

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 7 NO. CORTEN STEEL MEMORIALS AND SEATING BENCHES WITH RAMPED FOOTPATH ACCESS AT LAND TO THE EAST OF UNION INN, PORTDOWNIE, FALKIRK FOR THE CAMELON WAR MEMORIAL PROJECT COMMITTEE - P/12/0170/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 19 June 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk South  
Depute Provost John Patrick  
Councillor Dennis Goldie  
Councillor Gerry Goldie  
Councillor Colin Chalmers

**Community Council:** No Community Council

**Case Officer:** Allan Finlayson (Senior Planning Officer), Ext. 4706

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

- 1.1 The application site is located on the north side of Glenfuir Road, Camelon, Falkirk. The site is currently a level grassed public open space to the east of the Union Inn public house, Portdownie.
- 1.2 It is proposed to erect a war memorial to recognise the service men and women, merchant seamen and civilians of Camelon who gave their lives for their country.
- 1.3 A series of 7 no. 3 metre high corten steel structures are proposed to be erected in a circular pattern around a central seating area. A footpath link is proposed to the existing path network. The memorial has been located so as not to require felling of silver birch trees which would be retained to provide a landscape setting for the memorial.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application relates to land in the ownership of the Council and therefore requires the consideration of the Planning Committee.

### **3. SITE HISTORY**

- 3.1 An application for planning permission in principle (PPP) (ref: P/10/0512/PPP) for the development at Tamfourhill industrial area of land for residential, retail, leisure and boating was previously presented to Planning Committee on 20 April 2011 who were minded to grant planning permission subject to a Section 75 legal obligation. The obligation is required amongst other things, to secure contributions to road improvements and public art. The boundary of this application site lies within the boundary of application P/10/0512/PPP but is not affected by proposals which retain the area for open space purposes. Planning application P/10/0512/PPP remains a minded to grant decision.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit of Falkirk Council has no objection to the proposed memorial. Visitor parking in the adjacent Port Downie car park is considered to be an acceptable arrangement with adequate capacity for the low number of vehicles likely to be attracted to the site.
- 4.2 The Roads Development Unit has expressed a preference to re-locate the proposed memorial further from Glenfuir Road in order to limit the potential for driver distraction. The applicant does not wish to relocate the proposed memorial and it is considered unlikely that driver distraction would result. The Roads Development Unit has accepted this point.
- 4.3 The Environmental Protection Unit has no objections in relation to the proposed development. A contaminated land assessment will not be required. Informatives providing guidance on potential contaminated land issues and hours of construction work are requested to be attached to any grant of planning permission.
- 4.4 The application site lies within an area of referral to the Coal Authority given the potential for historic mining operations in the vicinity of the site. The Coal Authority has no objections to the proposed development.
- 4.5 Historic Scotland has considered the proposed development in the context of the Forth and Clyde Canal and the Antonine Wall, both Scheduled Ancient Monuments, and has no objections.

### **5. COMMUNITY COUNCIL**

- 5.1 There is currently no Community Council for this area.

### **6. PUBLIC REPRESENTATION**

- 6.1 The applicant has submitted a petition of 380 signatories in support of the proposed development.
- 6.2 Letters of support have been provided by the applicant from the Falkirk Local History Society, Carmuir Primary School and St Francis Xavier's Primary School.

- 6.3 The applicant has provided letters from The Falkirk Wheel (British Waterways Scotland) advising of permission for visitors to the memorial to use their car park area.

## **7. DETAILED APPRAISAL**

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

Accordingly,

### **7a The Development Plan**

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

- 7a.1 The proposed development does not raise any strategic issues.

#### ***Falkirk Council Local Plan***

- 7a.2 Policy EQ9 - 'Public Art' states:

*"The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt 'Percent for Art' schemes in respect of major commercial development schemes."*

- 7a.3 The memorial would provide a permanent piece of public art in a landscape setting adjacent to the Forth and Clyde Canal and Union Inn Listed Building. It is considered that the memorial would make a valuable artistic contribution to the public realm and on this basis accords with Policy EQ9.

- 7a.4 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

*"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*

- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.”*

7a.5 The positioning of the proposed memorial has been carefully considered so as not to require felling of existing silver birch trees. The retained trees will contribute to the landscape setting of the proposed memorial. The proposed accords with Policy EQ26.

7a.6 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.7 The proposed memorial would be located within an area of urban open space adjacent to the Union Inn and Forth and Clyde Canal. The memorial would make a positive contribution to the landscape setting of existing open space and would not adversely affect the character or appearance of existing open space provision or impact on the ecological value of the area. The proposal is considered likely to increase the use of open space and positively contribute to educational and community use of this area.

7a.8 Accordingly, the proposed memorial accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the site history, consultation responses and public representations.

7b.2 The proposed war memorial would not affect the delivery of residential, retail and leisure regeneration proposals for the Tamfourhill area as advanced in planning application P/10/0512/PPP which is detailed in paragraph 3.2 of this report.

7b.3 The Roads Development Unit has accepted the memorial location proposed. The views of the Environmental Protection Unit can be provided for by the attaching of informatives to the grant of planning permission.

7b.4 Letters of support from Carmuir Primary School and St Francis Xavier’s Primary School have been provided. Both letters recognise the opportunity for the involvement of school children in the memorial project and ongoing community involvement for educational purposes.

- 7b.5 The Falkirk Local History Society has expressed strong support for the erection of the memorial and recognises the historical importance of such a feature.
- 7b.6 380 petition signatories have expressed support for the erection of the proposed memorial.
- 7b.7 The letters of support and submitted petition clearly demonstrate strong support from the public and local organisations for the erection of this proposed memorial.

**7c Conclusion**

- 7c.1 The proposed development accords with the Development Plan.
- 7c.2 The proposal would make a positive contribution to the amenity of the surrounding area in terms of visual interest and historic reference.

**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.**

**Reason(s):**

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

**Informative(s)**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06 and 07.**
- (2) In the event that unexpected ground contamination is encountered following the commencement of development, all work on the affected part of the site should cease. The developer shall notify Falkirk Council's Environmental Protection Unit immediately to establish the need or otherwise for necessary contaminated land assessment and remediation.**

- (3) 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.

Pp

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Director of Development Services

Date: 12 June 2012

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Petition of 380 signatures in support of the proposed development.
4. Letter of support from the Falkirk Local History Society.
5. Letter of support from Carmuir's Primary School.
6. Letter of support from St Francis Xavier's Primary School.

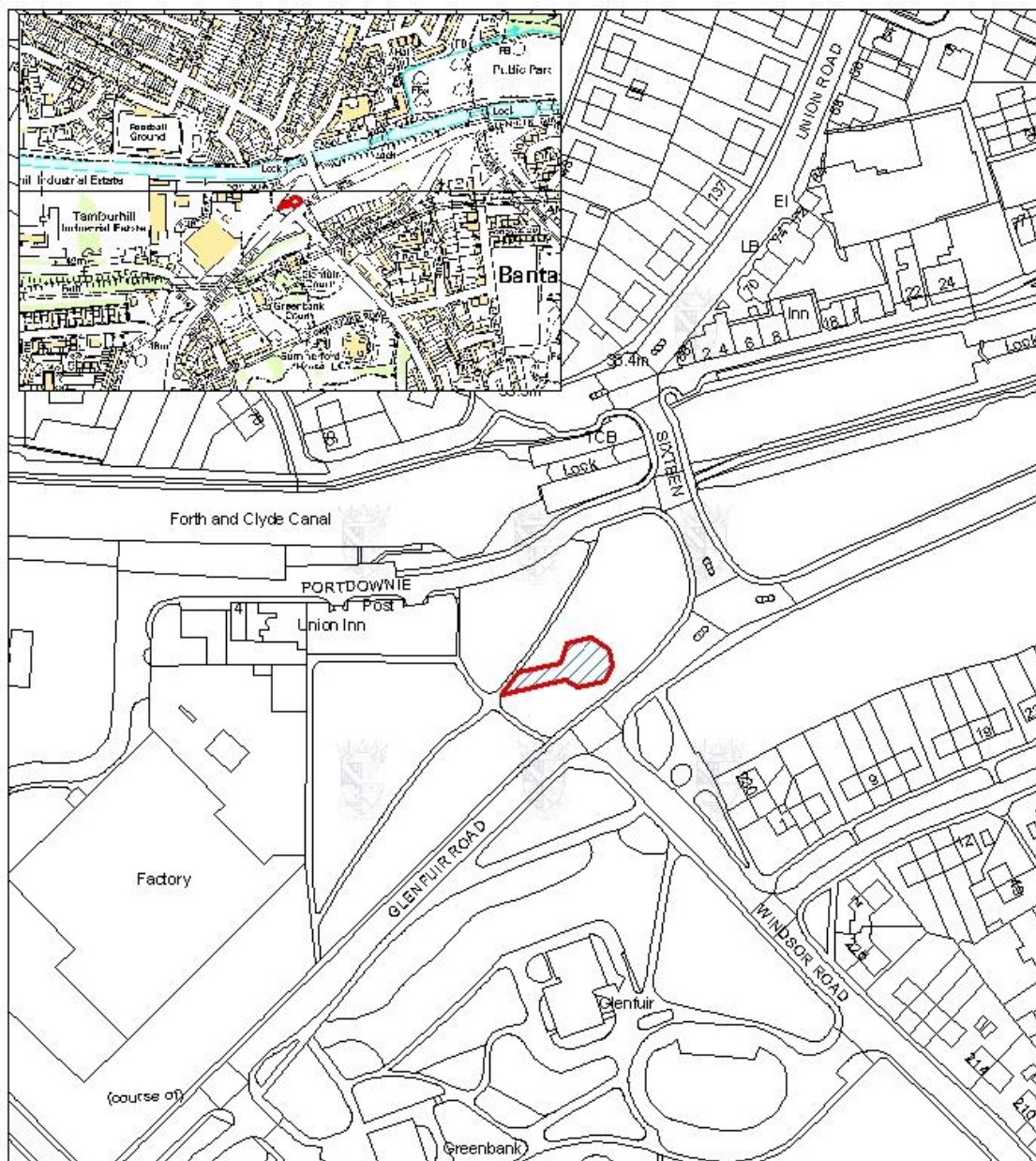
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/12/0170/FUL**

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



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