



Case reference	NA-FLK-037
Application details	Alterations and change of use of retail storage/office to form 7 flatted dwellinghouses
Site address	88 North Street, Bo'ness
Applicant	All in One Property Solutions
Determining Authority	Falkirk Council
Local Authority Area	Falkirk Council
Reason(s) for Notification	Category 2 (Objection by Government Agency) (HSE – Health and Safety Executive)
Representations	1+1
Date notified to Ministers	5 March 2018
Date of recommendation	21 March 2018
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission is sought for alterations and change of use from retail unit/storage to form 7 residential flats at 88 North Street, (also known as 53 South Street) within the town centre of Bo'ness. The unlisted building is within Bo'ness Town Centre Conservation Area but is in a dilapidated condition following a fire.
- The building to be redeveloped has two street frontages and lies within the Consultation Distance of a major hazard pipeline – the BP Forties Cruden Bay/Kinneil Terminal pipeline.

EIA Development:

N/A

Consultations and Representations:

- HSE have advised against the proposal on safety grounds as a result of the building lying within the Consultation Distance of a major hazard pipeline.
- PAD consulted HSE upon notification of the application. HSE responded saying they consider recommending call-in only in cases of exceptional concern or where important policy or safety issues are at stake. After careful consideration, HSE have confirmed that they do not recommend Ministers call-in this particular application given the numbers of recent developments in Bo'ness town centre which the Council has 'minded to grant' against HSE's advice.

- One representation was received during the public consultation period which was generally supportive of the application, subject to construction and parking controls. Following the initial consideration of the application at committee in January (the application was continued for a site visit), an objection was received raising the following issues: neighbour notification was not received and the objector has a right of occupation; after a fire in 2017 the applicant is in breach of their obligation to have insurance for the property and reinstate damage; and there is access from a privately owned lane and only a single means of escape.

Assessment:

1. The Council are minded to grant planning consent for this proposal, against the advice of HSE, and the application has been notified to Scottish Ministers as a result of that statutory consultation.
2. The application site is located within the middle zone of the Forties pipeline. The Council considers that the proposal would not result in the net increase in the number of people exposed to risk in the area, taking into account the existing use of the building and its location within an established and historic town centre. They consider the proposed residential use is compatible with neighbouring uses and that the site has good public transport accessibility and shopping, recreation and community facilities. The Council also considers the development would have a notable regeneration benefit and would not impact on existing chemical and petrochemical sites or pipelines. Therefore they believe it accords with their LDP policies especially BUS05 'Major Hazards and Pipelines'.
3. HSE have stated that, despite not recommending call-in, sufficient reasons remain on safety and density grounds to advise against the granting of planning permission. However they are satisfied that if permission is granted the Council will be acting in full understanding of HSE's advice and the consequences that could follow should a major accident occur involving the major hazard.
4. With regard to coal mining legacy issues, the application falls within or is partially within the Development High Risk Area as defined by the Coal Authority. The Council consider the proposal falls into one of the 'exempt from undertaking a desk based assessment' groups, however ground conditions should still be considered by Building Standards, if relevant.
5. With regard to the objector, the Council considers most of the issues raised to not be material considerations in the assessment of the application and no new matters have emerged which alters the Council view that permission should be granted.
6. In summary, this application raises no issues of national importance which require ministerial intervention.

Decision/Recommendation:

- It is recommended that the application be cleared back to Falkirk Council for their own determination and subject to the satisfactory conclusion of a legal agreement and appropriate conditions.