

FALKIRK COUNCIL

Subject: EXTENSION TO CHILDREN'S NURSERY, EXTERNAL WORKS TO PROVIDE SECURE PLAY AREAS. AT WALLACESTONE PRIMARY SCHOOL, BRAEMAR GARDENS, BRIGHTONS, FALKIRK FK2 0JB FOR FALKIRK COUNCIL – P/12/0145/FUL

Meeting: PLANNING COMMITTEE

Date: 22 August 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Brightons

Case Officer: Katherine Chorley (Assistant Planning Officer), Ext. 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site forms the grounds of Wallacestone Primary School although the proposal only relates to an area between the existing nursery building and associated car park. The existing building has the appearance of a temporary building although it is intended to be a permanent structure and has associated outside space and additional play areas to the rear. There is a core path running adjacent to the building and significant changes in levels between the front and rear of the site.
- 1.2 The applicant seeks planning permission for a new nursery building and various associated works to provide additional nursery accommodation. Previously the plans included works to the parking area. However, the parking area can be redesigned without the need for planning permission and these works have therefore been excluded from the application.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council has an interest in the land and is also the applicant.

3. SITE HISTORY

- 3.1 06/0459/LA - listed building consent granted 28 September 2006 - extension to school and formation of additional car parking area

- 3.2 F/94/0793 – granted 1 November 1994 - extension to primary school (detailed).
- 3.3 F/94/0215 – withdrawn 21 September 1994 - extension to primary school (detailed).
- 3.4 F/91/1110 – granted 8 January 1992 - formation of car park (detailed).

4. CONSULTATIONS

- 4.1 The Coal Authority - a full Coal Risk Assessment has been submitted and forwarded to The Coal Authority for comments. They have raised no objections to the scheme.
- 4.2 The Roads Development Unit raised concerns in relation to the layout of the parking area. These works no longer form part of the planning application and as such these concerns were passed on to the agents acting on behalf of the applicant. The Roads Development Unit have also clarified issues of rainwater runoff with the Council's Roads Design Unit.
- 4.3 The Transport Planning Unit have advised that there is an existing shared cycle/footway through the existing site which will need to be retained and possibly relocated within the development site. The cycle/footway must be 3m wide with 0.5m overhangs and be to adoptable standards.
- 4.4 The Environmental Protection Unit have no objections but recommend a condition in respect of contaminated land and an informative in respect of the hours of construction activity.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 contributors submitted letters to the Council. The salient issues are summarised below.
- Concerns over parking arrangements.
 - Concerns over access to 4 Park Gardens.
 - Concerns regarding letter sent to parents advising places will be available soon.
 - Concerns regarding existing access paths.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan.

7a.1 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EQ1 'Sustainable Design Principles' states:

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

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

Design

7a.3 Policy EQ1 requires that developments achieve a high standard of design quality and sustainability. The scale, siting and design should respond positively and sympathetically to the surroundings and create buildings that are attractive, safe and easy to use.

7a.4 The proposed building measures 20 metres long by 7 metres wide and, due to changes in levels, varies in height from 3 metres to 4.6 metres from north to south. The building would have a gently sloping roof, however it would appear predominately flat roofed. The building would match the existing nursery building and provide a level of symmetry when viewed from Park Terrace and Braemar Gardens. The addition of landscaping (controlled by condition) would help break up the significant length of the building and the windows add interest to the elevations.

7a.5 Taking into account the appearance of the existing building, combined with the proposed landscaping condition it is considered that the design of the building and associated works are acceptable.

Access

7a.6 The policy also considers the impact of developments on infrastructure. The extension to the existing car park although not part of the application would ensure that adequate off-street parking would be provided on site. The proposal would therefore meet the requirements of policy EQ1 in relation to infrastructure needs.

7a.7 Policy EQ29 – ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25;*
 - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.8 In addition to policy EQ29, policy ST1 is also relevant to this application.

7a.9 Policy ST1 - ‘Core Path Network’ states:

“The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought.”

Outdoor Access

7a.10 Policy EQ29 looks to safeguard the network of countryside access routes, with particular emphasis on the core network. Although the site is not located within the countryside, a core path would be impacted by the development. The policy requires that path networks are incorporated in to the development or satisfactory alternative routes are provided. It adds that, where access is temporarily disrupted, an alternative route should be provided. Policy ST1 adds that the Council will safeguard and promote the development of the core path network.

7a.11 The applicants propose to relocate the core path (ref. 017/653), it would continue to run along the boundary between the parking area and nursery, although relocated westwards by approximately 4.3m. The Outdoor Access Team advised that this is acceptable, subject to further clarification on a number of points. These issues can be dealt with by condition and as such a condition is proposed to ensure the information is submitted. The applicants will also have to make a separate formal application to alter the path, this would be dealt with by the Council's Outdoor Access Team. A second public path would also be affected by the proposed parking area. However, as the parking area does not require planning permission, Education Services would be expected to deal with this independently. An informative confirming this can be agreed by Committee if it is minded to grant planning permission.

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 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."*

Urban Open Space

7a.13 The proposed development would result in the loss of an area of designated open space. Policy SC12 advises that the Council will protect all urban open space, which is considered to have value. Development involving the loss of open space will only be permitted where the development meets certain criteria. It is considered that the development would not have an adverse impact on the character or appearance of the area, especially as a substantial level of the open space would be retained to the rear of the parking area. The area is not classed as 'good quality' open space within the Council's own Open Space and Audit Strategy, or of significant ecological value. Finally, public access routes would be retained and it is therefore considered that the proposal meets the requirements of policy SC12.

7a.14 Policy SC7 - 'Established Residential Areas' states:

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

Impact on Neighbours

- 7a.15 The proposed building would be located a significant distance away from neighbouring properties. Number 4 Park Gardens would be located closest to the development, at approximately 20m away. Given the significant distance it is not considered that the proposal would impact on the amenity of neighbouring properties and accords with policy SC7.

Coal Risk

- 7a.16 The application site lies within the Coal Referral Area and as such a Coal Risk Assessment was required. This has now been submitted and assessed by The Coal Authority. They have advised that there are no objections to the scheme, subject to a condition and informative regarding the carrying out of development.
- 7a.17 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The following matter was considered to be material in the consideration of the application:

Assessment of Public Representations

- 7b.2 The concerns raised in relation to the existing and proposed access arrangements and the footpath adjacent to 2 Hillview have been passed on to the agent to consider when carrying out the works to extend the car park. These works are permitted development and so do not require the submission of a planning application.
- 7b.3 The letter sent to parents has been discussed with the agent.
- 7b.4 The provision of additional car parking facilities although not part of this application would ensure that adequate facilities are provided.

7c Conclusion

- 7c.1 The application is considered acceptable in design terms and would not have a negative impact on existing residential properties. The proposal includes a scheme to relocate the existing core path and the area of open space is not considered of significant value. It is therefore considered that the proposed development complies with the relevant Local Plan policies and there are no other material considerations which would warrant refusal in this case.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:
1. The development to which this permission relates must be begun within three years of the date of this permission.

2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
3. Prior to commencement of development details of the amended core path shall be submitted to and approved in writing by the Local Planning Authority and shall include the following details:
 - (i) Proposed specifications for the path, including width, surface details, signage, access controls and diversion detail's and
 - (ii) Timetable for implementation.

The approved details shall be implemented in accordance with the timetable for implementation unless otherwise agreed in writing by the Local Planning Authority.

4. Provision shall be made for the parking of bicycles in appropriate racks to the satisfaction of the Planning Authority. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. Thereafter the facilities approved will be provided before the use of the premises commences.
5. Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.

The approved details shall be implemented in accordance with the programme for completion unless otherwise agreed in writing by the Local Planning Authority.

6. Prior to commencement of development a ground investigation shall be undertaken to assess the presence of possible shallow mine workings and voids in the Mill seam. A geotechnical risk register shall be produced to identify mitigation measures against mine workings and geotechnical design of the foundations in light of the above ground investigation and only the approved details shall be implemented unless otherwise agreed in writing by the Planning Authority.

Reasons(s):

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. To ensure the ground is suitable for the proposed development.
3. To allow further consideration of the details.
4. To encourage the use of sustainable methods of transport.
5. To safeguard the environmental amenity of the area.
6. The coal mining legacy potentially poses a risk to the proposed development and further investigations should be undertaken to establish the exact situation regarding these legacy issues.

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s)
2. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

3. The public path connecting Willowbrae with Core Path 017/653 lies within the development site, running adjacent to its western boundary. The upgrading of the informal path as part of this development proposal is welcomed. However, the applicant should submit details of the proposed specifications for the diverted path including width, surface, details of any signage and /or access controls proposed, to the Council's Outdoor Access Team.
4. Any mitigation measures against mine workings should include the depth and area of treatment which will be determined during the detailed design phase of the contract but will have to take cognisance of the following:
 - Angle of draw of the overlying solid and drift deposits;
 - The area of land made available;
 - The form, depth and dimensions of the foundation solution;
 - The broken, or otherwise, nature of the overlying bedrock;
 - The extent of past treatment, if any
 - Gas migration and mitigation measures.

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Director of Development Services

Date: 14 August 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of representation received from Mr Robert Barrie 4 Park Gardens, Brightons, Falkirk FK2 0HS on 24 April 2012
3. Letter of representation received from Mr Stephen Smillie, 2 Hillview Road, Brightons, Falkirk FK2 0HU on 24 April 2012.
4. Letter of objection received from Mrs Susan Binnie, 1 Hillview Road, Brightons, Falkirk FK20HU on 8 May 2012

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Assistant Planning Officer.

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