

## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 27 November 2013

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**DC07/413: Removal of condition 8 of DC05/334 (delete requirement to provide a play area) at Victoria Street / Albert Street, Alexandria by Turnberry Homes.**

#### **1. REASON FOR REPORT**

- 1.1** The application raises issues of local significance. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

#### **2. RECOMMENDATION**

- 2.1** **Minded to Grant** unconditionally and delegate authority to issue the decision to the Planning and Building Standards Manager subject to completion of a section 69 legal agreement.

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application site comprises a modern residential development which fronts onto Victoria Street in Alexandria. There are 20 units on the site, comprising two 3 storey blocks of six 2-bed flats at either end of a row of eight 3-bed terraced houses. To the north and south are Albert Street and Arthur Street respectively. To the east, on the other side of Victoria Street is a parking and landscaped area beyond which is a steep embankment down towards the B857 Renton-Alexandria road.

- 3.2** The residential development was approved in March 2006 (decision DC05/334). That application included the provision of a children's play area within the landscaped area opposite the new houses. The planning permission was subject to conditions which included the following:

*"8. Prior to the commencement of development a scheme for the provision of the equipped play area shall be submitted for the further approval of the Director of Development and Environmental Services and shall include:*

- a. details of the type and location of play equipment, seating and litter bins to be situated within the play area;*
- b. details of the surface treatment of the play area including the location and type of safety surface to be installed;*
- c. details of the fences to be erected around the play area; and*
- d. details of the phasing of these works"*

The new housing was built during 2007; however no children's play area has ever been formed in terms of condition 8 above. The reasons for this are explained in Section 7 below.

- 3.3** Planning permission is sought to remove condition 8 attached to the original consent, which requires the provision of a play area on site. Instead, the applicant is proposing to provide a financial contribution to be used for a new play area in the vicinity. The area for the proposed play area has been landscaped and it would therefore remain in its existing condition.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Greenspace Service have advised that they are currently working with the Leven Group (a local community organisation) and Community Links Scotland to install a play area within the grass area at the junction of Leven Street and Thomas Street, which is within 350m walking distance of Albert Street. Funding is currently being sought for the group's proposal and Greenspace suggest that any developer contribution towards play facilities from the application site could be used to provide match funding for the proposed play area at Leven Street/Thomas Street.

#### **5. REPRESENTATIONS**

- 5.1** This application was originally submitted during 2008. During the original consultation period eighteen representations were received from residents of the new development, all of whom supported the removal of the condition requiring play equipment and indicated that they wished the landscaped area to remain. The site is often used as a short-cut to Alexandria Main Street by pupils of the nearby Vale of Leven Secondary School and there were concerns that the provision of play equipment might encourage loitering or misbehaviour.
- 5.2** Given the length of time which has elapsed since the original consultation, a letter was sent to all 20 properties in August 2013 advising residents of the status of the application and inviting any further representations. However, no further representations were received.

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

##### West Dunbartonshire Local Plan 2010

- 6.1** The site is within a designated Existing Residential Area, where Policy H5 seeks to safeguard and enhance the character and amenity of such areas. The redevelopment of the site for housing was consistent with this policy and the provision or non-provision of a play area within the development does not raise any issues in respect of Policy H5.
- 6.2** Policy R2 sets out the open space provision for new residential development. The policy does allow for some flexibility regarding the location, need and extent of open space provision if existing areas of open space are readily

accessible from the development site and developers contribute to the provision or improvement of facilities in these areas. Factors such as the availability of open space in the area, the size of gardens, the nature of the new development and the physical characteristics of the site will all be taken into account in determining what provision is appropriate. In general, however, a development of 20 units which is more than 400m from an existing children's equipped play area should normally include a new children's or toddler's play area of at least 140m<sup>2</sup> (7m<sup>2</sup> per dwelling). For smaller developments (less than 15 units) a financial contribution towards the provision or improvement of play areas in the vicinity would normally be acceptable as an alternative. Financial contributions are based on the number of dwellings proposed.

- 6.3** Whilst Policy R2 encourages on-site provision for a development of this size, it is considered that the particular circumstances of the site justify the use of a financial contribution as an alternative. The amount of contribution proposed is lower than that suggested by Policy R2, which is discussed in Section 7 below, but it is nonetheless considered that this approach would be in keeping with the principles of Policy R2.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

- 7.1** The site is located within the existing neighbourhood where Policy BC3 seeks to ensure that development does not significantly harm the residential amenity, character or appearance of existing neighbourhoods. There is no corresponding policy relating to standards for the provision of play areas: this is to be addressed through supplementary guidance.

### Background

- 7.2** When the original planning application for the development was submitted in 2005 it showed a small play area at the north end of the landscaped ground opposite the new houses and close to the gable end of properties on O'Neil Terrace. Following concerns from existing residents in that street the position of the proposed play area was relocated slightly further to the south, and this layout was approved without further objections from residents. However, the play area was never provided as prospective purchasers of the new houses and flats subsequently indicated to the developer that they did not wish the play area to be formed in the new location either.
- 7.3** The applicant subsequently concluded that it would not be possible to amend or reposition the play area in a manner which would address the residents' concerns. As the majority of purchasers of the new housing had indicated that they did not want the play area to be built, the applicant submitted the current application to delete the condition in 2008. Prolonged negotiations concerning the level of financial contribution to nearby play areas has delayed its determination.

#### Principle of Non-Provision of Play Area

- 7.4** The purpose of requiring play areas as part of new residential development is to provide appropriate facilities for children living in the new properties. However, the residents of eighteen of the twenty properties within the development made representations supporting the deletion of the play area as there were concerns that the facility may attract anti-social behaviour due to the site being used as a short-cut for pupils of the nearby Vale of Leven Academy. The residents have now been living in this area for some time without the play area and during the re-consultation no objections have been received from residents in respect of the non-provision of the play area. In addition, the development is of 20 units which are predominantly flats. It would be difficult to install a play area now into this development given the length of time that the properties have been occupied and the development has become established without these facilities. Under the circumstances it is considered that the provision of a play area on the site is no longer appropriate.

#### Financial Contribution

- 7.5** Whilst the direct provision of a play area on this site is no longer considered necessary, this does not mean that existing or future residents do not require some suitable play facilities in the vicinity. The Greenspace Service has indicated that there is an under-provision of play areas in this part of Alexandria, and the Council is working with a local community group to address this by providing a new play area at Leven Street / Thomas Street. Greenspace have confirmed that they could use the developer contribution from this site to provide match funding for the proposed play area.
- 7.6** Policy R2 makes provision for such financial contributions in certain cases and recommends £340 per dwelling at current prices. The sum proposed by the applicant equates to £200 per dwelling and is therefore significantly lower than that recommended by the policy. However, the policy was written prior to the current recession, at a time when the housing market was very buoyant. The Scottish Government has subsequently issued Circular 3/2012 on planning obligations, which encourages planning authorities to consider the economic viability of planning gain requirements.
- 7.7** Given the current economic climate and the prolonged time period from the conclusion of housing building on site, it is considered that the imposition of the full financial contribution recommended by Policy R2 would not be reasonable at this time. The proposed figure of £4,000 has been reached following extended discussions, and is considered to be an acceptable contribution in view of the changed economic circumstances.

### **8. CONCLUSION**

- 8.1** Planning permission for this small residential development was granted in 2006 and included the provision of a landscaped and equipped play area. The play facilities have never been provided however the developer is willing to provide a financial contribution which will be used as match funding to provide a new play area in the vicinity. Whilst the amount is lower than

recommended by Policy R2, it is considered to be acceptable in line with the advice of Circular 3/2012 and will allow this matter to be concluded, whilst contributing to new play facilities in the immediate vicinity. The financial contribution will be secured through a section 69 agreement.

### **Informatives**

1. The plans referred to as part of this decision are *Drawing AL(0)001 Rev A and AL(0)03 Rev I*.

**Richard Cairns**  
**Executive Director of Infrastructure and Regeneration**  
**Date: 12 November 2013**

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**Appendix:** None.

**Background Papers:**

1. Application forms and plans;
2. Representations; and
3. West Dunbartonshire Local Plan 2010.
4. Planning application no: DC05/334

**Wards affected:** Ward 2 (Leven)