

FALKIRK COUNCIL

Subject: **ALTERATIONS AND EXTENSION TO DENTAL PRACTICE AT 18 MEEKS ROAD, FALKIRK, FK2 7ES FOR CENTRAL ORTHODONTICS - P/10/0180/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **25 August 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Councillor Pat Reid**

Community Council: **Grahamston, Middlefield and Westfield**

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 16 June 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 16 August 2010.
2. Members viewed the application site and surrounding area and the existing premises proposed to be extended.
3. Concerns were heard from the Grahamston, Middlefield and Westfield Community Council and local residents in relation to issues of residential amenity (inappropriate scale, loss of privacy and overshadowing) and car parking.
4. In support of the application the applicant's agent explained the proposal in the context of amenity and parking concerns. He also referred to the success of the business, the benefit provided to the Falkirk area and the need to extend the existing premises.
5. Members asked questions of building size, operational aspects of the business and car parking. Questions were asked by Local Members in relation to the ability of the site to accommodate the size of extension proposed, the predominantly residential composition of the area and concerns of impact on residential amenity and available car parking.
6. No matters were raised which would amend the original recommendation to refuse planning permission.

7. RECOMMENDATION

7.1 It is recommended that Committee refuse planning permission for the following reason(s):

- (1) The use, design and location of the proposed building would adversely impact on established residential amenity and the proposal is therefore contrary to Policy FAL 5.8 of the Falkirk Local Plan.**
- (2) The proposed size of extension and the extent to which it would occupy in the existing rear garden area are contrary to the established townscape character of the surrounding area, and the proposal is therefore contrary to Policy FAL 3.1 of the Falkirk Local Plan.**
- (3) The proposal would result in an extension and intensification of an existing use to the extent that it would be incompatible with the residential amenity of the area and required car parking cannot be provided. The proposal is therefore contrary to Policy SC7 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03, 04, 05 and 06.**

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Director of Development Services

Date: 18 August 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan 2000
2. Falkirk Council Finalised Draft Local Plan, 2007
3. Letter of Support from Mr Jon Newey, 9 Friars Way Linlithgow EH49 7AQ dated 31 March 2010
4. Letter of Representation from Orme Business and Property Law F.T.A.O. Alan S M Orme, Director 20 Meeks Road Falkirk FK2 7ES dated 19 April 2010.
5. Letter of Objection from Mrs Agnes Russell, 3 Alma Street Falkirk FK2 7HB dated 20 April 2010.
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FALKIRK COUNCIL

Subject: ALTERATIONS AND EXTENSION TO DENTAL PRACTICE AT 18 MEEKS ROAD, FALKIRK, FK2 7ES FOR CENTRAL ORTHODONTICS - P/10/0180/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Councillor Pat Reid

Community Council: Grahamston, Westfield and Middlefield

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located at 18 Meeks Road, Falkirk. The property is a semi-detached stone villa which has been converted to commercial use as a dental practice.
- 1.2 The application site is surrounded by residential properties to the north and east. Commercial property, also converted from a former residential use, exists to the west.
- 1.3 The application is for a proposed extension of the existing building in the rear garden ground of 18 Meeks Road. The building is proposed to be used for the extension of existing commercial use as a dental practice.
- 1.4 The extension (including proposed raised decking) has a proposed ground floor area of approximately 120m² in a rear garden area of approximately 290m². The existing building has a ground floor area of approximately 100m².

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Provost Pat Reid.

3. SITE HISTORY

- 3.1 Change of use of dwellinghouse to dental practice, planning reference F/99/0756, granted on 15 February 2000.
- 3.2 Siting of temporary building to provide additional dental practice accommodation, planning reference 05/0780/FUL, refused on 5 December 2005.
- 3.3 Alterations and extensions to dental practice, planning reference P/09/0542/FUL, refused on 1 December 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the extension, in respect of commercial floorspace, would require the provision of 8 car parking spaces. No car parking exists at the site nor is any proposed. The Meeks Road public car park exists opposite the site. The Roads Development Unit has advised that if the proposed development were to be approved then a commuted financial payment would be required to address car parking deficiencies resulting from the proposed development.
- 4.2 The Environmental Protection Unit has advised that if the application were to be approved, there is a need for a noise assessment, given the close proximity for housing to the proposed extended commercial use, and a Contaminated Land Assessment, given the proximity of historic potentially contaminative uses.

5. COMMUNITY COUNCIL

- 5.1 The Grahamston, Middlefield and Westfield Community Council has objected to the proposed development on the grounds that the proposal represents further commercialisation of an established residential area, existing car parking is not sufficient to support further commercialisation of Meeks Road, the development would restrict future reversion to private occupancy, the proposed extension would overshadow and dominate surrounding gardens and that a location in Meeks Road is not essential as the majority of patients travel to the practice.

6. PUBLIC REPRESENTATION

- 6.1 Twelve objections have been submitted by occupiers of residential properties in the surrounding area.
- 6.2 The grounds of objection relate to the unsuitability of an extended commercial building within an established residential area and the impact on visual and residential amenity. The proposal is considered to be contrary to Development Plan policy in terms of impact on amenity, noise disturbance, overbearance, and the lack of parking provision. In addition, the civil issue of right of access to construct the extension has been raised.
- 6.3 Twenty-two letters of support have been submitted from patients of the existing practice and a staff member of the applicant's agent.

- 6.4 The grounds of support relate to the need for the practice to expand to serve patients, the modest extension proposed and the existence of car parking in Meeks Road to serve patients attending the practice.

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 The proposed development is not of a strategic nature. There are no policies of the Structure Plan that apply.

Falkirk Council Local Plan

- 7a.2 The application site is covered by the Falkirk Local Plan, 2000. Policies FAL 3.1 'Design and Townscape' and FAL 5.8 - 'Non Residential Uses in Housing Areas' apply.

- 7a.3 Policy FAL 3.1 'Design and Townscape' states:

"New development will be required to achieve a high standard of design and amenity, and should contribute positively to the visual quality of the built environment. Proposals should accord with the following principles:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of spaces and built forms which integrates well with the pattern of the local townscape/landscape, and fosters a sense of place;*
- (ii) the design of new buildings should blend with that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) building materials and finishes should be chosen to reflect those prevailing in, or traditional to, the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces, enhance existing ones or create other focal points;*
- (v) existing buildings or natural features which contribute to the local townscape should be retained, where possible, and incorporated as an integral part of the design; and*
- (vi) the contribution to the townscape of important landmarks, skylines and views should be respected."*

- 7a.4 The design of the proposed extension is contrary to the surrounding urban fabric with regards to architectural style and detailing. The scale, height and massing would exceed that of extensions to predominantly residential buildings in the surrounding area. Proposed materials of construction are acceptable.

7a.5 Policy FAL 5.8 'Non Residential Uses in Housing Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded and access and parking issues can be satisfactorily resolved."

7a.6 The existing commercial use has been established for 10 years with no apparent adverse impacts on residential amenity. The proposed extension, however, is located in the rear garden area and bounded by a number of residential properties. The building would occupy approximately 42% of the existing rear garden area within 1 metre of an adjoining residential property boundary. The position of the building, its size and the type of work carried out are likely to have an impact on the amenity of the surrounding residential environment as a result of noise and intensity of use.

7a.7 The proposed extension, as a result of architectural design, siting in close proximity to existing residential properties and the occupation of approximately 42% of the existing rear garden area is contrary to established townscape character by means of building mass, architectural scale and integration with surrounding existing development.

7a.8 The application site cannot provide the required number of parking spaces to serve the size of commercial premises proposed.

7a.9 Accordingly, the proposal fails to comply with the terms of the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the consultation response from the Roads Development Unit, the views expressed in objections to and support of the proposed development, Falkirk Council's Supplementary Planning Guidance Note 'Residential Extensions and Alterations', the Falkirk Council Local Plan (Finalised Draft) and supporting information submitted by the applicant's agent.

Objections Received

7b.2 The submitted objections are considered as follows:-

- The proposed building is of modern appearance, constructed in traditional materials. The appearance of the building would be incongruous with the established residential character of the area in terms of the size of the extension proposed and the proposed relationship with the existing rear garden areas of adjacent residential properties.
- The acceptance of an extension which occupies such a large percentage of garden area would be unprecedented in the surrounding area. Whilst there are existing commercial uses in the area, none dominate the site to the extent now being proposed.

- The potential impact on established residential amenity is likely to be significant. The existing use is contained within a stone built former dwellinghouse with no obvious external signs of commercial use. The same could not be said of the proposed extension. The operation of potentially noisy dental machinery is likely to have an impact on established levels of residential amenity. This impact would be exacerbated in summer periods with the likely opening of proposed building windows adjacent to residential property boundaries at a time when residents would expect to enjoy their gardens.
- The current commercial use exists comfortably within an established residential area. With the exception of the amenity issues raised by the proposed extension, the principle of commercial use is not considered to compromise the integrity of the predominately residential area. The car parking deficiencies have been identified by the Roads Development Unit.
- The potential for future reversion to residential use is not considered to be prejudiced by the development proposed.
- Concerns of adverse impact on the residential amenity of adjacent property have been substantiated with regards to noise, the proposed building mass and architectural scale in terms of proposed window positioning.

Supporting Representations

7b.3 The supporting comments are considered as follows:

- It is noted that the majority of letters of support come from patients of the dental practice located in areas not immediate to the application site. Other than with respect to car parking and business location, the geographic spread of patients is not considered to significantly impact one way or the other on the application assessment.
- Letters of support for the proposed development have been submitted from residents of Falkirk, Grangemouth, Bo'ness, Bonnybridge, Denny, Cumbernauld and West Lothian. The majority are standardised letters and refer to the importance of the existing dental service to these people. One letter of support from a member of staff from the applicant's agent raises the background to the applicant's need to enlarge the practice and modernise to allow improved access for less able patients. The modest size of proposed extension is raised as is available adjacent car parking.
- The geographical spread of supporting letters indicates that a location in Meeks Road is not essential other than for the convenience of avoiding relocation to alternative premises. It is noted that potentially suitable commercial units with car parking lie vacant on Grahams Road within 200 metres of the application site. The proposed extension has been demonstrated as unacceptable in terms of size and amenity. The existence of other extensions considered by the applicant's agent to be of greater size is considered later in this report in the assessment of additional information.

Consultation Response

- 7b.4 The Roads Development Unit has advised that the required number of car parking spaces for the extension (8) cannot be accommodated on site and that, as a result, a commuted sum to fund alternative transport improvements would be required. This has not been progressed given the concerns of the suitability of the site for the development proposed.

Supplementary Planning Guidance

- 7b.5 Falkirk Council's Supplementary Planning Guidance Note 'Residential Extensions and Alterations' is an appropriate material consideration. The existing commercial use is contained within a one and a half storey former residential building of modest proportions and mainly surrounded by similar properties. Guidance on extensions to residential buildings is intended to achieve acceptable, related extensions with regards to the amenity of surrounding residential properties.
- 7b.6 The proposal can therefore, despite its commercial nature, be assessed against Falkirk Council's Supplementary Planning Guidance Note (SPG) for House Extensions and Alterations.
- 7b.7 The SPG establishes criteria for the relationship of extensions to existing property, the site and its surroundings. These include:
- a. The extension should not exceed 50% of the existing ground floor area (120% proposed).
 - b. No more than 25% of the existing garden ground should be occupied by an extension (42% proposed).
 - c. No side windows should be proposed in habitable rooms.
 - d. Maximum projection of 3.5 metres from rear building line should not be exceeded (12 metres proposed).
- 7b.8 The above criteria apply to 1½ storey extensions which, given the proposed ridge height of the proposed extension are considered appropriate. Points a, b and d are exceeded considerably. In relation to point c, it is noted that the proposed fenestration is through the use of 'Velux' type windows. Also noted is that previous refusals of planning permission referred to concerns of commercial noise from any windows in proximity to the garden boundary of residential properties. The request for a noise survey from the Environmental Protection Unit supports this concern.
- 7b.9 In the context of the SPG, the proposed extension constitutes overdevelopment of the site, is unrelated to the mass and scale of previous extensions to similar properties and would result in potentially adverse impacts on residential amenity.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.10 The Falkirk Council Local Plan (Finalised Draft) affirms the policy position of the extant Falkirk Local Plan through Policy SC7 - Established Residential Areas.

7b.11 Policy SC7 - 'Established Residential Areas' states:

"Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. 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."

7b.12 The proposed extension is considered to introduce an enlargement and intensification of an existing commercial use to such an extent that it would be incompatible with adjacent residential properties in terms of established residential amenity. The proposed extension, albeit to a community dental surgery has not demonstrated that the quality of the surrounding residential environment would be safeguarded. The existing property is not considered suitable for the size of extension proposed and parking cannot be provided.

Supporting Information

7b.13 The applicant's agent has submitted supporting information in the form of a car parking survey and an assessment of previous commercial and residential extensions in order to justify the proposed extension. The car parking survey is noted but does not alter the parking deficiencies of the proposed development as identified by the Roads Development Unit in their consultation response.

7b.14 The information submitted relating to previous extensions to commercial and residential properties in the area indicates extensions within rear garden areas of: 27% (doctors' surgery), 23% (office premises) and 15%, 11% and 10% (residential properties). The proposed extension (including raised decking) would occupy 42% of the rear garden ground. This size of extension proposed would be unprecedented in the area whether for commercial or residential use. In the cases of previous extensions to doctors' surgery and office accommodation these sites provide 16 and 13 car parking spaces respectively. No parking is proposed in this application.

7c Conclusion

7c.1 The proposed extension is contrary to the terms of the extant and emerging Development Plan. It is considered that the proposed building could not operate without adverse impact on established residential amenity and that the position within the rear garden ground and size of extension proposed are contrary to the established townscape character of the surrounding area. Required car parking cannot be provided within the site.

7c.2 The additional information submitted in support of the proposed extension is not considered to provide material considerations which would outweigh Development Plan policy and amenity concerns or the requirement for car parking.

8. RECOMMENDATION

8.1 It is recommended that Committee refuse planning permission for the following reason(s):

- (1) The use, design and location of the proposed building would adversely impact on established residential amenity and the proposal is therefore contrary to Policy FAL 5.8 of the Falkirk Local Plan.**
- (2) The proposed size of extension and the extent to which it would occupy in the existing rear garden area are contrary to the established townscape character of the surrounding area, and the proposal is therefore contrary to Policy FAL 3.1 of the Falkirk Local Plan.**
- (3) The proposal would result in an extension and intensification of an existing use to the extent that it would be incompatible with the residential amenity of the area and required car parking cannot be provided. The proposal is therefore contrary to Policy SC7 of the Falkirk Council Local Plan Finalised Draft (Deposit Version).**

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03, 04, 05 and 06.**

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Director of Development Services

Date: 8 June 2010

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Planning Committee

Planning Application Location Plan P/10/0180/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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