



## **Agenda Item 4**

**DEVELOPMENT OF LAND FOR  
RESIDENTIAL PURPOSES WITH  
ASSOCIATED INFRASTRUCTURE AT  
LAND TO THE NORTH OF NORTH  
BANK FARM BO'NESS FOR MILLER  
HOMES LIMITED - P/19/0129/PPP**

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES WITH ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF NORTH BANK FARM BO'NESS FOR MILLER HOMES LIMITED - P/19/0129/PPP  
**Meeting:** PRE DETERMINATION HEARING  
**Date:** 28 May 2019  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

Councillor David Aitchison  
Councillor Lynn Munro  
Councillor Ann Ritchie

**Community Council:** Bo'ness

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

[View this Application on Public Access](#)

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

- 1.1 The application is a major development and seeks planning permission in principle for the development of land for residential purposes. An indicative number of approximately 200 dwellings is shown.
- 1.2 The application site extends to 11.59 hectares at the south-east edge of Bo'ness. The site is predominantly made up of agricultural land with Borrowstoun Road running through the site.
- 1.3 The site is bounded to the west by the Miller Homes site currently under construction. Kinglass Community Woodland and Drum Farm South are located to the north of the site. The south and east are bounded by open countryside including farm buildings at North Bank Farm.
- 1.4 The following information has been submitted in support of the application:-
- Pre-Application Consultation (PAC) Report;
  - Design Statement;
  - Planning Statement;
  - Landscape and Visual Impact Assessment;
  - Sustainability Statement;
  - Green Belt Assessment;
  - Site Effectiveness Statement;

- Housing Land Supply Assessment;
- Education Note;
- Engineering Constraints Desk Study;
- Cultural Heritage Impact Assessment;
- Ecological Impact Assessment;
- Flood Risk Assessment;
- Transport Assessment;
- Drainage Strategy;
- Arboricultural Assessment; and
- Geological, Mining and Environmental Appraisal.

1.5 The Planning Statement provides indicative details of the proposed development. It indicates:-

- Approximately 200 dwellings;
- 15% affordable homes (approximately 30 units provided on site);
- A foot and cycle path network;
- The upgrade and realignment of Borrowstoun Road;
- Open space, play provision and landscaping;
- Incorporation of Core Paths; and
- Two sustainable urban drainage ponds.

1.6 The Pre-Application Consultation Report records the following:-

- Two public events were carried out. The first took the form of a staffed public exhibition which was held on 6 July 2017 at Bo'ness Town Hall from 2pm to 7pm. A second staffed exhibition was held on 14 February 2019 at Bo'ness Recreation Centre from 2pm to 7pm.
- Approximately 70 members of the public visited the exhibitions.
- The proposed realignment and upgrade of Borrowstoun Road and potential connection with the Drum were considered positively by the majority of attendees. Increased traffic on Gauze Road, drainage capacity, historic mining, loss of trees and woodland were raised as concerns. Attendees were also concerned about the loss of views from neighbouring properties, an impact on privacy and a lack of amenities in Bo'ness to serve the proposed development.
- An additional consultation event was undertaken with members of the Bo'ness Community Council and Bo'ness Elected Members on 24th September 2018.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 Full Council consideration and a Pre-Determination Hearing are required for a major development that is significantly contrary to the Development Plan. The proposed development is considered to be significantly contrary to the Falkirk Local Development Plan (LDP), owing to the scale of the proposed housing development within an area designated as green belt, outwith the defined settlement limits.
- 2.2 This report provides factual and background information in relation to the proposed development. No planning assessment of the proposal is included or implied (this would be prepared after the pre-determination hearing).
- 2.3 The purpose of the pre-determination hearing is to provide the applicant and those who have made representations, with an opportunity to be heard before a planning decision is taken at a later date at a meeting of the Full Council. After the pre-determination hearing a further report will be prepared by officers. The report will provide an assessment of the application and a recommendation for the Council to consider before determining the application.

## **3. SITE HISTORY**

- 3.1 Proposal of Application Notice PRE/2017/0011/PAN was received on 6 June 2017 for the proposed development of land for residential use. The notice set out the proposals for community consultation. A Pre Application Consultation Report has been submitted with the application (see paragraph 1.6).
- 3.2 Environmental Impact Assessment (EIA) Screening Request PRE/2017/0018/SCREEN was received on 6 July 2017. The screening opinion of the Council's Development Management Unit was that an environmental impact assessment was not required and that the potential impacts of the proposed development could be the subject of targeted assessments as required.
- 3.3 A planning application (P/19/0131/FUL) for a proposed road connecting the application site to Drum Farm South was submitted for land adjoining the application site. The application has been withdrawn by the applicant, but is expected to be resubmitted.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have no objection in principle. Concerns are raised in relation to the number of potential retaining walls across the site, which would be supporting roads and footpaths. The Council will generally not adopt roads or footpaths with supporting structures.
- 4.2 The Roads Development Unit raise concerns that there is no evidence that the developer has an agreement for a link road with the adjoining developers site. A through route would require removal of the chicane at Kinglass Cottage and there is no information on how this would be achieved. The Unit advise that the development is unsustainable, as it would not provide safe vehicular access or acceptable connectivity.

- 4.3 The Council's Environmental Protection Unit advise of a planning condition in relation to ground contamination. An Air Quality Assessment is required and this has been requested from the applicant.
- 4.4 The Council's Transport Planning Unit advise that the proposed development does not meet the requirements of Scottish Planning Policy (2014), as there would not be a footway on the north side of Borrowstoun Road between the site and Gauze Road. The western boundary of the site is 480 metres from the existing bus stops on Borrowstoun Road and the eastern section of site would be over 850 metres from a bus stop. The proposed development does not meet sustainable transport requirements.
- 4.5 The Council's Children's Services (Education) advise that the application site would fall within the catchments for Grange Primary School, St. Mary's RC Primary, Bo'ness Academy and St Mungo's RC High School. In terms of the current SG, the proposed development would require additional investment in Grange Primary School and nursery provision. Contributions would be sought at a rate of £4,398 per unit for Grange Primary School and £1,566 per unit for nursery provision.
- 4.6 The Coal Authority agree with the recommendations of the Geological, Mining and Environmental Appraisal report. Coal mining legacy poses a risk to the proposed development. Intrusive site investigation works are required to establish the exact situation regarding coal mining legacy issues and to inform appropriate remedial measures to ensure the safety and stability of the proposed development. The Coal Authority have no objection to the application subject to a planning condition to secure intrusive site investigation.
- 4.7 Scottish Natural Heritage (SNH) advise that the application site is close to (less than 2km) the Firth Of Forth Special Protection Area (SPA). SNH advise that it is unlikely there would be a significant effect on the SPA and do not object to the application. They comment that the site is not allocated for development in the Falkirk Local Development Plan 2, Proposed Plan (LDP2) and would be located on visually prominent, prime agricultural land in the green belt and a local landscape area. SNH comment that the proposed development would extend Bo'ness into landscape which currently forms part of its backdrop and wider rural setting.
- 4.8 The Scottish Environmental Protection Agency (SEPA) do not object to the application in terms of flood risk, drainage, waste management, air quality or mine workings.
- 4.9 Scottish Water advise that there is currently sufficient capacity in the Balmore Water Treatment Works and Bo'ness Waste Water Treatment Works to serve the proposed development. Scottish Water cannot reserve capacity and further investigations may be required once a formal application is submitted to them.
- 4.10 The Scottish Rights of Way and Access Society advise that there are two rights of way affected by development to the west of the site. The Society requests that the rights of way remain open and free from obstruction during and after development.
- 4.11 Consultations are outstanding from the National Architectural Liaison Support (Police) and the NHS Forth Valley. Consultation reminders have been sent and any responses received will be provided, verbally, at the Hearing.

## 5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council have not made comment on the application at this time.

## 6. PUBLIC REPRESENTATION

- 6.1 A total of 14 public representations have been received in response to the application at the time of writing this report. They consist of 9 objections, one letter of support and 4 neutral representations. The matters raised in the representations can be summarised as follows:

### Local Development Plan (LDP) policy

- The proposed development would result in the loss of green belt and woodland.
- There is no requirement for housing in the Bo'ness area. Housing allocation H01 Drum Farm South and H02 Miller Homes provide enough housing for the area.
- There are many gap sites which should be developed before the green belt, including at Gauze Road, Cadzow Avenue and around Kinglass Health Centre.
- The shore development should be a higher priority in the Action Programme (September 2017).

### Roads / Traffic / Access

- The road infrastructure is unsuitable to serve an additional 200 dwellings.
- The proposed development would create a significant increase in vehicular traffic using the surrounding road network.
- The rural road linking the application site to Linlithgow, from Borrowstoun Road to the A803 Blackness Road, is identified as an informal cycle route in the Transport Assessment. The additional traffic generated by development would result in the route not being safe for cyclists.
- Borrowstoun Road is a very busy road and the level of traffic is causing significant wear and tear on the road and verges.
- The entire stretch from Borrowstoun Road to the A904 would be impacted by development and should be upgraded.
- The right of way should be maintained.
- The right of way extends to Linlithgow to the south. The West Lothian section is not in a good condition and there should be collaboration between the planners of Falkirk and West Lothian to secure planning obligation from the development to improve the quality of the path and improve access from the development to Linlithgow.

- The development should include the creation of a pavement directly south of Gauze Road and on both sides of Borrowstoun Road.
- There should be a link from the south-east corner of the application site to the current Miller Homes site.

#### Utilities / Infrastructure

- The development would have a significant impact on infrastructure around the site.
- Local Health Centres and dental practices cannot accommodate the proposed development.
- Concerns in relation to a lack of additional accommodation at Forth Valley Hospital.
- The proposal would not result in any additional shops or supermarkets.
- There is no employment to sustain the extra population.

#### Character / Setting / Village Form

- The steep slopes of the site would not make it a good housing site. The levels may prove difficult for development.
- The development would remove established woodland to the west of the site and leave it as a sterile strip of open grassland with a SUDS pond. The woodland supports a vast amount of biodiversity and should be retained.

#### Construction

- What would the decibel level be for the proposed station to the north of Borrowstoun Road adjacent to Bonhard Way. Would it be sound proofed?
- Noise from the current Miller Homes site disturbs residents.
- Safety concerns in relation to construction traffic on Borrowstoun Road and Gauze Road.

#### Technical Comments

- The land to the west of the application site was a landfill site. As such, there will be a significant risk to the ecosystem and population and requires to be addressed.
- At the south-west of the site there is a culvert under Borrowstoun Road. The proposed development could cause flooding.
- The sewage and surface water pipe capacity requires to be checked to ensure they can take additional capacity.
- Sustainable urban drainage ponds are a danger to children.

- There are a number of historic mines in and around the application site.

#### Comments in Support of the Application

- The proposed development would make the area prosper, noting recent improvements to the retail units on Linlithgow Road and the proposed 'Scotmid' expansion.
- The redevelopment of Newtown Park would provide further recreational opportunities for new residents and increase footfall to all facilities in the area.
- The right of way from the development would only be a 2.08 mile walk to Linlithgow Rail Station, which is a good opportunity for active travel. The right of way could reduce the number of car trips to the station and new residents should be encouraged to take the route.

## **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**

- 7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development should be assessed against the policies set out below.
- 7a.2 The application site lies outwith the urban limit in the Green Belt, as defined in the LDP. The existing urban boundary is defined by the eastern boundary of the Miller Homes development (currently under construction), properties at Bonhard Way and the Kinglass Community Woodland.
- 7a.3 The LDP sets out the Council's vision for the Falkirk area. It is:-

*'A dynamic and distinctive area at the heart of Central Scotland, characterised by a network of thriving communities and greenspaces and a vibrant and growing economy which is of strategic significance in the national context, providing an attractive and sustainable place in which to live, work, visit and invest'.*

- 7a.4 The key strategic objectives, to achieve the vision, are set out in the LDP. They are:-

#### Thriving Communities

- To facilitate continued population and household growth and the delivery of housing to meet the full range of housing needs;



- To build sustainable attractive communities which retain a strong identity and sense of place;
- To ensure that infrastructure is provided to meet the transport, education, recreation and healthcare needs of the growing population, and to support the growth of the economy.

### Growing Economy

- To develop the area's economic potential and establish it as a major component in the Scottish economy;
- To strengthen the area's transport connections to the rest of Scotland and global markets;
- To make our town centres vibrant and economically viable focal points within our communities.

### Sustainable Place

- To contribute to climate change mitigation and adaptation;
- To extend and improve the green network and protect the area's national heritage;
- To improve the sense of place in our towns and villages and to protect, enhance and promote our historic environments; and
- To manage natural resources and waste sustainably.

7a.5 The key strategic objectives inform the spatial strategy of the LDP. The spatial strategy indicates how the area is intended to grow and develop over the plan period in terms of housing, infrastructure, countryside and green belt, business development, town centres and the green network. The overall strategy will continue to be one of sustainable growth, and the key elements will be:-

- 675 new homes each year on average, distributed around the area, but with a focus on 12 Strategic Growth Areas;
- A diverse portfolio of business sites at 4 Strategic Business Locations, focused on the M9/M876/A801 corridor;
- A range of strategic transport, education, drainage, flood management and healthcare infrastructure to support growth;
- A continuing green belt to maintain the identity of settlements and manage growth;
- A network of Principal, District and Local Centres as the focus for retailing, commercial leisure and services; and





























- SG02 'Neighbourhood Design';
- SG05 'Biodiversity and Development';
- SG06 'Trees and Development';
- SG09 'Landscape Character Assessment and Landscape Designations';
- SG10 'Education and New Housing Development';
- SG11 'Healthcare and New Housing Development';
- SG12 'Affordable Housing';
- SG13 'Open Space and New Development'; and
- SG15 'Low and Zero Carbon Development'.

## **7b Material Considerations**

7b.1 The following considerations are considered to be relevant or potentially relevant to the determination of the application:-

### ***Scottish Planning Policy***

7b.2 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. SPP recognises that the planning system has a vital role to play in delivering high quality places for Scotland and contributing towards sustainable economic growth. It contains the following two principal policies:-

- There is a presumption in favour of development that contributes to sustainable development; and
- Planning should take every opportunity to create high quality places by taking a design-led approach.

7b.3 In terms of 'sustainable development', SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles:-

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retailing and leisure development;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation including taking account of flood risk;

- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- Having regard to the principles for sustainable land use set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Reducing waste, facilitating its management and promoting resource recovery; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

### Development Management

- 7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of this plan is maintained, and the SPP and the presumption in favour of development the contributes to sustainable development will be material considerations.
- 7b.5 Where relevant policies in a development plan are out-of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. The same principles should be applied where a development plan is more than 5 years old.
- 7b.6 SPP advises that where a shortfall in the 5 year effective housing land supply emerges, development plan policies for the supply of housing will not be considered up-to-date. The Council currently has a shortfall in housing land supply (see paragraphs 7b.11 to 7b.14). The presumption in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this planning application. The principles of sustainable development are set out in paragraph 7b.3. Policy HSG01 of the LDP reflects the requirements of SPP and sets out the order of preference for sustainable development proposals as being urban capacity sites, then brownfield sites, and lastly sustainable greenfield sites.



7b.7 Where a plan is under review, SPP advises that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

### Rural Development

7b.8 SPP advises that in pressurised areas (easily accessible from Scotland's cities and main towns) where ongoing development pressures are likely to continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. This is particularly so when there are environmental assets such as sensitive landscapes or good quality agricultural land. In such circumstances, a more restrictive approach to new housing development is appropriate, and plans and decision making should generally:-

- Guide most new development to locations within or adjacent to settlements, and
- Set out the circumstances in which new housing outwith settlements may be appropriate.

### Enabling Delivery of New Homes

7b.9 SPP advises that the planning system should:-

- Facilitate new housing development by identifying a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times;
- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stake-holders.

7b.10 'Creating Places' is a policy statement on architecture and place making. 'Designing Streets' is a policy statement putting street design at the centre of place making.

### ***Falkirk Council Housing Land Audit***

7b.11 The Council's 2017/18 Housing Land Audit, dated June 2018, indicates that there is a 4.3 year effective housing land supply. This amounts to a shortfall of 482 units in terms of the requirement for a 5 year effective supply. The shortfall reflects the difference between the 5 year housing land target (2,893 Units) and the effective land supply (2615 units). In addition to the effective land supply (2,893 units), private windfall and small sites may also make a contribution to the housing land supply.

## ***Falkirk Local Development Plan 2 (LDP2)***

- 7b.12 LDP2 is advancing towards adoption which is currently expected in July 2020. The Main Issues Report (MIR) was published in February 2017 and the MIR consultation concluded in May 2017. Proposed LDP2 was published in September 2018 and the consultation period ran from 27 September 2018 until 23 November 2018. The representations on Proposed LDP2 are due to be considered by the Council on 26 June 2019. LDP2 will be adopted following consideration by Scottish Ministers of the unresolved representations to the Plan.
- 7b.13 Proposed LDP2 provides the most up to date indication of the Council's views in relation to Development Plan policy and constitutes a material consideration in determination of planning applications.
- 7b.14 Proposed LDP2 sets out a housing land requirement of 5130 units between 2020 and 2030 as opposed to the housing land requirement of 7907 units between 2014 and 2024 in the LDP. The housing land requirement may therefore reduce from 2020, with additional allocations being added to the supply and a consequential positive impact on any shortfall. However, the situation will only be confirmed once the Proposed Plan has been through the Examination process carried out by Scottish Ministers, and adopted.
- 7b.15 Under Proposed LDP2, the application site is in the green belt and in a local landscape area.

### ***Consultation Responses***

- 7b.16 The consultation responses are summarised in section 4 of the report. These responses are material to consideration of the application.

### ***Representations Received***

- 7b.17 A total of 14 public representations had been received in response to the application at the time of writing this report. These consist of 9 objections, one letter of support and 4 neutral. The concerns raised in the representations are summarised in section 6 of the report. They are also material to consideration of the application.

## **8. SUMMARY**

- 8.1 This report provides factual and background information in relation to the proposed development and no assessment is included or implied in the report. A full assessment of the planning issues raised will be presented to a subsequent meeting of the Council, following consideration of the matters discussed at this Hearing.

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**pp Director of Development Services**

**Date: 20 May 2019**

## **LIST OF BACKGROUND PAPERS**

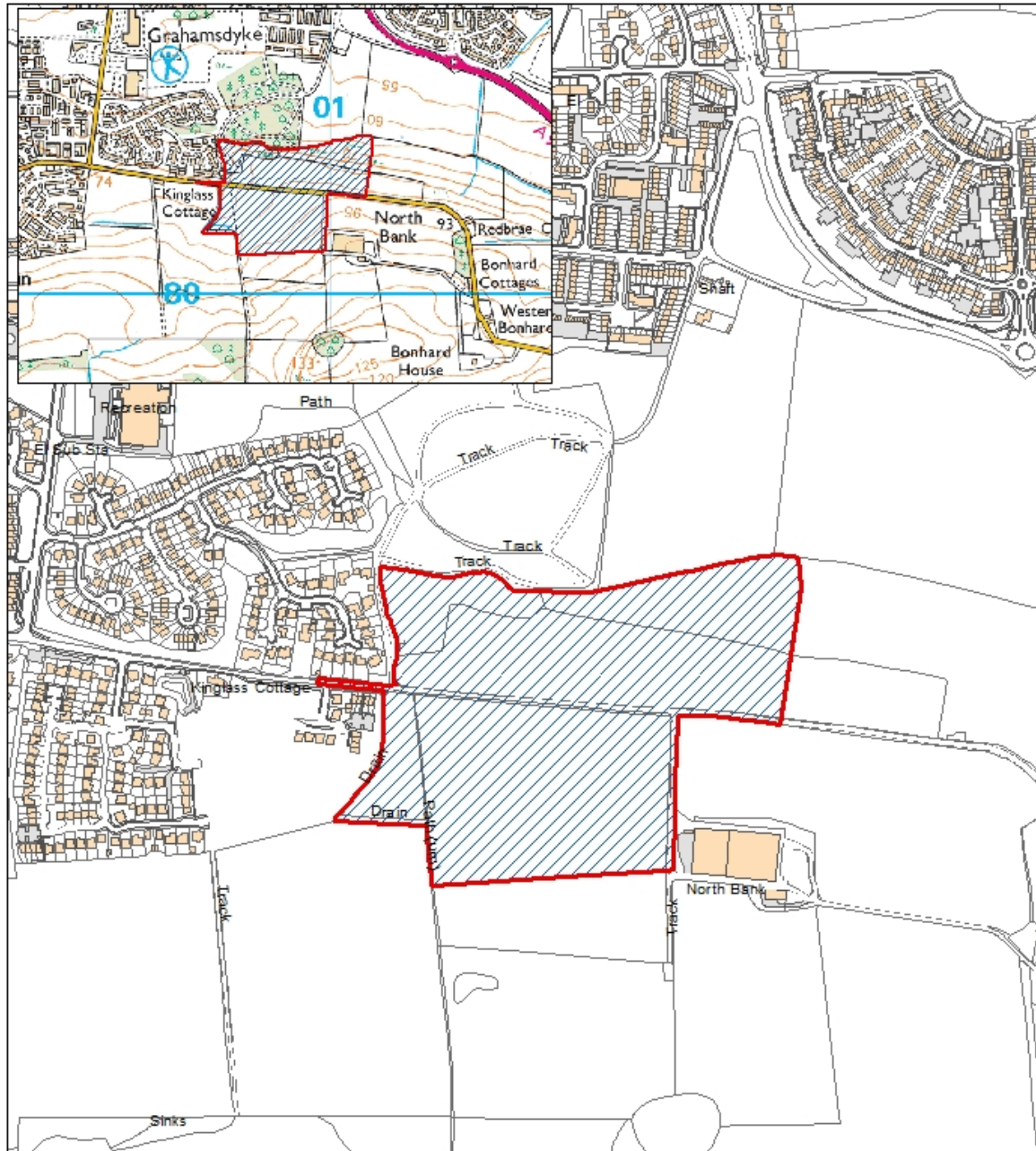
1. Falkirk Council Local Development Plan, July 2015.
2. Draft Falkirk Local Development Plan 2.
3. Objection received from Mr Malcolm Millar, 21 Bonhard way, Boness, EH51 9RF on 18 March 2019.
4. Objection received from Ms Kerry Campbell, 29 Bonhard Way, Bo'ness, EH51 9RF on 7 April 2019.
5. Intimation of Support received from Mr Robert Snedden, 81, Grahamsdyke Road, Bo'ness, EH51 9DZ on 3 April 2019.
6. Objection received from Mr Malcolm Millar, 21 Bonhard Way, Boness, EH51 9RF on 18 March 2019.
7. Representation received from Mr Alastair Morrison, 20 Sheriffs Park, Linlithgow, EH49 7SS on 26 March 2019.
8. Objection received from Mrs Donna Gillooly, 20A Bonhard Way, Bo'ness, EH51 9RF on 14 March 2019.
9. Objection received from Mrs Isobel Chirray, 22 Bonhard Way, Bo'ness, EH51 9RF on 15 March 2019.
10. Objection received from Mrs Sharon Mcmillan, Pennelton Place, Bo'ness, EH51 0PD on 14 March 2019.
11. Representation received from Mr Tony French, 25 Bonhard Way, Bo'ness, EH51 9RF on 13 March 2019.
12. Representation received from Dr Alastair Morrison, 20 Sheriffs Park, Linlithgow, EH49 7SS on 26 March 2019.
13. Objection received from Mr Robert Boyd, Maybank, 11 Gauze Road, Bo'ness, EH51 9QB on 22 March 2019.
14. Objection received from Mr Bret Martin, 43 Muirhead Crescent, Bo'ness, EH51 9TH on 14 March 2019.
15. Representation received from Mr David F Webster, 11 Braefoot Road, Bo'ness, EH51 9TR on 13 March 2019.
16. Objection received from Mr Murray Henderson on 9 April 2019.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan **P/19/0129/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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