, 18 Station Road, Church Village, Mid Glamorgan, CF38 1AH on 6 August 2013.
13. Letter of Support received from Mr Ian Blackie, 46 Firs Street, Falkirk, FK2 7AY on 27 March 2014.

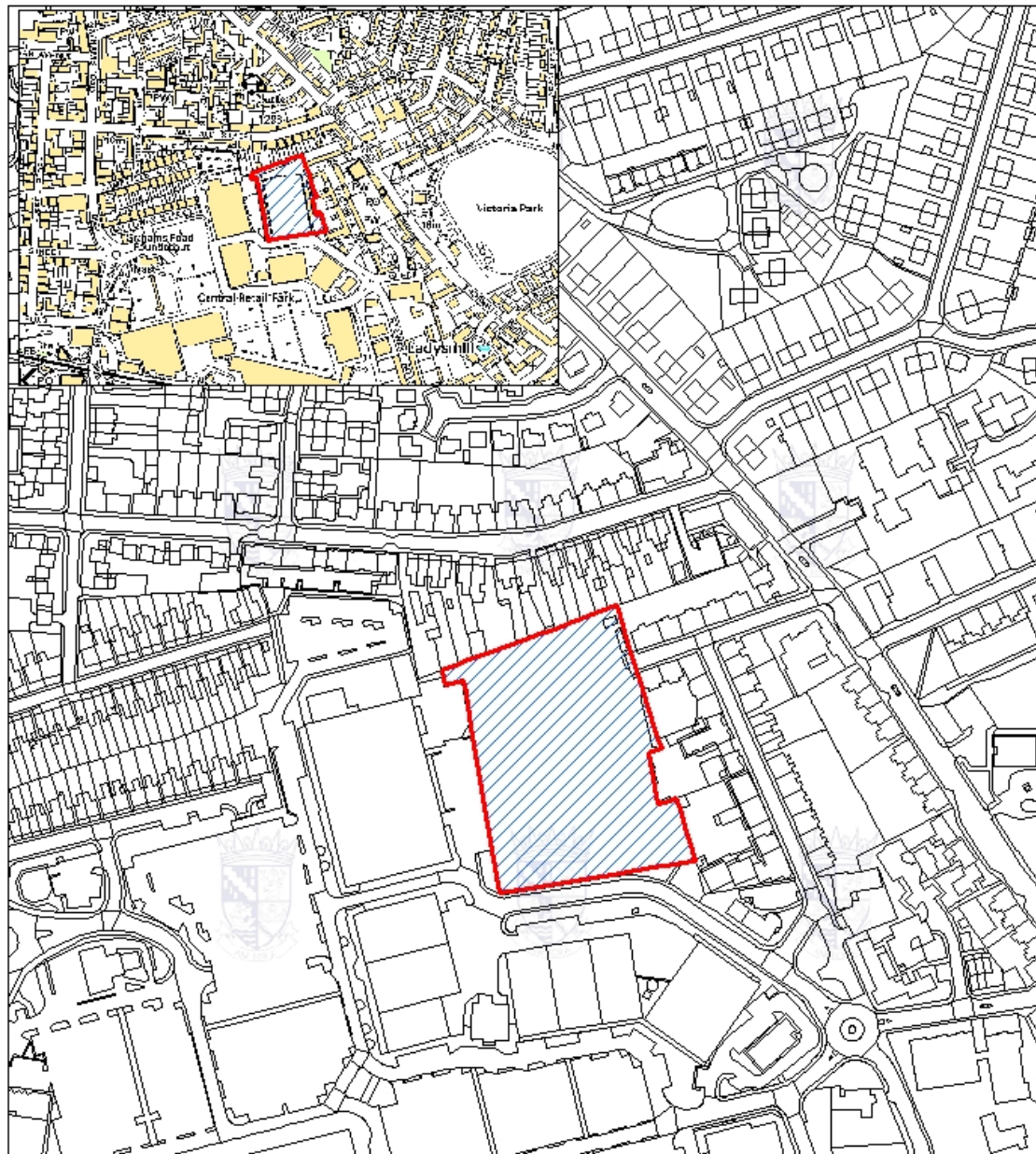
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0234/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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