



## **Agenda Item 6**

**ALTERATIONS AND EXTENSION TO  
BLOCK OF FLATS TO FORM 2  
ADDITIONAL FLATTED DWELLINGS  
AT 1 - 27 (CONSEC) SALMON COURT,  
SCHOOL BRAE, BO'NESS, EH51 9HF  
FOR FALKIRK COUNCIL -  
P/20/0139/FUL**



**FALKIRK COUNCIL**

**Subject:** ALTERATIONS AND EXTENSION TO BLOCK OF FLATS TO FORM 2 ADDITIONAL FLATTED DWELLINGS AT 1 - 27 (CONSEC) SALMON COURT, SCHOOL BRAE, BO'NESS, EH51 9HF FOR FALKIRK COUNCIL - P/20/0139/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 22 September 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor David Aitchison

Councillor Lynn Munro

Councillor Ann Ritchie

**Community Council:** Bo'ness

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

[View this Application on Public Access](#)

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

- 1.1 This application relates to internal alterations and an upper floor extension to form 3 flats (2 additional flats). The site is at Salmon Court, Bo'ness, which is a flattened development providing residential accommodation for predominantly elderly residents.
- 1.2 The application site is located in Bo'ness Town Centre, within the conservation area. The existing building is modern in design, over 2 to 4 storeys in height. The building has principle frontages onto School Brae and a small square off South Street. The site is surrounded by residential properties, with commercial premises (shops and cafes) to the South Street frontage.
- 1.3 The development comprises the following:
  - Conversion of a guest bedroom and medical room on the first floor, to form a 1-bedroom flat;
  - Conversion of a 4-bedroom flat on the second floor, to form two 1-bedroom flats; and
  - A second floor extension between the proposed new flats and existing stair well, to form a corridor.



## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires to be determined by the Planning Committee, because it is proposed to grant planning permission and there is a formal objection from a statutory consultee (Health and Safety Executive) that would require a referral of the application to Scottish Ministers.

## **3. SITE HISTORY**

- 3.1 A planning application (P/19/0798/FUL) for the same development, was withdrawn on 20 January 2020.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit has not objected to the proposed development.
- 4.2 The Council's Environmental Protection Unit has not objected to the proposed development.
- 4.3 The Health and Safety Executive (HSE) WebApp advises against development on safety grounds.

## **5. COMMUNITY COUNCIL**

- 5.1 The Bo'ness Community Council did not make comment on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application 3 representations were received from 2 properties, raising the following issues:
- The proposed development would reduce light to neighbouring residential properties at South Street. The development would effectively 'fill in' an existing gap in the building and reduce light to habitable windows.
  - The reduction in natural light could increase algae and affect stone on the listed residential property.
  - The development could impact property value.
- 6.2 Following the submission of additional supporting information, the neighbour at No. 50 South Street was given a further opportunity to make comment. Concerns in relation to the impact on daylight and sunlight were maintained.



## **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**

7a.1 The Falkirk Local Development Plan 2 (LDP2) was adopted on 7 August 2020.

7a.2 Policy PE01 'Placemaking' is outlined in appendix 1,

7a.3 This application, albeit for a relatively small scale development, accords with the six qualities of successful places as defined in Scottish Planning Policy. The scale, siting and design of development would respond positively and sympathetically to the site's surroundings. The design of the proposed extension would respect the character of the existing building and would not result in a dominating addition. The location of development would encourage the use of active travel and would be within an existing network of paths, nodes and landmarks, in a town centre location. The development would be resource efficient, by rationalising and increasing the use of an existing flatted development, in a sustainable location. The application accords with policy PE01 'Placemaking'.

7a.4 Policy PE08 'Conservation Areas' is outlined in appendix 1,

7a.5 The application site relates to a modern, unlisted building in the conservation area. The small upper floor extension would respect the design and architectural detailing of the original building. The proposed development would preserve the character and appearance of the conservation area, in accordance with policy PE08 'Conservation Areas'.

7a.6 Policy HC01 'Housing Land' is outlined in appendix 1,

7a.7 The application is supported by policy HC01 'Housing Land'. The development would make a modest contribution to the Council's 5 year effective housing land supply, by creating 2 additional flats within an existing residential development, in a sustainable town centre location.

7a.8 Policy HC02 'Windfall Housing' is outlined in appendix 1,

7a.9 The application site is brownfield, as it relates to internal alterations and a small extension to an existing flatted development. The creation of additional flats is compatible with the character of the existing building and surrounding residential and town centre area. It is considered that a good level of residential amenity would be achieved and the site is well served by public transport, recreational and community facilities. Existing infrastructure can accommodate the proposed development and the application accords with other LDP policies. The application accords with policy HC02 'Windfall Housing'.

7a.10 Policy JE06 'Major Hazards' is outlined in appendix 1,



7a.11 The application site is located within the middle zone of the Forties pipeline. It is considered that the proposed development would not result in an increase in people exposed to risk in the area significantly. This is based on the number of residents which could occupy the existing 4-bedroom flat and guest bedroom, in relation to three 1-bedroom flats. It is considered that the development would achieve regeneration benefits, by rationalising existing space in an existing flatted development within a town centre location. It is not considered that the proposed development would impact on existing chemical and petrochemical sites or pipelines. The application accords with policy JE06 'Major Hazards'.

7a.12 Accordingly, the application is assessed as being in accordance with the LDP2.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are supplementary planning guidance, the matters raised by objectors and consultation responses.

### **Falkirk Council Non-statutory Supplementary Planning Guidance**

7b.2 The proposed development relates to an unlisted building within the conservation area. The small extension would not adversely affect the character or appearance of the conservation area. The application accords with Supplementary Guidance SG12 'Listed Buildings and Unlisted Properties in Conservation Areas'.

### **Assessment of Public Representations**

7b.3 The main objection relates to a loss of daylight and sunlight to surrounding residential properties, as a result of the proposed second floor extension. Impact on property value is not a material planning consideration.

7b.4 There are residential flats at School Brae, to the west of the site, which would face onto the proposed upper floor extension. To the east of the site there is a residential property, No.50 South Street, which would also face onto the development. Objections were received from No. 50 and No. 44 South Street. It is considered that No. 44 would not be adversely affected by development.

7b.5 In addition to a site visit to the application site and surrounding area, a separate site visit was carried out with the objector at No. 50 South Street. The property is a first floor flat with external stair. It faces onto a lane, to the side/rear of the application site. The owner/resident was given the opportunity to submit photographs to show the level of daylight and sunlight currently enjoyed by the property.

7b.6 LDP draft Supplementary Guidance SG03 'Residential Extensions and Alterations' provides guidance in relation to overshadowing and loss of light. It notes that proposed extensions or alterations can have a negative effect on the amenity of surrounding properties as a result of overshadowing and a reduction in the amount of light. This will depend on the location, height and extent of the extension in relation to the existing windows in habitable rooms and garden areas in an affected property.



- 7b.7 SG03 refers to the Building Research Establishment (BRE) document 'Site Planning for Daylight and Sunlight: A Guide to Good Practice' which gives guidance on how to ensure enough daylight/sunlight is achieved in or between buildings, for acceptable interior and exterior conditions. Calculating daylight and sunlight is complex, but there are some simple 'rules' which can be used to check whether a proposed development is likely to be acceptable, as explained in SG03.
- 7b.8 Reasonable levels of daylight to existing buildings will be maintained where new development is kept below a 25 degree line from the mid-point of an existing window. The centre of the lowest habitable room window is used as a reference point. If the whole of the development is beneath a line drawn at 25 degree angle from the horizontal, then it is unlikely that there will be a significant impact on daylight and sunlight.
- 7b.9 The daylight assessment submitted to support the application shows the relationship of the objector's property (at No. 50) to the proposed extension and how daylight could be affected by the proposed development. The submitted daylight assessment shows that the vertical angle from the lowest window at No.50 would be approximately 10.3 degrees post development. The proposed development would be well within the 25 degree rule.
- 7b.10 Additionally, it was observed from the site inspections that residential properties at South Street and School Brae already receive low levels of direct sun light at some points of the day, due to their orientation and the pattern and height of existing surrounding development. The small (in fill) extension would have a negligible impact on the overall scale and massing of the existing building. It is considered that the distance of the proposed development from surrounding residential properties and the existing site conditions would not result in a significant adverse impact on the level of daylight and sunlight to affected properties.

## **Consultation Responses**

- 7b.11 The application site is within the middle zone of the Forties pipeline. The Health and Safety Executive (HSE) were consulted using the WebApp and HSE advise that there are sufficient reasons on safety grounds, for advising against the granting of planning permission. Members will recall other applications in Bo'ness and Grangemouth Town Centres where this issue has arisen.
- 7b.12 The existing land use planning zones for the Forties pipeline were set in 1992. HSE reviewed them in 2000 and 2005. However, they have remained unchanged at 110m, 380m and 435m. HSE plan to review and update its risk assessment models for pipelines carrying hazardous substances. The composition of the fluid transported in the Forties pipeline is complex and it will be some time (HSE estimate that it may take a number of years) before the results of the review and modelling by HSE will be available. Until the work is undertaken, HSE advise that they will provide advice based on the current consultation zones and will not take any new or additional information about pipeline specification into account. Members should not assume that the remodelling work would necessarily change the zones or impact the outcome of the HSE advice in relation to this application.



7b.13 HSE's advice is usually determined by a combination of:

- the consultation zone in which the development is located, of the 3 zones that make up the consultation distance set by HSE around the major hazard; and
- the 'Sensitivity Level' of the proposed development which is derived from HSE's categorisation system of "Development Types".

7b.14 In this instance the density of development within the middle zone triggered an advise against development. The aim of HSE advice, relating to land use planning, is to mitigate the effects of a major accident on the population in the vicinity of hazardous installations. In this instance, the application relates to the development of additional flats within an established residential development, in a town centre location.

7b.15 The LDP2 supports the proposed development. Although the applicant has not submitted technical information in relation to the pipeline, there is publicly available evidence that the specification for the Forties pipeline is different to that which HSE base their assessment on. HSE advised the Council previously that they are not in a position to review and remodel the zones affecting the application site at this time. Given the site constraints and nature of the proposed development, there are no changes which could be made to the scheme to achieve an HSE 'do not advise against'.

7b.16 It is considered that the town centre location and the benefits of additional residential accommodation within a sustainable location outweigh the HSE objection. Where the Council are minded to grant planning permission, contrary to HSE advice, Scottish Ministers will be notified and can 'call in' the application for their determination.

7b.17 There are no other matters raised by consultation which require to be addressed.

## **7c Conclusion**

7c.1 The application is assessed as being in accordance with the LDP2. HSE advised against development, however, their concerns are not considered to outweigh the LDP2, on the basis of the established use of the site, town centre location and the potential regeneration benefits (as a result of additional residential accommodation in a sustainable location). The objections have been assessed and it is considered that the proposed extension would not have a significant impact on the level of daylight and sunlight currently enjoyed by surrounding residential properties.

7c.2 The application is recommended as Minded to Grant, subject to notification of the application to Scottish Ministers on the basis of the HSE objection. Thereafter, if Scottish Ministers do not call in the application for their own determination it is recommended that planning permission should be granted.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the Committee indicate that it is Minded to Grant Planning Permission subject to:-**



- (a) Notification of the application to Scottish Ministers in relation to the HSE objection, in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009; and
- (b) Thereafter, remit to the Director of Development Services, to approve the application subject to the following condition(s):-
  - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.

**Reasons:**

- 1. As these drawings and details constitute the approved development.

**Informative(s):-**

- 1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- 2. 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.
- 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

.....  
pp Director of Development Services

Date: 10 September 2020



### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan 2
2. The Health and Safety Executive's Land Use Planning Methodology.
3. Supplementary Guidance SG12 'Listed Buildings and Unlisted Properties in Conservation Areas'
4. Objection received from Mrs Joanna Davidson, 50 South Street, Bo'ness, EH51 9HA on 2 July 2020
5. Objection received from Joanna Davidson, 50 South Street, Bo'ness, EH51 9HA, on 16 July 2020
6. Objection received from Mr Christopher Hicks, 44 South Street, Bo'ness, EH51 9HD on 17 July 2020

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.



## FALKIRK LOCAL DEVELOPMENT PLAN 2 POLICIES

### Policy PE01 'Placemaking' states:-

*Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:*

#### 1. Distinctive

- *Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;*
- *The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';*
- *Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.*

#### 2. Safe and pleasant

- *Development should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces and provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.*

#### 3. Easy to move around and beyond

- *Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;*
- *Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.*

#### 4. Welcoming

- *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.*



## 5. Adaptable

- *Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;*
- *Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.*

## 6. Resource efficient

- *In support of climate change mitigation, development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through: energy efficient design; choice and sourcing of materials; reduction of waste; recycling of materials and incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;*
- *In support of climate change adaptation, 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;*
- *Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

## **Policy PE08 'Conservation Areas' states:-**

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

1. *New development in Conservation Areas should preserve or enhance the character and appearance of the Conservation Area;*
2. *Proposals affecting unlisted buildings in a Conservation Area should respect the character and appearance of the original building;*
3. *Demolition of unlisted buildings within Conservation Areas which make a positive contribution to the special character and appearance of the area will only be supported where:*
  - *The existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report; or*
  - *The costs of repair and re-use are such that it is not economically viable, as shown by the submission and verification of relevant supporting evidence; or*
  - *The demolition of the building is essential for the delivery of significant economic benefits for the local or wider community; and*
  - *Proposals for redevelopment of the site contribute to the character and appearance of the Conservation Area. Existing buildings shall be retained on site until the redevelopment commences;*
4. *Proposals affecting buildings in Conservation Areas or their setting should conform with SG12 'Listed Buildings and Unlisted Properties in Conservation Areas'.*



## **Policy HC01 'Housing Land' states:-**

- 1. The housing supply target is 6,894 homes for the period 2017–2030. To meet this target, the Council will support residential development as indicated generally in the Spatial Strategy and as detailed in the Proposals and Opportunities Schedule and Settlement Statements, and on suitable windfall sites which satisfy Policy HC02.*
- 2. The Council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land. If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The Council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall.*

## **Policy HC02 'Windfall Housing' states:-**

*Housing development on sites within the Urban and Village Limits, which are not identified as LDP proposals, will be supported where:*

- 1. The site is brownfield or, if greenfield, will meet the terms of the Policy PE16 on protection of open space;*
- 2. Housing is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4. Existing infrastructure, such as transport, drainage, education and healthcare has the capacity to accommodate the proposed development, or can be upgraded through appropriate developer contributions, as required by Policy IR02;*
- 5. The site is not at risk of flooding in terms of Policy PE24; and*
- 6. The proposed development complies with other LDP policies.*

## **Policy JE06 'Major Hazards' states:-**

- 1. Proposals within Major Hazard and Pipeline Consultation Zones and not themselves major hazard developments will be assessed against the following factors:*
  - Any increase in the number of people exposed to risk in the area;*
  - The existing permitted use of the site or buildings;*
  - The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
  - The potential impact on chemical and petro-chemical sites and pipelines.*
- 2. Applications for hazardous substance consent (HSC) that would extend major hazard consultation distances within the urban area will be assessed against their impact on*



*allocated development plan sites and any increase in the number of people exposed to risk in the area while taking into account the need to safeguard nationally important clusters of industry handling hazardous substances.*

- 3. Applications for HSC should demonstrate that off-site impacts have been minimised as far as possible through the optimum location and method of storage and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
- 4. The revocation of HSC consents will be pursued where the use on the site has ceased. Redevelopment of existing major hazard sites for other non-hazardous uses should also include a review of the HSC's associated with the site.*
- 5. The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

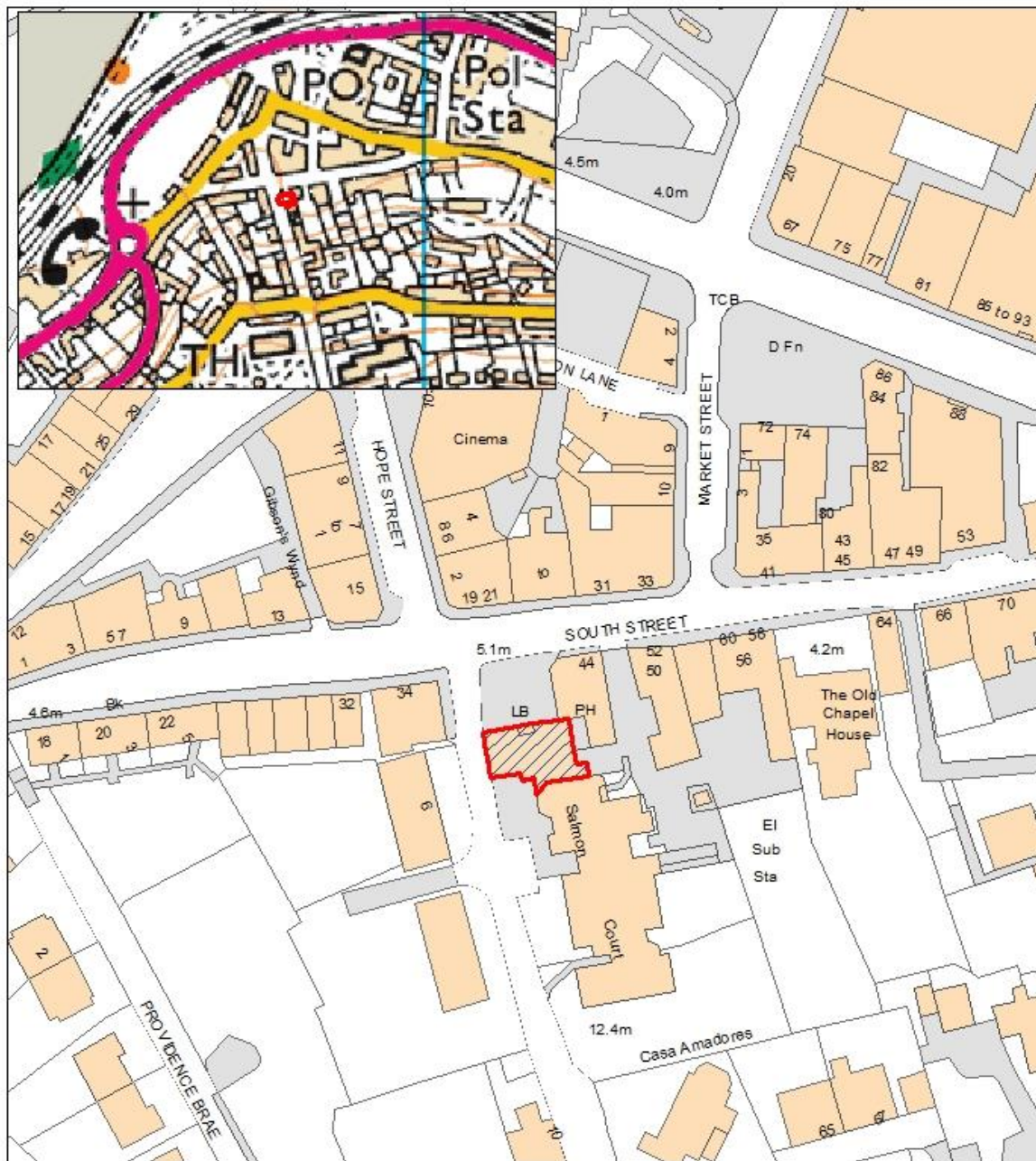


# Planning Committee

## Planning Application Location Plan

**P/20/0139/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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