



AGENDA ITEM

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**CHANGE OF USE FROM BEAUTY
SALON TO HOTEL ANNEX
(RETROSPECTIVE) AT 21A
ORCHARD STREET, FALKIRK, FK1
1RF, FOR MR STUART CRAWFORD
- P/16/0214/FUL**

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM BEAUTY SALON TO HOTEL ANNEX
(RETROSPECTIVE) AT 21A ORCHARD STREET, FALKIRK,
FK1 1RF, FOR MR STUART CRAWFORD - P/16/0214/FUL
Meeting: PLANNING COMMITTEE
Date: 14 September 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: No Community Council

Case Officer: Stephen McClure (Planning Officer), Ext. 4702

UPDATE REPORT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 17th August 2016 (copy of previous report appended – Appendix 1), when it was agreed to continue the application for a site visit. The site visit took place on 29 August 2016.
2. The case officer summarised the report, the applicant's agent spoke and members of the Planning Committee, a local member and a neighbour (objector) were heard.
3. The applicant's agent highlighted the background to the planning application. The issues raised included the reasoning behind the commencement of works without obtaining planning permission and the subsequent submission of a planning application, the time taken for the determination and decision on this planning application.
4. The resident of a neighbouring property in Orchard Street, who was in attendance spoke in support of this objection. He stated that works commenced in December 2015, and that hotel guests had been staying in the property since this time. Furthermore this latest unauthorised development by the hotel was a further encroachment of commercial uses in Orchard Street. Comments were also made that the resultant activity of both staff and hotel guests was having an impact upon neighbouring residential amenity. On street parking concerns were also raised and that the further addition of the hotel annex would escalate this matter.
5. In response, the applicant's agent advised that there was no evidence to suggest that the hotel annex is attributable to the on-street parking issue, and that the on-street parking issues experienced by neighbours were mainly due to car owners parking their cars whilst visiting the town centre. The Roads Officer in attendance was asked by

Members of the Planning Committee to comment on the parking issue. The Roads Officer advised that the proposed parking being provided within the curtilage of the property was considered acceptable. On-street parking issues outwith curtilage of the property was a matter for Police Scotland.

6. Members of the Planning Committee sought clarification as to how the dwelling above the application property was to be accessed. This was noted as being accessed through the same front entrance used by the annex, with a separate internal door. The applicant's agent confirmed that there have been no significant internal alterations carried out to the property.
7. Provost Reid as Local Member spoke to raise concerns he and the local residents had in respect of the proposal and also raised concern that this planning application was another retrospective application that had been submitted by the applicant. Provost Reid also sought clarification in respect of where the hotel staff park their vehicles.
8. The applicant's agent confirmed that he had made his client are aware of the need for obtaining planning permission in advance of works commencing on site. The hotel manager also confirmed that where possible, staff, when arriving by car, would always aim to park in the main hotel car park.
9. No new issues were raised which would amend the original recommendation to grant planning permission.

10. RECOMMENDATION

- 10.1 It is therefore recommended that the Committee grant planning permission.**

Informative(s):-

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

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Director of Development Services

Date: 2 September 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr Craig Lumsden, 16 Princes Street, Falkirk, FK1 1NE, on 5 May 2016.
3. Representation received from Mr Fraser Houston, 20 Orchard Street, Falkirk, FK1 1RF on 19 April 2016.
4. Objection received from Mr John Muir, 18 Orchard Street, Falkirk, FK1 1RF on 4 May 2016.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM BEAUTY SALON TO HOTEL ANNEX
(RETROSPECTIVE) AT 21A ORCHARD STREET, FALKIRK,
FK1 1RF, FOR MR STUART CRAWFORD - P/16/0214/FUL
Meeting: PLANNING COMMITTEE
Date: 17 August 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Dr C R Martin
Councillor Cecil Meiklejohn

Community Council: No Community Council

Case Officer: Stephen McClure (Planning Officer), Ext. 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

1. The site consists of a former large stone-built semi-detached dwelling, which was in the past used as an office and then sub-divided into flatted dwellings. The ground floor flat was then subsequently changed for use as a Beauty Salon, with this commercial use operating for many years. The property is located adjacent to The Orchard Hotel, with the neighbouring attached property being used as an office. The remainder of the immediate surrounding area is seen to contain residential properties.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to Committee at the request of Provost Reid, the reason for the call in being given as the applicant's constant retrospective applications.

3. SITE HISTORY

- 3.1 ENF/2014/0123 - 03.10.2014 - Enforcement Enquiry
- 3.2 ENF/2016/0012 - Pending Consideration - Enforcement Enquiry
- 3.3 F/2000/0278 - Conditional Temporary Consent - 02.03.2001 - Display of Non-Illuminated Advertisements

4. CONSULTATIONS

- 4.1 The following responses to consultation were received:

- 4.2 The Roads Development Unit has no objection to the proposal. It is noted that three parking spaces are available and in this instance considered by the Roads Development Unit to be acceptable.
- 4.3 The Environmental Protection Unit has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council active in this area at present.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below:

- What are the proposed parking arrangements for the site?
- The Orchard Hotel has again submitted a retrospective application for works that should have required planning permission.
- Initially it was noted to residents and the Council that the property would only be used for office purposes by the hotel.
- There is a chalked blackboard sign placed in the front grounds of the property relating to The Orchard Hotel. It is not considered that this is suitable for a residential area.
- An extension of use of this property as part of The Orchard Hotel has a detrimental effect on traffic and parking.
- Why is the applicant looking to extend facilities of the main hotel, but not include rooms?
- The Planning Authority was informed that there was a change of use to the property in December 2015, but only visited the site in April 2016.
- Vehicles using the site are often double parked on Orchard Street or block driveways on the street.
- Those staying within the rooms are generating a lot of noise in the late evening and/or early morning, disturbing residents in the adjacent residential dwellings.
- It should be questioned whether the building meets the relevant minimum requirements to lease out rooms and operate as an office.
- Staff should enter at the rear of the property, but are using the main entrance door at the front, which especially at night causes a security light to activate, disturbing residents in the adjacent properties.
- There is already inadequate parking at the hotel.

- The existing plans submitted are not considered to be accurate, as the works have already been completed on-site.

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

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status. The proposed development was assessed against the following policy or policies:

Local Plan Policies

- 7a.2 Policy HSG06 – ‘Non-Residential Uses in Residential Areas’ states:-

“Within established residential areas, the introduction of uses which would be incompatible with the residential character and amenity of the area will generally not be permitted. 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.”

- 7a.3 The property is within an area containing mainly residential properties, but is also adjacent to commercial uses and the Falkirk Town Centre boundary. The property itself has been in commercial use for many years, previously being used as a beauty salon, and the neighbouring property is also in commercial use. The Orchard Hotel is now leasing three rooms to guests with the remainder of the building being used as office space for the hotel staff. The provision of guest rooms is considered similar to the operation of a single guest house. The office element is seen to be compatible with the area, and ancillary to the use as an annex to the hotel. The uses within the property have seen no external alterations to the building that would affect its appearance, with the access continuing to be maintained through the front entrance door. Parking is also seen to be satisfactory in this particular location, taking into account restrictions that operate within the area, and the nature of the use involved. It is therefore considered that the proposal accords with Policy HSG06.

7b Material Considerations

- 7b.1 The material considerations to be assessed are assessment of public representations and consideration of the site in relation to coal mining legacy.

Assessment of Public Representations

- 7b.2 The site has use of three parking spaces in the front property grounds, which the Roads Development Unit have noted would be acceptable.
- 7b.3 Development has been carried out without the benefit of planning permission. It is at the property owner's own risk if works continue without planning permission, but it is also allowed within the planning system to submit a retrospective application to seek to regularise matters. The retrospective nature of an application does not prejudice its determination.
- 7b.4 It was initially noted that The Orchard Hotel wished to use the building as offices, but this was subsequently altered by the business owner, and has therefore been included within the current application.
- 7b.5 The chalked board would be seen to be allowed within the property grounds of the property, as it is removable and not permanent.
- 7b.6 The Roads Development Unit have assessed the proposal and do not consider that the use would create any additional traffic or parking that would be to an unacceptable level.
- 7b.7 It is not a matter for the Council as planning authority to inform a business/land owner how to run their business.
- 7b.8 The site was visited in January 2016 after information was received in relation to on-going works. A further visit took place in April 2016 with the applicant's agent and discussions have been ongoing since January 2016.
- 7b.9 Any dangerous or unauthorised parking requires to be reported to the Police.
- 7b.10 Noise created by individuals using the property is not a material planning consideration. Noise complaints would be appropriately dealt with by the Police or the Environmental Protection Unit.
- 7b.11 The use of the property in relation to it meeting the relevant requirements for letting and office is not a material planning consideration. It is noted that a Building Warrant application has been submitted.
- 7b.12 Control of the use of the main door to the property by staff is not a material planning consideration. Anti-social behaviour / disturbance would be appropriately dealt with by the Police.
- 7b.13 The Roads Development Unit have assessed the proposal and, based on the situation and location, consider that the parking provided is adequate at the site. The current hotel's parking is not under assessment in this application, however it is noted that although limited, it lies within the town centre, with various parking options being available.
- 7b.14 Plans are required as part of a retrospective application showing the situation prior to any works commencing on-site. The plans provided are considered to be accurate.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.15 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.16 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.17 If planning permission is granted, an appropriate informative note would appear on the Decision Notice.

7c Conclusion

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with Policy HSG06 of the Falkirk Local Development Plan. There are no material planning considerations which would justify a refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee grant planning permission.**

Informative(s):-

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

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pp Director of Development Services

Date: 8 August 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr Craig Lumsden, 16 Princes Street, Falkirk, FK1 1NE, on 5 May 2016.
3. Representation received from Mr Fraser Houston, 20 Orchard Street, Falkirk, FK1 1RF on 19 April 2016.
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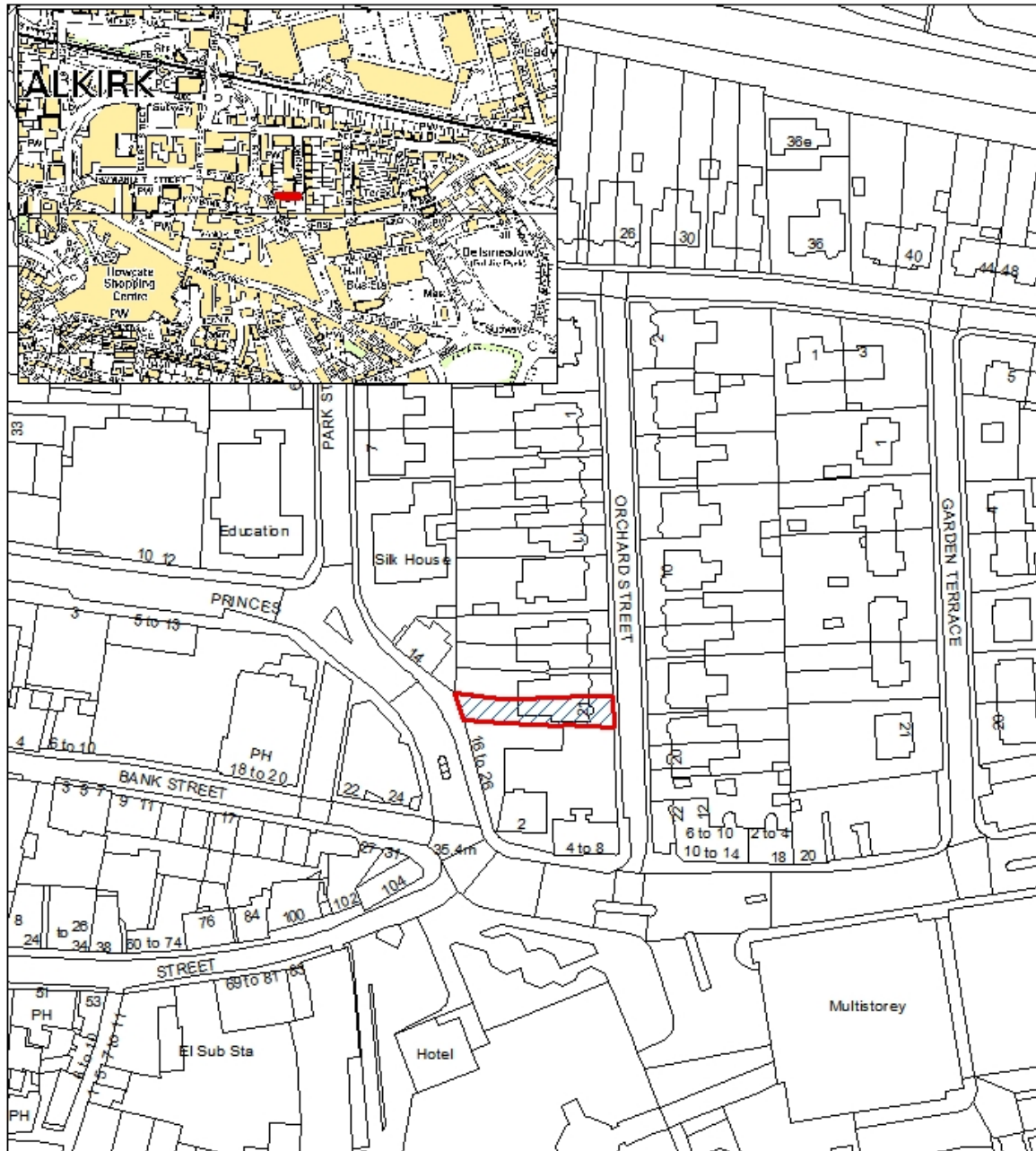
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0214/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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