

**FALKIRK COUNCIL**

**Subject:** **ERECTION OF 3 FLATTED DWELLINGS, 1 STUDIO DWELLING AND ASSOCIATED EXTERNAL WORKS AT 189 CORBIEHALL, BO'NESS, EH51 0AX FOR MR MARTYN FORD - P/12/0348/FUL**

**Meeting:** **PLANNING COMMITTEE**

**Date:** **31 October 2012**

**Author:** **DIRECTOR OF DEVELOPMENT SERVICES**

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

**Councillor Adrian Mahoney**  
**Councillor Ann Ritchie**  
**Councillor Sandy Turner**

**Community Council:** **Bo'ness**

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

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

- 1.1 This application relates to the erection of 3 flatted dwellinghouses and one studio dwellinghouse at 189 Corbiehall, Bo'ness. The application site is located on the south side of Corbiehall, within the Bo'ness Town Centre Outstanding Conservation Area. An existing workshop / store would be demolished to facilitate the proposed development (forming part of a separate application Ref: P/12/0449/CON). The application site has flats directly to its west and east, a restaurant to the north and open space to the south. The flats to the west of the application site are Category 'B' listed.
- 1.2 The proposed residential development would take the form of a three storey flatted development fronting onto Corbiehall, dropping to two storeys where connected to the adjacent building. To the rear of the application site a single storey, 1 bedroom, studio dwellinghouse, private and communal garden ground would be developed. Vehicular access would be taken from Corbiehall with vehicular parking spaces provided within the application site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as the Health and Safety Executive (HSE) objects to the application.

### **3. SITE HISTORY**

- 3.1 Application P/09/0861/PPP for the development of land for residential use at the same site was withdrawn on 11 February 2010. This application was withdrawn to allow the preparation of detailed proposals.
- 3.2 An application P/12/0449/CON for the demolition of the workshop / store within the application site has been submitted.

### **4. CONSULTATIONS**

- 4.1 Scottish Water has no objection to the planning application.
- 4.2 The Health and Safety Executive (HSE) object to the planning application on safety grounds.
- 4.3 The Environmental Protection Unit advise of conditions relating to contamination and noise.
- 4.4 SEPA do not object to the planning application.
- 4.5 The Roads Development Unit request the submission of a detailed drainage strategy and letter of acceptance from Scottish Water. The Unit also raise concerns in relation to the proposed cantilever detail on the front elevation.
- 4.6 British Petroleum (BP) do not object to the planning application.
- 4.7 The Coal Authority do not object to the application and recommend that further invasive investigation into mine workings should be carried out prior to the commencement of development on site, in accordance with the submitted Coal Authority Risk Assessment.

### **5. COMMUNITY COUNCIL**

- 5.1 The Bo'ness Community Council has not made any representations.

### **6. PUBLIC REPRESENTATION**

- 6.1 Two letters of support for the planning application were received from one individual, supporting the proposed change of the unused and unsightly building at the application site, as it would improve the visual amenity of the area.

### **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 COM.6 ‘Open Space and Recreational Facilities’ states:

*“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons.”*

7a.2 The above policy requires all new housing development to contribute to the provision and maintenance of open space and recreational facilities. It is considered that the proposed development would provide a reasonable level of amenity open space / landscaping commensurate with the size and density of development and its location within a town centre location. The landscaping would form an attractive and integral part of the development and would contribute to its character and amenity. It is considered that the site is too small to achieve any meaningful public open space or play facilities, however it is noted that the application site is well served by strategic recreational and amenity open space in close proximity to the site. The application accords with policy COM.6 ‘Open Space and Recreational Facilities’.

#### 7a.3 Policy ENV.4 ‘Coastal Planning and Flooding’ states:

*“The Council will apply the following general principles with regard to coastal planning and flooding issues:*

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*

- (3) *The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) *In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.4 The application site has been identified as being at risk of flooding. The applicant has submitted a Flood Risk Statement which states that the application is on the periphery of the SEPA indicative flood map. It should be noted that the map does not take into account any flood prevention measures and the application site is protected by the Bo'ness Flood Prevention Scheme. The applicant has also set the finished floor level at 4.86 metres AOD (above ordinance datum) which would allow for a 1 in 200 year extreme sea level estimated at 4.62 metres AOD and allows 24.4 cm for the estimated rise in sea level associated with climate change in the Firth of Forth. The site is not at significant risk of flooding and it is considered that the applicant has demonstrated that any risk to the site would be appropriately mitigated by existing flood defences and the finished floor level of the development. Further the proposal would not increase the risk of flooding for existing development. The application accords with policy ENV.4 'Costal Planning and Flooding'.

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 The proposal would result in the demolition of an unlisted building within the conservation area. It is considered that the building is not a heritage or architectural asset worthy of protecting or enhancing. Provision would be made within the submitted application P/12/0348/CON for the adequate recording of the building by means of an appropriately worded condition. As such it is considered the application does not offend the terms of policy ENV.5 'Built Environment and Heritage'.

## **Falkirk Council Local Plan**

### **7a.7 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.”*

7a.8 It is considered that the siting, layout and density of the proposed residential development would create a coherent structure of streets and amenity space. The proposal would respect the form of development prevalent in the Bo’ness Town Centre Outstanding Conservation Area by forming a strong frontage onto Corbiehall with a lane, parking area and gardens to the rear. The proposed design would reflect the surrounding urban fabric in terms of scale, height, massing and building line. The building materials would complement the local area and landmarks, skylines and views would be respected. The proposal would require the demolition of an existing workshop / store on site (a related application has been submitted). However it is considered that this building should not be retained or integrated into the proposed development, as it makes no positive contribution to the character or appearance of the conservation area. The application accords with policy EQ3 ‘Townscape Design’.

### **7a.9 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, or affecting their setting, including extensions and alterations to existing buildings, will only be +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 the relevant Historic Scotland guidance note 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.”*

7a.10 It is considered that the proposed development would make a positive addition to the Bo’ness Town Centre Outstanding Conservation Area and would preserve or enhance its setting. The development of residential buildings within the application site would accord with the historic pattern of the area. The proposed density of development, massing, architectural style, materials, landscape treatment and boundary features would all respect the character of the conservation area. The proposal would involve the demolition of an unlisted building within the site, however it is considered that this building makes no contribution to the character or appearance of the area. The application accords with policy EQ12 ‘Conservation Area’.

7.11 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.”*

7a.12 The application site is located adjacent to a Category ‘B’ listed block of flats. It is considered that the proposed demolition of the existing building within the application site and its redevelopment would not affect the listing of the building or its setting. The layout, design, materials, scale, siting and use of the proposed development would be appropriate to the character and appearance of the adjacent listed building and its setting. The application accords with policy EQ14 ‘Listed Buildings’.

7a.13 Policy EQ26 - ‘Trees, Woodland And Hedgerows’ states:

*“The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- (1) *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*

- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.14 The application site contains trees covered by a Tree Preservation Order (TPO). There are a number of trees and shrubs to the rear of the application site that have become very overgrown. The applicant has submitted a plan identifying trees within the application site to be retained and removed. The applicant has identified three trees which would have to be removed to allow the proposed development. It is considered that additional trees may have to be removed to facilitate the proposal. A suitably worded condition should be applied to any granting of planning permission requiring the submission of a detailed landscape plan prior to the commencement of development on site. The loss of any trees within the application site would be compensated by replacement planting. The application does not offend the terms of policy EQ26 'Trees Woodland and Hedgerows'.

7a.15 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

*"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:*

- (1) *The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) *The proposed housing use 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 physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) *In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) *There is no conflict with any other Local Plan policy or proposal."*

7a.16 The proposal represents a windfall housing development within the urban limit, in addition to proposals identified within the Local Plan. The application site is brownfield and the proposed residential use is compatible with adjacent residential properties. It is considered that a good level of residential amenity would be achieved through the development proposals and the site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities. Existing infrastructure has the capacity to support the proposal. The application accords with other Local Plan policies and policy SC2 'Windfall Housing Development within the Urban/Village Limit'.

7a.17 Policy SC6 - 'Housing Density And Amenity' states:

- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*

7a.18 It is considered that the density of the proposed development reflects the character and settlement pattern of the surrounding area. Adequate screened private amenity space would be provided for the dwellinghouse and the flatted dwellinghouses would have private amenity and communal amenity space. There would be no overlooking windows as a result of the proposal. The application accords with policy SC6 'Housing Density and Amenity'.

7a.19 Policy SC8 'Infill Development and Subdivision of Plots' states:

*“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:*

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

7a.20 It is considered that the scale, density, disposition and design of the proposed residential development would respect the architectural and townscape character of the area. Adequate garden ground, both private and communal, would be provided to serve the proposed development. Adequate privacy would be afforded to the proposal and adjacent properties. The proposal would not result in the loss of any features, such that the character of the area would be adversely affected. The proposed infrastructure is of an adequate standard and accords with policy SC8 'Infill Development and Subdivision of Plots'.



7a.21 Policy SC13 ‘Open Space and Play Provision in New Development’ states:

*“New development will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) The location and design of open space should be such that it:*
  - forms an integral part of the development layout, contributing to its character and identity;*
  - is accessible and otherwise fit for its designated purpose;*
  - links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - sensitively incorporates existing biodiversity and natural features within the site;”*
  - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - enjoys good natural surveillance;*
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7a.22 It is considered that the proposed development would provide a reasonable level of amenity open space / landscaping, compensable with the size and density of development and its location within a town centre location. The landscaping would form an attractive and integral part of the development and would contribute to its character and amenity. It is considered that the site is too small to achieve any meaningful public open space or play facilities, however it is noted that the application site is well served by strategic recreational and amenity open space in close proximity to the site. The application accords with policy SC13 ‘Open Space and Play Provision in New Residential Development’.

7a.23 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.24 The application site is located within the middle consultation zone of the BP Forties Pipeline. The application has been assessed, taking into account Health and Safety Executive (HSE) advice, who advise against the development on safety grounds. The applicant has submitted a supporting document giving details of the previous use on site (41 staff members associated with the existing building /use). It is also noted that a similar use could commence on site with a similar number of staff without the benefit of planning permission. It is therefore considered, taking into account the existing use on site, that the proposal would not increase the number of people exposed to risk in the area (it should be noted that HSE's assessment methodology does not consider existing uses). Whilst it is acknowledged that the proposed residential use is more sensitive than the existing commercial use, it is considered that the proposal would result in a net reduction in people exposed to risk. Additionally it is considered the proposal would achieve regeneration benefits, by the removal of an unattractive building within the conservation area and its replacement with a suitably designed residential development, which cannot be secured by other means. The proposal would not impact on the existing petrochemical establishments. It is therefore considered that the proposal does not offend the terms of policy EP18 'Major Hazards'.

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 The applicant has submitted a drainage statement. It is considered appropriate in this instance for detailed drainage details to be submitted prior to the commencement of development on site. The application does not offend the terms of policy ST11 'Sustainable Urban Drainage'.

7a.27 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.28 The application site has been identified as being at risk of flooding. The applicant has submitted a Flood Risk Statement which states that the application is on the periphery of the SEPA indicative flood map. It should be noted that the map does not take into account any flood prevention measures and the application site is protected by the Bo'ness Flood Prevention Scheme. The applicant has also set the finished floor level at 4.86 metres AOD (above ordinance datum) which would allow for a 1 in 200 year extreme sea level estimated at 4.62 metres AOD and allows 24.4 cm for the estimated rise in sea level associated with climate change in the Firth of Forth. The site is not at significant risk of flooding and it is considered that the applicant has demonstrated that any risk to the site would be appropriately mitigated by existing flood defenses and the finished floor level of the development. The applicant had adequately addressed flood risk and the application accords with policy ST12 'Flooding'.
- 7a.29 Accordingly, on balance the proposal does not offend the terms of the Development Plan.

## **7b Material Considerations**

- 7b.1 The material consideration in respect of this application are National Planning Policy Guidance, supplementary planning guidance, the consultation responses and design of the proposed development.

### ***National Planning Policy Guidance***

- 7b.2 Scottish Planning Policy advises that areas at a low to medium risk of flooding (1:1000 – 1:200) will be suitable for most development, but a flood risk assessment may be required. In areas protected by existing flood prevention measures, brownfield development will generally be acceptable provided the defences are adequately and properly maintained.
- 7b.3 Scottish Planning Policy also supports the development of well designed, energy efficient, good quality housing in sustainable locations. Redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites. Infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. Within conservation areas the design, materials, scale and siting of new development should be appropriate to the character and setting of the conservation area.
- 7b.4 Historic Scotland's Scottish Historic Environment Policy (SHEP) provides guidance on the statutory responsibility for the protection and enhancement of Listed Buildings and their setting. In relation to conservation areas the SHEP advises that consent to demolish should only be allowed where there are acceptable proposals for redevelopment.
- 7b.5 National planning policy and guidance gives general support for the proposed development. The application site is protected by existing flood prevention measures and is brownfield, within a town centre location, with good access to existing facilities. It is considered that the form and design of the proposal would be appropriate to the character and setting of the conservation area and the setting of the adjacent listed building.

## ***Supplementary Planning Guidance***

- 7b.6 The application accords with Falkirk Council's Supplementary Planning Guidance Note (SPGN) on 'Housing Layout and Design'. It is considered that the proposed development reflects the unique character of buildings, public spaces and landscape adjoining the site. Special attention has been paid to the design of main edges, entrances and focal points which form the development and the configuration of housing would allow a well composed streetscape pattern. It is considered that the proposed development would be high quality with unique building architecture which respects traditional models, is sustainable and contemporary and avoids fussy affectation.
- 7b.7 Falkirk Council's SPGN on 'Public Open Space, Falkirk Greenspace and New Development' acknowledges that the Council area is generally well endowed with open space, however seeks to improve the quality of existing open space so they can be fit for purpose and to ensure access to different types of open space within an acceptable walking distance. Using the open space requirements set out in the SPGN the proposed development should provide 52 metres<sup>2</sup> of active open space and 122.5 metres<sup>2</sup> of passive open space, a total of 174.5 metres<sup>2</sup> of open space. As the entire open space requirement generated by the development could not be achieved on-site, a commuted sum towards the qualitative improvement of nearby open space should be sought. The total commuted sum is £4550, this is made up of 3x £910 for the flatted dwellings and £1820 for the studio dwelling.
- 7b.8 Development Management have recently set a lower threshold of residential development where the commuted payment would not be sought, this is presently three units. In this instance an early view was taken that commuted payment would not be requested. It is considered that the application site is located within a town centre location where a higher density of development is expected. Despite this, the proposal would achieve a suitable level of private and communal open space to serve the four units. It is also noted that the application site is well served by adjacent strategic open space resource. The development proposal relates to the development of three flatted dwellings. It is considered that the addition of a small studio unit to the rear of the site does not justify commuted payments in this instance. Further it is considered the required sum of £1820 for this unit is disproportionate to its size and function, the footprint being smaller than the proposed flats.
- 7b.9 The applicant adequately addressed the risk of flood, in accordance with Falkirk Council's SPGN on 'Flooding and Sustainable Urban Drainage'. The SPGN also requires the submission of a detailed drainage strategy and it is considered appropriate in this instance for detailed drainage information to be submitted prior to the commencement of development on site.

## ***Consultation Responses***

- 7b.10 The Roads Development Unit raise concerns in relation to the proposed cantilever detail on the front elevation. The applicant has designed the proposed development to allow a 2 metre wide footpath across the full frontage of the application site. A cantilevered first and second floor detail, on the front elevation, takes the building line of the existing building on site but still leaves a gap of 1 metre to the kerb at the level, with 2 metres at ground level. The proposed cantilever would give a clearance height of approximately 3.6 metres and this has been designed to harmonise with the design and composition of adjacent properties. The height of the cantilever is also influenced by the proposed finished floor level (FFL) which has been set to mitigate flood risk. It is considered that risk of damage to the building is minimal given the height of the proposed detail and its location from the road, well within the existing footpath. It is noted that the building line of the first and second floors would reflect the building line of the existing building on site. There is no record of this building being struck by a vehicle.
- 7b.11 The Roads Development Unit request the submission of a detailed drainage strategy and letter of acceptance from Scottish Water. The applicant has submitted a drainage statement advising that there is existing foul drainage and surface water drainage on site. The applicant acknowledges that a Sustainable Urban Drainage System (SUDS) will be required for the proposed development and recommends that this would be subject to specialist design consideration, to be submitted prior to development commencing on site. The applicant has submitted a letter from Scottish Water who confirm that there is sufficient capacity within the local network to accommodate the proposed development. Scottish Water are unable to reserve capacity and connection to the water and wastewater networks and grant connection on a first come served basis. It is considered appropriate in this instance to cover the submission of detailed drainage strategy by use of a suitably worded suspensive condition.
- 7b.12 HSE advise against the proposal on safety grounds. As discussed in section 7 of this report, HSE's standing advice does not take into consideration the existing use of an application site. In this instance a workshop / store is situated on the site and, whilst the premises are vacant, the use could commence at any time (previously 41 workers were based at the premises). The application is assessed as not adding to the number of people exposed to risk in the area. It is considered that the proposal would achieve regeneration benefits which could not be achieved by any other means. It is therefore considered that HSE's 'advise against' on safety grounds is not justified. If Members are minded to grant the proposed development, the application would require to be referred to Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

## ***Design***

- 7b.13 The proposed development takes the form of a residential development comprising a three storey building, housing 3 flatted dwellinghouses and a single storey studio dwellinghouse. The three storey block forms a strong frontage onto Corbiehall, dropping to two storeys where attached to the adjacent building, 185 and 187 Corbiehall. Vehicular access would be taken via an existing lane between the application site and three storey block of flats to the west of the application site. The studio dwellinghouse, gardens / landscaping and parking would all be accommodated to the rear of the application site.

- 7b.14 The design of the proposed residential development is contemporary, however the scale, proportions, materials and density all reflect the surrounding conservation area. The materials would be natural slate, render and timber cladding and a condition would be applied to any granting of planning permission requiring the applicant to submit material samples for approval prior to development commencing on site. The applicant has submitted a window specification considered appropriate to the design and composition of the development.
- 7b.15 It is considered that the existing building on site has a detrimental impact on the conservation area. The building is an unattractive bulky industrial building with inappropriate roller shutter and signage to the front elevation. The building dominates the setting of the two adjacent buildings and does not reflect the architectural character of the area. It is considered that the proposed development has been sensitively designed to harmonise with surrounding properties and provided a standard of development befitting the conservation area. The proposal would therefore enhance the conservation area and the loss of the existing building on site is justified by the proposal.

## **7c Conclusion**

- 7c.1 The proposed development is considered to be in accordance with the Development Plan, for the reasons detailed in this report. There are not considered to be any material considerations to justify setting aside the terms of the Development Plan. The application is recommended for approval subject to the following conditions and referral to Scottish Ministers.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee indicate they are minded to grant planning permission subject to referral to Scottish Ministers, in accordance with The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Details of the phasing of the development, including the demolition of the existing building on site, shall be submitted to the Planning Authority for approval and no work shall commence on site until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.
- (3) No development shall commence on site until an investigation to assess the depth and extent of mine workings, including mine entry, within the application site is carried out and the findings submitted and approved by the Planning Authority. The investigation should be carried out in accordance with the approved Coal Mining Risk Assessment (out online reference 'supporting documents').
- (4) No development shall commence on site until a detailed drainage strategy has been submitted and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

- (5) No development shall commence on site until a specification for the proposed acoustic glazing for habitable windows fronting Corbiehall has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented with the approved details.
- (6) No development shall commence on site until samples of all external materials including slate, harling, timber cladding and paving has been submitted and approved by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- (7) No development shall commence on site until details of the scheme of soft landscaping works has been submitted and approved by the Planning Authority. Details of the scheme shall include:
- Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
  - Location of new trees, shrubs and hedges and grassed areas;
  - Schedule of plants to comprise species, plant sizes and proposed numbers; and
  - Programme for completion and subsequent maintenance.

Thereafter the development shall be implemented in accordance with the approved landscape scheme by the end of the first planting and seeding season following occupation of the last flatted dwellinghouse / dwellinghouse on site.

8. (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

- (iv) 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.
- (9) Before any building is occupied, the car park and vehicular access shall be constructed in accordance with approved plan (our online reference 02B).
- (10) For the avoidance of doubt the development shall be constructed with a finished floor level of 4.86 metres AOD.
- (11) All road and footway construction shall be carried out in accordance with the 'Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000'.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To enable the Planning Authority to consider this aspect in detail.
- (3, 8) To ensure the ground is suitable for the proposed development.
- (4) To ensure that adequate drainage is provided.
- (5) To ensure that the occupants of the proposal are protected against excessive noise intrusion.
- (6) To safeguard the visual amenity of the conservation area.
- (7) To ensure that adequate landscaping is provided.
- (9) To ensure that adequate car parking is provided.
- (10) To protect the occupants of the proposal from flood risk.
- (11) To safeguard the interests of the users of the highway.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A – 05A and Supporting Documents.



- (2) This development site lies within a conservation area and separate Conservation Area Consent must be obtained for the demolition of a building. This permission does not grant or imply the grant of Conservation Area Consent and it is an offence to carry out unauthorised works of demolition in a conservation area.

**Pp**

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**Director of Development Services**

**Date:** 23 October 2012

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.
4. SPGN on 'Housing Layout and Design'.
5. SPGN on 'Public Open Space, Falkirk Greenspace and New Development'.
6. SPGN on 'Flooding and Sustainable Urban Drainage Systems'.
7. Historic Scotland's Scottish Historic Environment Policy (SHEP).
8. Letter of Support from Miss Adam of 191d Corbiehall, Bo'ness on 25 July 2012 (x2 identical).
9. Planning application P/12/0449/CON.

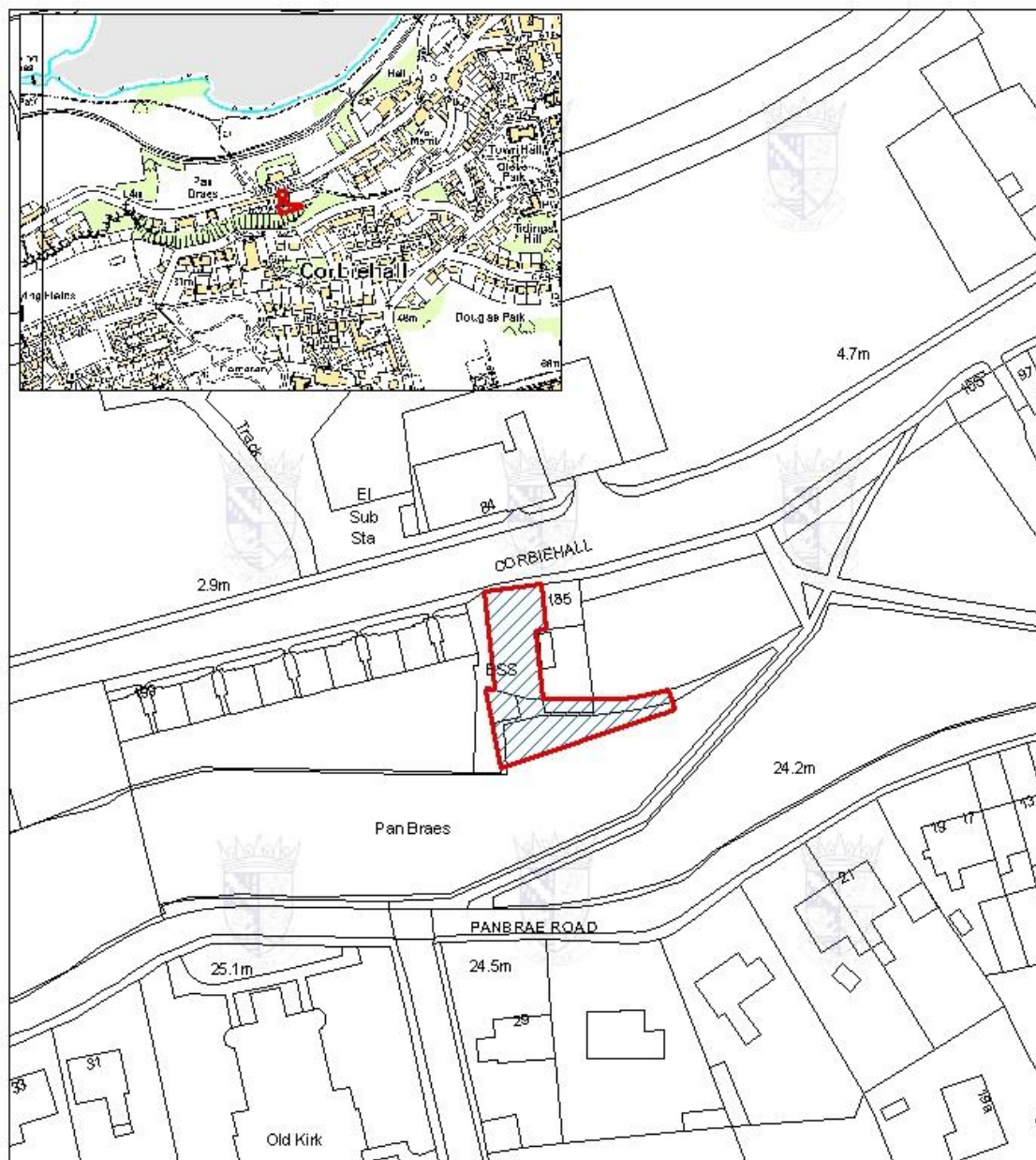
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/12/0348/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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