

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM SHOP (CLASS 1) TO OFFICE (CLASS 2) (RETROSPECTIVE) AT 13 PRINCES STREET, FALKIRK, FK1 1LS FOR CENTURY 21 FALKIRK – P/09/0198/FUL

Meeting: PLANNING COMMITTEE

Date: 20 May 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Councillor Pat Reid**

Community Council: Falkirk Central

Case Officer: Stephen McClure, Planning Officer, 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a shop unit located on Princes Street in Falkirk town centre. The unit is located at the end of a row of small units, within an area containing a mix of business uses and domestic properties.
- 1.2 The proposal is for the change of use from Class 1 (Shop) to Class 2 (Office – Estate Agents) (Retrospective), this application does not include any exterior changes to the unit or consent to display advertisements.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Councillor Carleschi, an elected member of the council, has a significant shareholding in the applicant company.

3. SITE HISTORY

- 3.1 None relevant to the current proposal.

4. CONSULTATIONS

- 4.1 The Roads Unit was consulted on the application and did not require any roads conditions to be attached.

5. COMMUNITY COUNCIL

- 5.1 The Falkirk Central Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 No public representation 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 There are no specific policies in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

The Falkirk Local Plan

- 7a.2 Policy FAL 7.9 ‘Protected Shopping Frontages’ states:

“The Council will protect the primary retail function of principal shopping streets and shopping malls within Falkirk Town Centre. Accordingly:

- (i) Within those primary shopping frontages indicated on the Policies, Proposals and Opportunities Map, the Council will not normally permit changes of use of ground floor premises to, or new development on vacant ground floor sites for, uses other than shops as defined by Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. In certain circumstances, favourable consideration may be given to applications for restaurants, cafes, banks and building societies provided that, in the opinion of the Council, such applications would be of benefit to the shopping function of the area, and no undesirable concentration of non-retail uses would be created;*
- (ii) Within the Callendar Square Shopping Centre, there will be a similar presumption against the introduction of uses other than Class 1 except, where appropriate, restaurants, cafes, banks and building societies; and*
- (iii) Within other secondary shopping frontages, the introduction of uses other than Class 1 will generally be viewed favourably provided the proposed use is compatible with the shopping character of the street and is satisfactory in amenity terms.”*

7a.3 The unit is outwith the protected shopping frontages allocated within the Town Centre, being located within an area of secondary shopping frontages. It is considered that the change of use to Class 2 of the Use Class Orders, in this particular case to an estate agency, would be acceptable. The use is considered compatible with the shopping character of the street, and would be satisfactory in amenity terms.

7a.4 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy FAL4 - 'Falkirk Town Centre' states:

- “(1) The Council will promote the role of Falkirk Town Centre as the Sub-Regional Centre within the Council area.*
- (2) Within the core area, Class 1 retailing should predominate. The Council will not permit changes of use from Class 1 retail in ground floor premises, except where it is demonstrated that an alternative use would be of benefit to the retail function of the core area, and would not lead to a concentration of non-retail uses within the street frontage.*
- (3) Within the secondary area, the Council will promote a balance of Class 1 retail, leisure, food and drink, Class 2 business, community and residential uses. Proposals for changes of use of ground floor properties from Class 1 retail will be permitted provided this balance is maintained, an active frontage is provided within shopping streets, and the proposal is satisfactory in amenity terms.*
- (4) Within Central Retail Park, proposals for non-food retail, leisure and food and drink will be supported provided they comply with the Section 75 Agreement covering the Retail Park, including restrictions on the type of goods that may be sold within Phase 2.*
- (5) Within upper storeys of Town Centre properties, the reuse of vacant floorspace for residential use will be supported.”*

7b.3 This affirms policy FAL 7.9 of the Falkirk Local Plan. The unit is located within an area considered as a secondary shopping street within the Town Centre of Falkirk. There is a good balance of differing uses on the street, which would be maintained with the unit being converted to Class 2 (Estate Agency). The proposal is also acceptable in amenity terms.

7b.4 Accordingly, the proposal accords with the Development Plan.

7c Conclusion

7c.1 It is considered that the proposal is acceptable development, is in accordance with Policy FAL 7.9 the Falkirk Local Plan and Policy FAL4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version). There are no other material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

8.1 It is recommended that detailed planning permission be granted.

... R Geisler
Ds

Date: 13 May 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council – Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure (Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0198/FUL

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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