

**FALKIRK COUNCIL**

**Subject:** TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH, FOR MR DHILLON - P/09/0354/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:** Julie Seidel (Planning Officer), ext 4880

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this planning application was considered at the meeting of the Planning Committee on 2 December 2009 (copy of previous report appended), when it was agreed to continue consideration to allow a site visit by members. This site visit took place on 11 January 2010.
2. In support of this application, the applicant's agent circulated a location plan of the area illustrating that the Hotel is located within a primarily commercial area. The agent advised that the proposed extension is to attract travelling guests and contractors working within the area. The applicant also intimated that he wished to enhance his business on this basis.
3. Further representations were made from 2 individuals present, who reiterated their objections to the proposal. The objections raised have previously been recorded in the earlier Committee report dated 2 December 2009. In summary, the main concerns relate to anti-social behaviour from hotel guests in the surrounding area.
4. Depute Provost Allyson Black, an objector to this application, commented that the Hotel is situated within a residential area with a high percentage of elderly residents. Depute Provost Black reiterated her objections and raised additional concerns in relation to parking at the site and the proposed extension not suiting the character of the area.

5. Local Member Councillor Angus MacDonald objected to the proposed development on the basis of public concern relating to a loss of privacy and the overshadowing of adjacent residential properties, incompatibility with the surrounding residential area, a lack of parking, the proposal not relevant to tourism policies and undue public nuisance.
6. Local Member Councillor Alistair McNeill was heard in relation to the issue of the impact upon residential amenity. Councillor Nicol sought clarification that the planning application and Houses in Multiple Occupation (HMO) licensing application were not connected. This was confirmed by the applicant and officers of the Council.
7. In response to the issues raised, the applicant advised that there is an increased police presence in the Kerse Road area and that police have visited the Hotel on occasion.
8. Falkirk Council's Roads Officer advised that the Hotel has been operating for many years without any dedicated parking. The Town Centre redevelopment would result in no reduction in current parking availability. The Roads Unit are not unduly concerned about this application and would not seek a commuted payment in this instance. Planning Officers advised that the proposal was considered against the Council's tourism policies as the application related to the extension of a Hotel. Officers also commented that a Hotel and Hostel fall within the same use class.
9. Following the site visit by the Planning Committee, the applicant's agent has written a letter raising concern at the level of confusion between this current planning application and the licensing application for a HMO. The agent felt that the majority of public comment related to a perceived nuisance by current residents of the Hotel, who are referral clients from Falkirk Council's Housing Services and that this is not related to this application for 'ordinary' guests to enable the Hotel to expand this part of the business operation. The applicant has indicated that a condition could be applied to any granting of planning permission preventing the new rooms, to which this application relates, being used for HMO purposes. However, in terms of the planning legislation, the use of the premises for either a hotel or hostel is authorized as they both fall within the same use class. A planning condition would therefore not be appropriate. This concern could be addressed through the licensing regime for an HMO.

## **10. RECOMMENDATION**

### **10.1 It is therefore recommended that Committee approve the planning application subject to the following condition(s): -**

- (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 numbers 01, 02 and 03.
- (2) The builder 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 – 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 – 16:00 Hours

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

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For Director of Development Services

Date: 20 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 Councillor Alyson Black, Depute Provost on 15 September 2009.
5. Letter of objection from Mrs Anne Gilbert, 52 Kerse Road, Grangemouth, FK3 8HT on 15 June 2009.
6. Petition with 469 Signatures on 28 October 2009.
7. Letter from applicant's agent on 13 January 2010.

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

**FALKIRK COUNCIL**

**Subject:** TWO STOREY EXTENSION AND ALTERATIONS TO HOTEL TO PROVIDE ADDITIONAL BEDROOMS, LOUNGE AND KITCHEN AREA AT 35 KERSE ROAD, GRANGEMOUTH, FOR MR DHILLON - P/09/0354/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 2 December 2009  
**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:** Julie Seidel (Planning Officer), ext 4880

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

- 1.1 This application relates to the extension of an existing 48 bedroom hotel, located in an established residential area of Grangemouth.
- 1.2 The hotel fronts Kerse Road and is surrounded by residential properties, dwellings and flats on the south, east and partial west elevation. The application site is in close proximity to the La Porte Precinct shopping centre and has pedestrian access from Kerse Road, approximately 48 metres, from the hotel entrance. The north and partial west elevations front a large public car park to serve the shopping centre and a large supermarket. The hotel does not enjoy any dedicated customer parking.
- 1.3 This application proposes a two storey extension at first floor level, to accommodate 20 additional bedrooms, lounge and kitchen areas.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Angus MacDonald and Depute Provost Allyson Black.

### **3. SITE HISTORY**

- 3.1 F/91/0784 - Change of use of Hotel to offices - withdrawn on 2 October 1991.
- 3.2 P/09/0046/FUL - Alterations and extension to Hotel to provide additional bedrooms, lounge and kitchen area - application returned on 11 February 2009.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit advise of no roads conditions to be attached to any granting of planning permission.
- 4.2 Scottish Water do not object to the application.
- 4.3 The Environmental Protection Unit advise of informatives relating to noise and contamination to be applied to any granting of planning permission.
- 4.4 Central Scotland Police advise that the proposed extension should be built to 'Secured by Design' award standard.
- 4.5 The Health and Safety Executive do not advise against the development on safety grounds.

### **5. COMMUNITY COUNCIL**

- 5.1 Grangemouth Community Council has not made any representations.

### **6. PUBLIC REPRESENTATION**

- 6.1 Following the neighbour notification process and advertisement in local press, a petition was submitted with 469 signatures against the proposed development (no reasons stated in petition). Two letters of representation were received raising the following issues:
  - Anti social behaviour, shouting, swearing and drinking in the street, by hotel residents;
  - On street parking taken up by hotel residents;
  - Behaviour of hotel residents disturbing to elderly residents in the street;
  - The showers and toilet areas are not suitable for both sexes; and
  - Rooms are formed from partitioning off the function hall, the hotel has caused disruption to the local community and should not be approved.

## 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.7 'Tourism' states:

*"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:*

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/ Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.2 Policy ECON.7 reinforces the Council's support for the development of sustainable tourism within the Council Area. As the application is considered to support tourism infrastructure, hotel accommodation, the policy offers support to the application.

#### ***Grangemouth Local Plan***

7a.3 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.4 The application accords with all other relevant District Council policies and standards of provision and is within the urban area. The application accords with policy Grangemouth Two of the Grangemouth Local Plan.

7a.5 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.6 Following the Health and Safety Executive Consultation, the Council can be satisfied that future users or occupants of the hotel will not significantly add to the numbers of people exposed to major hazard risks in the area. The application accords with policy Grangemouth seven of the Grangemouth Local Plan.

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

## **7b Material Considerations**

7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and comments received through consultation and representation.

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

7b.2 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.3 Policy EP4 'Business and Industrial Development within the Urban and Village Limits' of the above Local Plan permits extensions to existing business uses only 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 acceptable in terms of access, parking and traffic generation.

7b.4 The application site fronts a predominantly residential area, however a large open air shopping centre and large supermarket is located within close proximity. The application site is adjacent to Grangemouth Town Centre and as such the nature and scale of activity is considered appropriate to the surrounding area. The application relates to an extension to an existing use and as such there would be no significant adverse impact on neighbouring uses or residential amenity. The application site is within close proximity and walking distance of two major public car parks to serve the shopping centre and supermarket. Whilst there is no direct access from the hotel to the rear car park, the close proximity of adjacent car parks and availability of on street parking is considered acceptable. The extension has been designed to reflect the architecture of the existing hotel and surrounding area. The application accords with policy EP4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.5 Policy EP15 'Tourism Development' states:

*"Proposals for tourism development will be supported where:*

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and Visit Scotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

7b.6 Policy EP15 'Tourism Development' seeks to build up Falkirk's profile as a visitor destination by controlling the location, type and quality of new development and tourism facilities. The application relates to the extension to an existing hotel and as such policy EP15 provides general support for the application.

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 Policy EP18 'Major Hazards' seeks to protect the number of people exposed to risk in the area. The application would not significantly add to the numbers of people exposed to risk in the area and accords with the advice of the Health and Safety Executive. The application accords with policy EP18 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

### **Consultation Response**

7b.9 No issues of significance have been raised through consultation. The application relates to a first floor extension and as such the informative relating to contamination should not be applied to any granting of planning permission.

### **Third Party Representation**

7b.10 The conduct of existing hotel residents is not considered a material planning consideration. Central Scotland Police have not made any comment in relation to police complaints or anti-social behaviour in their consultation response.

7b.11 The Roads Development Unit have not objected to the application. It is considered that there is ample parking provision within the locality to serve the existing residential properties, existing businesses and proposed hotel extension.

7b.12 The identity of hotel patrons, by reference to age, gender or other characteristic is not a material planning consideration.



**7c Conclusion**

- 7c.1 The application has been considered against the Development Plan and emerging Council wide Local Plan and has been found to accord with the terms of its policies. The points raised through consultation and representation are noted and addressed earlier in this report.
- 7c.2 There are no material considerations that would warrant the setting aside of the Development Plan and as such the application is recommended for approval.

**8. RECOMMENDATION**

**8.1 It is therefore recommended that Committee approve the planning application subject to the following condition(s): -**

- (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):**

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**Pp**

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**Director of Development Services**

**Date: 25<sup>th</sup> November 2009**

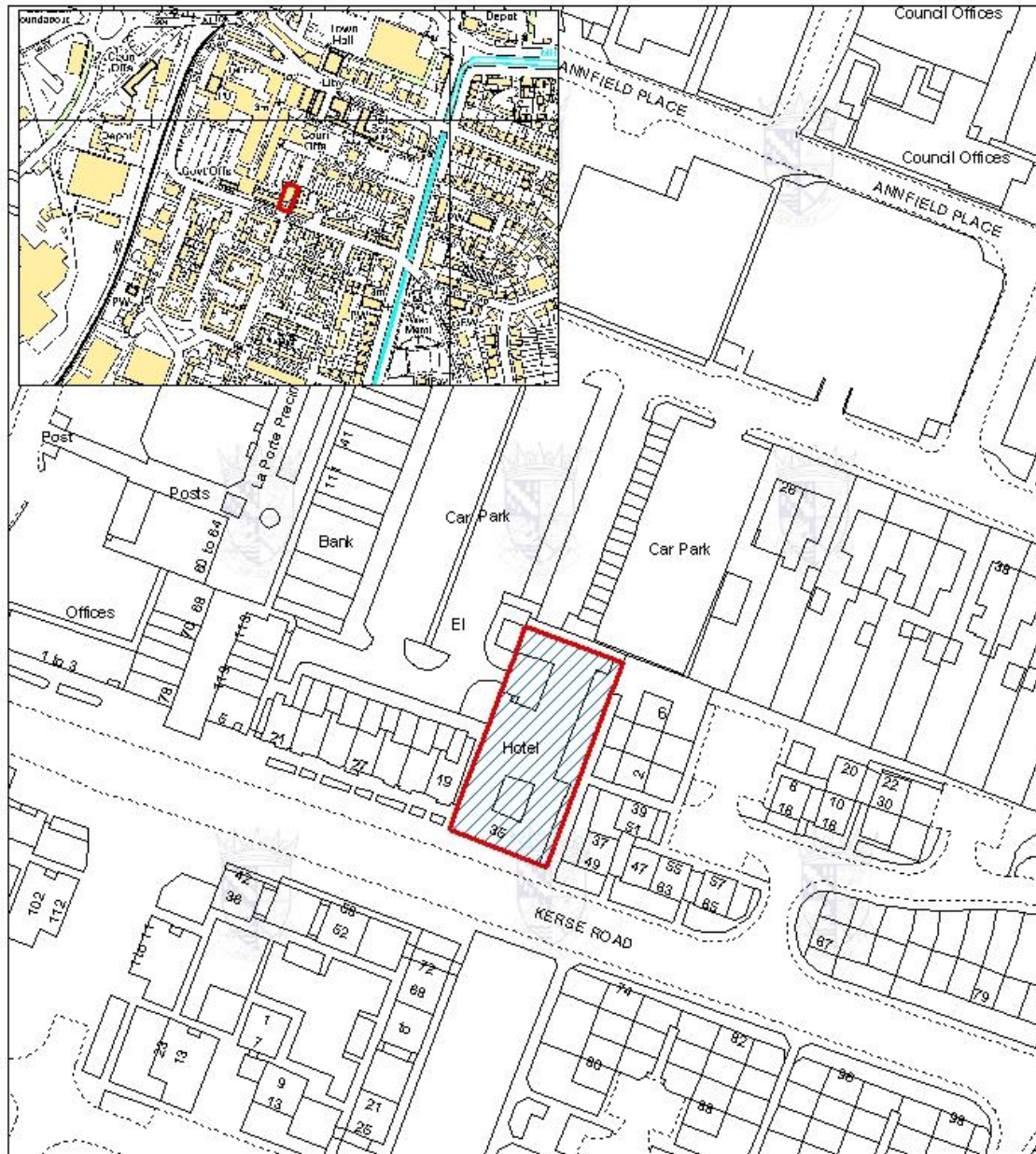
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**P/09/0354/FUL**

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



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