

**FALKIRK COUNCIL**

**PLANNING PRE-DETERMINATION HEARING PROCEDURES**

1. The Convener will formally welcome all those present and explain the purpose of the Hearing.
2. The order of proceedings and the procedures to be followed at the Hearing will be explained.
3. The Convener will ask the relevant officer from the Council to present the report relating to the planning proposal.
4. The Convener will invite the applicant or their agent and any statutory consultees to speak in relation to the proposal. The applicant or their agent will normally be entitled to speak for 10 minutes whereas statutory consultees will normally be entitled to speak for up to 5 minutes.
5. The Members of the Committee will be invited to question the applicant/agent/statutory consultees and may seek guidance on factual or legal matters from the officers after each presentation.
6. The Convener will invite other persons submitting representations (including the objector(s) or supporter (s) to speak to the terms of their representation(s) submitted in response to the planning proposal. Each party will normally be permitted to address the Committee once for up to 5 minutes. So as to avoid repetition, where parties have a similar interest or objection, a spokesperson will be invited to speak on behalf of the group. In these circumstances, the spokesperson will normally be permitted to speak for up to 10 minutes.
7. The Convener may limit the number of speakers addressing the Hearing on any particular topic or may curtail any speech which repeats any matter on which the Hearing has already been addressed.
8. The applicant and/or agent will have a right of reply to any points raised by any party heard by the Committee.
9. The Members of the Committee will be invited to question any party heard by the Committee or may seek guidance on factual or legal matters from Council officers after each presentation.
10. Members of the Committee may identify any other planning issues that they wish to see addressed in the report to the meeting of Council that will consider the application.
11. The Convener will close the Pre-Determination Hearing.

**NOTES:**

- (A) NO CROSS EXAMINATION WILL BE PERMITTED UNDER ANY CIRCUMSTANCES. ALL REMARKS MUST BE DIRECTED TO THE CONVENER, WHOSE DECISION ON ANY MATTERS OF ORDER WILL BE FINAL.
- (B) IF ANYONE WHO HAS INTIMATED THEIR INTENTION TO BE HEARD AT THE HEARING FAILS TO APPEAR AT THE HEARING TIMEOUSLY, THE COMMITTEE MAY PROCEED WITH THE BUSINESS WITHOUT HEARING THAT PERSON.
- (C) THE CONVENER WILL BE RESPONSIBLE FOR ENSURING THAT THE HEARING IS CONDUCTED EFFICIENTLY HAVING DUE REGARD TO THE PRINCIPLES OF NATURAL JUSTICE.
- (D) FOR THE AVOIDANCE OF DOUBT, NO DECISION ON THE APPLICATION WILL BE TAKEN AT THE HEARING.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF SCHOOL, FORMATION OF PLAYING FIELDS, CARPARKING AND ANCILLARY DEVELOPMENT AT LAND TO THE SOUTH OF 49 EDWARD AVENUE, STENHOUSEMUIR FOR FALKIRK COUNCIL – P/08/0875/FUL

**Meeting:** PLANNING COMMITTEE PRE-DETERMINATION HEARING

**Date:** 19 October 2009

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** David Paterson (Planning Officer), ext 4757

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

- 1.1 The application site comprises part of an area of open space on the south side of Edward Avenue, Stenhousemuir. The existing area of open space at Edward Avenue measures 3.12 hectares in total. The westernmost section, measuring 0.9 hectares in area, is maintained and has goal posts installed on it. The majority of the application site is less well maintained, being overgrown and uneven. There are no playing pitch markings, or leisure equipment installed at the application site, although an informal footpath desire line passes through it.
- 1.2 The application site measures 2.25 hectares in area. As a result of the proposed development, the more regularly maintained area of public open space would be reduced to 0.6 hectares in area. The goal posts would be relocated to a central position within this reduced area. The remainder of the existing area of open space would consist of a landscaping strip at the south side of the proposed school boundary measuring 0.27 hectares in area.
- 1.3 The application proposes the erection of a single stream primary school, incorporating a nursery school, and the formation of playing fields, car parking and ancillary development.
- 1.4 The proposed primary school would be single storey with a central dividing spine wall 2 storeys in height running the entire length of the building. The proposal includes an outdoor rooftop teaching area. Access to the site would be taken from two locations along the north boundary of the site at Edward Avenue.
- 1.5 The playing fields include the formation of a multi use games area (MUGA pitch) at the south west corner of the site. The application includes boundary fencing and floodlighting.

- 1.6 There would be 73 public car parking spaces, of these, 50 spaces would be formed at the south side of the car parking area prior to the opening of the school. A further 23 spaces would be formed at the north side of the car parking area once the school roll exceeds 150 pupils, including nursery children. It is proposed to form a public footway at the south side of Edward Avenue running along the entire length of the application site connecting to the existing footpath network. Dedicated staff parking provision would be formed at the eastern end of the application site which would be accessed from a point at the north east corner of the site at Edward Avenue.
- 1.7 The application is supported by an investigation to determine whether there is contamination present at the site, a Transport Assessment incorporating a School Travel Plan, and a statement detailing proposed community use of the school facilities including the MUGA pitch.
- 1.8 The application is also supported by a plan detailing proposed traffic management measures at Edward Avenue and the wider Stenhousemuir area.

## **2. REASON FOR PRE DETERMINATION HEARING**

- 2.1 The proposed development is a major development, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which is significantly contrary to the Development Plan. It should be noted that this report provides factual and background information in relation to the proposed development and no assessment is included or implied.

## **3. SITE HISTORY**

- 3.1 Planning application P/08/0750/FUL for the erection of school, formation of playing fields, car parking and ancillary development was not determined, as further detailed information was required to enable a detailed assessment to be made, and has been superseded by the current application.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has raised no objections.
- 4.2 Scottish Water has raised no objections.
- 4.3 The Environmental Protection Unit (EPU) has concluded that, as a result of the contamination investigation, the site is fit for the purpose proposed.
- 4.4 The Transport Planning Unit has advised that, on the basis of the Transport Assessment and School Travel Plan, issues relating to travel to school and traffic management have been suitably addressed.
- 4.5 Central Scotland Police has raised no objections.

- 4.6 The Scottish Environmental Protection Agency (SEPA) has raised no objections. SEPA has highlighted that surface water drainage should be treated using Sustainable Drainage principles and that the Roads Development Unit should be consulted in respect of this matter. It is noted that the Roads Development Unit has raised no objections.
- 4.7 Scottish Planning Policy (SPP) 11 “Open Space and Physical Activity” confirms that Sportscotland is a statutory consultee in respect of proposed developments which would lead to the loss of, prejudice or impact upon sports pitches which are in excess of 0.2 hectares in area, including those used for small side games.
- 4.8 In the case of the proposed development, there is an existing sports pitch with goal posts erected, which is located towards the western end of the existing area of open space adjacent to Edward Avenue. The sports pitch measures in excess of 0.2 hectares and is positioned in a manner whereby it straddles the western boundary of the application site. As a result of the proposed development, the sports pitch, including goal posts, would be relocated to a position further west to the area of open space which would remain outwith the application site. The relocated sports pitch would be similar in size to the existing sports pitch.
- 4.9 On this basis, Sportscotland has raised no objections and has advised that no further consultation is necessary.
- 4.10 Play Scotland has raised no objections.

## **5. COMMUNITY COUNCIL**

- 5.1 The Larbert, Stenhousemuir and Torwood Community Council has raised the following concerns:-
- It does not appear that provision has been made for appropriate pedestrian crossings on the road outside the proposed school.
  - It is not clear whether there will be parking restrictions outside the school to prevent inappropriate and dangerous parking.
  - The parking and school bus facilities appear to be inadequate to service the proposed school.
  - There appears to be inadequate provision in terms of classroom size to accommodate fluctuating class sizes.
  - There does not appear to be any provision for future expansion of the school should it be required.
  - There does not appear to be adequate gym hall changing facilities.
  - There is no computer suite shown on the plans accompanying the applications. It is not known if there will be adequate computer provision.
  - It is not clear if there would be adequate air conditioning and heating.

- The Community Council has not been invited to participate in the planning process for the new school.
- There should be community use of the schools facilities.

## **6. PUBLIC REPRESENTATIONS**

6.1 408 objections have been received from members of the public and raise the following concerns:-

- Loss of open space. The development plan seeks to protect and enhance open space.
- Increased traffic congestion.
- The adverse impact on the amenity of residents due to the dropping of litter.
- Anti social behaviour.
- There is no approval from the Antonshill community.
- There are no other areas of open space in the area.
- There will be an adverse impact on the amenity of the community due to excessive noise.
- There would be an adverse impact on road safety.
- There would be an adverse impact on the amenity of adjacent residents as a result of light pollution from the floodlights at the MUGA pitch.
- There would be insufficient parking provided and as a result there would be an adverse impact on the amenity of the community due to parking in the surrounding streets.
- The proposed development is detrimental to visual amenity.
- There would be a nuisance to residents adjacent to the MUGA pitch from balls being ejected from the confines of the court.
- There would be an adverse impact on wildlife in the area.
- There is only a narrow strip of open space shown between the MUGA pitch and properties at Corrie Avenue. There is not sufficient separation to protect the amenity of residents at Corrie Avenue.
- There is not sufficient details to demonstrate that there will be sufficient control of the use of the MUGA pitch to protect the amenity of adjacent residents.
- There would not be adequate pedestrian crossing facilities outside the school.

- The proposed bus turning and drop off facility is not adequate.
- There is no provision for future expansion.
- The proposed building would obstruct the view of nearby residents.
- The position of the dining hall would have an adverse impact on the privacy of adjacent residents.
- The area for food bin storage is in close proximity to adjacent residents. There will be an adverse impact on the amenity of adjacent residents as a result. The adjacent residents are likely to suffer from vermin infestation.
- There has been a lack of consultation with the residents of the Antonshill area in respect of the proposed development.
- The application site is likely to be at risk from flooding as a result of the proposed development.
- The area of open space which constitutes the application site has previously been gifted to the Antonshill community.

6.2 It should be noted that in 2008 the Council's Education Services carried out a consultation exercise with the local community. As a result, 313 objections were received. The nature of the comments received at that time is reflected in the objections which have been received in respect of this application.

6.3 Fields in Trust Scotland, which is a charity associated with the National Playing Fields Association, has objected on the following grounds:

- The proposed development does not accord with Scottish Planning Policy (SPP) 11 "Open Space and Physical Activity" the principles of which seek to protect and enhance open space, protect and support opportunities for sport and recreation and there is a presumption against development of open spaces which are valued and functional.
- The proposed development does not accord with the Development Plan.
- The proposed development does not accord with Planning Advice Note (PAN) 65 "Planning and Open Space". The Council, in promoting the proposed development, is not safeguarding the sport and recreation opportunities for local groups, schools and individuals.
- The proposed development contravenes the United Nation Convention on the Rights of the Child 1989. The convention recognises the rights of children to engage in play and recreational activities.

## 7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

### 7a The Development Plan

7a.1 The following section details the Development Plan provisions potentially relevant to the determination of this application.

#### ***Falkirk Council Structure Plan***

7a.2 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.3 Policy ENV.7 ‘Quality of Development’ states:

- “(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements.”*



## **Larbert and Stenhousemuir Local Plan**

7a.4 The application site is identified as an opportunity, 'REC3 Edward Avenue 1, Stenhousemuir', for the provision of playing fields and children's play area. The associated comment states, "In recognition of the local deficiency in active open space, the Council will investigate means of implementing this opportunity".

7a.5 Policy LAR 10 - 'Non Housing Uses in 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 ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded."*

7a.6 Policy LAR 32 - 'Roads and New Development' states:

*"Road layout, access and parking provision in new developments should generally conform with the Council's standards entitled "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area". In the case of major development proposals likely to generate significant volumes of additional traffic, a Transport Impact Assessment will be required."*

7a.7 Policy LAR 34 - 'Traffic Calming' states:

*"The Council will promote the introduction of traffic calming schemes, where these will bring environmental, community or road safety benefits particularly in relation to:*

- (i) main through routes;*
- (ii) schools and other community facilities; and*
- (iii) new residential areas."*

7a.8 Policy LAR 37 - 'Design and the Local Context' states:

*"Development should accord with good principles of urban design and contribute to the enhancement of the built environment. Proposals should respect and complement the character of the local townscape and landscape setting in terms of the following:*

- (i) the siting, layout and density of new development should create an attractive and coherent structure of public spaces and built forms which integrates well with the surrounding townscape, natural features and landforms;*
- (ii) consideration should be given to creating a safe and secure environment for all users through the application of the general principles contained in PAN46 "Planning for Crime Prevention";*
- (iii) the design of new buildings should respond to that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iv) building materials and finishes should be chosen to complement those prevailing in the local area;*
- (v) opportunities should be taken within the development to incorporate new public spaces and other focal points, and to enhance existing ones; and*
- (vi) the contribution to the townscape of existing buildings, natural features, important landmarks, skylines and views should be respected."*

7a.9 Policy LAR 38 - 'Landscape Design' states:

*“Proposals for development should include a scheme of hard and soft landscaping as an integral part of the submission for planning permission. The landscaping scheme should:*

- (i) respect the setting and character of the site;*
- (ii) retain, where practical, existing vegetation and natural features;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas.”*

**7b. Material Considerations**

7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version); Scottish Planning Policy (SPP) 11 “Open Space and Physical Activity”; (SPP) 17 “Planning for Transport”; Planning Advice Note 65 “Planning and Open Space”; and the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 The application site is identified as opportunity, RC.L&S7 'Antonshill Playing Fields' safeguarding the site for a RC Primary School. The associated comment states, "Land safeguarded as potential location for new denominational primary school to serve Larbert and Stenhousemuir area".

7b.3 Policy EQ1 'Sustainable Design Principles' states:

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

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

7b.4 Policy EQ3 ‘Townscape Design’ states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7b.5 Policy EQ4 - ‘Landscape Design’ states:

*“Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:*

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas.”*

7b.6 Policy EQ5 ‘Design and Community Safety’ states:

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

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

7b.7 Policy EQ6 ‘Design and Energy Use’ states:

*“Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:*

- (1) Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*
- (2) The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) Combined heat and power and community heating schemes as part of new developments will be encouraged.”*

7b.8 Policy ST2 - ‘Pedestrian Travel And Cycling’ states:

*“New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.*

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) Cycle parking should be provided in accordance with the standards set out in Falkirk Council’s Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.”*

7b.9 Policy ST3 - ‘Bus Travel And New Development’ states:

*“New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.*

- (1) *Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) *Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) *New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) *New developments may require bus links to rail stations or other public transport infrastructure."*

7b.10 Policy ST7 - 'Transport Assessments' states:

- "(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (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.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission 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.11 Policy ST10 - 'Parking' states:

*"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.*

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

7b.12 Policy ST11 - 'Sustainable Urban Drainage' states:

*“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”*

***Scottish Planning Policy (SPP) 11 “Open Space and Physical Activity”***

7b.13 SPP 11 states that “there is a presumption against development on open spaces which are valued and functional, or which are capable of being brought into functional use to meet a need identified in the open space strategy. .... Only where there is strong justification should open space protected by the Development Plan be developed either partly or fully for a purpose unrelated to use as open space. Justification must include evidence from the open space audit that the development will not result in a deficit of open space provision of that type within the locality”.

7b.14 SPP 11 also requires that playing fields and sports pitches should not be redeveloped except where are of the following circumstances applies:-

- a. The proposed development is ancillary to the principal use of the site as a playing field;
- b. The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training;
- c. The playing field which would be lost as a result of the proposed development would be replaced by;
  - (i) a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users; or
  - (ii) 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
- d. A playing field strategy prepared in accordance with a methodology approved by Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.

***SPP 17 “Planning For Transport”***

7b.15 SPP 17 states that planning permission should not be granted for significant travel generating uses in locations:

- Where immediate links to walking and cycling networks are not available or cannot be made available;
- Where access to public transport networks are further than 400 metres by walking;
- Which would encourage reliance on the private car;
- Which would be likely to have a detrimental effect on the capacity of the strategic road and/or rail network;

- Where a Transport Assessment does not include any satisfactory mechanism for meeting sustainable transport requirements.

***Planning Advice Note (PAN) 65 “Planning and Open Space”***

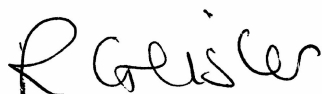
7b.16 Planning Advice Note 65 recognises the importance of creating successful places and promotes effective links between the planning, design and management of open space. The importance of creating opportunities for sport and recreation for local groups, schools and individuals and promoting active lifestyles is emphasised. The importance that Local Authorities prepare an open space strategy is also emphasised.

***The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009***

7b.17 This Direction sets out circumstances in which planning authorities must notify Scottish Ministers where they intending to grant planning permission. In relation to local authority interest developments, before granting planning permission, planning authorities must notify Ministers where the planning authority is the applicant/developer, has a financial or other interest, or where the development is on land wholly or partly in the planning authority's ownership or in which it has an interest, in circumstances where the proposed development would be significantly contrary to the Development Plan for the area. Accordingly, this application falls into this category and will require to be notified.

**8. SUMMARY**

8.1 It should be noted that this report provides factual and background information in relation to the proposed development and no assessment is included or implied.



.....  
Director of Development Services

Date: 8<sup>th</sup> October 2009

**LIST OF BACKGROUND PAPERS**

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

