

FALKIRK COUNCIL

Subject: REFURBISHMENT OF EXISTING GROUND FLOOR AREA TO FORM 4.NO FLATS, RE-CLADDING & NEW PITCHED ROOF OVER EXISTING FLAT ROOF AT 1 - 1 MARSHALL TOWER, SEATON PLACE, FALKIRK FK1 1TN FOR FALKIRK COUNCIL – P/12/0304/FUL

Meeting: PLANNING COMMITTEE

Date: 22 August 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North
Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: No Community Council

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposal is to create 4 flatted dwellings within the existing high rise block, re-furbish the exterior of the building and re-roof the property. The proposed flatted dwellings would be created on the ground floor from existing disused storage space. The high rise block of flats is located within the Callendar Park housing estate on the edge of Falkirk Town Centre. The block sits outwith the urban limit, as it is surrounded by Callendar Park, which is classed as Green Belt and Major Open Space in the Falkirk Council Local Plan.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been submitted by Falkirk Council and, under the Scheme of Delegation, requires to be considered by Committee.
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3. SITE HISTORY

- 3.1 Application P/10/0703/FUL was submitted for similar works to the adjacent Maxwell Tower, which was subsequently granted planning permission on 26 January 2011.
- 3.2 Application P/11/0442/FUL was submitted for similar works to the adjacent Paterson Tower, which was subsequently granted planning permission on 23 September 2011.

- 3.3 Application P/12/0256/FUL for similar works to Leishman Tower is recommended for approval on this Committee agenda.

4. CONSULTATIONS

- 4.1 The Roads Development Unit, Falkirk Council Museum Services and Historic Scotland have raised no objections to the proposal.
- 4.2 The Environmental Protection Unit has advised that a scheme demonstrating acceptable noise levels from the proposed pump room should be submitted. The submission of this scheme can be required by planning condition. In addition an informative relating to potential contaminated land is requested.
- 4.3 The application site lies within the area of consultation referred to the Coal Authority given the potential for historic mining activity. The Coal Authority has no objection to the proposed development. Standard informative advice is, however, to be provided on any grant of planning permission decision notice.

5. COMMUNITY COUNCIL

- 5.1 No Community Council active at present.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation 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 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.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.”*

7a.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 no 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.”*

7a.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."*

7a.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; and*
- (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."

7a.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.”*

7a.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.”*

7a.8 Policy SC12 - ‘Urban Open Space’ states:

“The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from a settlement and neighbourhood audit that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7a.9 The high rise block is an unusual location, being adjacent to the town centre, but outwith the urban limit and within the Green Belt. However, the proposals are within the existing building footprint and are not seen to extend the urban limit, nor have any adverse effects on the Green Belt or the existing open space associated with Callendar Park. The scale, design and materials to be used in the alterations to the exterior of the building are sympathetic to the existing style and structure, and would enhance the overall amenity of the area. It is also considered that the alterations would not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties. The development site lies outwith the scheduled area of the Antonine Wall, with the site being located within a built-up location. The proposals would not extend the footprint of the existing tower block, and the proposals would not affect the Antonine Wall site. Therefore the proposal accords with the policies EQ16, EQ17, EQ19, EQ20, SC3, SC9 and SC12.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 There are no material considerations relevant to consideration of this proposal.

7c Conclusion

- 7c.1 The development proposal is acceptable and is in accordance with policies EQ16, EQ17, EQ19, EQ20, SC3, SC9 and SC12. of the Falkirk Council Local Plan. There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following condition(s):

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Before work commences on site a noise protection scheme shall be submitted which demonstrates that the proposed internal pump room shall not cause internal noise levels to the proposed ground floor flats to exceed 30dB LAeqT for a minimum of 8 hours of night time and 6 hours of daytime. External noise shall not exceed a maximum level of 45dB LAeqT at any time.

Reason(s):

- (1) To accord with the provision of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of residential amenity.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, 07 and 08A.
- (2) 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.
- (3) There shall be no operations or activity associated with the development within or cause disturbance to the Antonine Wall World Heritage Site, or scheduled Ancient Monument, which lies to the north of the application site.

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Director of Development Services

Date: 14 August 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.

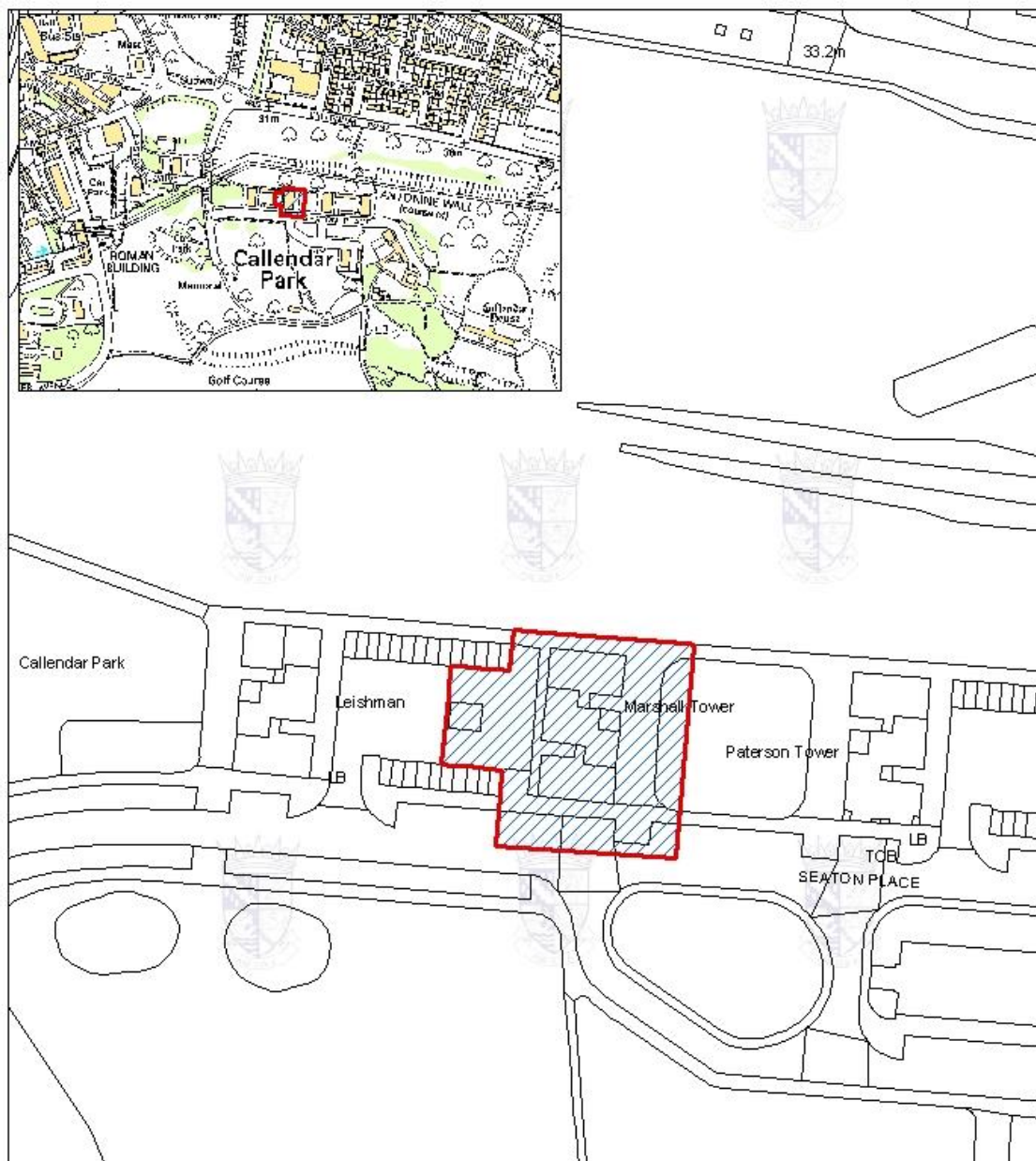
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0304/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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