

FALKIRK COUNCIL

Subject: AMENDMENT TO PLANNING PERMISSION P/07/1129/REM - CHANGE GROUND FLOOR COMMERCIAL UNITS TO RESIDENTIAL UNITS (COMPRISING 4 FLATS). ADJUSTMENT TO POSITION OF ENTIRE FLATTED BLOCK - 0.5 METRES TO THE NORTH AND 0.5 METRES TO THE EAST AT 1 - 11 (ODD) CROWN CRESCENT, LARBERT FK5 4XP FOR CALA MANAGEMENT LTD - P/13/0663/VRC

Meeting: PLANNING COMMITTEE

Date: 26 February 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer), Ext. 4706

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 29 January 2014 (copy of previous report appended). Members decided to continue this application for a site visit. This visit took place on 10 February 2014.
2. A brief summary of the application proposal was given by the Development Manager. This was followed by a short presentation from the applicant who explained the background to the planning application. The applicant confirmed that the development of the site has been steadily progressing but there were areas within the overall development programme where the current economic climate had contributed towards the slower rate of progression of development. It was also intimated by the applicant that the sale of flats has been slow. In particular if the proposed commercial units (4 in number) remained in the flattened block it would exacerbate the current difficulties in flat sales. The applicant's sales team has raised concerns of the close proximity of commercial units to residential flats (i.e. within the same block).
3. The applicant also cited the fact that the recent development of a supermarket, albeit not at the size originally envisaged, and 5 commercial units on a site close by provides for an alternative location for the commercial units. As a result this will provide a net increase of one commercial unit to what has been previously granted permission.

4. Members of the Planning Committee sought clarification on issues that included, (i) the distance of the application site to Stenhousemuir Town Centre, and the fact that this particular area of the development masterplan had originally been portrayed as a high street, (ii) opportunities for other commercial development within the immediate vicinity and (iii) the total number of units constructed to date/timescale for completion of the masterplan site.

In response to these matters the applicant advised the following:-

- i) The site lies approximately $\frac{3}{4}$ mile from Stenhousemuir Town Centre.
 - ii) The overall masterplan identifies that an undeveloped Business Park allocation exists to the eastern edge of the overall development site. An opportunity for further commercial opportunities, including a possible Health Centre and / or Dentists surgery could be considered at some point in the future if the opportunity / need arises.
 - iii) Approximately 650 residential units have been constructed to date. It is anticipated that a further 6/7 years is a realistic timescale for completion of the site as a whole based upon current development completion rates.
5. The applicant also intimated that a site to the north has been granted consent for a care home, nursery and associated living uses. At the present time there has been limited interest in these uses and opportunities may arise for commercial opportunities at this site at some point in the future. However it should be noted that a planning application for a children's nursery school has been recently submitted as part of this site and is under consideration.
6. Accordingly, it is considered that no matters were raised at the site visit that would alter the recommendation to grant planning permission. The previous recommendation is therefore reiterated as follows:

7. RECOMMENDATION

- 7.1 It is therefore recommended that Committee grant planning permission subject to the following condition:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.

Reason(s):-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informatives below and forming part of this permission.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01- 03.
- (3) For the avoidance of doubt the development shall comply with all conditions of planning permission P/07/1129/REM.

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pp Director of Development Services

Date: 17 February 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan
3. Falkirk Council Local Development Plan (Proposed Plan).
4. Falkirk Council Economic Downturn: Action Plan.
5. Letter of Representation from Mrs Alison Doyle, 4 Cambus Avenue, Kinnaird Village, Larbert FK5 4WP on 11 December 2013.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

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Meeting: PLANNING COMMITTEE

Date: 29 January 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer), Ext. 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site lies within a residential and mixed use development on the grounds of the former Bellsdyke Hospital north of Bellsdyke Road, Larbert.
- 1.2 The site is level and is surrounded to the north, south and east by newly completed residential development. To the west are the partial remains of a former Hospital Building which has planning permission in principle to be restored for commercial development.
- 1.3 The proposal is to amend a previously approved planning permission to change the use of 4 approved ground floor commercial units to form 4 flatted dwellings and make a minor change to the position of the approved flatted block.
- 1.4 The applicant is seeking to make amendments to the original approval on the basis that commercial units have now been provided elsewhere within the wider development site and that marketing of flats with ground floor commercial units is more difficult.
- 1.5 Five commercial units have been constructed adjacent to the recently opened Sainsbury's supermarket at the development site. These units are currently vacant.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to Committee by Councillor Carleschi.

3. SITE HISTORY

- 3.1 Outline planning permission F/2002/0611 for the development of land at the former Bellsdyke Hospital and Hill of Kinnaird, Larbert which includes the application site for residential (1,700 units), business/employment purposes, local services, community primary school, public park, off road/footpath, landscaping and open space, sustainable urban drainage system and construction of distributor roads and two roundabouts was approved on 18 May 2006. A masterplan for the Bellsdyke Hospital and Hill of Kinnaird was approved under the terms of that permission.
- 3.2 Planning permission P/07/1129/REM was granted on 5 September 2009 for the erection of 56 dwellinghouses, 127 flatted dwellings, supermarket and commercial units.
- 3.3 Planning permission P/11/0811/FUL was granted on 21 May 2012 for the erection of a supermarket (Sainsburys) and five additional retail units ranging from 94m² to 367m².

4. CONSULTATIONS

- 4.1 The following responses to consultations were received.
- 4.2 The Environmental Protection Unit requested a Contaminated Land Informative. Contaminated land treatment has previously been approved for the application site.
- 4.3 The Roads Development Unit have no objections.
- 4.4 Scottish Water did not respond to consultation.

5. COMMUNITY COUNCIL

- 5.1 No comment received.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, one letter of representation was received, expressing concern about the price at which the retail units are being marketed and also that it would be undesirable to have retail units lying empty due to inflated leasing costs. It is considered that this is a neutral comment.
- 6.2 In response to the issues raised in the received representation the applicant has confirmed that the originally approved commercial units have not been marketed and no direct approach has been received from any interested party. It is therefore likely that the representation refers to the recently constructed retail units. These remain vacant.

6.3 The available units are being leased by a third party, and not the applicant.

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 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EP8 - 'Neighbourhood and Rural Shops and Services' states:

"The Council will support the provision, retention and improvement of neighbourhood and rural shops. Accordingly:

- (1) Proposals involving the loss of neighbourhood or rural shops (Class 1) and services (Class 2) which serve an important community function will be only be permitted where the Council is satisfied that the premises are no longer viable for such uses; and*
- (2) The provision of neighbourhood shops to serve major new housing developments and existing residential areas which have poor access to such facilities will be encouraged."*

7a.3 The proposal is considered to comply with Policy EP8 in that there is no loss of neighbourhood shops as planning permission P/07/1129/REM has not been implemented. The new housing development at Bellsdyke has benefitted from the recent opening of a local supermarket (Sainsburys) with a further five retail units being provided adjacent to this store. Bellsdyke has excellent access to commercial centres at Stenhousemuir and Larbert and beyond by pedestrian and cycle linkages and public transport availability on Bellsdyke Road and from Larbert Station.

7a.4 The granting of planning permission for the Sainsburys supermarket and additional retail units has resulted in a net increase of one retail unit over the number originally envisaged in the approved masterplan for the site. This has resulted from a re-designed layout which has evolved following the marketing of commercial development by the development consortium (led by CALA) for the Bellsdyke re-development site. The retail units that have been constructed are considered to offer an increased range of unit sizes and increased total floorspace over the commercial units subject to this application.

7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the Falkirk Local Development Plan (Proposed Plan), additional planning considerations, and the representation received.

Falkirk Local Development Plan (Proposed Plan)

- 7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

- 7b.3 Policy HSG06 – 'Non-Residential Uses in Residential Areas' states:

"Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. Proposals for appropriate community services (e.g surgeries, day nurseries and neighbourhood shops), homeworking or other compatible business uses (e.g. guest houses) will be supported where it can be demonstrated that the quality of the residential environment would be safeguarded, the type and location of the property is suitable, and satisfactory access and parking can be provided."

- 7b.4 In this respect the proposal is also considered to comply with Policy HSG06 of the emerging Falkirk Local Development Plan (Proposed Plan) April 2013.

Additional Planning Considerations

- 7b.5 The retail opportunities approved by P/07/1129/REM were envisaged at a time before the recession of recent years. It is considered that insisting on their implementation could result in vacant commercial units which may threaten wider development at Bellsdyke.
- 7b.7 Subsequent to the grant of P/07/1129/REM, planning permission has been granted for further retail development that exceeds the provision originally proposed at the site. These units are now available for lease.
- 7b.8 The Council's Economic Downturn: Action Plan supports flexibility when such adjustments are proposed.
- 7b.9 Consultation with the Economic Development Unit of Falkirk Council has confirmed that, whilst there is evidence of growth in the retail sector and property markets, this growth is anticipated principally in large retail centres. Smaller centres such as Larbert and Stenhousemuir continue to face significant economic challenges. The last new retail development built in Stenhousemuir (by MacDonald Estates) has been vacant for three years without serious interest. Three of these units have recently been let with the remaining space continuing to be marketed. It is considered, however, that the commercial market in Larbert and Stenhousemuir remains challenged.

Public Representation

- 7b.10 The pricing of the retail units is not a material planning consideration, and the proposed development is considered to comply with the terms of the Development Plan. As noted in paragraph 6.3 of this report, the available retail units are being leased, not by the applicant but by a third party. Whilst the pricing of retail space is not a planning consideration, it has been confirmed that interest is being noted in the available units, and some are expected to be let in the near future.

7c Conclusion

- 7c.1 The proposed development complies with all relevant Development Plan policies.
- 7c.2 The proposed development of additional flats instead of originally approved commercial units is considered to be acceptable in terms of amenity and design and is not considered to adversely affect the wider development at Bellsdyke. The subsequent construction of other retail provision is considered sufficient for the needs of the area and to provide additional retail opportunities above that originally planned.
- 7c.3 There are no material considerations which would justify the refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee grant planning permission subject to the following condition:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.

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pp Director of Development Services

Date: 20 January 2014

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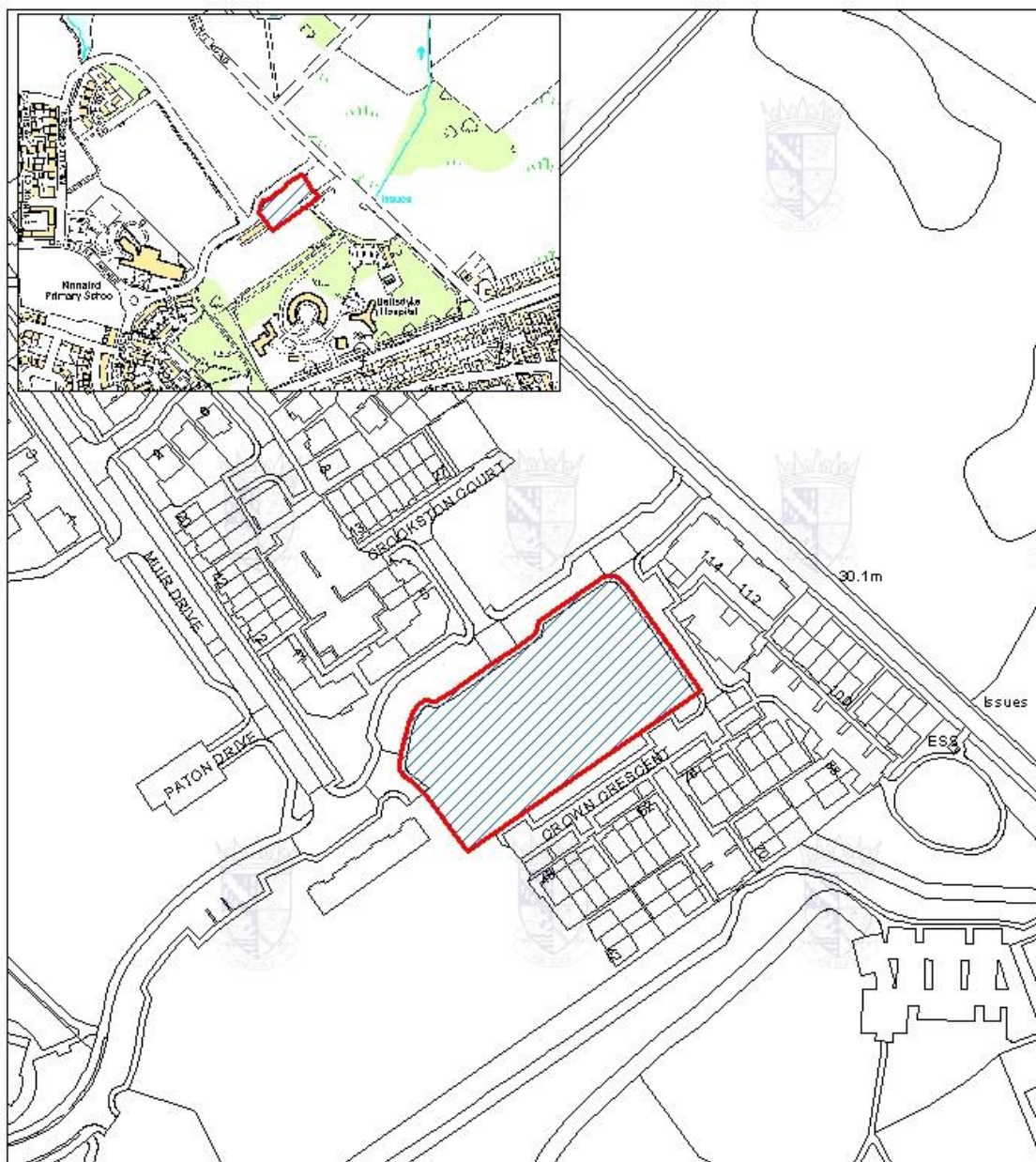
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Planning Committee

Planning Application Location Plan

P/13/0663/VRC

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



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