

FALKIRK COUNCIL

Subject: CONSTRUCTION OF A TRAINING AND MANAGEMENT CENTRE AND CARE HOME WITH ASSOCIATED INFRASTRUCTURE (RENEWAL OF PLANNING PERMISSION P/10/0215/PPP) AT LAND SOUTH OF TRYST HOUSE, GLENBERVIE BUSINESS PARK, LARBERT FOR BLUE WATER SCOTLAND LLP - P/13/0418/PPP

Meeting: PLANNING COMMITTEE

Date: 22 August 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie 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 Members will recall that planning permission in principle for the above proposed development was approved at the meeting of the Planning Committee on 25 August 2010. The development has not commenced and the applicant now seeks to renew the previous grant of planning permission.
- 1.2 The site of the application is vacant land located south of Tryst House, Glenbervie Business Park, Larbert.
- 1.3 The site is level ground enclosed by beech hedging to the north, south and east and by mature structure planting to the west.
- 1.4 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.
- 1.5 The application seeks to re-establish the principle for the construction of a residential care home and associated training and management centre for private health care.

2. REASON FOR COMMITTEE CONSIDERATION

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

3. SITE HISTORY

- 3.1 Planning permission P/10/0418/PPP for the construction of a training and management centre and care home with associated infrastructure was approved by Planning Committee on 25 August 2010 and subsequently issued on 26 August 2010.
- 3.2 Planning application P/08/0415/FUL for the erection of 5 office units was withdrawn on 17 September 2008.
- 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.
- 3.5 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.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections to the proposed development subject to the provision of details relating to drainage, site access and parking.
- 4.2 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. Proposed 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.

Falkirk Council Local Plan

7a.5 The Falkirk Council Local Plan allocates the site for business and industrial use under Proposal ED.L&SO2 (Glenbervie).

7a.6 Policy EP2 - 'Land for Business and Industrial Use' states:

"In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business/industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies."

7a.7 The proposed training and management element of the proposed development is considered to comply with the aims of Proposal ED.L&SO1 and the terms of Policy EP2. The residential care home proposed cannot, however, be considered as an identified use or ancillary development for the proposed training and management centre or surrounding business uses.

7a.8 The proposed development is therefore considered to be contrary to the Development Plan, but not significantly so.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan (Proposed Plan), 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 Falkirk Local Development Plan (Proposed Plan) identifies the site for business and industrial development in Proposal ED20. These identified uses are consistent with extant relevant Development Plan policies. In addition, policy BUS02 - 'Core Business Areas' - is a relevant consideration. Policy BUS02 identifies that compatible employment uses other than business and industrial uses will be permitted where they are compatible with the business/industrial character of the area and comply with other Development Plan policies.

7b.3 The proposed use has previously demonstrated compatibility with the business/industrial character of the area. The emerging policy BUS02 provides increased flexibility for the consideration of other employment uses.

7b.4 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.5 The proposal represents an opportunity for investment at Glenbervie which has seen little investment in recent 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 and emerging Development Plan policy.
- 7b.6 The views of consultees can be addressed by planning condition.
- 7b.7 The applicant's supporting statement has established the reasons for the applicant not advancing the previous planning permission, the absence of material change in Development Plan policy since the grant of planning permission and the increased flexibility in the emerging Development Plan policy.
- 7b.8 The site and a number of surrounding sites have been vacant for a number of years and previous permissions for office development have not been implemented and/or have lapsed.
- 7b.9 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.10 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 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's agent has provided supporting information for the application with regard to the reasons why development has not been implemented during 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 with Development Plan policy that exists for an element of the proposed development.
- 7c.3 In addition, emerging policies of the Falkirk Local Development Plan (Proposed Plan) provide more flexibility for the consideration of employment uses other than of a business/industrial nature.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee approve the application subject to the following conditions: -

- (1) Plans and particulars of the matters specified below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:**
 - (a) the siting of the building(s);**
 - (b) the design of the building(s);**
 - (c) the external appearance of the building(s);**
 - (d) details of the access arrangements;**
 - (e) details of landscaping of the site; and**
 - (f) details of proposed boundary treatments.**
- (2) As part of any application for Matters Specified in Conditions, details of the following shall be submitted to the Planning Authority and only the approved details shall be implemented:**
 - (a) siting, size, height, design and external appearance, including all external finishing materials, of the proposed development;**
 - (b) details of access arrangements;**
 - (c) details of all boundary fences;**
 - (d) details of surface water and foul drainage arrangements;**
 - (e) details of landscaping of the site and future maintenance of landscaping; and**
 - (f) a scheme for protecting the new dwellinghouses from noise from transportation.**
- (3) In the event that unexpected contamination is encountered following commencement of development, all work on the affected part of the site shall cease. The developer shall notify Falkirk Council immediately, carry out a contaminated land assessment and undertake necessary remediation works. Development shall not recommence without the prior written approval of Falkirk Council as Planning Authority.**
- (4) 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.**
- (5) 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.**

Reason(s):-

- (1) To ensure that the matters specified are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) act 2006.
- (2) To ensure that an appropriate level of detail is considered prior to work commencing on site.
- (3) To ensure the ground is suitable for the proposed development.
- (4) To assess the adequacy of drainage proposals in the context of the existing drainage network and potential flooding.
- (5) To ensure that satisfactory access and parking is provided.

Informative(s):-

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

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Director of Development Services

Date: 13 August 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Economic Downturn Action Plan, December 2008.
4. Falkirk Local Development Plan (Proposed Plan).

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/13/0418/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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