



Our Ref: 264.62  
Your Ref: F/2004/0063

**P/08/0915/007**

22<sup>nd</sup> October 2008  
The Director of Planning  
Falkirk Council  
Planning and Development Services  
Abbotsford House  
David's Loan  
FALKIRK FK2 7Y



For the attention of Mr John Milne

Dear John

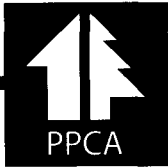
**Town and Country Planning (Scotland) Act 1997**

**Renewal of planning permission South Drum Business Park, Bo'ness**

I refer to the above matter and to our recent discussion regarding the outline planning permission for the Business Park. You will recall that the Council granted an extension of time for the submission of reserved matters (application ref P/07/0152/VRC) for 12 months. That extension took the date whereby all reserved matters were to be submitted to the local authority to 2<sup>nd</sup> November 2008. In the interim my clients prepared and submitted the design brief for the Business Park as required by a condition imposed on the planning permission, and which you accepted a suitable and met the requirements of the condition.

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 of 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*".

I have been instructed to make a formal request under the terms of Article 5 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 for outline planning permission for the same development viz. a business park. Please accept this letter and the supporting statement as the written element to meet with the requirements of Article 5(2). The previous grants of planning permission are to be found in (i) the appeal decision P/PPA/240/143 and (ii) in your council's decision for application P/07/0152/VRC (copies attached).



In view of the timescale, should you wish to discuss this matter further please contact me as soon as possible.

Yours Sincerely

A handwritten signature in black ink, appearing to be "R. H. Oliver", written over a circular scribble.

Ronald H Oliver Dip TP MRTPI  
cc D Jewell;

## Town and Country Planning (Scotland) Act 1997

### Article 5 application for the renewal of planning permission for the proposed Business Park at the Drum Bo'ness

#### Background

The planning permission for the development of the site of the Drum Business Park was granted in November 2004 in conjunction with the development of phases 4-6 of the Drum residential area. In the preparatory discussions with the local authority leading up to the provision the application for the approval of the reserved matters for the residential development a similar exercise was undertaken to "purify" the various conditions that were attached to the original decision.

One of these conditions required the preparation and approval of a design brief for the Business Park. This aspect of the condition also linked the residential part of the approval and it was considered acceptable by the local authority to separate the residential and business park parts of the condition. At the same time it was agreed that it was practical to extend the time allowed for submission of reserve matters. An application to modify the terms of condition 1 of F/2004/0063 and to extend submission period was approved in July 2007 (P/07/0152/VRC refers).

The reserved matters application for the residential proposals was submitted after discussions and re-designs of housing matters. In the interim the applicants were examining the marketing aspects for the business park in relation to the rest of Falkirk and the wider area.

The applicants' intention was to prepare a submission that involved a phased layout with the initial phase taken from the only access from the main road. This phase involved the preparation of detailed design of a pub/restaurant and "landmark" prestige buildings at the entrance and as a terminal vista at the southern end of the access road. In addition there would be the initial phase of business units again accessed off this road. It was intended that the subsequent areas of the site would be the subject of further submissions.

The feed back from the market was that the timing was not encouraging and that the scale of the site together with the details of the design made it difficult to prepare reserved matters details that would meet the requirements of the market and the terms of the legislation. The Act requires that ALL reserved matters require to be submitted within an agreed timescale.

The design brief established the principles of the design in terms of the heights, materials' palette, distribution of buildings, means of access and the landscaping provision. However, it is evident that the detailed designs of the various buildings are driven by the requirements of the potential occupants. To that end, and in the prevailing economic climate, there is no current market for units on a business park and it is not economic or practical to erect commercial buildings speculatively.

The applicants are, however, confident that the market will return in the future and are presently developing a strategy to allow them to prepare for this upturn. However, in order to retain the planning status of the site it is necessary to renew the extant planning permission.

