

**FALKIRK COUNCIL**

**Subject:** CHANGE OF USE OF UNIT 1 FROM CLASS 4 (BUSINESS) TO CLASS 2 (FINANCIAL, PROFESSIONAL & OTHER SERVICES) AT 80 WALLACE STREET, GRANGEMOUTH FK3 8JU FOR ALEX MILLER - P/09/0738/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 27 January 2010  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Depute Provost Allyson Black  
Councillor Angus MacDonald  
Councillor Alistair McNeill  
Councillor Robert Spears

**Community Council:** Grangemouth

**Case Officer:** Julie Seidel (Planning Officer), ext 4880

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

- 1.1 This is a detailed planning application for the change of use from Class 4 (Business) to Class 2 (Financial, Professional and Other Services) at Unit 1, 80 Wallace Street, Grangemouth.
- 1.2 The application site is located at the corner of Jackson Avenue and Wallace Street, Grangemouth. The area is predominantly residential although La Porte Precinct is located nearby. Residential properties are located to the north, south, east and west of the site. The application site is located in a row of three Class 4 units with residential accommodation at first floor level.

**2. REASON FOR REFERRAL TO COMMITTEE**

- 2.1 This application has been called in by Councillor Robert Spears.

**3. SITE HISTORY**

- 3.1 F/97/0436 - alterations and change of use of shop to distribution (class 11) (detailed) - granted 14 August 1997.
- 3.2 P/07/0239/FUL - sub-division of unit to form 7 offices - refused 19 September 2007 - appeal dismissed 28 March 2008.

- 3.3 P/08/0694/FUL - conversion of former warehouse and trade outlet to 3 commercial units (class 4) and 2 flats - granted on 25 March 2009.
- 3.4 P/09/0688/FUL - change of use of unit 3 from class 4 (business) to class 1 (shop) - granted on 19 November 2009.
- 3.5 P/09/0737/FUL - change of use of unit 5 from class 4 (business) to class 2 (financial, professional and other services) - pending consideration.

#### **4. CONSULTATIONS**

- 4.1 Scottish Water does not object to the application but any planning approval granted by a local authority does not guarantee a connection to Scottish Water infrastructure.
- 4.2 The Roads and Development Unit has advised that there are no roads conditions to be attached to any consent to be granted.
- 4.3 The Health and Safety Executive has been consulted through the PADHI+ System and the proposals result in a 'do not advise against' recommendation.
- 4.4 The Environmental Protection Unit has no objections to the application subject to an informative relating to contamination.

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

- 5.1 Grangemouth Community Council has not made any representations.

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

- 6.1 7 letters of representation were received, of these, 2 Letters of comment/objection raised the following issues:-
- Limited on-street parking;
  - Residents should be able to park directly outside their front door;
  - Parking on both sides of the street would prevent access for Emergency and Hospital transport vehicles;
  - Overdevelopment of a quiet business premises;
  - Noise nuisance as a result of vehicles and customers to the unit;
  - Falkirk Council has not protected the environment, safeguarded the human health or enhanced the quality of life of Falkirk Council citizens living in the locality;
  - Applications at the site have not been dealt with in a transparent manner;

- The views and opinions of the local residents are not important; and
- Disappointment in relation to the planning history of the application site.

6.2 The 5 letters of support raised the following issues:

- The same 2 or 3 people object to applications at the site;
- There has never been a problem with parking in Jackson Avenue. Jackson Avenue is a dead end and all the houses have driveways and plenty of on street parking. Many elderly residents do not own a car;
- The development is an asset to the community;
- The building is almost complete and the area looks good; and
- It is unacceptable that the units cannot be let until February.

## 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 Policy ECON.3 'Local Business Development Opportunities' states:

*"Provision will be made for business and industrial land to meet local needs within settlements. Local Plans will assess local need and identify and safeguard suitable sites which should meet all relevant environmental, amenity, access and infrastructure requirements giving priority to previously developed sites."*

7a.2 This policy indicates that, apart from the strategic development opportunities, there will be a need for a supply of new business sites to meet local needs. Such sites will continue to be identified through Local Plans although other sites may arise which meet the appropriate detailed criteria.

7a.3 The application is not of a strategic nature and as such does not offend the terms of policy ECON.3.

7a.4 Policy ENV.4 'Coastal Planning and Flooding' states:

*"The Council will apply the following general principles with regard to coastal planning and flooding issues:*

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.5 Policy ENV.4 'Coastal Planning and Flooding' seeks to prevent development within coastal zones and areas where there is a significant risk of flooding. During consideration of the application for 3 commercial units (Ref: P/08/0694/FUL) the application site was identified by the Scottish Environmental Protection Agency as being at risk through flooding. Consultation through Falkirk Council's Flood Officer and external consultant - Sir Frederick Snow and Partners Ltd (Scotland) advised that the ground floor commercial element represents no net increase in flood affected property. Falkirk Council's Flood Officer advised that the change of use to a class 2 use would similarly result in no net increase. The application does not offend the terms of policy ENV.4.

**Grangemouth Local Plan**

7a.6 Policy Grangemouth Two 'Development within the Urban Limit' states:

*"That within the Urban Area, urban uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision."*

7a.7 Policy Grangemouth Two advises that urban uses will be generally acceptable provided they accord with all other relevant Council policies and standards of provision. The proposed class two use is considered compatible within the area, particularly bearing in mind the existing class 4 use (Ref: P/08/0694/FUL). The proposal accords with all other relevant Council Policies and as such accords with Policy Grangemouth Two.

7a.8 Policy Grangemouth Seven 'Major Hazard Consultation Zones' states:

*"That within a major hazard consultation zone development will not normally be permitted unless the District Council is satisfied that future users or occupants will not significantly add to the number of people exposed to the existing risks in the area."*

- 7a.9 The Health and Safety Executive's criteria for risk have been assessed and a 'do not advise against' response has been obtained. The application accords with policy Grangemouth Seven.
- 7a.10 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations relating to the application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), and the points raised through public representation.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.2 Policy SC7 - 'Established Residential Areas' states:

*"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. 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.3 Policy SC7 of the above Local Plan sets out criteria to be met by proposals for non-residential uses in residential areas, stresses the need to ensure that there is no detriment to local residents through noise, disturbance, traffic generation or parking. The application site relates to an existing Class 4, business use. The introduction of a class 2 use is considered compatible within the established residential area. It is considered that the existing class 4 use and proposed class 2 use would have a similar impact on the area in terms of noise, disturbance, traffic generation and parking. As such it is considered that the application would not have any materially greater impact on the amenity of the area than the current use. The application accords with policy SC7.

- 7b.4 Policy EP4 'Business and Industrial Development within the Urban and Village Limits' states:

- "(1) New business and industrial development, or extensions to such uses, will be supported within the business areas highlighted in Policy EP2 and EP3(1), where it accords with the use specified for the area, is compatible with the established level of amenity in the business area, and protected habitats and species are safeguarded in accordance with Policy EQ24. Office development will also be supported within the Town and District Centres, providing it is also consistent with the specific policies for the relevant centre, particularly with regard to the safeguarding of the centre's retail function.*
- (2) Outwith these areas, proposals within the Urban Limit will only be permitted where the nature and scale of the activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity, and the proposal is satisfactory in terms of access, parking and traffic generation."*

- 7b.5 Policy EP4 permits new business and industrial development within the urban area where the nature and scale of activity will be compatible with the surrounding area, there will be no adverse impact on neighbouring uses or residential amenity and the proposal is satisfactory in terms of access, parking and traffic generation. A retail and storage and distribution use has historically existed at the site and the premises have current permission for a class 4 business use. The proposed use would not have any materially greater impact on the amenity of the area than these previous uses. The application accords with policy EP4.

7b.6 Policy EP18 - 'Major Hazards' states:

*"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means."*

7b.7 The Health and Safety Executive has been consulted and a 'do not advise against' response has been received. The application accords with policy EP18.

7b.8 Policy ST12 - 'Flooding' states:

*"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."*

7b.9 Policy ST12 seeks to avoid development in areas that are seriously at risk from flooding and to demonstrate that any flood risks can be adequately managed. During the consideration of the application for 3 commercial units (Ref: P/08/0694/FUL) the application site was identified by the Scottish Environmental Protection Agency as being at risk through flooding. Consultation through Falkirk Council's Flood Officer and external consultant - Sir Frederick Snow and Partners Ltd (Scotland) advised that the ground floor commercial element represents no net increase in flood affected property. Falkirk Council's Flood Officer advises that the change of use to a class 2 use would similarly result in no net increase. The application accords with policy ST12.

### ***Points Raised Through Comment***

7b.10 To address points raised through comment, it should be noted:-

- The vast majority of houses in the area have their own off-street parking. The local roads are wide and there is ample on-street parking available. It is not considered that the proposal would have a detrimental impact on the residential amenity of the area due to a lack of in-curtilage parking. Indeed there is no evidence of existing/previous problems of this nature related to the use of these premises. The proposed use is not considered to have a material greater impact on parking demands than the current or previous uses at the application site. The Roads Development Unit has not objected to the proposed development.
- A retail, storage and distribution use has existed at the site in the past and has current permission for a class 4 business use. The proposed use would not have any greater impact on the amenity of the area than those previous uses and does not result in an over development of the application site or residential area.
- Noise was not considered a determining factor in considering the application by the Environmental Protection Unit. However, if a noise complaint were received, this could be investigated by the Environmental Protection Unit.

- Applications at the site have been dealt with in a transparent manner in accordance with Falkirk Council policy and procedures.
- The views and opinions of the local residents are a material planning consideration and have been noted and addressed as such during the assessment of each individual application at the site.
- Opinion in relation to the outcome of previous applications at the site is not material to consideration of the current planning application.
- The comments raised in support of the application are noted.

## **7c Conclusion**

- 7c.1 The application has been assessed as being in accordance with the Development Plan and emerging District wide Local Plan. The comments received through representation are noted and addressed in this report. No major issues have been raised through consultation.

## **8. RECOMMENDATION**

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

- (1) The development to which this permission relates must be begun within three years of the date of this permission.

### **Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

### **Informative(s):**

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

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For Director of Development Services

Date: 19 January 2010

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Grangemouth Local Plan.
3. Falkirk Council Local Plan Finalised Draft Deposit Version.
4. Letter of objection from Peter and Isabel McQuillan, 78 Wallace Street, Grangemouth FK3 8BS on 8 November 2009.
5. Letter of comment, received via email, from Joan, Alan and Catriona Love, 68 Wallace Street, Grangemouth FK3 8BS on 12 November 2009.
6. Letter of support from Mark Mitchell, 17 Jackson Avenue, Grangemouth FK3 8JU on 5 December 2009.
7. Letter of support from Malcolm and Helen McDougall, 3 Jackson Avenue, Grangemouth FK3 8JU on 12 December 2009.
8. Letter of support from Joe Gallacher, 38 Wallace Street, Grangemouth FK3 8BP on 12 December 2009.
9. Letter of support from Lindsay Lauder, Flat 5 Jackson House, 80 Wallace Street, Grangemouth FK3 8JS on 8 January 2010.
10. Letter of support from Ronnie Higgans, Flat 1 Jackson House, 80 Wallace Street, Grangemouth FK3 8JS on 8 January 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel (Planning Officer).

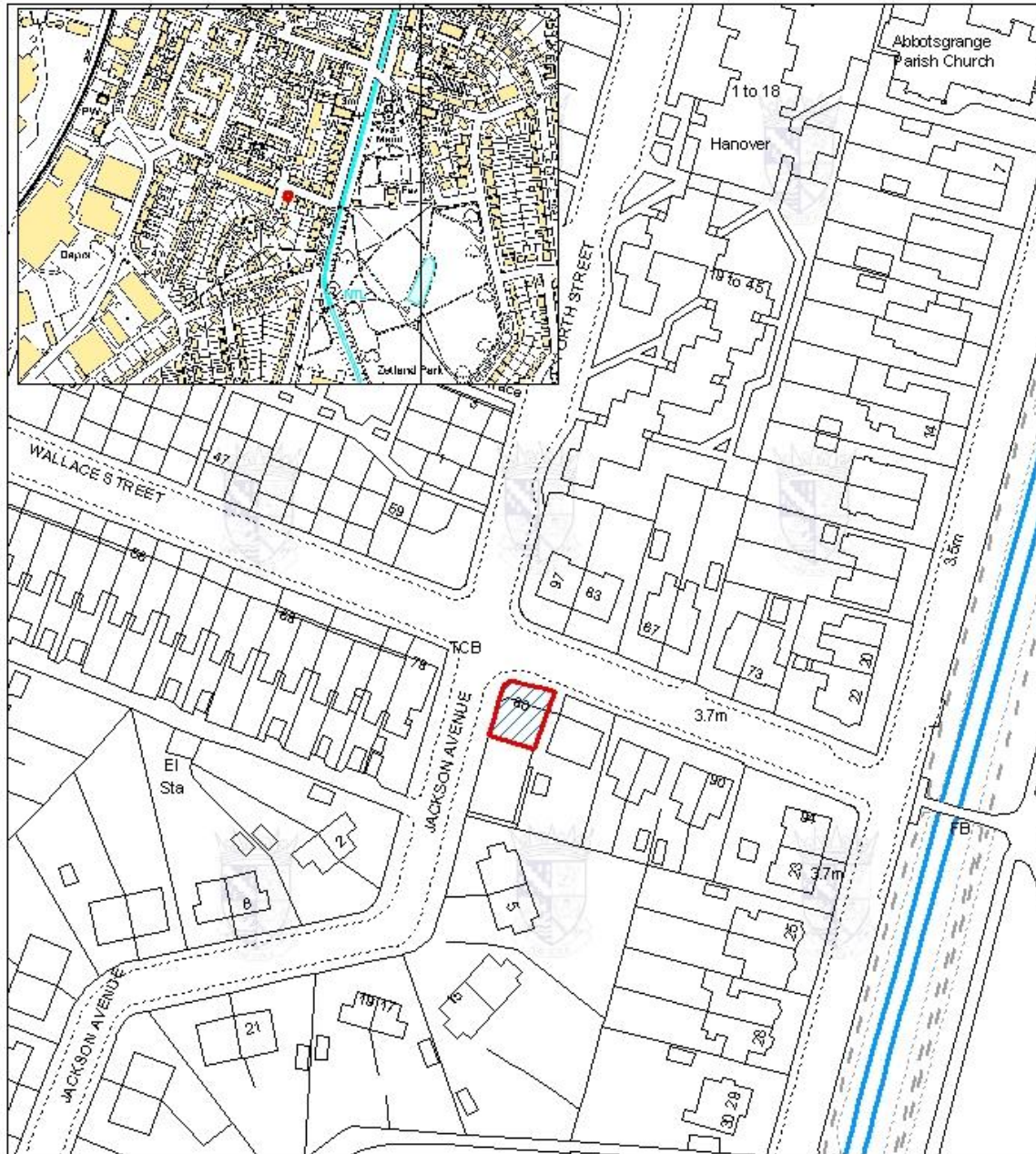


# Regulatory Committee

## Planning Application Location Plan

**P/09/0738/FUL**

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



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