

**FALKIRK COUNCIL**

**Subject:** MIXED USE DEVELOPMENT, COMPRISING RESIDENTIAL, BUSINESS, HOTEL, LEISURE FACILITIES AND ANCILLARY WORKS (RENEWAL OF OUTLINE CONSENT REF: F/2004/0063) AT DRUM FARM, GRAHAMSDYKE ROAD, BO'NESS EH51 9SY FOR GRANGE ESTATE – P/08/0915/OUT  
**Meeting:** PLANNING COMMITTEE  
**Date:** 25 March 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor John Constable  
Councillor Harry Constable  
Councillor Adrian Mahoney

**Community Council:** Bo'ness

**Case Officer:** John Milne (Senior Planning Officer), ext 4815

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

- 1.1 This application seeks to renew an existing outline planning permission granted on 24 November 2004. The previous planning approval was granted by the Scottish Executive Development Department Inquiry Reporters Unit through appeal of a recommendation to refuse the application taken by Falkirk Council on 19 May 2004.
- 1.2 For the avoidance of doubt, the hotel element was removed from the proposal by means of a planning condition through the appeal process. However, for legislative reasons, the application description remains as initially submitted.
- 1.3 Members may recall that the proposals covered two geographical areas associated with the Drum development, encompassing a mixed use development comprising housing, business park, community use buildings, cafeteria/shop and ancillary works.
- 1.4 To the northern edge of the established Drum residential development, a proposed housing element shows a scheme which would integrate with existing road network infrastructure. The area of the housing approximates to 11ha. The detail of any housing proposals will be subject to further approach to the planning authority.
- 1.5 The business park extends to an area of 13 hectares and shows an indicative layout of a single row of units fronting Grahamsdyke Road and a double row of units to the rear of the site. The site would be accessed via the existing roundabout on Grahamsdyke Road. The housing and community provision are allocated to the area of the former Miller Pit head.

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

- 2.1 This planning application has been called in by Councillor John Constable.

## **3. SITE HISTORY**

- 3.1 Following on from the allocation of land for housing and business at Drum Farm in the Bo'ness Local Plan in 1995, a masterplan was prepared by Grange Estates and approved by the Council in January 1999. The masterplan applied the general policies of the Local Plan to the site and sets out the various criteria for development including landscape framework, phasing, vehicular and pedestrian access, housing density, form and character of development. This document remains a prime reference point in assessing all applications for development at Drum farm.
- 3.2 F/98/0543 – installation of service road and drainage infrastructure at Drum Farm, Bo'ness – approved 4 November 1998.
- 3.3 F/98/0830 – development of land for 244 dwellinghouses and associated infrastructure at Drum Farm, Bo'ness – approved 9 June 1999.
- 3.4 F/2000/0800 – erection of 93 dwellinghouses and apartment building at Drum Farm, Bo'ness – approved 13 June 2001.
- 3.5 F/2001/0622 – formation of park and associated landscaping and infrastructure at Drum Farm, Bo'ness – approved 31 March 2003.
- 3.6 F/2002/0558 – erection of 28 dwellinghouses at Drum Farm, Bo'ness – approved 5 November 2002.
- 3.7 F/2002/0809 – erection of 4 two-storey dwellinghouses approved – 18 December 2002.
- 3.8 F/2003/0378 – formation of low embankments on land at Drum Farm, Bo'ness – refused 15 July 2003, appeal dismissed on 15 March 2004.
- 3.9 P/07/0275/REM – erection of 181 residential units and associated landscape and roadworks – refused 26 February 2008.
- 3.10 P/07/0985/DMO – demolition of farmhouse and ancillary buildings – approved 22 November 2007.
- 3.11 P/07/0152/VRC – modification of condition 1 on planning permission F/2004/0063 to allow phased submission of details and modification of condition 3 to extend the submission period by a further 12 months – approved 27 July 2007.

## **4. CONSULTATIONS**

- 4.1 Scottish Natural Heritage have no comments to make.

- 4.2 The Coal Authority does not object to the proposal but draws attention to previous planning conditions imposed and would wish to see these reiterated.
- 4.3 BAA have no objections subject to previous conditions imposed being reiterated.
- 4.4 The Scottish Environment Protection Agency has no objections to the application provided conditions 12-17 of the previous permission are reiterated.

## **5. COMMUNITY COUNCIL**

- 5.1 Bo'ness Community Council were consulted but have offered no response.

## **6. PUBLIC REPRESENTATION**

- 6.1 No letters of comment have been received.

## **7. DETAILED APPRAISAL**

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

### **7a The Development Plan**

#### ***Falkirk Council Structure Plan***

- 7a.1 Paragraph 2.42 of the Structure Plan advises that:

*“in Bo'ness, development will be based largely on existing housing land and further infill opportunities. The existing Green Belt will be retained and the landscape setting of the town further protected by the designation of an Area of Great Landscape Value to the south. Bo'ness will be promoted as a key location for heritage-based tourism and the Town Centre will be a priority for enhancement and physical renewal”.*

- 7a.2 Policy COM.1 'Housing Land Allocations' states:

*“The Council will:*

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*

- 4      *In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate.”*

7a.3      Schedule COM.1 gives a total housing requirement of 880 units in Bo’ness between 2001 and 2020, of which 460 + 46 units are required by 2012. The Drum Farm housing site is one of the key commitments through which the Structure Plan housing requirement for Bo’ness is to be met. The Falkirk Council Local Plan (Deposit Version) as amended by the Proposed Pre-inquiry Modifications in May 2008 shows 455 completions between 2001 and 2006, with commitments, including Drum Farm, providing a further 413 units. The housing element of the proposal, therefore, accords with Policy COM.1.

7a.4      Policy COM.3 ‘Special Needs and Affordable Housing’ states:

*“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”*

7a.5      As part of the concept of housing development at Drum Farm, an element of affordable housing was provided in the initial phases. Consequently, no special needs or affordable housing requirements are to be met from this application.

7a.6      Policy COM.5 ‘Developer Contributions’ states:

*“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:*

- (1)      environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2)      physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3)      community and recreational facilities required to meet demand generated by the development.*

*The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”*

7a.7      The issue of developer contributions was considered at the initial stages of development at Drum Farm and a number of planning gains have been progressed. With regard to potential developer contributions in so far as they relate to this application:-

- The provision of land for a cemetery has been achieved through a separate agreement with the Council.
- The provision of a local park within the masterplan proposal is to be commended.
- The provision of children's play areas was assessed at the initial planning applications stage and provision made reflected the proposals in the masterplan (approved 1999). A children's play area and open space has, therefore, already been granted planning permission although further open space provision would be required for any additional housing proposals.
- The proposed infrastructure links to Kinnigars Park and landscape proposals should be subject to further detailed appraisal.
- In relation to this application, the developer has been requested to consider the provision of a community facility.

7a.8 Policy COM.6 'Open Space and Recreational Facilities' states:

*"The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons."*

7a.9 The approved masterplan made suitable provision for open space and recreation facilities to serve the Drum Farm development. This application follows the principles of the master plan in allocating land for open space, providing play provision and encouraging pedestrian links throughout the site. The proposal therefore, accords with Policy COM.6.

7a.10 Policy COM.7 'School Provision' states:

*"New housing development will not be permitted unless adequate school capacity is available or will be made available."*

7a.11 There is adequate school capacity to accommodate pupils from the proposed development. The proposal therefore, accords with Policy COM.7.

7a.12 This policy identifies strategic development opportunities at a number of locations throughout the Council area, none of which include a business park and related commercial development at Bo'ness. The provision of a prestige business park at Bo'ness was specifically included in the previous Structure Plan, Central 2000, but was deleted in the current Plan. Policy ECON.1 does not, therefore, support the business element of the application.

7a.13 Policy ECON.3 'Local Business Development Opportunities' states:

*"Provision will be made for business and industrial land to meet local needs within settlements. Local Plans will assess local need and identify and safeguard suitable sites which should meet all relevant environmental, amenity, access and infrastructure requirements giving priority to previously developed sites."*

7a.14 As indicated above, the Drum Farm site no longer features in the approved Structure Plan as a strategic site. However, Policy ECON.3 states that provision should be made through Local Plans to meet local business and industrial land needs within settlements.

7a.15 Policy ENV.5 'Built Environment and Heritage' states:

*"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:*

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*
- (5) Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset."*
- (6) Reviewing the boundaries of areas to ensure their continuing relevance."*

7a.16 The indicative layout submitted and supporting statement recognizes and safeguards the archaeological interest of the area, although they are not part of the application site. The proposal therefore, accords with Policy ENV.5.

7a.17 Policy ENV.6 ‘Enhancement Action’ states:

*“Priority will be attached to the programme of enhancement measures (including wildlife habitat enhancement) identified in Schedule ENV.6 below. Local Plans and other programmes will include detailed proposals for the enhancement of such areas or features, including mechanisms for implementation.”*

**Schedule ENV.6: Programme of Enhancement Measures – Extract**

**Areas**

**Nature of Action**

Main road approaches and gateways to settlements	General improvements to settlement approached, including ‘gateway’ features and improved signposting.
Falkirk Greenspace Initiative	In partnership with Central Scotland Countryside Trust (CSCT) and other agencies, continue to develop existing programmes of action to enhance the countryside around towns/villages identified within the Falkirk Greenspace Initiative through tree planting, habitat enhancement and measures to improve access to the countryside.

7a.18 The preparation of the masterplan for Drum Farm reflected the principles of the Falkirk Greenspace Initiative. The application accords with the masterplan so the proposal complies with Policy ENV.6

7a.19 Policy ENV.7 ‘Quality of Development’ states:

*“(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*

*(2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements.”*

7a.20 Policy ENV.7 requires the submission of a design concept statement to show how design principles have been addressed and how quality objectives will be achieved. The approved masterplan provides a firm basis for preparation of a design concept statement which should accompany any reserved matters submission. A business park design brief and urban design framework have been submitted in respect of the business park / housing proposals.

7a.21 The quality of housing development that has so far been achieved on the site is acknowledged through the Scottish Executive’s Planning Advice Note 67 – Housing Quality – where Drum Farm features as an example of good design. It has also won a number of national design awards. The proposal therefore, supports the objective of Policy ENV.7.

### ***Bo'ness Local Plan (adopted) 1995)***

7a.22 In the Bo'ness Local Plan, the two separate parts of the application site are allocated as Housing Proposal H14 and Business Proposal BUS 1.

7a.23 Proposal H14 'Housing/Community Wood Land Community Facilities' states:

*"Site allocated for residential development in conjunction with H15 and forming earlier stages of phased release of land at Drum Farm. Overall development must accord with development brief and approved masterplan which will specify design criteria, phasing, housing mix and planning gains. Development to include provision for local needs housing, community facilities, woodland planting/management and open space. Greenfield site additional to 1989 housing land supply. Capacity dependent on development brief and masterplan".*

7a.24 The housing element of the application reflects the Local Plan proposal in terms of its content and area and is consistent with the subsequently approved masterplan. The application therefore, accords with proposal H14.

7a.25 Proposal BUS 1 'Prestige Business Park' states:

*"Site reserved for prestige business park development. Design brief to be prepared specifying overall landscape treatment and layout, disposition and design of buildings".*

7a.26 The business element of the application reflects the Local Plan proposal and subsequently approved masterplan in terms of area.

7a.27 Policy BNS 13 'Prestige Business Park' states:

*"The District Council will support the development of a Prestige Business Park, reserved for Class 4 uses (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1989) at Drum Farm (Opportunity BUS 1) as identified on the Policies, Proposals and Opportunities Map."*

7a.28 The application reflects the policy in terms of content. The land to the south of Grahamsdyke Road (apart from the small Miller Pit site) is allocated as a prestige business park under Policy BNS 13 and Opportunity BUS 1. This is to be reserved for Class 4 uses. As explained above, this policy originally reflected a proposal in the previous Structure Plan, not the current one. There is also a requirement for a design brief to be prepared specifying overall landscape treatment and the layout, disposition and design of buildings. The Miller Pit itself is within the Urban Limit but has no specific allocation.

7a.29 In summary, the Development Plan position can be addressed as follows:-

- At the point of determination of the original application in 2004, the Development Plan documents that were in place consisted of :-
  - The Falkirk Council Structure Plan (June 2002)
  - The Bo'ness Local Plan (1995)
  - The Falkirk Council Local Plan (Consultative Draft)



- While the Falkirk Council Structure Plan (2002) did not specifically identify Bo’ness as an area suitable for a prestige business park, the area was identified in the previous Central 2000 Structure Plan. In determining the appeal against refusal of planning permission, the Reporter stated that while the Falkirk Council Structure Plan (2002) did not list the south Drum site as a strategic development opportunity (as its predecessor, Central 2000, had done), it did allow for local business development opportunities to be identified through local plans. Moreover, it did not propose any change to the urban limit or Greenbelt boundaries in this locality. Thus the Falkirk Council Structure Plan (2002) did not stand in the way of the business park development at south Drum.

7a.30 The current Development Plan position is unchanged, in that while there is no specific allocation of a prestige business park in the Falkirk Council Structure Plan (2007), the proposal is supported in the Bo’ness Local Plan (1995) and the Falkirk Council Local Plan Finalised Draft (Deposit Version) (2007).

7a.31 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations comprise the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the legislative background to the application.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 In the Falkirk Council Local Plan Finalised Draft (Deposit Version), the north slope and steading are covered by proposals H.BNS 2, RC.BNS 3 (the central park designed to serve the development) and RC.BNS 4 (the community facility/shop at the core of the development). The housing component of the current application accords broadly with these proposals. Proposal ED.BNS5 allocated 13 hectares for class 4 business development and this proposal accords with that proposed land allocation.

### ***Legislative Background***

7b.3 Article 5 (1) of the Town and Country Planning (General Planning Procedure) (Scotland) Order 1992 provides that “*Where planning permission has been granted for development, that development has not been commenced and a time limit imposed by or under section 38 or section 39 of the Act (time limit on the commencement of the development or on an application for approval or reserved matters respectively) has not expired, an application may be made for planning permission for the same development without complying with article 3 or article 4. Article 5 (2) of the Order provides that the application shall be in writing and shall give sufficient information to enable the authority to identify the previous grant of planning permission*”.

7b.4 The applicant has submitted a supporting statement, which is considered to provide sufficient information to evaluate the application.

## **7c Conclusion**

7c.1 The proposal accords with the Development Plan and there are no material changes which would preclude the renewal of outline planning permission.

## **8. RECOMMENDATION**

### **8.1 It is recommended that outline planning permission be renewed with the following conditions:-**

- (1) Before development commences, written approval from the Planning Authority must be obtained for the details of the siting, design and external appearance of any buildings, the means of access and the landscaping (collectively) termed 'reserved matters'. The quality of siting, design, external appearance and landscaping of the business use area shall be the subject of a design brief, to be submitted for the written approval of the Planning Authority. The brief shall reflect the gateway and prestige concepts referred to in the submissions accompanying the planning application. Details of recreation facilities within the residential areas shall also be included in the details submitted.**
- (2) Plans and particulars of the reserved matters shall be submitted for consideration by the Planning Authority and no work shall begin until the written approval of the Planning Authority has been given.**
- (3) Application for the approval of reserved matters shall be made to the Planning Authority within 3 years from the date of this permission.**
- (4) The development hereby permitted shall commence within 5 years from the date of this permission, or within 2 years from the date of approval by the Planning Authority of the last of the reserved matters to be approved.**
- (5) The hotel element of the development as proposed is not permitted.**
- (6) No building or structure exceeding 180 metres AOD shall be constructed within the site.**
- (7) The business uses shall be confined to Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended.**
- (8) No development shall commence until a Traffic Impact Assessment has been submitted to and agreed in writing with the Planning Authority. The measures recommended in the agreed study shall be implemented thereafter.**
- (9) No development shall commence until a management regime for Kinnigars Wood has been submitted to and approved in writing by the Planning Authority. That regime shall be implemented thereafter.**
- (10) No existing trees on the site shall be removed without the written approval of the Planning Authority.**
- (11) The Iron Age enclosure within the site shall be fenced off for the duration of construction works on adjacent land.**
- (12) Drainage shall be on the separate system.**

- (13) No development shall commence until a comprehensive and detailed SUDS scheme for the site (or such sub-division of the site as the Planning Authority agree), in accordance with the relevant CIRIA design manual, has been submitted to and approved in writing by the Planning Authority (in consultation with SEPA and Scottish Water).
- (14) There shall be no culverting of watercourses. The possibility of de-culverting and restoring the top end of Carriden Burn at the site shall be investigated; those works shall be implemented unless the Planning Authority agrees in writing that this is not feasible or desirable.
- (15) Drainage from domestic sewage, service yards, loading bays and waste skip storage areas shall be connected to the public foul sewer. Work shall not commence on any phase of the development until the Planning Authority is satisfied (after consultation with Scottish Water), and has agreed in writing, that there is sufficient capacity in the public foul sewerage system for that phase.
- (16) No development shall commence until details of facilities to be provided for the separation and recycling of waste have been submitted to the Planning Authority and (in consultation with SEPA), agreed in writing.
- (17) A method statement regarding the protection of watercourses and SUDS features from pollution during the construction works shall be submitted to the Planning Authority for written approval (in consultation with SEPA) and implemented thereafter.
- (18) No development on any phase shall commence until the Planning Authority has expressed its satisfaction in writing that the stability of the land has been investigated and any necessary remedial works are to be undertaken.

**Reasons(s):**

- (1-4) To comply with Section 59(2) of the Act and the masterplan.
- (5,7) To ensure that the Planning Authority can control the future use of the premises.
- (6) So that that Obstacle Limitation Surfaces detailed in CAA publication CAP 168 are not breached, and to avoid endangering the safe operation of aircraft through interference with navigational aids.
- (8) In the interests of the safety and control of traffic movement.
- (9-10) To reinforce the landscape setting of the development, contribute to neighbourhood amenity, and improve wildlife habitat.
- (11) To protect the archaeological interest of the site.
- (12-13) To ensure that adequate drainage is provided.
- (14) To enable the Planning Authority to consider this/these aspect(s) in detail.

- (15) The capacity of the existing sewer network downstream of the proposed development may not be able to support a development of this size without prior upgrading.
- (16) To ensure that adequate facilities are provided.
- (17) To protect watercourses and SUDS features from pollution.
- (18) To check that the developer takes appropriate steps to ensure the stability of the land for development.

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Director of Development Services

Date: 17 March 2009

#### **LIST OF BACKGROUND PAPERS**

- 1. Falkirk Council Structure Plan.
- 2. Bo'ness Local Plan.
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 4. Decision letter from the Scottish Executive dated 2 November 2004.
- 5. Planning Application Ref. F/2004/0063.

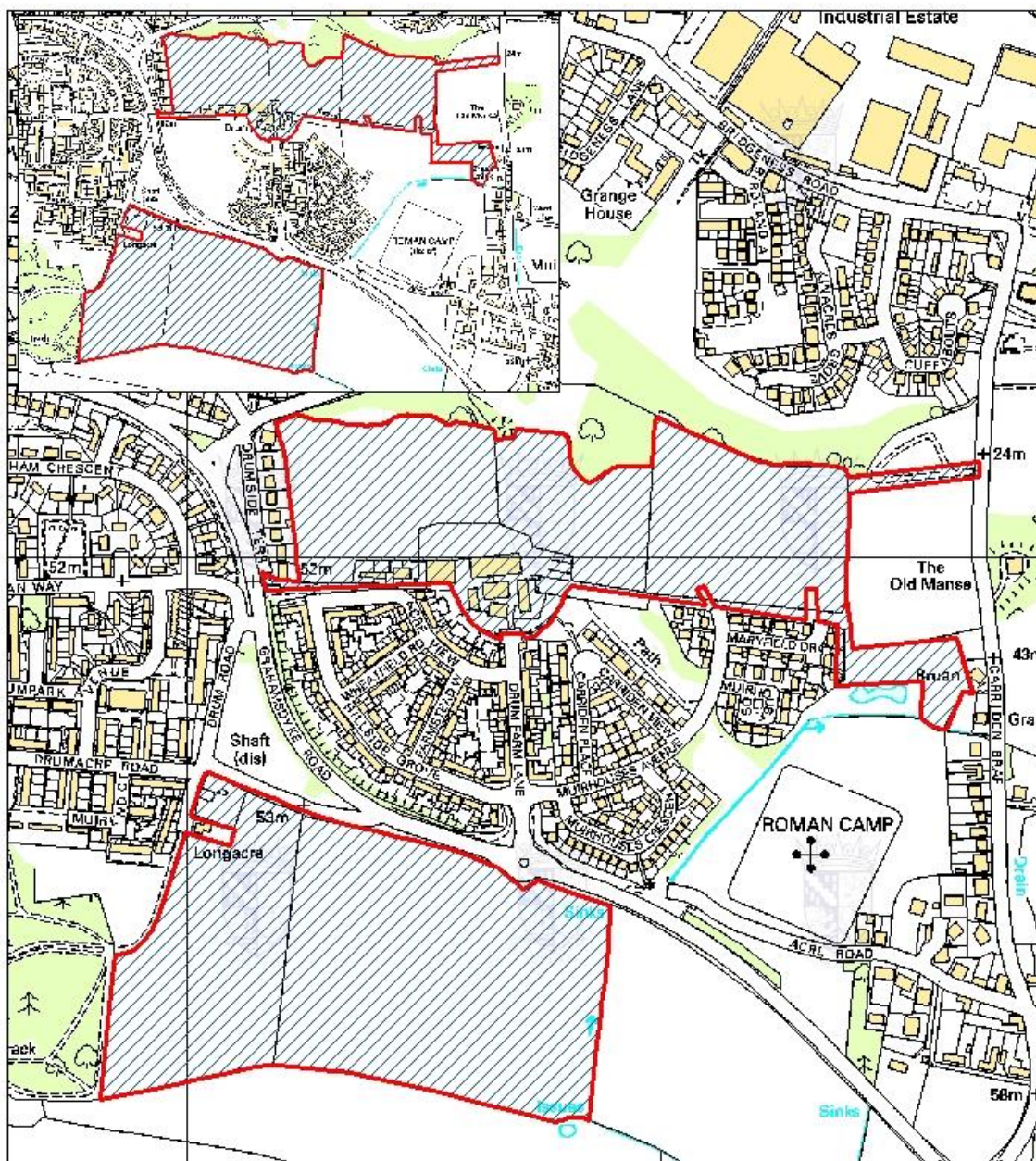
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

P/08/0915/OUT

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



Falkirk Council

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