

FALKIRK COUNCIL

Subject: EXTENSION OF EXISTING UNDERGROUND HOT WATER MAINS AT
CALLENDAR HOUSE, CALLENDAR BOULEVARD, FALKIRK, FK1 1YR
FOR FALKIRK COUNCIL - P/09/0551/FUL

Meeting: PLANNING COMMITTEE

Date: 2 December 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Provost Pat Reid

Community Council: Falkirk Central

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal comprises an extension of existing underground hot water mains pipe to serve Callendar House, an 'A' Listed Building located in Callendar Park, Falkirk.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been made by Falkirk Council and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Installation of a domestic heating scheme and boiler house was approved on 15 February 2006. The current proposal seeks planning permission to extend this existing system (ref. 05/1177/LA).

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections.
- 4.2 The Environmental Protection Unit has advised of informatives to be provided to the applicant in the event of the discovery of contaminated land and the installation of water service ground works.

- 4.3 The Falkirk Council Archaeologist has advised that a condition, requiring the submission of an archaeological survey programme prior to the commencement of construction work, should be attached to any grant of planning permission.
- 4.4 Historic Scotland has indicated that there is no impact on the Antonine Wall World Heritage Site and Scheduled Ancient Monument, which lies to the north of the site of proposed works.
- 4.5 Scottish Water has no objection.
- 4.6 Scotland Gas Networks has advised of the informatives to be provided to the applicant regarding the proximity of gas mains to the site.

5. COMMUNITY COUNCIL

- 5.1 Falkirk Central Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 No letters of objection or representation have been received.

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 Local Plan

- 7a.2 The relevant policies against which assessment was made are:
- 7a.3 Policy FAL 3.12 'Listed Buildings' states:

"There will be a presumption against proposals which would destroy, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the proposal would have no adverse impact upon the character of the building, its setting or the amenity of the area."

7a.4 Policy FAL 3.14 ‘Sites of Archaeological Interest’ states:

“In order to protect and conserve archaeological and historic features of significance and their settings:

- (i) there will be a presumption against development which would destroy or adversely affect Scheduled Ancient Monuments and other sites of archaeological or historic interest and their settings;*
- (ii) archaeological sites where development is permitted will be excavated and recorded. The Council supports Historic Scotland’s policy to seek developer funding for any necessary excavation, recording and publication works; and*
- (iii) the Council endorses the provisions of the British Archaeologists and Developers Liaison Group Code of Practice.”*

7a.5 Policy FAL 3.15 ‘Antonine Wall’ states:

“Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported.”

7a.6 Policy FAL 4.5 ‘Protection of Open Space’ states:

“The Council will protect parks, playing fields and other areas of open space and urban greenspace from any development which would diminish their recreational, amenity or ecological value. The Council will generally resist proposals for development or changes of use where they would:

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the locality;*
- (ii) result in a loss of amenity open space which would have a detrimental impact upon the character and appearance of the area;*
- (iii) weaken an existing wildlife corridor or otherwise adversely affect any ecological value which the open space may have; or*
- (iv) set an undesirable precedent for further incremental loss of public open space such that the amenity, recreational or ecological value of the area will be adversely affected.”*

7a.7 The proposed development has demonstrated no impact on Callendar House, the Antonine Wall and Callendar Park. The proposal therefore accords with the terms of the Falkirk Local Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Planning History.
- Responses to Consultation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The relevant policies against which assessment was made are:

7b.3 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.4 Policy EQ14 'Listed Buildings' states:

"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*

7b.5 Policy EQ16 'Sites of Archaeological Interest' states:

- "(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development."*

7b.6 Policy EQ17 ‘Antonine Wall’ states:

“The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) There will be a presumption against development which would have an adverse impact on the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ as defined on the Proposals Map;*
- (2) There will be a presumption against development within the ‘Frontiers of the Roman Empire (Antonine Wall) World Heritage Site’ buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.7 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 the Council’s open space audit and strategy, or a site specific local audit of provision in the interim, 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.”*

7b.8 The emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) affirms and updates the policy of the Falkirk Local Plan.

7b.9 The proposed development demonstrates acceptability in relation to policy considerations relating to Callendar House, Callendar Park and the Antonine Wall. In addition the proposal contributes to sustainable energy use.

Planning History

7b.10 The proposed development seeks permission to extend the existing functional underground heating system which, through bio-mass combustion, provides sustainable heating for residential properties in Callendar Park. This system was granted planning permission on 15 February 2006.

Responses to Consultation

- 7b.11 A condition requiring archaeological survey and informatives relating to potential ground contamination and existing gas mains can be attached to the grant of planning permission.

7c Conclusion

- 7c.1 The development accords with the terms of the Development Plan and there are no material planning considerations that would warrant the refusal of planning permission.

8. RECOMMENDATION

8.1 Grant detailed planning permission subject to the following condition(s):

- (1) The development to which this permission related must be begun within three years of the date of this permission.
- (2) Written notification of the date of the commencement of site works shall be provided at least 5 working days before initiation. The notification shall be provided to Falkirk Council, Abbotsford House, David's Loan, Falkirk, FK2 7YZ.
- (3) No development shall take place within the development site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that the development can be monitored in the context of the protected areas of the Antonine Wall and Callendar Park and Callendar House, as a Listed Building.
- (3) To ensure that the archaeological remains are safeguarded.

Informative(s):

- (1) 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.
- (2) The Water Regulation Advisory Scheme (WRAS) guideline should be followed when undertaking water service related groundworks.

- (3) Please note the presence of Scotland Gas Networks low/medium/intermediate gas mains exist in proximity to the site. No mechanical extractions should take place above or within 0.5 metres of the low pressure system, 2 metres of the medium pressure system and 3 metres of the intermediate pressure system. You should where required confirm the position of gas mains using land dug trial holes.

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Director of Development Services

Date: 25 November 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan 2007.
2. Larbert and Stenhousemuir Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).

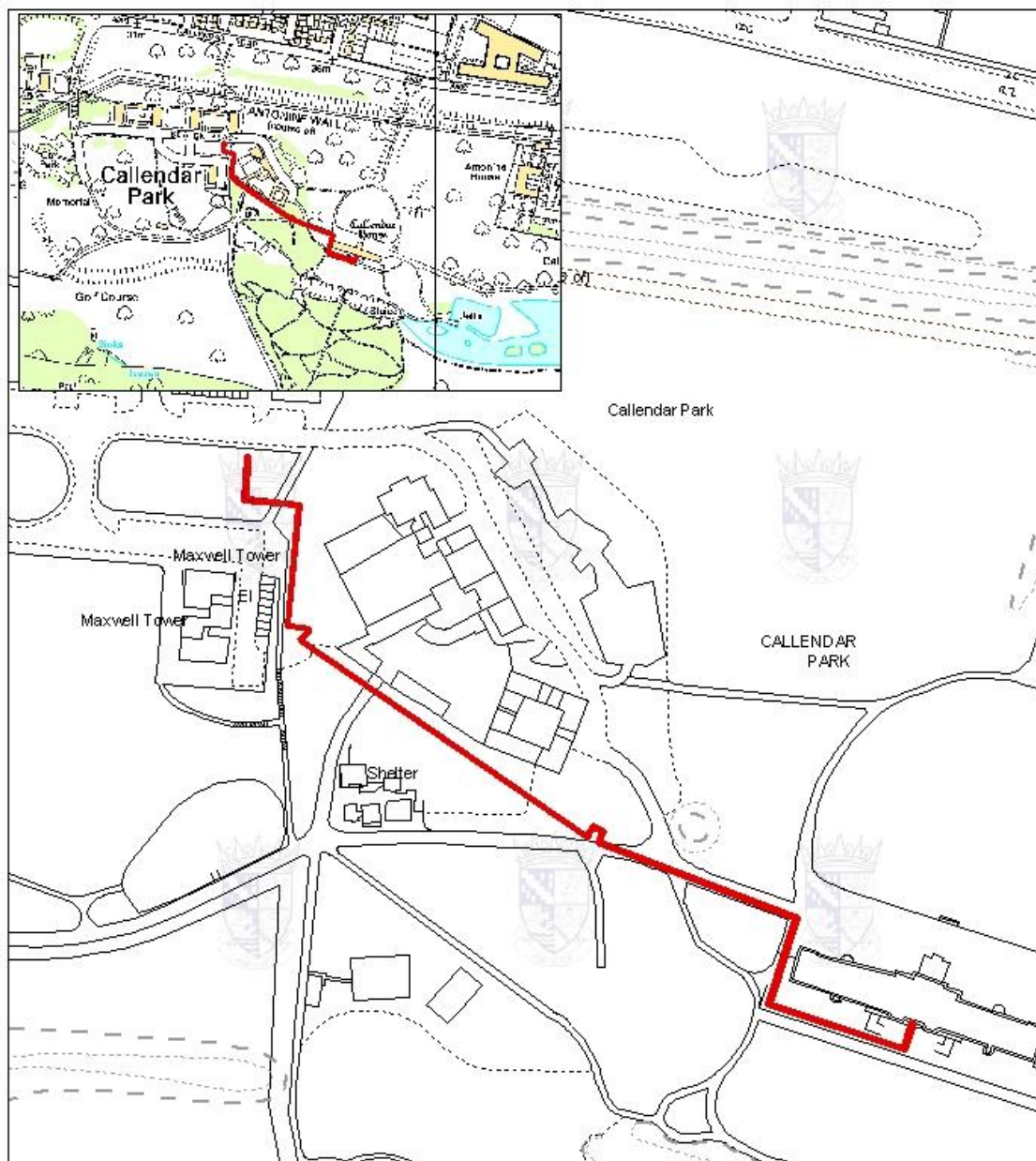
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0551/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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