

**FALKIRK COUNCIL**

**Subject:** FORMATION OF 4 NO. FLATTED DWELLINGS AND RE-ROOFING/RE-CLADDING OF HIGH RISE BLOCK AT 11-146 EASTBURN TOWER, EASTBURN DRIVE, FALKIRK, FK1 1TU FOR FALKIRK COUNCIL – P/09/0430/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 04 November 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Falkirk Central

**Case Officer:** Stephen McClure (Planning Officer), ext 4702

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

- 1.1 The proposal is to create four further flattened dwellings within the existing high rise block, refurbish the exterior of the building, re-roof the property and form additional parking. The proposed flattened dwellings would be created on the ground floor from existing disused storage space.
- 1.2 The high rise block of flats is located within the Callendar Park scheme on the edge of the Town Centre. The block sits out with the urban limit, as it is surrounded by Callendar Park, which is classed as Green Belt and Major Open Space.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application has been submitted by Falkirk Council and, under the scheme of delegation, requires to be considered by Committee.

**3. SITE HISTORY**

- 3.1 None relevant to the determination of this application.

#### **4. CONSULTATIONS**

- 4.1 Museum Service, no response received.
- 4.2 The Roads Development Unit offer no objection following the submission of amended parking details.
- 4.3 Scottish Water offer no objection to the proposal.
- 4.4 Environmental Protection Unit offer no objection to the proposal.
- 4.5 Historic Scotland has no objection to the proposal, but have requested that a condition be placed on any permission granted to control the placement of construction equipment and materials to avoid potential damage to the Antonine Wall World Heritage Site which is in close proximity.

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

- 5.1.1 Falkirk Central Community Council were notified of the application but did not request a formal consultation.

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

- 6.1 No representations were received.

#### **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 The application raises no issues of strategic significance.

##### ***The Falkirk Local Plan***

- 7a.2 Policy FAL 2.2 'Urban Limit' states:

*"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Falkirk for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit."*

7a.3 The proposal to create 4 flatted dwellings is contained within an existing block of high rise flats. The block is adjacent to the Town Centre, but outwith the urban limit. The proposed development would not represent an extension to the urban limit and is considered to be acceptable.

7a.4 Accordingly, the proposal accords with the Development Plan.

7a.5 Policy FAL 3.15 'Antonine Wall' states:

*"Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported."*

7a.6 The proposal does not adversely affect the line, setting or amenity of the wall. The development lies outwith the scheduled area and there will be no direct impact on the site, as the site is located within a built-up location on the footprint of the existing high rise block. Historic Scotland is thus satisfied with the proposal, and has asked only that a condition to control the placement of construction materials be placed on any permission granted.

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

7a.8 Policy FAL 4.1 'Green Belt' states:

*"There will be a presumption against new development in the areas of designated Green Belt indicated on the Policies, Proposals and Opportunities Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that:*

- (i) a Green Belt location is essential; and*
- (ii) there is no serious detrimental impact on the character of the Green Belt.*

*Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.*

*In accordance with the provisions of S.D.D Circular 25/1985 "Development in the Countryside and Green Belts", the Council strongly supports the principle of the Green Belt:*

- a. To separate the main settlements of the Council area;*
- b. To provide areas for countryside recreation (excluding such urban forms as hotels, time-share and holiday villages);*
- c. To provide a clear segregation of urban and rural uses;*
- d. To enhance the landscape adjacent to built up areas; and*
- e. To provide a corridor for essential services."*

7a.9 The proposal for the high rise block would not affect the Green Belt. The site is within Callendar Park which is designated as Green Belt but the proposal does not expand the existing footprint of the building and would not have a detrimental impact on the character of the Green Belt and is considered to be acceptable.

7a.10 Policy FAL 4.5 'Protection of Open Space' states:

*"The Council will protect parks, playing fields and other areas of open space and urban greenspace from any development which would diminish their recreational, amenity or ecological value. The Council will generally resist proposals for development or changes of use where they would:*

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the locality;*
- (ii) result in a loss of amenity open space which would have a detrimental impact upon the character and appearance of the area;*
- (iii) weaken an existing wildlife corridor or otherwise adversely affect any ecological value which the open space may have; or*
- (iv) set an undesirable precedent for further incremental loss of public open space such that the amenity, recreational or ecological value of the area will be adversely affected."*

7a.11 The proposal for the formation of the 4 flatted dwellings and other enhancements to the high rise block would not affect the surrounding open space of Callendar Park. The proposals are limited to the existing structure and would not increase the footprint of the existing high rise block.

7a.12 Accordingly, the proposal accords with the Development Plan.

7a.13 Policy FAL 5.1 'New Residential Development' states:

*"The Council will support residential development on sites H1 to H28 as identified in the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:*

- (i) the proposed housing use is compatible with neighbouring uses;*
- (ii) a satisfactory level of residential amenity can be achieved;*
- (iii) access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) essential community services such as schools, shops and public transport are available and easily accessible.*

*The reuse of upper floors in Falkirk Town Centre for residential purposes will be encouraged, subject to access and amenity considerations."*

7a.14 The proposal for the formation of 4 further flatted dwellings within the existing high rise block is seen to be compatible with neighbouring uses and would provide a satisfactory level of residential amenity. Access, parking, drainage and other infrastructure is available and to an acceptable standard. Essential community services are also available and within easy access of the site.

7a.15 Accordingly, the proposal accords with the Development Plan.

7a.16 Policy FAL 5.7 ‘Extensions and Alterations to Residential Properties’ states:

*“The Council will require that extensions and alterations to residential properties respect the original building, neighbouring properties and the character of the area in general, in terms of scale, design and materials. Proposals for garages should generally not project beyond the front elevation of the house and should have external finishes that match those of the existing house.”*

7a.17 The proposal for the formation of 4 flatted dwellings and further alterations to the exterior of the building and the roof can be seen to respect the original building, neighbouring high rise blocks and the character of the area in general, in terms of scale design and materials.

7a.18 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version).

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 Policy EQ16 ‘Sites of Archaeological Interest’ states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”*

7b.3 Policy EQ17 ‘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 not conflict with other Local Plan policies; and*

- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.*

7b.4 Policy EQ19 - ‘Countryside’ states:

- “(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- it can be demonstrated that they require a countryside location;*
  - they constitute appropriate infill development; or*
  - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
  - building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
  - boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.5 Policy EQ20 - ‘Green Belt’ states:

*“There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:*

- (1) The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3;*
- (2) The proposal will not undermine the role of the Green Belt by*
- detracting from its existing landscape character;*
  - reducing the visual separation between settlements; or*
  - compromising its existing or potential future use for countryside recreation.*

*Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.”*

7b.6 Policy SC3 - 'Housing Development In The Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - The operational need for the additional house in association with the business*
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - The restored or converted building is of comparable scale and character to the original building*
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.7 Policy SC9 - 'Extensions And Alterations To Residential Properties' states:

*"Extensions and alterations to residential properties will be permitted where:*

- (1) the scale, design and materials are sympathetic to the existing building;*
- (2) the location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- (3) it will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, or the unacceptable loss of off-street parking."*

7b.8 The relevant policies contained within the Falkirk Council Local Plan - Finalised Draft (Deposit Version), can be seen to reinforce and affirm policies FAL 2.2, 3.15, 4.1, 4.5, 5.1 and 5.7 of the Falkirk Local Plan. The high rise block is in an unusual location, being adjacent to the town centre, but outwith the urban limit, however the proposals are not seen to extend the urban limit, or have any adverse effects on the Green Belt and the open space of Callendar Park. The scale, design and materials to be used in the alterations to the exterior of the building are seen to be sympathetic to the existing style and structure. It is also considered the alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. The development lies outwith the scheduled area of the Antonine Wall and the site is located within a built-up location on the footprint of the existing high rise block.

7b.9 Accordingly, the proposal accords with the provisions of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

**7c Conclusion**

7c.1 It is considered that the proposal is acceptable development, is in accordance with Policy FAL 2.2, FAL 3.15, FAL 4.1, FAL 4.5, FAL 5.1 & FAL 5.7 of the Falkirk Local Plan and Policy EQ16, EQ17, EQ19, EQ20, SC3 & SC9 of the Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

**8. RECOMMENDATION**

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Prior to commencement of development, details of the proposed area for the storage of construction materials and equipment which shall be located to avoid any damage to the Antonine Wall World Heritage Site shall be submitted to and approved by the Planning Authority.

**Reason(s)**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the Antonine Wall World Heritage Site.

**Informative(s):**

- (1) 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.

**Pp**

.....

**Director of Development Services**

**Date: 27 October 2009**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan



2. Falkirk Local Plan Finalised Draft (Deposit Version)

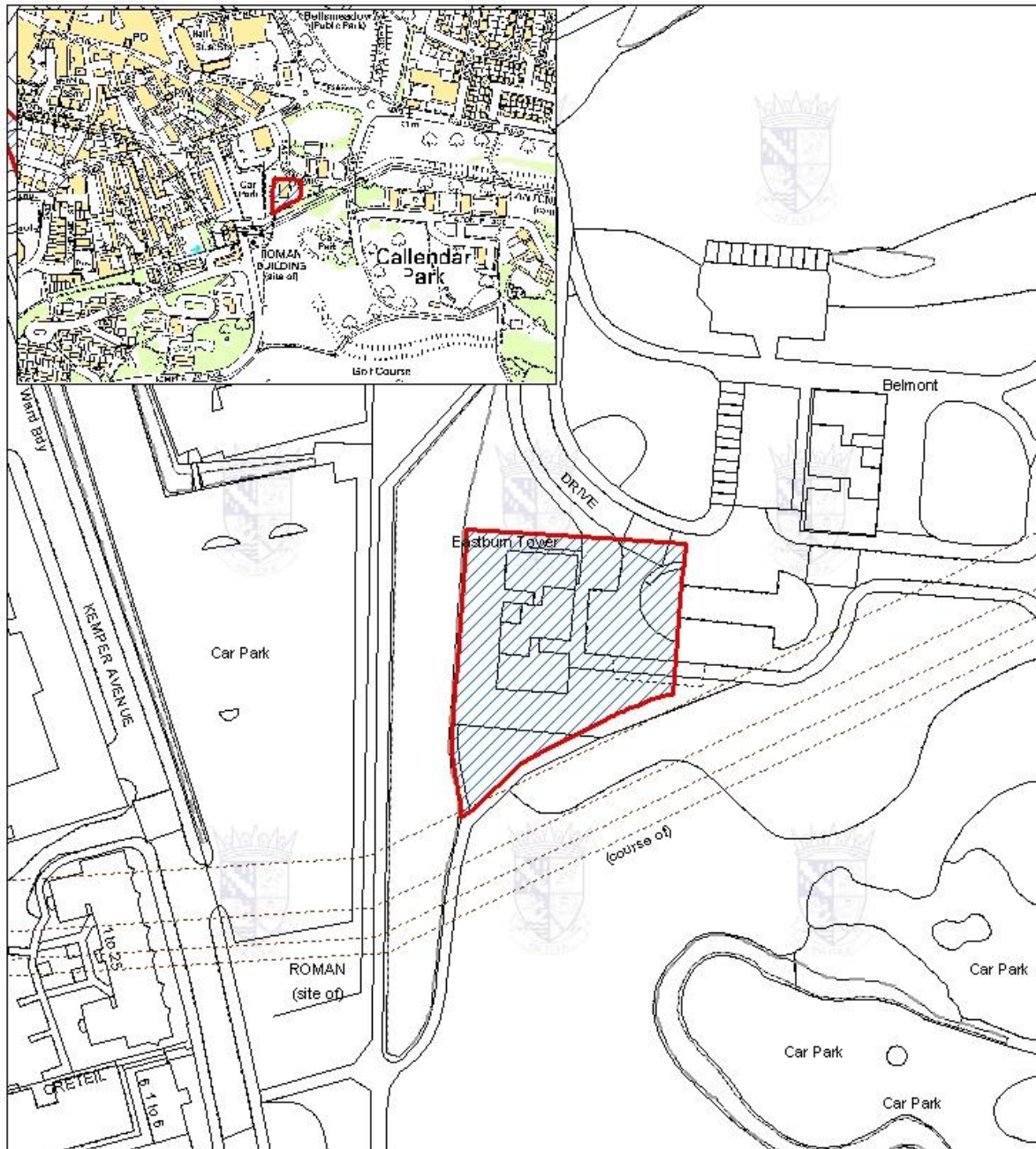
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

# Regulatory Committee

## Planning Application Location Plan

**P/09/0430/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2009. All rights reserved.  
Ordnance Survey Licence number 100023384