

FALKIRK COUNCIL

Subject: **CHANGE OF USE FROM SOCIAL CLUB TO PUBLIC HOUSE AT 2 DUNDAS STREET, GRANGEMOUTH, FK3 8BX FOR MR ROBERT DOUGLAS HANNIGAN (P/09/0785/FUL)**

Meeting: **PLANNING COMMITTEE**

Date: **27 January 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

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

Community Council: Grangemouth

Case Officer: Kevin Brown, (Planning Officer) Ext 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the change of use of an existing social club to form a public house. The proposal does not include any alterations to the interior or exterior of the premises. At the time of the initial submission, the application included a proposed beer garden area to the front of the premises however this area has subsequently been deleted from the proposal.
- 1.2 The application site is located within a mixed use area on the edge of Grangemouth town centre and is bounded to the west by a railway, to the south by a further social club, to the north by a public carpark and across Dundas Street to the east by a block of three storey flats.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has generated an advise against response from the Health and Safety Executive.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objections however the unit has advised of a standard contaminated land informative that they wish to be applied to any consent given.
- 4.2 The Health and Safety Executive PADHI+ system has generated an advise against response. This response was queried directly with the HSE by letter dated 9 December 2009, to which a response was received on 18th December confirming that it is for the Planning Authority to take any existing use of the site into account, if appropriate, along with HSE's advice and any other relevant factors, when determining the application. Any recommendation to approve this application will therefore require to be referred to the Scottish Government prior to determination.
- 4.3 The Roads Development Unit has no objections to the proposal and is satisfied with the current parking and access provision.

5. COMMUNITY COUNCIL

- 5.1 The Grangemouth Community Council has commented on the proposal and whilst it supports the reinvigoration of the premises they raised concerns in relation to the beer garden (proposed in the initial submission and now deleted) and the potential for road safety issues to become apparent given that the premises front onto a busy main road.

6. PUBLIC REPRESENTATION

- 6.1 3 letters of objection were received following the neighbour notification process. One of these letters was from the local Community Council and is outlined above. Issues raised in the remaining letters include:
- Lack of disabled access provision;
 - Anti social behavior issues associated with the current use;
 - Loss of privacy and residential amenity as a direct result of the proposed beer garden.

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 specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Grangemouth Local Plan

- 7a.2 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.3 Whilst the HSE PADHI+ consultation system has generated an advise against response, the PADHI+ system does not take account of the existing use of the premises. It is considered that the proposed change of use will not significantly increase the number of people exposed to the existing risks in the area and as such the proposal is considered to accord with the terms of the Grangemouth Local Plan.
- 7a.4 Accordingly, the proposal accords with the terms of the Development Plan.

7b Material Considerations

- 7b.1 The material considerations relating to this proposal are the representations received, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the existing use of the premises and the response from the Health and Safety Executive.

Representations Received

- 7b.2 As the beer garden area has been deleted from the proposals the points of concern raised are limited to disabled access, anti social behavior and road safety issues.
- 7b.3 Anti social behavior and disabled access issues are not directly material planning considerations. The premises can legitimately operate as a social club without requiring any further planning permission. The issues raised regarding antisocial behaviour would be matters for the Police and the Licensing Board.
- 7b.4 The Roads Development Unit raise no objections to the proposals with regard to road safety and parking. The premises benefit from a large car park area to the rear of the building and there are double yellow line parking restrictions along the whole frontage of the site. Therefore, it is not considered that road safety issues will become apparent as a result of setting down and picking up from the front door of the premises.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.5 Policy EP9 - ‘Food And Drink ‘ states:

“Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre’s retail function; and*
- (3) Parking, access and traffic generation requirements are satisfied.”*

7b.6 The application site is located on the edge of the town centre as identified in the Draft Local Plan. It is considered that the proposed change of use from an established social club to a public house would not have any adverse effects on the amenity of residential properties. The proposal would not affect the retail function of Grangemouth town centre and the Roads Development Unit advise there are no issues in relation to traffic, access and parking. The proposal is therefore in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.7 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.8 As outlined in paragraphs 4.2 and 7a.3, the proposed development has generated an advise against response from the HSE PADHI+ consultation system. This system does not however take into account the existing use of the premises as a Social Club. Considering the existing use of the premises, it is clear that the proposed development will not result in a significant increase in the number of people exposed to risk in the area. The proposal will however allow the owner and operator of the premises a greater chance to operate within the recently modernised licensing laws thus improving the potential long term viability of the business in this location and contributing beneficially to the regeneration of the area.

7b.9 The proposal is therefore considered to be in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Existing Use of Premises

7b.10 The existing use of the premises as a social club is considered very similar to the proposed use of the premises as a public house. The premises can operate as a social club at present without requiring any planning permission and this has been the established use for a number of years. The concerns raised in reference to anti social behavior issues, disabled access, and road safety are concerns which appear to be generated from and relevant to the existing operations on the site and it is not considered that these will be exacerbated as a result of any change of use to a pub. It is therefore considered that there would be no net benefit in refusing the current application on any of these grounds.

Health and Safety Executive Consultation Response

7b.11 The HSE PAHDI+ system does not take into consideration the existing use of a premises and has therefore generated an advise against response. This characteristic of the PAHDI+ consultation system has been the subject of many discussions in the last year, however, as yet the HSE has not changed the system. As is referred to in paragraph 7b.7 of this report, the existing use of the premises is very similar to the use proposed, and therefore it is considered that the proposed development would not increase the number of people at risk from any hazardous installations.

7c Conclusion

- 7c.1 It is considered that the proposal represents an acceptable form of development and is in accordance with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in these circumstances. However, there is one objection to the application from the HSE. Therefore a referral to Scottish Ministers is required in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate that it is minded to grant planning permission subject to:
- (a) The application being referred to Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
 - (b) And thereafter, provided the matter is not referred to Scottish Ministers for determination, on conclusion of the foregoing matter, remit to the Director of Development Services to grant planning permission subject to the following condition.
 - (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) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected 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
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference number(s) 01, 02A and 03.

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Director of Development Services

Date: 19 January 2010

LIST OF BACKGROUND PAPERS

1. Grangemouth Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection received from Mr Peter Rowe Secretary Falkirk Access Group, 16 Dundas Street, Bo'ness, EH51 0DG on 16 November 2009.
4. Letter of objection received from Mrs Catherine Bell, 1 Dundas Street, Grangemouth, FK3 8BX on 19 November 2009.
5. Letter of objection received from Mr Walter Inglis (Grangemouth Community Council), 14 Lawers Place, Grangemouth on 27 November 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

P/09/0785/FUL



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