

FALKIRK COUNCIL

Subject: ERECTION OF VISITOR CENTRE, INSTALLATION OF PHOTOVOLTAIC PANELS AND EXTRACT FLUE, CAR PARKING AND ASSOCIATED LANDSCAPE WORKS AT LAND TO THE NORTH OF WEST MAINS INDUSTRIAL ESTATE, THE HELIX, FALKIRK FOR FALKIRK COUNCIL – P/13/0158/FUL

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: Grangemouth

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application under assessment is for full planning permission for the erection of a visitor centre for the Helix project, installation of photovoltaic panels and extract flue, car parking and landscape works. The application site is located north of West Mains Industrial Estate on the site of the new Helix mooring basin which is currently under construction.
- 1.2 The site lies adjacent to the Forth and Clyde Canal (to the west) and the M9 motorway (to the east). The site access is proposed from the existing Etna Road roundabout on the A9 northern distributor road.
- 1.3 The Helix is an urban fringe environmental improvement project funded, in part, by Big Lottery Living Landmarks. Fundamental to the Helix project is the aim to improve connections between existing settlements and facilities and allow for improved access to future Helix initiatives and the countryside.
- 1.4 The proposed development seeks to provide facilities for those visiting the Helix and to enable a worthwhile visitor experience to be enjoyed. The proposed visitor centre includes a café/restaurant, retail space, interpretive spaces, kitchen and toilet facilities.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development involves land under the ownership of Falkirk Council. Falkirk Council is also the applicant.

3. SITE HISTORY

- 3.1 Planning permission ref: P/10/0293/FUL was granted on 16 June 2010 for the formation of an access road for Helix related Forth and Clyde Canal improvements. This access road has been constructed and is installed to serve the development proposed as part of this application.
- 3.2 Planning permission ref: P/11/0154/FUL was granted on 30 March 2012 for the erection of two 30 metres high 'Kelpie' Sculptures, formation of boat turning pool, landscaped hub area including visitor facilities, parking and ancillary development. The current proposal seeks to complement these previously approved facilities.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections to the proposed development subject to the construction of an additional parking extension identified following approval of planning permission P/11/0154/FUL and clarification of the location of visitor centre parking within the car parking extension area.
- 4.2 The Transport Planning Unit has made comments in relation to pedestrian links, cycle parking, bus access and potential traffic impacts. The applicant has addressed comments made in relation to pedestrian links and cycle parking. In relation to bus access and traffic impacts the Transport Planning Unit requests that the applicant initially provides a bus service to the site in the hope that this would be continued at a later date on a commercial basis and a financial contribution to assist with the future upgrading of Junction 6 of the M9 in mitigation of likely traffic impacts resulting from the proposed development.
- 4.3 Museum Services has confirmed that the proposed development will not impact on the Forth and Clyde Canal. No archaeological sites are known to be in the vicinity of the application site.
- 4.4 The Environmental Protection Unit has no objections subject to a contaminated land condition and construction noise informative.
- 4.5 A 'Do Not Advise Against' response has been received from the Health and Safety Executive following online consultation using the PADHI+ process.
- 4.6 Historic Scotland has no objections to the proposal in relation to proximity to the Forth and Clyde Canal as a Scheduled Ancient Monument.
- 4.7 Scottish Natural Heritage has no objections to the proposed development.
- 4.8 SEPA has no objections in relation to flood risk and surface water drainage. Regulatory advice has been provided for the benefit of the applicant in relation to possible SEPA approval.
- 4.9 Scottish Water has no objections to the proposed development.

4.10 The Scottish Rights of Way Society (Scotways) has no objections.

4.11 Transport Scotland has no objections to the proposed development.

5. COMMUNITY COUNCIL

5.1 Grangemouth Community Council has not made comment on the application.

5.2 Bainsford, Langlees and New Carron Community Council has not made comment on the application.

6. PUBLIC REPRESENTATION

6.1 No objections or representations have been made.

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.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.2 Policy ENV.2 'Green Belt' states:

"There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7a.3 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.4 Policy ENV.7 ‘Quality of Development’ states:

- “(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements.”*

7a.5 Policy TRANS.1 ‘Core Path Networks’ states:

“The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*
- (2) Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) Local Core Path networks in line with the Council’s Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network.”

- 7a.6 The proposed development seeks to promote use of the site for tourism, outdoor recreation, improved use of the Forth and Clyde Canal by re-developing existing infrastructure to provide a focus for development of the Helix. A high design standard is exhibited and core paths are respected. The fixed site location given the Forth and Clyde Canal position and the proposed uses justify and accord with Green Belt policy. The proposal is therefore considered to comply with all relevant Structure Plan policies.

Falkirk Council Local Plan

- 7a.7 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.”*

- 7a.8 The applicant has exhibited a sensitive approach to designing drainage infrastructure, a focus on providing pedestrian and vehicular access in a sustainable approach to the scheme. The proposed building will have a grass (sedum) roof with rainwater collection, photovoltaic solar panels and has been designed incorporating sustainable design principles.

- 7a.9 Policy EQ21 - ‘Falkirk Greenspace ‘ states:

“Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

- 7a.10 The application is considered to accord with this policy, reflecting on the proposal’s importance in relation to the wider Helix project, public access, biodiversity protection and connection to adjoining areas of land.

7a.11 Policy EQ29 – ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*
- (2) In promoting new routes particular emphasis will be placed on*
- opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25;*
 - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
- Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.12 The proposal is considered to actively promote outdoor access and links to paths, walkways and facilities which will encourage visitor participation within the site and wider Helix project.

7a.13 Policy EP18 – ‘Major Hazards’ states:

“Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings;*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means. and*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments.”*

7a.14 The application site lies within the consultation area of hazardous installations at the Grangemouth petrochemical area. The Health and Safety Executive through use of PADHI+ consultation has provided a ‘Do Not Advise Against’ response in relation to the proposal on the basis of acceptable risk to visitors to the site. The application will, on this basis, not require to be referred to Scottish Ministers if the Committee grants planning permission. It is therefore considered that the proposal accords with this policy.

7a.15 Policy ST10 - 'Parking' states:

"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

7a.16 The parking provision proposed is a concern of the Roads Development Unit in respect of the anticipated visitor numbers. Parking areas have been approved by planning permission P/11/0154/FUL and are under construction. The Roads Development Unit seeks the provision of an expansion of the previously approved car parks to provide additional parking. This issue is addressed in detail in paragraphs 7b.6 and 7b.7 of this report.

7a.17 Policy ST11 - 'Sustainable Urban Drainage' states:

"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."

7a.18 The Sustainable Urban Drainage System to be employed for the wider Helix site has previously been considered acceptable.

7a.19 Policy ST3 - 'Bus Travel And New Development' states:

"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*

- (4) *New developments may require bus links to rail stations or other public transport infrastructure.”*

7a.20 Public access to the site has previously been considered by the Transport Planning Unit to require upgrading through the implementation of a bus service to the site. The applicant has previously (in the assessment of previous planning application P/11/0154/FUL) provided acceptable justification to obviate the requirement for an initial subsidy to bus services to the site. The proposed arrangements are considered acceptable and not to be contrary to Policy ST3.

7a.21 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.”*

7a.22 The proposed development does not directly affect the Forth and Clyde Canal’s status as a Scheduled Ancient Monument. No adverse impact on the Forth and Clyde Canal, as a Scheduled Ancient Monument, is considered likely to occur. This has been confirmed through consultation with Historic Scotland and Falkirk Community Trust Museum Services who have no objections to the proposed development.

7a.23 Policy EQ27 - ‘Watercourses’ states:

“The Council recognises the importance of watercourses within the Council area in terms of their landscape, ecological, recreational and land drainage functions. Accordingly:

- (1) There will be a general presumption against development which would have a detrimental effect on the landscape integrity, water quality, aquatic and riparian ecosystems, or recreational amenity of watercourses. Development proposals adjacent to a watercourse should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
- (2) Watercourses will be promoted as recreational corridors, with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives; and*
- (3) There will be a general presumption against the culverting of watercourses.”*

7a.24 The proposed development as stated above has been shown not to adversely impact on the Forth and Clyde Canal. The positive opportunities for tourism and outdoor access that the proposal provides have previously been noted in this report.

7a.25 Policy ST11 - 'Sustainable Urban Drainage' states:

"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."

7a.26 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.27 The Helix is supported by an overarching Flood Risk Assessment for all project land. The proposed development has been appropriately designed in the context of this study. The site has been assessed as capable of accommodating the proposed development.

7a.28 Accordingly, the proposal accords with the Development Plan

7b Material Considerations

7b.1 The material consideration to be addressed are the policies of the emerging Falkirk Local Development Plan and points raised through consultation and in the submission of representations made with respect to the application.

7b.2 The proposed Falkirk Local Development Plan was approved by the Council for consultation on 6 March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the extant Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.

7b.3 The following policies of the Emerging Falkirk Local Development Plan are relevant to the assessment of the application under consideration:

INF07	Walking and Cycling
INF08	Bus Travel and New Developments
INF11	Parking
INF12	Water and Drainage Infrastructure
BUS05	Major Hazards and Pipelines
TC04	Food and Drink
EN05	Outdoor Access
D02	Sustainable Design Principles
D04	Low and Zero Carbon Development
D08	Sites of Archaeological Interest
D14	Canals

- 7b.4 The above policies reinforce and develop relevant policies in the extant Falkirk Structure Plan and Falkirk Council Local Plan. The proposed development has been assessed as being in accordance with all relevant policies in the Emerging Falkirk Local Development Plan.
- 7b.5 The comments of the Transport Planning Unit have been satisfactorily addressed in relation to pedestrian links and cycle parking. The provision of a bus service to the site and a financial contribution to contribute to the future upgrade of Junction 6 of the M9 has not been requested. The applicant has previously (in the assessment of planning application P/11/0154/FUL) provided acceptable justification that the total of £4.5 million expenditure that the Helix project will contribute towards sustainable access to the site and wider Helix area.
- 7b.6 The Roads Development Unit has identified that the proposed visitor centre will require 97 car parking spaces over and above the car parking areas previously approved by previous planning permission P/11/0154/FUL. Condition 2 of planning permission P/11/0154/FUL required the submission of plans to identify compliance with car park requirements. Subsequent to the approval of P/11/0154/FUL the Roads Development Unit has discussed the potential for a car park extension area should the Helix prove to be more popular than originally considered. The Roads Development Unit has requested, on the basis that a visitor centre is now proposed, that this area of future car park extension is now provided.
- 7b.7 It is considered that the provision of a visitor centre would not necessarily increase the number of visitors to the Helix project but would provide improved facilities for those wishing to visit and increase the time that visitors would spend at the site. On this basis it is not considered necessary, at this stage, to insist on the construction of an extension to the approved car park areas. Rather it is considered appropriate for the car park extension area to be constructed at a later stage should it be required. A planning condition is therefore proposed to require additional parking if deemed necessary.
- 7b.7 The Environmental Protection Unit has requested the attachment of a planning condition requiring the submission of a Contaminated Land Assessment. A Contaminated Land Assessment for the wider Helix site has previously been submitted to Falkirk Council and approved. The request for an informative in relation to construction noise can be attached to any grant of planning permission.

7c Conclusion

- 7c.1 The proposed development has demonstrated compliance with all relevant Development Plan policies.
- 7c.2 The views of consultees have been accommodated or can be achieved by planning conditions.
- 7c.3 The 'Do Not Advise Against' consultation response using HSE PADHI+ would not require referral of the application to Scottish Ministers if the Committee grants planning permission.
- 7c.4 No objections or adverse comments have been made in relation to the proposed development.
- 7c.5 There are no material considerations which would justify setting aside policies of the Development Plan and refusing planning permission.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) Prior to the commencement of development, samples of construction materials relating to fenestration (window and curtain walling frames) cladding (aluminum and larch) and gabion baskets (including stone type) shall be submitted for the written approval of Falkirk Council as Planning Authority.
- (2) Prior to the commencement of development details and specification of all hard and soft landscaping, including samples of materials and species specification shall be submitted for the written approval of Falkirk Council as Planning Authority.
- (3) Unless otherwise agreed in writing with Falkirk Council as Planning Authority, if shown to be necessary, additional car parking shall be provided by means of an extension to the northern car parking area approved by planning permission P/11/0154/FUL, within an agreed timescale.

Reason(s):

- (1-2) In the interest of visual amenity.
- (3) To ensure that adequate car parking is provided.

Informative(s):

- (1) This application was submitted online, and the decision notice is issued without plans. 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, 06A, 07A, 08A.
- (2) The applicant should have regard to controlling any noise produced by the construction and future use of the development to ensure that no noise nuisance is caused. If noise complaints were received about the development, the Environmental Health Unit would be obliged to investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance Legislation.

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Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

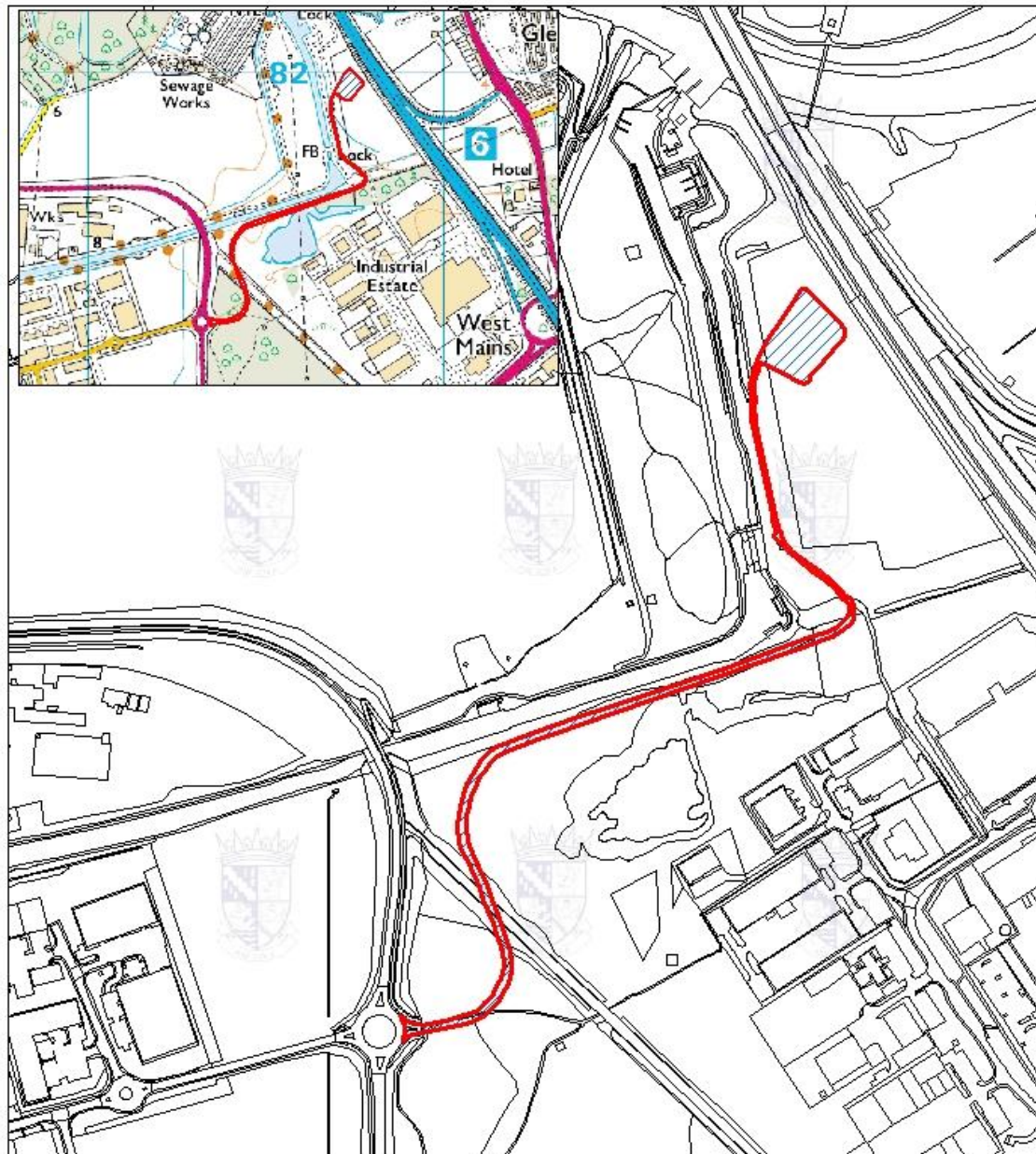
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Local Development Plan (Proposed Plan) April 2013

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/13/0158/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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