



Case reference	NA-FLK-040
Application details	Alteration and change of use of women's refuge (Class 7) to form 3 flatted dwellinghouses
Site address	1-3 Seaview, Bo'Ness
Applicant	Hazeldean Properties Ltd
Determining Authority	Falkirk Council
Local Authority Area	
Reason(s) for notification	Category 2 (Objection by Government Agency) (HSE)
Representations	NIL
Date notified to Ministers	22 March 2019
Date of recommendation	11 April 2019
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission is sought for alternations and a change of use for a former woman's refuge at Seaview Place, Bo'ness to create 3 flats. The building is located within the Bo'ness Town Centre Outstanding Conservation Area and is a Category 'C' listed building.
- The proposed development site lies within the middle zone of the Forties pipeline consultation zone. The pipeline runs along the coastal edge of Bo'ness and is a key part of an oil and gas transportation and processing facility.

EIA Development:

- The proposal is below the threshold for EIA and did not need to be screened.

Consultations and Representations:

- The Health and Safety Executive (HSE) objected to the proposed development because it is located within the middle zone of the Forties pipeline. Therefore, HSE advise that there are sufficient reasons on safety grounds for advising against the granting of planning permission.

Assessment:

1. The planning application has been notified to Scottish Ministers because Falkirk Council are minded to grant planning permission against the advice of the Health and Safety Executive (HSE).
2. HSE are of the view that although the likelihood of a major accident occurring is small, they consider it important for planning purposes, to consider the risks to people in the vicinity of a hazardous installation.
3. Falkirk Council consider that when taking account of the former use of the building as a woman's refuge facility, it would not result in a net increase in the number of people exposed to risk in the area. The council also consider that the redevelopment of the building would achieve a notable regeneration benefit for the town centre and conservation area, including the reuse of a listed building of local architectural significance, particularly since it has been vacant for some time and is in a rundown condition.
4. Overall, the Falkirk Council considers that the proposal is in line with the development plan and that its town centre location and regeneration benefits outweigh the HSE objection.
5. Following notification, PAD consulted HSE to find out whether they maintained their objection. HSE responded to say that they only consider recommending call-in in cases of exceptional concern or where important policy or safety issues are at risk. After careful consideration, HSE decided that this application is not one which it would recommend Scottish Ministers call-in.
6. HSE states that it normally considers its role to be discharged when it is satisfied that the planning authority is acting in full understanding of HSE's advice and of the consequences to public safety that could follow. However, it should be noted that this does not mean their advice is withdrawn, as HSE still consider that there are sufficient reasons on safety grounds, for advising against the granting of planning permission for the development.
7. Overall, Scottish Ministers are content that Falkirk Council have fully considered HSE's advice in reaching their decision to grant permission and also consider that there are no issues of national importance which require ministerial intervention.

Decision/Recommendation:

- That this application be cleared back to Falkirk Council to determine.