



Case reference	NA-FLK-042
Application details	Alteration and change of use of restaurant (Class 3) to house in multiple occupancy (sui generis)
Site address	60B La Porte precinct, Grangemouth
Applicant	REWD Group
Determining Authority	Falkirk Council
Local Authority Area	Falkirk Council
Reason(s) for notification	Category 2 (objection from Government Agency) (HSE)
Representations	1 plus Grangemouth Community Council
Date notified to Ministers	19 June 2020
Date of recommendation	15 July 2020
Decision / recommendation	Clear

Description of Proposal and Site:

- Full planning permission is sought for alternations and the change of use of a former restaurant premises to a House in Multiple Occupation at 60 B La Porte Precinct, Grangemouth. The application relates to the first floor of a three storey building in the Town Centre.
- The building subject to the application site is located within the consultation distance of three major hazard sites; the middle zones of Syngenta Ltd and CalaChem and the outer zone of Fujifilm Imaging Colorants Ltd.

EIA Development:

- The proposal is below the threshold for EIA. Falkirk Council confirms it did not screen the application. We are satisfied that the development does not require an EIA to be undertaken.

Consultations and Representations:

- The Health and Safety Executive (HSE) objected to the application, considering there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

- Following notification HSE were consulted on whether ministers should call in the application. After careful consideration HSE does not recommend that Scottish Ministers call-in this case for their own determination.
- A member of the public, and the Grangemouth Community Council objected to the development. These objections were considered by Falkirk Council in its assessment of the application.

Assessment:

1. This full planning application was notified to Scottish Ministers because Falkirk Council is minded to grant planning permission contrary to the advice of the Health and Safety Executive.
2. HSE was a consultee on the planning application, and advised against the granting of planning permission. HSE consider that although the likelihood of a major application is small, it is important to consider the risks to people in the vicinity of hazardous installations.
3. Falkirk Council has considered the advice from HSE, but do not consider that the proposed development would significantly increase the number of people exposed to risk in the area, noting that the redevelopment is in an established town centre area. The Council consider the proposal would achieve regeneration benefits by bringing the unused floor space into residential use. The Council also considered the objections lodged to the application by a member of the public, and by the Community Council. The Council is satisfied the proposed change of use complies with the adopted Falkirk Local Development Plan; and that the town centre location, existing permitted use as a restaurant, and the regeneration benefits of the development outweigh the HSE objection.
4. Following notification to Scottish Ministers, further consultation with HSE was carried out. HSE advise that after careful consideration, they do not recommend that Scottish Ministers call in the application. However, HSE's land use planning advice remains that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case, and HSE's response to Ministers does not mean that this advice is withdrawn. HSE is however content that suitable consideration has been given by the Council. HSE states that it normally considers its role to be discharged when it is satisfied that the planning authority is acting in full understanding of HSE's advice and of the consequences to public safety that could follow.
5. In conclusion, overall, Scottish Ministers are content that Falkirk Council has fully considered HSE's advice in reaching their decision to grant planning permission, and also consider that there are no issues of national importance which would require ministerial intervention in the case.

Decision/Recommendation:

- Clear the application back to Falkirk Council to determine.