

FALKIRK COUNCIL

Subject: WORKS TO IMPROVE PEDESTRIAN CIRCULATION IN CHURCH YARD INCLUDING RELAYING OF SETTS, NEW STONE-WALL SEATING, NEW CAR PARKING, IMPROVED LIGHTING FOR MEMORIALS AND CHURCH. RE-SITING OF ROTARY CLOCK ON UPPER NEWMARKET STREET TO ALLOW IMPROVED BUS SHELTER PROVISION, REPLACEMENT OF HANDRAILS AND CAST IRON FENCES THROUGH OUT THE SITE AT ST MODANS & FALKIRK OLD PARISH CHURCH, MANSE PLACE, FALKIRK, FK1 1JN FOR MS GILLIAN SMITH – P/09/0757/FUL

Meeting: PLANNING COMMITTEE
Date: 27 January 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Falkirk Central

Case Officer: Stephen McClure, (Planning Officer) Ext 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is the church yard surrounding St Modans and Falkirk Old Parish Church, which is located within Falkirk Town Centre. The Church and the church yard are listed, and are contained within the Falkirk Town Centre Conservation Area. The church yard also contains many monuments and is open to the public with a right of way through the yard. It is proposed to alter the layout of the church yard to make it more accessible and safe for the public to use, as well as increasing the access to and information regarding the monuments and history of the site. This will involve re-surfacing and altering roadways, forming a new car park, re-placing existing street furniture, altering and enhancing the monuments, re-siting of the rotary clock on Upper Newmarket Street, new and improved bus shelters, re-furbishing of existing elements around the site, new planting etc.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council has a financial interest in this project and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

3.1 None relevant to this particular application

4. CONSULTATIONS

4.1 The Roads Development Unit was consulted on the proposals and considered it acceptable, therefore no Roads conditions are required to be attached.

4.2 The Environmental Protection Unit has no conditions to be attached to the application. However, given the nature of the land, any suspect substances or odours encountered following the commencement of development, shall be reported to the planning authority. This may result in the requirement of a contaminated land assessment and any necessary remediation works.

5. COMMUNITY COUNCIL

5.1 Falkirk Central Community Council did not comment.

6. PUBLIC REPRESENTATION

6.1 In the course of the application, 5 contributors submitted letters to the Council. The salient issues are summarised below.

- The removal of the current parking in Manse Place will cause problems for businesses, their customers and the residents.
- Removal of the parking in Manse Place will cause further congestion of parking in the Town Centre.
- The road at Manse Place does not belong to Falkirk Council.
- The current pedestrian access will be severely impaired.

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 Policy ECON.4 'Falkirk Town Centre and the District Centres' states:

"The Council will seek to maintain and enhance the principal role of Falkirk Town Centre and the local service role of the District Centres. Accordingly:

- (1) priority will be given to the expansion of Falkirk and Grangemouth Town Centres as provided for in Policy ECON.1, and opportunities for consolidation and expansion which may arise in the other District Centres, commensurate with their local role;*
- (2) co-ordinated strategies to improve the environment, management and accessibility of Falkirk Town Centre and the District Centres will be developed; and*
- (3) In Grangemouth and Bo'ness the proposals will be compatible with the petrochemical and chemical industries."*

7a.2 The proposed church yard alterations would improve the environment, management and accessibility of Falkirk Town Centre, by creating a more open and user friendly area, which will encourage public use and allow better management of the area. It is therefore considered that the proposal accords with Policy ECON.4.

7a.3 Policy ECON.7 'Tourism' states:

"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/ Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.4 Falkirk Town Centre is seen as a key location for tourism development, and the proposed church yard alterations would improve access to the site, which is of historical value. The many monuments and other points of historical influence would also be enhanced and made more accessible to the public. It is hoped that this enhancement would help attract more visitors to the site and therefore the wider Town Centre. It is therefore considered that the proposal accords with Policy ECON.7.

7a.5 Policy ENV.5 'Built Environment and Heritage' states:

"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.6 It is considered that the proposed alterations to the church yard and access areas would protect and enhance the historical monuments and assets contained within these areas. This would allow a sensitive restoration or repair of many of the items, which would allow better protection of the assets and their setting. The monuments and other assets would again be made more accessible to the public, through the planned alterations, which will be sympathetic to the immediate built environment and overall heritage of the site. It is therefore considered that the proposal accords with Policy ENV.5.

7a.7 The proposal therefore accords with the Structure Plan.

Falkirk Local Plan

7a.8 Policy FAL 2.1 'Sustainable Revitalisation' states:

"The Council will pursue a Strategy of Sustainable Revitalisation within the Local Plan Area, whereby priority will be given to:

- (i) the continuing physical and economic revitalisation of Falkirk as a town of sub-regional status;*
- (ii) the protection and enhancement of the built and natural environment within the Local Plan Area; and*
- (iii) meeting the community's development needs in a way which safeguards environmental resources, both locally and globally, and the quality of life of future generations."*

7a.9 It is considered that the proposal is in line with the Council strategy to pursue sustainable revitalisation within the Local Plan area, as it is continuing the physical and economic revitalisation of Falkirk, the church yard and its accesses, covering a large section of the Town Centre. The proposal would also protect and enhance the built and natural environment within this large section of the Town Centre, which is a vital location within the Local Plan area. It is therefore considered that the proposal accords with Policy FAL 2.1.

7a.10 Policy FAL 3.1 ‘Design and Townscape’ states:

“New development will be required to achieve a high standard of design and amenity, and should contribute positively to the visual quality of the built environment. Proposals should accord with the following principles:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of spaces and built forms which integrates well with the pattern of the local townscape/landscape, and fosters a sense of place;*
- (ii) the design of new buildings should blend with that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) building materials and finishes should be chosen to reflect those prevailing in, or traditional to, the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces, enhance existing ones or create other focal points;*
- (v) existing buildings or natural features which contribute to the local townscape should be retained, where possible, and incorporated as an integral part of the design; and*
- (vi) the contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.11 The proposed alterations to the church yard and its main access points are considered to have a high standard of design and amenity, and would positively contribute to the visual quality of the built environment at this location within Falkirk Town Centre. The proposed siting, layout and density of the new development would create an attractive and coherent structure of spaces and built forms, which would integrate well with the existing townscape pattern. The proposed materials have been chosen to reflect or integrate with those prevailing in the area. The opportunity has also been taken with the proposal to enhance all the existing public places, main entrances to the site and other focal points, whilst trying to retain all the main features which contribute to the local townscape at present. The proposal also enhances and respects existing landmarks within this Town Centre location. It is therefore considered that the proposal accords with Policy FAL 3.1.

7a.12 Policy FAL 3.2 ‘Design and Landscaping’ states:

“Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (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.”*

7a.13 The proposed alterations to the church yard and its main access points would incorporate appropriate hard and soft landscaping which would enhance the character of the development and this overall section of Falkirk Town Centre. The proposal is respecting the setting and character of the development site and is, where practical, retaining existing vegetation and natural features. The proposal is incorporating new planting appropriate to the nature and location of the site within Falkirk Town Centre. High quality hard landscaped areas and street furniture have been included in the proposal, and have been designed to complement the overall development and surrounding townscape. It is therefore considered that the proposal accords with Policy 3.2.

7a.14 Policy FAL 3.9 'Environmental Improvements' states:

"The Council will seek to promote programmes of environmental improvement in the following priority areas, as resources permit:

- (i) Falkirk Town Centre and the local shopping centres;*
- (ii) major transport routes;*
- (iii) the Green Belt and other urban fringe areas;*
- (iv) the canal network in association with the Millennium Link;*
- (v) public parks and open spaces;*
- (vi) areas of need under the Community Urban Regeneration Programme; and*
- (vii) existing industrial areas."*

7a.15 The proposed alterations to the church yard and its main access points are within Falkirk Town Centre, which is seen to be a priority area for environmental improvement. The proposal for the area will enhance and improve the overall access for members of the public and enhance this area of Falkirk Town Centre. It is therefore considered that the proposal accords with Policy FAL 3.9.

7a.16 Policy FAL 3.10 'Public Art' states:

"The Council will encourage the provision of public art in the Local Plan Area both through its own initiatives and those of the private sector. Developers will be encouraged to adopt 'Percent for Art' schemes in respect of major commercial development schemes (excluding private housing)."

7a.17 The proposed alterations to the church yard would result in the existing tombs, monuments, memorials etc, refurbished with new street furniture added. This would enhance the existing public art at the site, which is encouraged by the Council. It is therefore considered that the proposal accords with Policy 3.10.

7a.18 Policy FAL 3.11 'Conservation Areas' states:

"The Council will protect the visual amenity and historic character of each Conservation Area, including its setting, buildings, open space and trees. Favourable consideration will only be given to proposals which make a positive contribution to the appearance of the Conservation Area and are compatible with the historic character in terms of size, scale, design and materials. The Council will give priority to a review of the boundaries of the Falkirk Town Centre Conservation Area."

7a.19 It is considered that the proposed alterations to the church yard and its main access points, would protect the visual amenity and historic character of the Conservation Area. The proposal would make a positive contribution to the appearance of the Conservation Area, and it is compatible with the historic character in terms of the scale, design and materials. It is therefore considered that the proposal accords with Policy FAL 3.11.

7a.20 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.21 The alterations to the church yard and its main access points would not be seen to adversely affect the architectural character of the listed church yard, or the appearance or setting of the listed church. The proposal would in fact open the area up and improve the overall setting of the church and the church yard, as well as the setting of other listed structures and buildings at the access points. It is therefore considered that the proposal accords with Policy FAL 3.12.

7a.22 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.23 The proposed alterations to the church yard and its main access points would not adversely affect any of the elements of historic interest located within the site boundary. Falkirk Council's Museum Services are aware of the application, and will work with the relevant parties to ensure all works are carried out in the proper manner. It is therefore considered that the proposal accords with Policy FAL 3.14.

7a.24 Policy FAL 9.2 'Tourism' states:

"The Council will encourage tourism-related development in Falkirk and will support proposals which enhance the quality and diversity of tourism infrastructure and attractions, subject to other Local Plan policies and proposals. Particular emphasis will be placed on the development of the following key themes and attractions:

- (i) the Town Centre;*
- (ii) Callendar House, Park and Wood;*
- (iii) the Canal Network/Millennium Link;*
- (iv) Roman heritage at Roughcastle/Tamfourhill; and*
- (v) industrial heritage."*

7a.25 It is considered that the proposal for the church yard and main access points would enhance the quality and diversity of the tourism infrastructure and attractions located within Falkirk Town Centre. The town centre is seen as a key area for attracting tourism. It is therefore considered that the proposal accords with Policy FAL 9.2

7b Material Considerations

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.1 *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.2 *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.3 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.4 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."

7b.5 Policy EQ12 - 'Conservation Areas' states:

"The Council will protect the historic character and visual amenity of each Conservation Area. Accordingly:

- (1) The Council will prepare Character Appraisals of individual Conservation Areas and, on the basis of these, will review existing boundaries and Article 4 Directions, prepare detailed design guidance as appropriate, and draw up enhancement schemes as resources permit;*
- (2) New development in Conservation Areas, including extensions and alterations to existing buildings, will only be permitted where it preserves or enhances the character of the area, with particular reference to the historic pattern and density of development; its setting; the architectural style, massing and materials of buildings; landscape treatments; and boundary features;*
- (3) Demolition of buildings within Conservation Areas will not be permitted unless they make no material contribution to the character and appearance of the area. Where demolition is proposed, the considerations set out in Section 4.26 of the Memorandum or Guidance should be adhered to; and*
- (4) Replacement windows, doors, roofs, rainwater goods, boundary treatments and other features on unlisted buildings in Conservation Areas should preserve or enhance the character of the Conservation Area in terms of appearance, detailing and materials."*

7b.6 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.7 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.8 Policy EP15 'Tourism Development' states:

"Proposals for tourism development will be supported where:

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and VisitScotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

7b.9 The relevant policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version), can be seen to reinforce and affirm Policies FAL 2.1, 3.1, 3.2, 3.9, 3.10, 3.11, 3.12, 3.14 and 9.2 of the Falkirk Local Plan. The proposed alterations to the church yard and its main access points would achieve a high standard of design quality, which would respond positively and sympathetically to the site's surroundings, and create new spaces which are attractive, safe and accessible to the public. The historic character and visual amenity of the Conservation Area would be protected, as the proposal would be seen to preserve and enhance the character of the area. The layout, design, materials, scale, siting and use of the proposed alterations to the church yard are seen to be appropriate to the character and appearance of the listed church building and the surrounding listed structures. The monuments and other items of archaeological interest would also be preserved where relevant, with Museum Services having already been consulted on the proposals. The proposal would also be seen to support the strategic tourism priorities set by the Council and complement and enhance the quality of the image and tourism profile of Falkirk Town Centre. It is therefore considered that the proposal accords with Policy EQ1, EQ3, EQ4, EQ9, EQ12, EQ14, EQ16 and EP15.

Assessment of Public Representations

7b.10 Manse Place is a private road, which is not incorporated in the Town Centre Parking Order. Falkirk Council Roads has, at present, no influence over parking on this private land. No comment has, therefore, been made in relation to parking provision. It has been noted that the proposals indicate improved parking within the church yard, although access to this, like the use of Manse Place, is not a matter on which Falkirk Council Roads can comment.

7b.11 The ownership of Manse Place is a legal matter, and not a material consideration in the assessment of this application.

7b.12 The current pedestrian access to the church, including Manse Place, would be greatly improved.

7c Conclusion

7c.1 It is considered that the proposal is acceptable development, is in accordance with both the Development Plan and the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

8.1 It is recommended that permission be granted subject to the following condition:-

- (1) The development to which this permission relates must be begun within three years from the date of this permission.**

Reason(s):

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

Informative(s):

- (1) This application was submitted on-line, and the decision notice is issued without plans. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our on-line reference number(s) 01, 02, 03, 04, 05, 06, 7 and 08.
- (2) 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.

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For Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

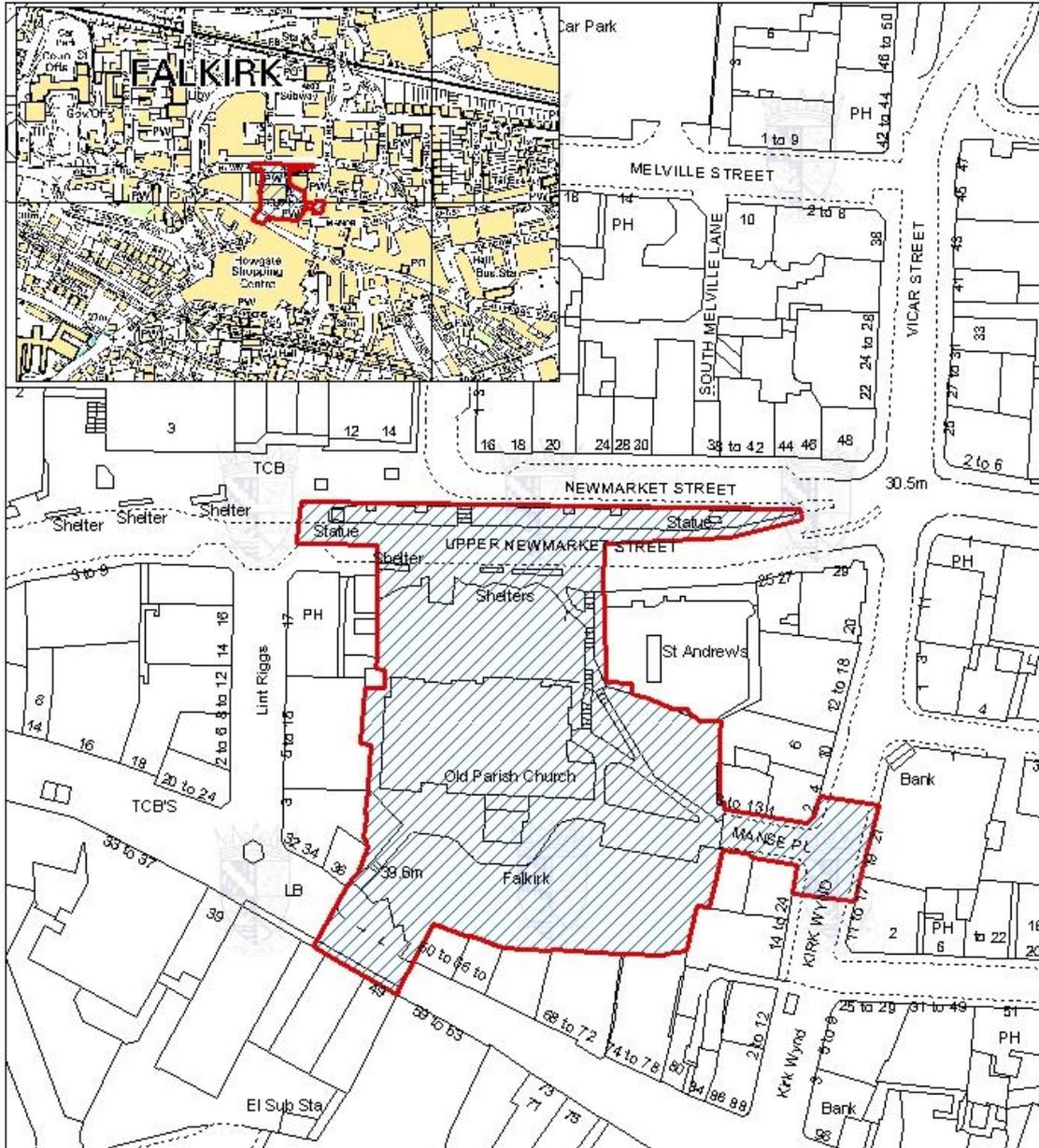
1. Letter of objection from Mrs Helen Lee, 7 Manse Place, Falkirk FK1 1JN dated 20 November 2009.
2. Letter of objection from Mr William G McDonald, c/o RGM 28 Newmarket Street, Falkirk FK1 1JQ dated 20 November 2009.
3. Letter of objection from Mr Walter Scott, 5 Manse Place, Falkirk FK1 1JN dated 20 November 2009.
4. Letter of objection from Mr Peter Harkin, 3 Manse Place, Falkirk FK1 1JN dated 24 November 2009.
5. Letter of objection from Mr Rab Williams, 9 Manse Place, Falkirk FK1 1JN dated 27 November 2009.
6. Falkirk Council Structure Plan 2007.
7. Falkirk Local Plan.
8. Falkirk Council Local Plan Finalised Draft (Deposit Version).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Regulatory Committee

Planning Application Location Plan P/09/0757/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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