

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF A TRAINING & MANAGEMENT CENTRE AND CARE HOME WITH ASSOCIATED INFRASTRUCTURE AT LAND SOUTH OF TRYST HOUSE, GLENBERVIE BUSINESS PARK, LARBERT FOR BLUEWATER SCOTLAND LLP – P/10/0215/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 25 August 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Allan Finlayson (Senior Planning Officer), ext 4706

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

- 1.1 The site of the application is vacant land located south of Tryst House, Glenbervie Business Park, Larbert.
- 1.2 The site is level ground enclosed by beech hedging to the north, south and east and by mature structure planting to the west.
- 1.3 The site is surrounded by vacant land to the west (with approval for Class 4 business use), offices to the north and south and hotel accommodation/restaurant to the east.
- 1.4 The proposed application is for the principle of the construction of a residential care home and associated training and management centres for private health care.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application is contrary to the Development Plan. The proposal is not considered to be a significant departure to the Development Plan and would not require to be referred to Scottish Ministers.

**3. SITE HISTORY**

- 3.1 Planning application P/08/0415/FUL for the erection of 5 office units was withdrawn on 17 September 2008.

- 3.2 Outline planning permission F/95/0756 for the establishment of a Class 4 Business Park was approved on 8 January 1996. The Glenbervie Business Park has subsequently been developed by a succession of detailed applications following the grant of outline permission.
- 3.3 Planning permission F/2001/0259 for the erection of three Class 4 office buildings was approved on 24 July 2001 but has not been implemented and has now lapsed.
- 3.4 Outline planning permission F/2001/0099 was granted on 5 May 2001 for the erection of a large single use Class 4 Business site. This permission has now lapsed.

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that the identified vehicular access position is acceptable subject to agreed specification. The required number of car parking spaces for the proposed use has been identified as has the need for a flood risk assessment. The application is for Planning Permission in Principle and as such access specification, number of car parking spaces and a flood risk assessment can be required and assessed in detail as part of a subsequent Matters Specified in Condition or detailed planning application.
- 4.2 The Transport Planning Unit has advised on access, footpath specification, cycling facilities, parking provision and the requirement for a travel plan to encourage sustainable transport to the site.
- 4.3 The Environmental Protection Unit has advised of the need for a contaminated land assessment.

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

- 5.1 The local Community Council did not comment on the proposed development.

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

- 6.1 No representations were received.

#### **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 Falkirk Council Structure Plan identifies the site as located within an area identified for employment uses.

7a.2 The Structure Plan identifies North Larbert/Glenbervie as a Strategic Development Opportunity which is promoted for major economic development under the terms of Policy ECON 1 'Strategic Development Opportunities. Proposal uses identified in Schedule ECON 1 include:

- Office, industry and distribution
- Residential/Community Facilities
- Leisure/tourism (ancillary to business use).

7a.3 Policy ECON.1 'Strategic Development Opportunities' states:

*"The Council will promote the following as strategic locations for major economic development:*

#### *Town Centres*

1 Falkirk Town Centre

2 Grangemouth Docks

#### *Gateways*

3 Middlefield/ Westfield, Falkirk

4 Falkirk Canal Interchange

5 North Larbert / Glenbervie

6 Gilston, Polmont

#### *Urban/rural Regeneration Areas*

7 Langlea/Bainsford, Falkirk

7a Former Manuel Works, Whitecross

#### *Specialist Sites*

8 Grangemouth/ Kinneil Kerse

*Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1."*

7a.4 The proposed use for employment and residential care home is considered to accord with Policy ECON 1.

### ***Larbert and Stenhousemuir Local Plan***

7a.5 The Larbert and Stenhousemuir Local Plan allocates the site for employment use under Proposal ED3 noting that ancillary uses may be considered favourably.

7a.6 Proposal ED3 'Bellsdyke Road, Larbert' states:

*'Proposal: Extension to Prestige Business Park*

*Site Area: 13.1 has/ 32.36 acres*

*Agency: Forth Valley Enterprise*

*Comments: Previously formed part of single hi-tech user site. Outline planning permission granted in January 1996 for Class 4 Business Park. Proposals for appropriate ancillary uses may be considered favourable. The accessibility of this site will be enhanced as a result of Proposal T1 to construct new motorway slip roads at Glenbervie."*

7a.7 Policy LAR 11 - 'Business and Industrial Development' states:

*"The Council intends that :-*

- (i) a site at Glenbervie, Larbert be reserved for a single user high technology industrial and business development;*
- (ii) land at and adjacent to Central Park, Larbert be identified for Class 4 Business Uses (in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997);*
- (iii) new general industrial development and storage/distribution uses (Classes 5 and 6 in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997) be located within existing industrial areas or identified opportunity sites, as shown on the Policies, Proposals and Opportunities Map.*

*The Council seeks to ensure that any proposed development is compatible with the character of the industrial/business area and minimise any effects on local amenity with regard to visual intrusion, noise disturbance, traffic generation and environmental pollution."*

7a.8 The proposed training and management element of the proposed development is considered to comply with the aims of Proposal ED3 and terms of Policy LAR 11. The residential care home proposed cannot be considered as an identified use or ancillary development for the proposed training and management centre or surrounding business uses.

7a.9 The proposed development is, therefore, considered to be contrary to the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), Falkirk Council Economic Downturn Action Plan December 2008, the views expressed in consultation responses and the supporting statements submitted by the agent for the proposed development.

7b.2 The Finalised Draft Local Plan identifies the site for business and industrial development in Proposal ED.L&S2. It should be noted that the site is no longer identified for a single user.

7b.3 Proposal ED.L& S2 ‘Central Business Park’ states:

*‘Proposal: Business/Industrial Development  
Site Area: 10.5 hectares  
Agency: Private  
Comments: Remaining land available for Business and Industrial Development within Central Business Park. Includes the listed former RSNH hospital buildings which are promoted for sensitive conversion and re-use. Potential uses for the listed buildings may include small business centre, hotel and conference facilities or exhibition/ craft centre.’*

7b.4 Proposal ED.L&S2 affirms the policy position expressed in the extant Larbert and Stenhousemuir Local Plan.

7b.5 The Falkirk Council Economic Downturn Action Plan identifies the need to exploit opportunities for investment in local economies and the benefits of adopting a flexible approach to the assessment of planning applications.

7b.6 The proposal represents an opportunity for investment at Glenbervie which has seen little investment in the past 5 years. The support of the proposal as a departure albeit not significantly so, from the Development Plan is in accordance with the flexibility identified in the Action Plan.

7b.7 The views of consultees with regards access, transportation and contaminated land assessment can be addressed by planning condition.

7b.8 The applicant’s supporting statement seeks to demonstrate that the proposed use is compliant with Development Plan policy, will not prejudice industrial/office development take up, will provide new employment opportunities and is acceptable in terms of amenity both for residents of the proposed care home and users of surrounding sites.

7b.9 It is not considered that the proposed development is compliant with Development Plan policy in respect of the designation of the site for business/industrial uses.

7b.10 The site and a number of surrounding sites have a number of years and previous permissions for office development have not been implemented and/or have lapsed.

7b.11 The submitted supporting statement seeks to demonstrate the benefits of an employment use which would not prejudice the future uptake of vacant sites at Central Business Park.

7b.12 It is considered that the supporting statement has demonstrated a strong case that the proposed use is unlikely to prejudice future business land uptake and the existing surrounding amenity of an area with diverse uses.

7b.13 Whilst it is considered that residential care homes may be more suitably located in predominantly residential areas, this is not considered so significant a consideration as to justify the refusal of planning permission in itself.

## **7c Conclusion**

7c.1 The proposed development is not considered to accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft for the reasons detailed in this report.

- 7c.2 It is considered, however, that the proposal would not be a significant departure from the Development Plan. The applicant has provided support for the application with regard to the period for which the sites and surrounding sites have lain vacant, the potential for employment opportunities arising from the proposed development, the unlikely event that approval would jeopardise future uptake of vacant business sites and compatibility of the proposed use with surrounding uses. These material considerations are considered to outweigh the contradiction to Development Plan policy that exists for an element of the proposed development.

## **8. RECOMMENDATION**

### **8.1 It is recommended that the Planning Committee approve the application 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) Order 2009 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.**
- (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) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:**
  - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or**
  - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

- (4) (i) 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 contaminated (as defined by Part 11a 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.
- (iv) In the event that unexpected contamination is encountered following the commencement of development, all work on the effected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a Contaminated Land Assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (5) No Development shall commence on site until a Flood Risk Assessment including surface water drainage proposals with design calculations for the range including 100 and 1000 year storm event period, has been submitted for the assessment of the Planning Authority.
- (6) Site access specification including visibility and parking provision shall be designed in accordance with the requirements of Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area October 1998 as amended January 2000.
- (7) No development shall commence on site until details of a Travel Plan and framework for implementation of proposed travel methods have been submitted for the assessment of the Planning Authority.

**Reason(s):**

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.

- (4) To ensure the ground is suitable for the proposed development.
- (5) To assess the adequacy of drainage proposals in the context of the existing drainage network and potential flooding.
- (6) To ensure that satisfactory access and parking is provided.
- (7) To Promote sustainable travel to the site.

**Informative(s):**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s): 01, 02 and 03.

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**Director of Development Services**

**Date:** 18 August 2010

**LIST OF BACKGROUND PAPERS**

- 1. Falkirk Council Structure Plan.
- 2. Larbert and Stenhousemuir Local Plan.
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2008) as amended by the Final Proposed Modification (June 2010).
- 4. Falkirk Council Economic Downturn Action Plan, December 2008.

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

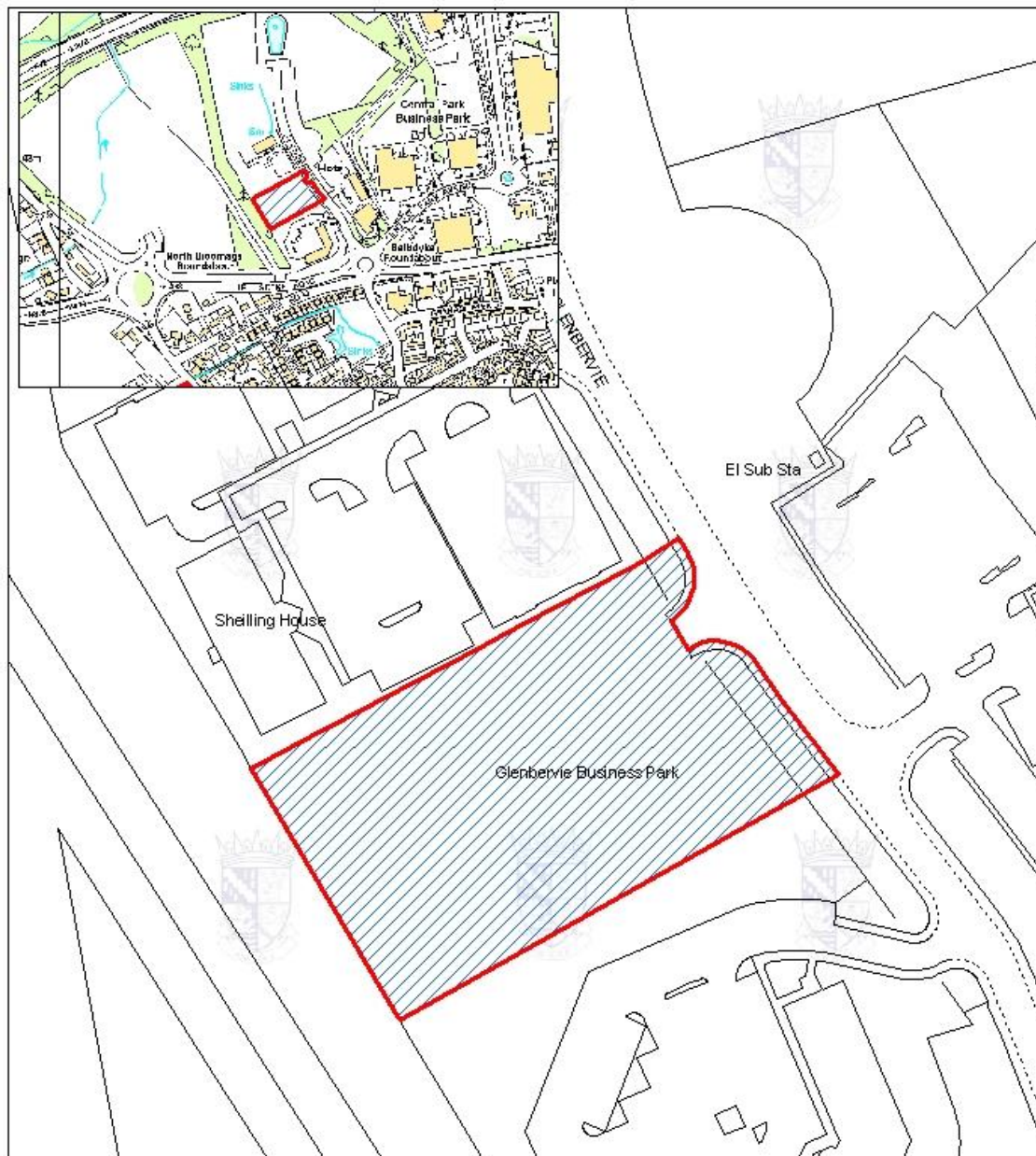


# Planning Committee

## Planning Application Location Plan

**P/10/0215/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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