

**FALKIRK COUNCIL**

**Subject:** ERECTION OF OF INDUSTRIAL/BUSINESS UNITS (CLASS 4,5,6) AND ERECTION OF CARE HOME AND CLOSE CARE UNITS (CLASS 8) AT LAND TO THE NORTH OF BO'NESS FIRE STATION, CRAWFIELD LANE, BO'NESS FOR MR AND MRS G MCLEAN - P/12/0141/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 19 September 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor Adrian Mahoney  
Councillor Ann Ritchie  
Councillor Sandy Turner

**Community Council:** Bo'ness

**Case Officer:** David Paterson (Planning Officer), Ext. 4757

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

- 1.1 This application seeks planning permission in principle to develop 1.5 hectares of land at Crawfield Land, Bo'ness north of Bo'ness Fire Station for the erection of Industrial Business units (Class 4, 5, 6) and a care home and close care units (Class 8). The site has been vacant since the Russell Athletic clothing factory closed over a decade ago, and the majority of buildings remaining were demolished approximately 7 years ago.
- 1.2 An indicative drawing has been submitted for illustrative purposes. The drawing shows the care home element of the proposal would occupy the eastern section of the site adjacent to Linlithgow Road. The business / industrial element would be located at the western section of the site adjacent to existing business / industrial units.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The proposed development requires Committee consideration as the proposed development is contrary to the provisions of the Development Plan.

**3. SITE HISTORY**

- 3.1 F/2001/0243 - Development of Land for Residential Purposes (outline) - Refused 16 October 2001.

- 3.2 F/2003/0865 - Part Demolition of Existing Industrial Premises and Subdivision to Form 2 Industrial Units, Including Alteration to Access - Granted 14 May 2004.
- 3.3 F/2004/0600 - Erection of Workshop for Vehicle Repair - Granted 1 November 2004.
- 3.4 P/07/1071/FUL - Erection of Industrial Units and Associated Infrastructure - Application withdrawn.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that roads, access and parking should accord with Council standards. The Roads Development Unit consider that there is insufficient information in respect of drainage discharge rates and potential flood water flow routes to determine if the issues of drainage and flooding have been satisfactorily addressed.
- 4.2 The Environmental Protection Unit has advised that contamination could be addressed by condition and that the applicant should undertake a noise impact assessment to determine the impact of noise on the proposed development.
- 4.3 The Transport Planning Unit has advised that the applicant should submit a travel plan in respect of the care home and close care units and that there should be a footpath of a minimum width of 2 metres formed at the frontages of the site with Linlithgow Road and Crawfield Lane. It is also advised that roads, access and parking should accord with Council standards.
- 4.4 Scottish Water has raised no objections.
- 4.5 The Coal Authority has been consulted and their comments are awaited.

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

- 5.1 No comments received.

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

- 6.1 One letter of support has been received. In the letter the supporter comments on the prominence of the site and that the site is derelict and unsightly and welcomes the proposed development as a means to improve the visual amenity at the site.

#### **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 proposed development raises no strategic issues.

### *Falkirk Council Local Plan*

7a.2 The application site is identified in the Falkirk Council Local Plan as an opportunity for industrial / business development (opportunity ED.BNS03). The Local Plan proposes that the site could accommodate a business / industrial development for Class 4, 5 and 6 use. It is noted that the proposed development proposes to use part of the site for Class 4, 5 and 6 use. This element accords with opportunity ED.BNS03. However, it is also proposed to develop part of the site for a care home and close care units (Class 8). This element of the proposed development does not accord with Falkirk Council Local Plan opportunity ED.BNS03.

7a.3 The proposed development does not fully accord with Falkirk Council Local Plan opportunity ED.BNS03.

7a.4 Policy EQ1 '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, 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) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of 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."*

7a.5 It is considered that the development can be implemented in a manner which responds positively and sympathetically to the site's surroundings. This could be addressed by conditions and by the determination of a subsequent application for the approval of matters specified in conditions. The proposed development accords with Policy EQ1.

7a.6 Policy SC5 - 'Residential Care Facilities' states:

*"Proposals for residentially based community care facilities and nursing homes will generally be considered favourably provided that:*

- (1) The location provides a good residential environment;*
- (2) There is good access to community facilities and public transport;*
- (3) The development is of a scale and character appropriate to the site; and*
- (4) Sufficient garden ground can be provided for the enjoyment of residents."*

7a.7 The site has the potential in principle to provide a good residential environment for residents of the proposed care home and close care units. It is considered that the amenity of adjacent residents to the north would be safeguarded. The site has good access to community facilities and public transport. Subject to conditions in respect of, amongst other things, design, layout and noise, the potential impacts of the proposed industrial / business development on the care home development can be addressed at the stage of an application for matters specified in condition and mitigated.

7a.8 Policy SC13 'Open Space and Play Provision in New Development' states:

*"New development will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
- (3) The location and design of open space should be such that it:*
  - forms an integral part of the development layout, contributing to its character and identity;*
  - is accessible and otherwise fit for its designated purpose;*
  - links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - sensitively incorporates existing biodiversity and natural features within the site;"*
  - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - enjoys good natural surveillance;*

- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

7a.9 It is considered that the proposed development could be implemented in a manner which would provide a satisfactory standard of open space for residents of the care home and close care units and the proposed industrial units in accordance with Supplementary Planning Guidance Note "Public Open Space, Falkirk Greenspace and New Development" detailed in paragraphs 7b.6-7b.9 of this report. It is considered that sufficient separation can be achieved between the two elements of the proposal to safeguard amenity. It is considered that the issue of open space can be addressed by condition and the subsequent determination of an application for the approval of matters specified in conditions. The proposed development accords with Policy SC13.

7a.10 Policy ST11 - 'Sustainable Urban Drainage' states:

*"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7a.11 Policy ST12 - 'Flooding' states:

*"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."*

7a.12 The application is accompanied by supporting statements in respect of a drainage strategy and flood risk assessment. Whilst the principle of the proposed development is considered to be acceptable in these respects, further details are required. It is considered that detailed drainage and flood issues can be addressed by condition and a subsequent application for approval of matters specified in condition. The proposed development accords with Policy ST11.

7a.13 Accordingly the proposed development does not fully accord with the Falkirk Council Local Plan.

7a.14 Accordingly, the proposal does not fully accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are opportunity ED.BNS03 of the Falkirk Council Local Plan, Falkirk Council Action Plan for the Economic Downturn (2009), consultation responses, Supplementary Planning Guidance Note (SPG) "Public Open Space, Falkirk Greenspace and New Development", SPG, "Flooding and Sustainable Drainage Systems" and the letter of representation.

### ***Falkirk Council Local Plan Opportunity ED.BNS03***

- 7b.2 It is noted that the proposed development does not fully accord with opportunity ED.BNS03 as the full site would not be safeguarded for industrial / business use. In terms of demand for industrial / business sites, it is noted that the application site has been vacant for over seven years, and the applicant has indicated that it has been marketed unsuccessfully for a year and demand is low generally due to economic conditions.
- 7b.3 The applicant estimates that the care home would create at least 65 jobs, in addition to an estimated 65 jobs from the proposed industrial / business units. Policy EP2 of the Falkirk Council Local Plan "Land for Business and Industrial Use" allows for ancillary employment uses in business and industry retention areas. The employment creation in respect of the care home use is a material consideration. Furthermore it is noted that the proposed care home would sit on the frontage of the site with Linlithgow Road. It is considered that the care home has the potential to create a more attractive frontage to Linlithgow Road than an industrial building.
- 7b.4 In summary it is considered that the proposed development would secure industrial / business use at the site, albeit on part of the site, provide a significant level of jobs in respect of the care home use and provide a more attractive frontage to Linlithgow Road than an industrial building. On balance it is considered that the proposed development is an acceptable departure from the Development Plan.

### ***Action Plan for Economic Downturn (2009)***

- 7b.5 The Action Plan encourages the planning service to attract inward investment and maintain jobs. This planning application seeks to deliver this objective.

### ***Supplementary Planning Guidance Note "Public Open Space, Falkirk Greenspace and New Development"***

- 7b.6 It is noted that the SPG specifies that the proposed development should provide passive open space on site at a rate of:
- 49 square metres per 5 beds in respect of the care home and close care units;
  - 17.5% of the total area of the industrial element of the proposal.
- 7b.7 The applicant has confirmed that open space is to be provided on site. It is considered that open space can be addressed by condition and in any subsequent application for approval of matters specified in conditions.

### ***Supplementary Planning Guidance Note "Flooding and Sustainable Drainage Systems"***

- 7b.8 In respect of flooding and drainage, the SPG requires that an application for planning permission in principle should include details of:
- The site in relation to natural surface water run off catchment including contour levels;
  - A statement identifying which receiving drains and watercourses are prone to flooding;
  - Restriction of post development surface water flow.

- 7b.9 The applicant has submitted details in accordance with the SPG in terms of an application for planning permission in principle. It is material to this issue that the site is a brownfield site and has previously accommodated an industrial building. It is, therefore, considered that in terms of flooding and drainage the proposed development is acceptable in principle, and any subsequent application would have to include a detailed flood risk assessment and drainage scheme, including micro drainage calculations, to demonstrate that the development would be satisfactorily drained and not constitute a flood risk. It is appropriate to consider that the submission of further drainage and flooding details can be addressed by condition. The proposed development accords with the SPG.

### ***Consultation Responses***

- 7b.10 The comments of the Roads Development Unit are noted. It is considered that issues raised can be satisfactorily addressed at the stage of a detailed planning application for matters specified in conditions.

- 7b.11 It is noted that the following matters raised by consultees can be addressed by conditions:

- Contamination;
- Noise impact assessment;
- Travel Plan;
- Footpath connections;
- Road, access and parking design;
- Drainage and flood risk.

### ***Letter of Representation***

- 7b.12 The letter of representation supporting the application is noted.

## **7c Conclusion**

- 7c.1 The proposed development does not fully accord with the Development Plan. It is considered, however, that the proposed development would secure industrial and business use at the site, in accordance with opportunity ED.BNS03 of the Falkirk Council Local Plan, albeit that the industrial / business use proposed would be restricted to the west section of the site. It is further considered that the proposed care home and close care units would provide a significant level of jobs and provide a better quality road frontage to Linlithgow Road than would an industrial building. On balance, it is considered that the proposed development is an acceptable departure from the Development Plan.
- 7c.2 It is considered there is a sufficient level of detail submitted with the application to determine whether the principle of the development can be accepted. Further details can be addressed by condition and a subsequent application for approval of matters specified in conditions.
- 7c.3 It is considered that the proposed development could be implemented in a manner which responds positively and sympathetically to the site's surrounding and provide a good residential environment for residents of the proposed care home and close care units.
- 7c.4 It is considered that there would not be a significant impact on the amenity of adjacent residents to the north in terms of noise or visual amenity.

## **8. RECOMMENDATION**

**8.1** It is recommended that planning permission in principle is granted subject to the following conditions:-

- (1)** This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
  - (a)** the siting, size, height, design & external appearance of the proposed development;
  - (b)** details of the access arrangements;
  - (c)** details of landscaping of the site and future maintenance of landscaping.
- (2)** That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
  - (a)** the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (b)** the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c)** the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

- (3)** The first application for matters specified in the conditions of this permission shall include all details in respect of the industrial / business (Class 4, 5, 6) development that are required to satisfy the conditions of this permission.
- (4)** An application for the approval of matters specified in conditions shall be submitted in respect of a flood risk assessment carried out with regard to a 1 in 1000 year flood risk event. There shall be no work on site until such time as the approval of matters specified in conditions has been approved in writing by the Planning Authority.
- (5)** An application for the approval of matters specified in conditions shall be submitted in respect of a detailed drainage scheme, including micro drainage calculations, details of surface water runoff in accordance with sustainable drainage principles and detailing surface water flow routes. There shall be no work on site until such time as the approval of matters specified in conditions has been approved in writing by the Planning Authority.



- (6) An application for the approval of matters specified in conditions shall be submitted in respect of a noise impact assessment, conducted in terms of Planning Advice Note 1/2011 "Planning and Noise" to determine the impact of noise on the proposed development. The noise impact assessment shall include an assessment of the impact of noise from the proposed industrial / units on the proposed care home and close care units. The noise impact assessment shall also include a schedule of design features incorporated into the development to mitigate against the impact of noise on the development. There shall be no work on site until approval of matters specified in conditions have been approved in writing.
- (7) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (8) The proposed development shall include passive open space provided at a rate of 49 square metres per 5 beds in the care home and close care units and 17.5% of the total area of industrial / business use element of the proposed development.
- (9) The sketch drawings and layout plans accompanying the application are not approved.
- (10) The proposed development shall include public footways at the frontages of the application site with Linlithgow Road and Crawfield Lane which shall be a minimum of 2 metres wide.
- (11) The care home and close care units shall be designed to ensure that the principal elevation fronts onto Linlithgow Road.
- (12) All roads, access points, both vehicular and pedestrian, footways and parking shall accord with the Council's design guidelines and construction standards.

- (13) An application for approval of matters specified in conditions shall be submitted in respect of a landscaping scheme. The landscaping scheme shall include a 10 metre belt of tree and shrubs planting between the industrial / business and care home / close care elements of the proposed development. The landscaping scheme shall include a schedule for maintenance and replacement of any specimens being removed, becoming damaged or failure to become established within 3 years of the completion of the landscaping scheme on site. There shall be no work on site until such time as an approval of matters specified in conditions has been approved in writing.
- (14) The landscaping scheme approved in writing by the Planning Authority under the terms of condition 13 above shall be completed by the end of the first planting season following:-
- Occupation of the care home / close care units in respect of the care home element of the proposed development and
  - Occupation of the first industrial / business unit in respect of the industrial / business element of the proposed development.

For the avoidance of doubt:

- The 10 metre tree and shrub belt to be formed between the two elements of the proposed development shall be implemented in full following the occupation of the care home or occupation of the first industrial unit, whichever is the sooner and
  - The planting season shall be taken to run from 1 October to 31 March.
- (15) The proposed industrial business units shall be used for the purpose of Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 only.
- (16) Within 6 months of the occupation of the care home / close care units, or such other timescale as may be agreed in writing by this Planning Authority, a Travel Plan shall be submitted to and agreed in writing by this Planning Authority. The Travel Plan will have particular regard to the provisions for walking, cycling and public transport access. The system of management monitoring review, reporting and implementation of the Travel Plan should continue as long as the development is occupied and records of implementation should be made available to the Planning Authority on request.

Reasons:-

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (3) To ensure that the development takes place in a planned and co-ordinated manner that makes provision for the industrial / business (Class 4, 5, 6) development.

- (4) To ensure that the proposed development shall not be at risk of flooding or contribute a risk of flooding at land out with the application site.
- (5) To ensure adequate drainage.
- (6) To ensure the proposed development is safeguarded from noise intrusion.
- (7) To ensure that the site is suitable for development.
- (8, 13 & 14) To safeguard environmental amenity.
- (9) The details shown on the drawings are not regarded as necessarily the only or best solution for development of the site.
- (10 & 12) To safeguard highway users and ensures adequate parking.
- (11) To ensure that the proposed development fits overall into the existing streetscape.
- (15) To allow the planning authority to control future use.
- (16) To be consistent with the requirements of Scottish Planning Policy and Falkirk Council Supplementary Planning Guidance Note "Travel Plans".

**Pp**

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**Director of Development Services**

**Date:** 12 September 2012

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Local Plan
2. Supplementary Planning Guidance Note "Public Open Space, Falkirk Greenspace and New Development".
3. Supplementary Planning Guidance Note "Flooding and Sustainable Drainage".
4. Falkirk Council Action Plan for the Economic Downturn (2009).
5. Letter of support received from Mr William Anderson, 199a Corbiehall, Bo'ness, EH51 0AQ ON 19 April 2012.

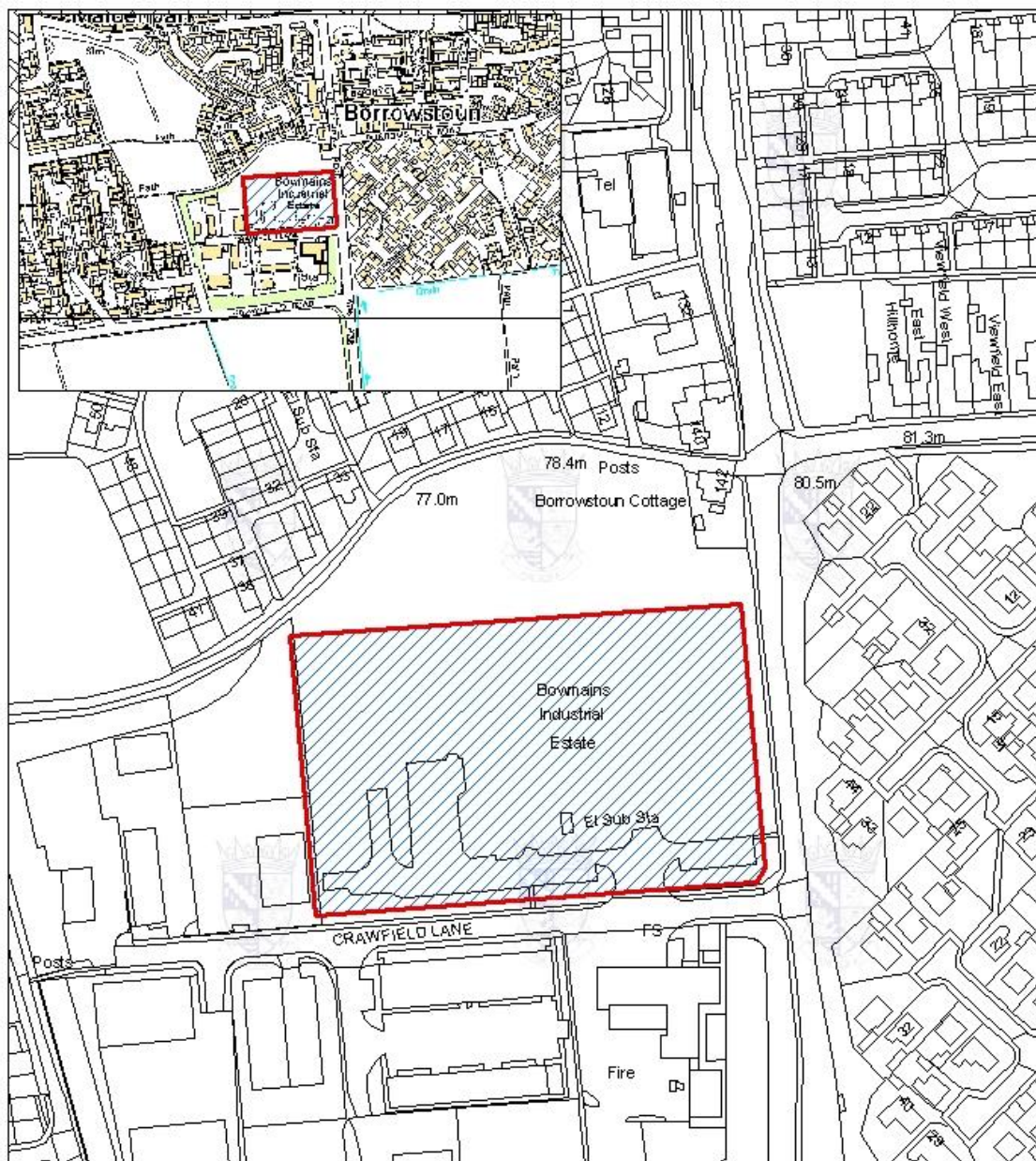
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/12/0141/PPP**

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



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