

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Siting of Catering Outlet and Erection of Fence (Retrospective)
LOCATION : Kelpies Hub, The Helix, Falkirk,
APPLICANT : Supreme Fast Foods
APPN. NO. : P/16/0313/FUL
REGISTRATION DATE : 17 May 2016

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This application relates to the retrospective installation of a catering outlet and fence at the Kelpies.

2. SITE HISTORY

P/11/0154/FUL - Erection of Two 30 Metre High 'Kelpie' Sculptures; Formation of Boat Turning Pool; Formation of Landscaped Canal 'Hub' Area, Including Visitor Facilities, Parking and Ancillary Development; Extension to the Forth and Clyde Canal to Form a New 'Sea Lock' on the River Carron, Northeast of Glensburgh, by Means of a New Tunnel Under the M9 and Formation of a New 'Lift' Bridge on Glensburgh Road - granted on 8 March 2012.

P/13/0158/FUL - Erection of Visitor Centre, Installation of Photovoltaic Panels and Extract Flue, Car Parking and Associated Landscape Works - granted on 30 May 2013.

P/13/0803/FUL - Erection of 4 Buildings and Canopy for Use as a Cafe/Kiosk, Shop, Ticket Office and Facilities Office. Cladding of Existing Canal Boat User Facilities Building, Timber Decking, Landscape Works and Boat User/Staff Car Parking. - granted on 7 February 2014.

3. CONSULTATIONS

The following responses to consultation were received:

Scottish Canals	Objection on the basis of the quality and setting of the Kelpies visitor attraction.
Roads Development Unit	No response to consultation.
Environmental Protection Unit	No objection.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

In the course of the application, 1 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

One representation was received by the sculptor of the Kelpies. He comments that the Kelpies are one of Scotland's leading cultural tourism features and have won many accolades and awards since installation. The catering outlet undermines the aesthetic quality of the sculptures and their environs. The development also obstructs some of the surrounding specially commissioned stone and steelwork landscape features. The development is prominent, out of character and architecturally inappropriate for the setting of the Kelpies. It is also noted that this is Scotland's Year of Architecture and Design and the development undermines all the great work done in elevating Falkirk's cultural standing. The development also creates competition for the concessions at the visitor centre, 'Horsebox' and Plaza café.

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

CG02 - Green Belt

GN01 - Falkirk Green Network

BUS05 - Major Hazards and Pipelines

TC04 - Food and Drink

D03 - Urban Design

D14 - Canals

D02 - Sustainable Design Principles

5A. MATERIAL CONSIDERATIONS

The following matters were considered to be material in the consideration of the application:

Consideration of the site in relation to coal mining legacy

Responses to Consultation

Assessment of Public Representations

Additional Planning Considerations

6. PLANNING ASSESSMENT

The Development Plan

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

The development does not protect or enhance the visual amenity of the canal and its environs. The development does not contribute to the recreational amenity of the canal and does not achieve high design standards, with particular reference to siting, materials and design. The application is contrary to policy D14 'Canals'.

Accordingly, the application is assessed as being contrary to the Falkirk Local Development Plan.

Local Plan Policies

The application site is located within the green belt. It is considered that the development does not undermine the role of the green belt in accordance with policy CG02 'Green Belt'.

It is considered that the development does not unacceptably impact the Falkirk green Network in accordance with policy GN01 'Falkirk Green Network'.

The application site is located within the outer zone for Calachem. It is considered that the proposed development would not increase the number of people exposed to risk in the area, noting the surrounding visitor attraction site. The development would not achieve regeneration benefits or impact existing chemical or petrochemical sites and pipelines. The application does not offend the terms of policy BUS05 'Major Hazards and Pipelines'.

TC04 'Food and Drink' allows temporary consent for snack vans where a specific need is demonstrated and there is no adverse impact on the local amenity and visual quality of the locality. In this instance it is considered that a specific need for the outlet has not been demonstrated, as the site is directly adjacent to Helix visitor centre which has a café and the Horesbox catering outlet. It is considered that the development has an adverse impact on local amenity and the visual quality of the locality (this will be discussed in detail later in the report). The application is assessed as being contrary to policy TC04.

It is considered that the scale, siting and design of the catering outlet does not respond positively and sympathetically to the site surroundings, contrary to policies D02 'Sustainable Design Principles' and D03 'Urban Design'.

Responses to Consultation

Scottish Canals have submitted a robust objection. They comment that the Kelpies are an international symbol for Scotland and a 'must see' visitor attraction. The quality of the catering outlet does not match the architectural or visitor quality standard of the adjoining Kelpies. The development undermines the quality of the visitor destination.

Scottish Canals note the development is situated on the main public approach to the Kelpies coming from the visitor centre and main car park. The public realm was designed to sweep visitors round the front of the Kelpies and present the visitors with a wonderful approach and this is unacceptably interrupted by the development. Scottish Canals also gave an analysis of Falkirk Local Development Plan (FLDP) policies and concluded that the development does not accord with the FLDP.

Assessment of Public Representations

The comments received from the sculptor of the Kelpies are noted.

Additional Planning Considerations

Although the catering unit is not located in a conventional streetscape, the location is within an area of designed hard landscaped public open space in the Helix Park, adjacent to the Kelpies Sculptures, visitor centre and the new canal link. The site is a significant tourist node, highly visible to visitors travelling on both water and path networks.

The principle concerns are in relation to the positioning, design and materials of the catering unit, neither of which are in keeping with the location. Additionally, it is considered that the development unacceptably affects the setting of the kelpies and surrounding landscape.

The design approach adopted by the adjacent Kelpies visitor centre incorporates large areas of clear glazing (to reflect the Kelpies), natural timber cladding and steel columns within a minimalist, low profile composition and minimal advertising. The visitor centre was carefully designed to sit with the Kelpies without competing in dominance and represents a more appropriate aesthetic for the landscape setting of the area. It is noted that buildings at the Helix Park (including the Helix Visitor Centre, Plaza Café and Horsebox) have adopted a design approach, applying natural materials such as timber cladding to simple geometric forms, resulting in pavilion type structures which fit with their context.

Features of the catering unit include high level roof advertising upstands / boards, ornamental roof trim, illuminated canopy and false stonework panelling within silvered timber frames. The development has a fairground aesthetic and does not harmonise with the architectural character of the area.

It is considered that the development is an incongruous addition to the Helix Park and has an unacceptable impact on the setting of the Kelpies.

Consideration of the Site in relation to Coal Mining Legacy

The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7. CONCLUSION

The application is assessed as being contrary to the terms of the Falkirk Local Development Plan. The comments received through consultation and representation are noted. There are no material planning consideration to warrant a departure from the Local Development Plan and as such the application is recommended for refusal.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following reason(s):

1. The development fails to enhance or integrate sensitively to the surrounding Kelpies and Helix Park landscape. The scale, siting and design of the development does not respond positively or sympathetically to the site's surroundings and it is an incongruous addition to the designed landscape and architectural character of the area, contrary to policies D02 'Sustainable Design Principles' and D03 'Urban design' of the Falkirk Local Development Plan.
2. The development fails to demonstrate a specific need, being located directly adjacent to the Helix visitor centre and café. The development results in an adverse impact on local amenity and the visual quality of the locality, contrary to policy TC04 'Food and Drink' of the Falkirk Local Development Plan.
3. The development fails to protect or enhance the visual amenity of the canal and its environs. The development does not achieve a design high standard, with particular emphasis on siting, materials, detailing and impact on canal-side landscaping contrary to policy D14 'Canals' of the Falkirk Local Development Plan.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 07 and Supporting Documents.


Director of Development Services

24/6/16
Date

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