



Agenda Item 4

**CHANGE OF USE FROM EXISTING
RESTAURANT, HOT FOOD
TAKEAWAY, DISTRIBUTION CENTRE
AND OFFICE ACCOMMODATION TO
FORM HOTEL (CLASS 7) AT
262, 264 & 268 GRAHAMS ROAD,
FALKIRK, FK2 7BH, FOR DUNVEGAN
PROPERTIES UK LIMITED -
P/17/0429/FUL**

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM EXISTING RESTAURANT, HOT FOOD TAKEAWAY, DISTRIBUTION CENTRE AND OFFICE ACCOMMODATION TO FORM HOTEL (CLASS 7) AT 262, 264 & 268 GRAHAMS ROAD, FALKIRK, FK2 7BH, FOR DUNVEGAN PROPERTIES UK LIMITED - P/17/0429/FUL

Meeting: PLANNING COMMITTEE

Date: 25 October 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Councillor David Alexander
Councillor Cecil Meiklejohn
Councillor Robert Bissett
Councillor Dennis Goldie

Community Council: Grahamston, Middlefield and Westfield

Case Officer: John Milne (Senior Planning Officer) Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks to change the use of premises from a hot food takeaway, distribution centre, office accommodation and restaurant to a hotel. Minimal external changes to the exterior of the building are proposed, beyond the removal of industrial kitchen cooking and ventilation equipment. These areas would be repaired to match existing finishes and three new windows would be installed on the ground floor of the restaurant building, facing the car park.
- 1.2 It is proposed to use existing car parking provision, as well as removing a wall to facilitate additional parking. Ten off-street car parking spaces would be provided. The site is on the west side of the B902 Grahams Road, Falkirk. The road at this location is a two way lit carriageway with on street parking covered by various time restrictions.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to Planning Committee at the request of Councillor Meiklejohn. The reason for call-in is concern that there is not adequate parking to support the development in an area that is already pressured by parking and on a busy main access route.

3. SITE HISTORY

- 3.1 P/07/0363/ADV Advertisement Consent Granted 15 June 2007 Display of Illuminated Advertisement.
- 3.2 P/08/0135/FUL Detail - Granted 27 March 2008 Alterations to Shopfront.
- 3.3 P/08/0154/ADV Advertisement Consent Granted 27 March 2008 Display of Illuminated Advertisement.
- 3.4 F/94/0479 Detail - Granted 02 August 1994 Alterations and Change of Use of Public House to Restaurant (Detailed)
- 3.5 F/2003/0758 Detail - Granted 18 January 2004 Change of Use of Distribution Centre to Restaurant.
- 3.6 F/97/0503 Detail - Granted 09 September 1997 Change of Use of Public House and Alterations to Form Storage and Distribution Outlet (Ground Floor) and Restaurant (First Floor) (Detailed).
- 3.7 F/2005/0257 Detail - Refused 05 October 2005 Formation of 3 Flatted Dwelling.
- 3.8 P/09/0348/FUL Detail - Granted 24 July 2009 Change of Use from Offices to Ancillary Restaurant Waiting Area and B.
- 3.9 F/90/1030 - Conditional Temporary Consent 21 January 1991 Display of Illuminated Advertisement.
- 3.10 F/90/0722 - Conditional Temporary Consent 13 August 1990 Installation of Illuminated Advertisement.
- 3.11 F/91/0989 - Conditional Temporary Consent 12 November 1991 Display of Illuminated Advertisement.
- 3.12 F/98/0122 - Conditional Temporary Consent 16 July 1998 Display of Illuminated Advertisement.
- 3.13 F/90/0769 Detail - Granted 12 September 1990 Change of Use of Public House to Hot Food and Alterations to Frontage.
- 3.14 F/99/0608 Detail - Granted 19 January 2000 Part Change of Use of Function Suite and Alterations to Building to Form Flat (Detailed).
- 3.15 F/90/1029 Detail - Granted 21 January 1991 Change of Use of 1st Floor Lounge Bar to Staff Rooms & Office.
- 3.16 ENF/2008/0023 - 26 March 2008 Enforcement Enquiry.
- 3.17 P/07/0363/ADV - Advertisement Consent Granted 15 June 2007 Display of Illuminated Advertisement.
- 3.18 P/08/0135/FUL Detail – Granted 27 March 2008 Alterations to Shopfront.

- 3.19 P/08/0154/ADV - Advertisement Consent Granted 27 March 2008 Display of Illuminated Advertisement

4. CONSULTATIONS

- 4.1 The Roads Development Unit raise concern regarding the shortfall of car parking spaces proposed. However, this is balanced by consideration of the vehicle and traffic generation from the existing premises. Therefore, there is no objection to the proposal in principle.
- 4.2 Scottish Water have no objection to the proposal.
- 4.3 Environmental Protection Unit have requested informatives regarding potential noise nuisance and a condition relating to contaminated land.

5. COMMUNITY COUNCIL

- 5.1 No comments received.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 27 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- Car parking requirement is deficient and would cause disruption to neighbouring roads and streets, all to the inconvenience of existing residents;
 - Windows on new proposal would overlook existing residential garden ground and dwellinghouses, all to adverse impact on privacy;
 - The property would be used as a hostel/hotel/House of Multiple Occupation;
 - The property would be unattended. This would attract the wrong type of clients;
 - It is unclear where the proposed fire escape on the west elevation would be;
 - The existing access road can already be blocked with delivery lorries and cars left on the road by shift workers at the existing premises;
 - There is already a lodging house across the road;
 - The area would be plagued with drunks, drug users and property prices would fall;
 - Customers to the existing restaurant arrive mostly by foot or taxi and there is no overnight parking;
 - If the hotel is not manned 24 hours, who would be available to answer any complaints?;
 - Noise disturbance already exists with various hostelryes and entertainment venues and would likely be exacerbated by a hotel.

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

The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.1 Policy BUS01 - Business and Tourism states:

1. *The Council will promote the Strategic Business Locations (SBLs) and National Developments identified on Map 3.3 as the priority areas for economic development. Development of the site specific elements of the SBLs, as listed in the Settlement Statements and detailed in the Site Schedule in Appendix 1, will be to high standards of design in accordance with a development brief or masterplan for each location approved by the Council, to ensure a comprehensive and sensitive approach to site planning.*
2. *Other local sites for new local business and industrial development listed in the Settlement Statements and detailed in the Site Schedule will be safeguarded for the employment use specified for each site.*
3. *The Council will give priority to the development of tourism proposals which support the themes/networks and strategic nodes identified in Figure 3.2 and Map 3.4. Proposals will be supported which:*
 - *complement the existing pattern of development;*
 - *are of a quality which enhances the image and tourism profile of the area;*
 - *comply with other LDP supporting policies.*

7a.2 This policy seeks to promote the Strategic Business Locations as the priority areas for economic development and the Council will give priority to the development of tourism proposals which support the themes/networks and strategic nodes identified. Proposals will be supported which complement the existing pattern of development, are of a quality which enhances the image of tourism profile of the area and comply with other supporting policies. While not in the immediate Falkirk Town Centre, the application site is located very close to the Forth and Clyde Canal, offering pedestrian access to the Helix, Falkirk Wheel and Falkirk Town Centre. The site is on a bus route and is within walking distance of a nearby train station and town centre.

7a.3 Policy D01 - Placemaking states:

The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:

1. *Strategic Housing Growth Areas & Business Locations*
2. *Town and Village Centres*
3. *Town Gateways and Major Urban Road Corridors*
4. *Canal Corridor*
5. *Central Scotland Green Network*

7a.4 This policy identifies the application site as being within an area where there will be a particular emphasis on high quality design and environmental enhancement. Major urban road corridors are included in this aspiration and the proposed use of the existing premises would ensure that the economic generation and contribution from this location continues.

7a.5 Policy INF11 - Parking states

The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

1. *The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
2. *The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
3. *Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
4. *New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.6 This policy seeks to manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met. Parking at edge of centre locations is considered to benefit from alternative sustainable travel options and, in this particular instance, the site is on a bus route and is within walking distance of a train station and town centre. The shortfall in parking spaces is comparatively small and no developer contribution has been sought.

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

7b Material Considerations

The material consideration to be assessed are Consideration of the site in relation to coal mining legacy, Planning History, Responses to Consultation, Information Submitted in Support of the Proposal and Assessment of Public Representations.

Supplementary Guidance forming part of Local Development Plan

7b.1 There is no specific Supplementary Guidance relating to this proposal.

Planning History

7b.2 The planning history of the site clearly demonstrates the variety of activities associated with the use of the premises. As well as a restaurant and hot food takeaway, the property also includes office and distribution uses. The distribution use is associated with food generated from the kitchens, and is distributed to other premises. This itself has a consequence in relation to the amount of produce delivered to the premises, cooked food being distributed and the number of staff (some on shift work) required to meet these demands. This is additional to visiting members of the public (either by car or on foot) generated by the restaurant/takeaway use. In terms of parking requirements, the current uses would be expected to be serviced by 73 car parking spaces. The site provides 6 car parking spaces as well as a small delivery yard. The adjoining stationary office employed 6 to 8 members of staff.

Responses to Consultation

7b.3 The Roads Development Unit acknowledges that the current use of the properties would attract a parking requirement of some 73 spaces, where only on site capacity for 6 is present. Visitors to the site by car have clearly utilised adjoining streets to park. The number of parking spaces required for the current proposal is based on the number of bed spaces in the hotel. The current layout has 36 bed spaces, which at a rate of 1 parking space for every 2.5 bed spaces, equates to a parking requirement of 14 parking spaces - 1 of which should be a disabled persons space. With the opening up of the rear yard area, the applicant will be able to provide 10 off-street parking spaces, one of which would be a disabled space. The area immediately to the front of the premises on Graham's Road has a bus stop and 5 on street parking spaces with a 4 hour waiting restriction between the hours of 9am to 6pm. There is also potential for on street parking on John Street to the south of the premises.

7b.4 Environmental Health request an informative to be placed on any decision with regard to noisy building works. The applicant has confirmed that existing industrial ventilation and flue equipment will be removed and no noisy apparatus will be installed.

7b.5 Scottish Water have raised no objections.

Information Submitted in Support of the Proposal

- 7b.6 The applicant has submitted a statement in support of the proposal. It is the applicant's view that the development would generate economic and employment opportunities within the area, while providing a positive contribution to the townscape and land use within the locality. There is unrestricted on-street parking within the immediate vicinity and the level of on site parking would be more than sufficient for relation to the anticipated requirements for the hotel guests.

Assessment of Public Representations

- 7b.7 In response to the points raised, the following comments are applicable;-

- The shortfall in car parking is low. The expected level of parking is 14 spaces and the applicant proposes 11. There is both restricted and unrestricted on street parking available in the immediate area. The site is also on a bus route and within walking distance of the town centre;
- There are 3 new windows proposed on the ground floor external elevation facing John Street. These will have car parking immediately in front of them. Existing windows already overlook garden ground and dwellinghouses;
- The applicant's stated intention is to run the premises as a hotel targeting tourist visitors. There is no indication that it is the intention of the applicant to direct the accommodation towards vulnerable people;
- The existing fire escape provision would be used;
- Traffic generation from the existing premises is acknowledged;
- Other uses in the area are acknowledged. Each planning application requires to be considered on its individual merits;
- Noise and disturbance from anti-social behaviour is not a material planning consideration nor is the concern about the character of potential customers;
- Traffic generated by the existing premises has not been surveyed but it is expected that, with the cessation of food distribution vehicles, staff arriving and departing on shift work, visiting members of the public (the restaurant caters for a number of people at different dining times), takeaway and food generation, that traffic impacts would likely reduce. Overnight, on-road restrictions (where applicable) are relaxed until 9am;
- There is a reception area within the hotel. The operational attendance at this reception is a matter for the applicant;
- The issue of potential noise from the proposed use has not been raised by Environmental Protection Unit. Any complaints in this regard could be investigated in terms of noise nuisance legislation. Noisy work during the implementation of any planning permission would be covered by an informative.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.9 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.
- 7b.10 The application represents a change of use of premises where no substantial excavation or groundworks are envisaged. Therefore, the proposal would not merit a Coal Mining Risk Assessment to be carried out.
- 7b.11 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The use of the buildings for hotel accommodation is considered appropriate for this urban location. Located on the periphery of Falkirk Town Centre and in close proximity to the established canal network, the site allows visitor access by train, bus, motor vehicle and pedestrian. The site, in terms of tourism, is located in close proximity to the Forth and Clyde Canal, offering convenient pedestrian access to the Helix, Falkirk Wheel and, Falkirk Town Centre, and to wider tourist attractions in the area. The proposal, has a shortfall in car parking spaces for the intended use. However, there is on street provision within the immediate area which absorb the shortfall of 4 car parking spaces. In addition, the site location in terms of being ready accessible by public transport and pedestrians should also be considered in mitigation of the standard requirements. A material consideration is the potential for substantial reduction of vehicular activity associated with current uses. At present, the existing site comprises of a 110 cover licensed restaurant with permitted opening from 12 noon to midnight, a distribution facility with ground floor offices open from 8.00am to 5.00pm (including vehicle deliveries) plus a hot food takeaway with customer collection. Accordingly, the level of vehicular activity and traffic requirement would likely be substantially reduced.
- 7c.2 It is considered that the proposed use as a hotel accords with the provisions of the Development Plan and that there are no material considerations which would justify refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee Grant Planning Permission subject to the following condition(s):-**
- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
 - 2. Before the building is occupied, the car parking shown on the Approved Plan shall be completed and be made available for use.**

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure that adequate car 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) 1A, 2A, 3, 4, 5, 6, 7 and 8.
2. It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise legislation which may affect this development.

e-mail - envhealth@falkirk.gov.uk

3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
5. It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; you may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.

6. 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.

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pp Director of Development Services

Date: 16 October 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Objection received from Angela Maxwell, 2 Ewing Avenue, Falkirk, FK2 7LR on 14 August 2017.
3. Objection received from Mr and Mrs D McIntosh, 10 Ewing Avenue, Falkirk, FK2 7LR on 3 August 2017.
4. Objection received from Douglas Black, Flat 28, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
5. Objection received from C Williamson, Flat 24, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
6. Objection received from Marlene Gibson, Flat 20, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
7. Objection received from Joan Milne, Flat 14, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
8. Objection received from J Adam, Flat 6, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
9. Objection received from Ms Karen Moore, Flat 5, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 6 September 2017.
10. Objection received from Mr William Graham, 185 Grahams Road, Falkirk, FK2 7BU on 18 August 2017.
11. Objection received from I Clarke, Flat 25, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
12. Objection received from Joan Collins, Flat 17, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
13. Objection received from James Dick, Flat 16, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
14. Objection received from Stuart Shaw, Flat 12, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
15. Objection received from Jeanette Orr, Flat 7, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
16. Objection received from Barbara Ferguson, Flat 4, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
17. Objection received from Mrs J Gerret, Flat 3, Castings House, 1 Castings Avenue, Falkirk, FK2 7BJ on 8 September 2017.
18. Objection received from Mr Mark Cowie, 1 Ewing Avenue, Falkirk, FK2 7LS on 29 July 2017.
19. Objection received from Mrs Eleanor MacBeth, The Watergate, 1 Canal Street, Falkirk, FK2 7FD on 16 August 2017.
20. Objection received from Margaret Ross, 39 Castings Avenue, Falkirk, FK2 7BJ on 7 September 2017.
21. Objection received from Jessie Wood, Full Address Not Given on 7 September 2017.
22. Objection received from Ms Mavis Fraser, Suzanneelliot@hotmail.co.uk on 15 August 2017.
23. Objection received from Mr Graham Andrew, 6 Ewing Avenue, Falkirk, FK2 7LR on 15 August 2017.
24. Objection received from Mrs Janice Middleton, 12 Ewing Avenue, Falkirk, FK2 7LR 14 August 2017.
25. Objection received from Mr James Mitchell, 32 Parkfoot Court, Falkirk, FK1 1YX on 11 August 2017.
26. Objection received from Mr James Mitchell, 44 Ewing Avenue, Falkirk, FK2 7LR on 10 August 2017.

27. Objection received from Mr Craig Meikle, Craig_x_meikle@standardlife.com on 10 August 2017.
28. Objection received from Ms Joan Blair, 58 Ewing Avenue, Falkirk, FK2 7LR on 13 August 2017.

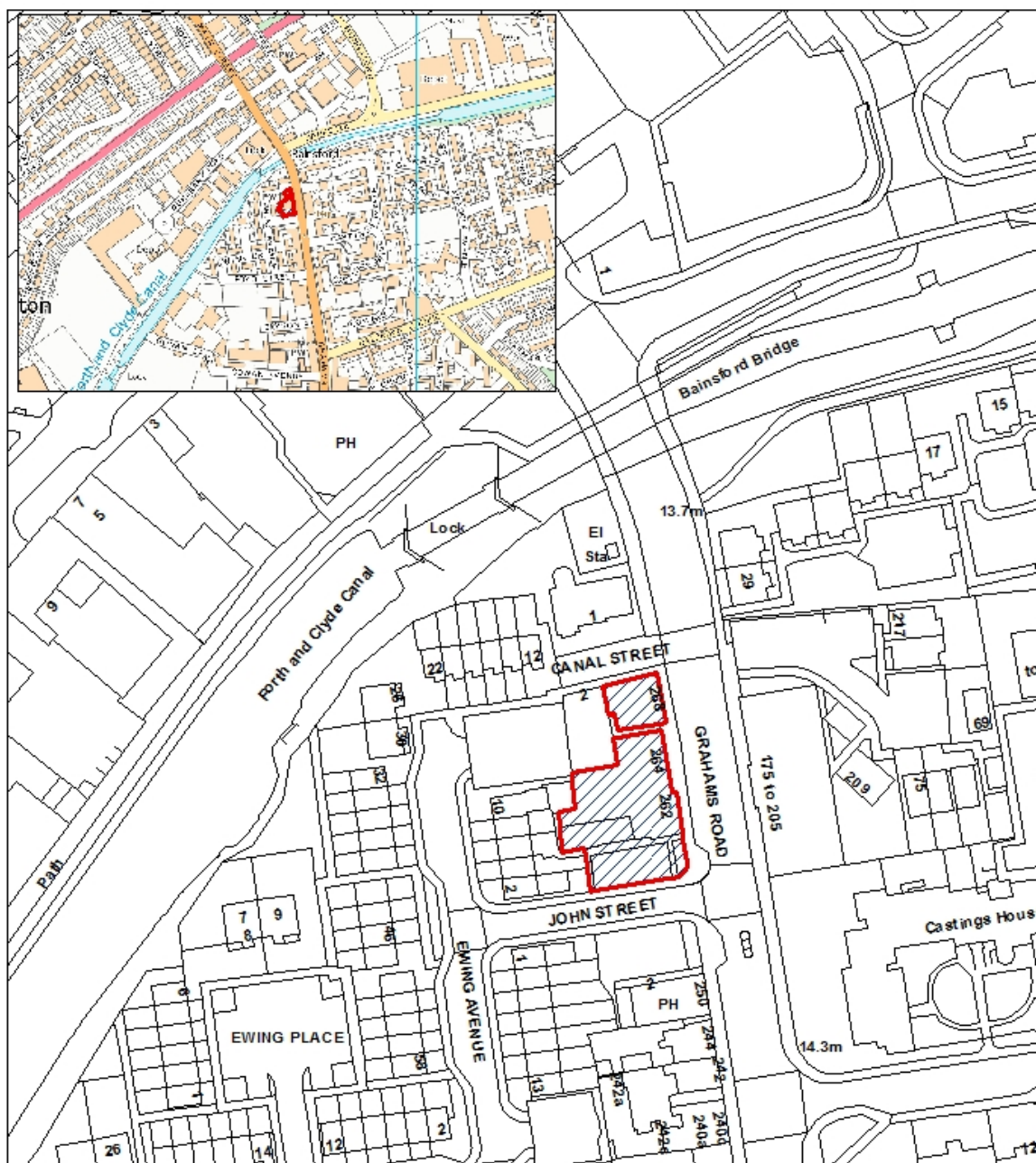
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0429/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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