



## **Agenda Item 15**

**DEMOLITION OF EXISTING BUILDING AND  
ERECTION OF CARE HOME  
(CLASS 8) AT BO'NESS CARE HOME,  
11 - 11A BRIDGENESS LANE, BO'NESS,  
EH51 9LQ FOR ATLANTIS  
MEDICARE LTD - P/19/0558/FUL**

**FALKIRK COUNCIL**

**Subject:** DEMOLITION OF EXISTING BUILDING AND ERECTION OF CARE HOME (CLASS 8) AT BO'NESS CARE HOME, 11 - 11A BRIDGENESS LANE, BO'NESS, EH51 9LQ FOR ATLANTIS MEDICARE LTD - P/19/0558/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 23 January 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 the erection of a 32 bed care home (dementia unit), within the grounds of Grange Nursing Home. An existing vacant care facilities building would be demolished at the site to facilitate development. The application includes a new car park, improved access arrangements and landscaping.
- 1.2 Access would be taken via the existing access off Bridgeness Lane.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.2 The application was called in for determination by the Planning Committee by Councillor David Aitchison for the following reason:-
- To allow the Committee to consider the access arrangements for the proposed development.

**3. SITE HISTORY**

- 3.1 A planning application (F/93/0595) for an extension to the nursing home (34 bed detached building) was granted on 5 January 1994. This building was developed and is occupied on site.

- 3.2 A planning application (F/96/0141) for the erection of a temporary hoarding was granted temporary planning permission on 3 May 1996.
- 3.3 A planning application (P/18/0613/FUL) for the demolition of the existing building and the erection of care home (Class 8) was withdrawn on 10 December 2018. This was a similar proposal albeit for a 42 bed unit with less parking provision.

#### **4. CONSULTATIONS**

- 4.1 The Council's Environmental Protection Unit has not objected to the application, subject to a condition in relation to ground contamination.
- 4.2 The Council's Roads Development Unit raise concerns in relation to proposed access to the site. The access requires to be 5.5 metres wide, however, only 5 metres can be achieved. The Unit advise that it would not be in the best interests of road safety to grant the planning application.
- 4.3 The Community Trust Heritage Engagement Officer has not objected to the application. The building to be demolished dates to the early 19th century (with earlier elements incorporated) and contains a number of interesting features. It is recommended that, where possible, the ornate stones should be retained and re-used in the new structure. A record of the existing building should be made and deposited in the archives at Callendar House.
- 4.4 The Coal Authority has not objected to the application, subject to a condition requiring intrusive site investigations.
- 4.5 The Scottish Environment Protection Agency has not objection to the application.

#### **5. COMMUNITY COUNCIL**

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

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 3 contributors submitted letters of objection to the Council. The salient issues are summarised as follows:-
- The existing care home generates an unacceptable level of traffic. It generates on-street parking of cars and delivery vehicles, which means residents cannot access their property.
  - Existing vehicles have damaged the boundaries of residential properties at Bridgeness Lane.
  - The development would increase traffic which is a road safety risk.
  - There are errors in the Design and Access Statement and Transport Statement in relation to the adjoining hedge and access to rail links.

## 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 (FLDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies.

7a.2 Policy HSG09 'Residential Care Homes' states:-

*Proposals for residential care homes will generally be permitted where:*

- 1. The location provides an appropriate residential environment;*
- 2. There is good access to public transport;*
- 3. The development is of a scale and character appropriate to the site;*
- 4. Sufficient amenity space can be provided for the enjoyment of residents; and*
- 5. The proposal complies with other LDP policies.*

7a.3 It is considered that the proposed location would provide an appropriate residential environment for a care home, with good access to public transport and community facilities. The development would be of a reasonable scale and character appropriate to the established care home site and surrounding area. The design would harmonise with the existing building and a good level of amenity space would be provided for the enjoyment of residents. The application accords with policy HSG09 'Residential Care Homes'.

7a.4 Policy D02 '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, distinctive, welcoming, adaptable, 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. *Climate Change & Resource Use. 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 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.*

*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.*

7a.5 Policy D03 'Urban Design' states:-

*New development should create attractive and safe places for people to live, work and visit. Accordingly:*

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals 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*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.6 It is considered that the scale, siting and design of the proposed development would achieve a good level of residential amenity and would accord with the general principles of sustainable development. The application accords with policies D02 'Sustainable Design Principles' and D03 'Urban Design'.

7a.7 Policy D04 'Low and Zero Carbon Development' states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - *Proposals for change of use or conversion of buildings;*
  - *Alterations and extensions to buildings;*
  - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.8 The application does not include any low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. However, it is acceptable to progress the application with a planning condition in relation to LZCGT, in accordance with policy D04 'Low and Zero Carbon Development' and Supplementary Guidance SG15 'Low and Zero Carbon Development'.

7a.9 Policy D07 'Antonine Wall' states:-

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

1. *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*

2. *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
3. *Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall.*

7a.10 The application site is adjacent to an area identified in the FLDP as being the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site buffer zone. It is considered that there would not be an adverse impact on the site and its setting as a result of the proposal. The development relates to an established care home and the proposed building, although on a larger footprint, would replace an existing building on site. The application accords with policy D07 'Antonine Wall'.

7a.11 Policy RW06 'Flooding' states:-

1. *Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*
  - *be likely to be at risk of flooding;*
  - *increase the level of risk of flooding for existing development; or*
  - *result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
2. *Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
  - *any flood risks can be adequately managed both within and outwith the site;*
  - *an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
  - *access and egress can be provided to the site which is free of flood risk; and*
  - *water resistant materials and forms of construction will be utilised where appropriate.*
3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded.*

7a.12 The application was submitted with a Flood Risk Assessment (FRA) which demonstrates that the development is not likely to be at risk of flooding. A full drainage assessment is required to demonstrate that the recommendations in the FRA have been applied and this is appropriate to be addressed by condition. The application accords with policy RW06 'Flooding'.

7a.13 Accordingly, the application is assessed as being in accordance with the LDP.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan 2 (LDP2), the issues raised by consultees and third party representation.

### **Responses to Consultation**

- 7b.2 The applicant submitted a Transport Assessment to support the application. It concludes that the 5 metre wide access would allow 2 cars to pass at the junction. It also identifies that the existing width of Bridgeness Lane to the south of the care home junction is less than 4 metres wide. A traffic survey conducted as part of the Transport Assessment recorded average speeds at the care home junction of 17.1 MPH northwards and 18.1 MPH southwards. The average number of vehicles travelling on Bridgeness Lane is approximately 2 – 3 per hour.
- 7b.3 It is estimated that the proposed development would generate 6 - 7 vehicle trips during network peak hours (8 - 9 am and 5 - 6 pm). This equates to 1 additional vehicle movement every 8 - 9 minutes during peak hours which would be barely perceptible on the local highway network. It also notes that there have been no recorded accidents on the roads in the vicinity of the site for 20 years.
- 7b.4 The concerns of the Roads Development Unit are noted, however, the applicant's Transport Statement indicates that low travel speeds in the vicinity of the access, the likely number of vehicular movements generated by development and the functionality of the proposed access would not result in a significant impact on road safety.
- 7b.5 The application site relates to an established care home which has operated at the site for a number of years. The proposed development would require the demolition of a currently empty (16 bed) care home facility building on the site. The development relates to a replacement modern 32 bed facility, with an improved access and additional parking provision. The empty care home on the site could reopen without the need for planning permission, which means that the net trip generation for the proposed development would actually be lower. The Transport Assessment indicates that the net level of traffic generation would be halved.
- 7b.6 It is considered that the concerns in relation to the width of the access do not, in isolation, justify refusal of the application. It is acknowledged that there is increasing demand for the type of care accommodation proposed and the LDP generally supports this type of development. The applicant has addressed many of the issues raised at the last application stage including in relation to parking provision. The proposed development shows the best access improvements that can be achieved with the existing site constraints and an increased level of parking provision.

### **Assessment of Public Representations**

- 7b.7 Transportation impacts of development are discussed in section 7b.2 – 6 above. It is considered that the proposed development would increase the level of parking on site and as such could assist in alleviating on-street parking issues raised by objection. The improved access arrangements, although not being able to achieve the full 5.5 metres wide, would improve visibility and manoeuvrability at the existing junction.



- 7b.8 The supporting Design and Access Statement refers to an agreement to trim the hedge at No.13 Bridgeness Road. It is noted that the owner of the property says there is no agreement and boundary maintenance discussions have yet to be held. It is noted that the Transport Assessment refers to Bo'ness Steam Railway which does not provide a transport service. Linlithgow would be the closest rail station to the site.

### **Falkirk Local Development Plan 2 (Proposed Plan)**

- 7b.9 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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.10 In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which would justify a refusal of planning permission in this instance.

### **7c Conclusion**

- 7c.1 The application is assessed as being in accordance with the Falkirk Local Development Plan.
- 7c.2 The issues raised by the Roads Development Unit and by representation are noted. However, it is considered that the width constraint at the access does not justify the refusal of the application in this instance. The proposed development relates to the development of a modern 32 bed care home at an established site. The parking and access improvements are welcomed and it is considered that the proposed development would result in an attractive well located facility, which would provide a good residential environment for residents.

## **8. RECOMMENDATION**

- 8.1 **It is recommended that the Committee grant planning permission 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.**

- i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
  - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
  - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
  - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions. The findings and details of any necessary remedial or other mitigation measures to ensure the safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.
4. No development shall commence on site until a proposed drainage strategy and associated design detail has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
5. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
  - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and

- ii) a Statement of Conformity which confirms that 10%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

6. Samples of all external materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
7. No development shall commence on site until a photographic record of the existing building (to be demolished) is made and deposited at Callendar House archives. The record shall be in the form of a report and should include an internal and external examination.
8. The proposed car park and vehicular access, as shown on the approved proposed site plan (our online reference No. 03), shall be fully developed and available for use prior to occupation of the care home hereby approved.

**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2,3. To ensure the ground is suitable for the proposed development.
4. To ensure that adequate drainage is provided.
5. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
6. To safeguard the visual amenity of the area.
7. To ensure a record of the demolished building is retained.
8. To ensure that parking provision and access arrangements are to an acceptable standard.

**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 - 03, 04A, 05 - 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:

<b>Monday to Friday</b>	<b>08:00 - 19:00 Hours</b>
<b>Saturday</b>	<b>08:00 - 13:00 Hours</b>
<b>Sunday / Bank Holidays</b>	<b>No noise audible at site boundary</b>

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

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**pp Director of Development Services**

**Date: 15 January 2020**

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

1. Falkirk Local Development Plan.
2. Draft Falkirk Local Development Plan 2.
3. Objection received from Andrew Leishman, 5 Bridgeness Lane, Bo'ness, EH51 9LQ on 16 September 2019.
4. Objection received from Mrs Anne Campbell, 9 Bridgeness Lane, Bo'ness, EH51 9LQ on 26 September 2019.
5. Objection received from Mrs Lois Lauder, Bridgeness Cottage, 13 Bridgeness Lane, Bo'ness, EH51 9LQ on 19 September 2019.

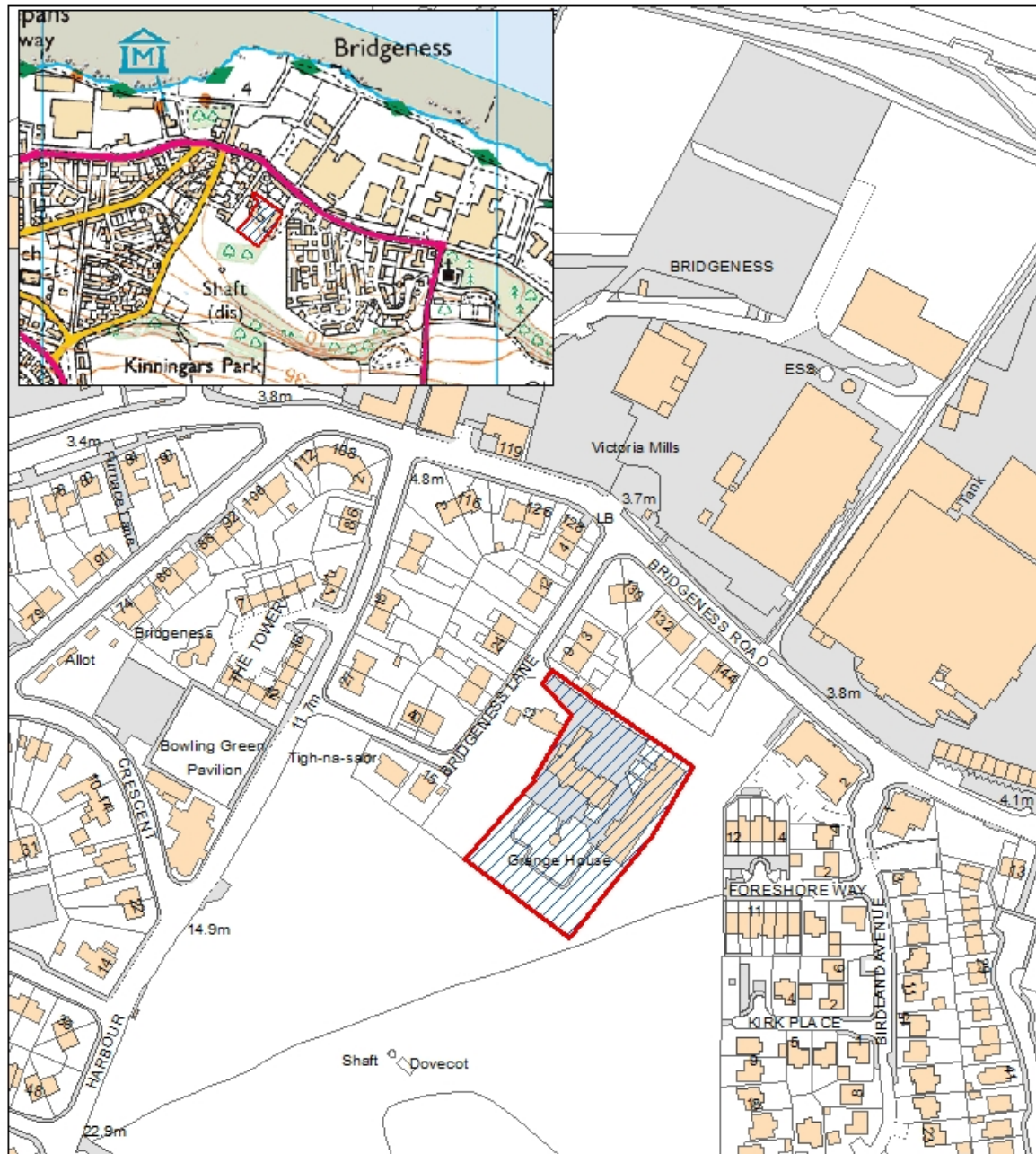
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0558/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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