

FALKIRK COUNCIL

Subject: **ERECTION OF VETERINARY PRACTICE AT LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT, FOR I LINE DESIGNS – P/10/0608/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 January 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Lower Braes**
Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: **Polmont**

Case Officer: **Kevin Brown (Planning Officer), Ext. 4701**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This full application proposes the erection of a veterinary practice in the form of a one and a half storey detached building on an area of grassland in Polmont. The proposed development utilises an existing vehicular access onto Bo'ness Road and includes in curtilage parking for visitors and staff.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor Nicol.

3. SITE HISTORY

- 3.1 The site currently has detailed planning permission (P/09/0185/FUL) for the erection of a two storey dwellinghouse on the plot utilising the same vehicular access as is proposed as part of this application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has assessed the application, including the proposed access and parking arrangements and is satisfied in terms of road safety.
- 4.2 The Environmental Protection Unit has requested that the applicant undertakes a standard contaminated land survey. It has not raised any objection to the proposal.

4.3 Scottish Water has not objected to the proposal.

5. COMMUNITY COUNCIL

5.1 Polmont Community Council has not commented on the proposal.

6. PUBLIC REPRESENTATION

6.1 41 letters of representation were received following the neighbour notification process. This total figure consists of 23 objection letters, 1 representation and 17 letters of support.

6.2 Issues raised in objections to the proposal include: -

- Increase in traffic creating road safety concerns
- Insufficient parking provision
- Noise from dogs barking
- Antisocial behaviour
- Tree removal and impact on wildlife
- Future use of premises
- Loss of privacy and residential amenity
- Impact on property value.

6.3 Issues raised in support of the proposal include: -

- Current capacity issues at existing premises in the centre of Polmont.
- Proposal will be more convenient for customers as better parking facilities will be provided.
- Proposal supports the expansion of a local business.
- Current premises do not create residential amenity concerns for immediate neighbours and is well managed.
- Proposal will support employment in the area.

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

Structure Plan

- 7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Falkirk Council Local Plan

- 7a.2 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."

- 7a.3 The application site is located within a predominantly residential area of Polmont and would be served by a vehicular access separate to that of the surrounding residential properties. Adequate parking is proposed within the confines of the site and it is considered that the proposed use of the premises as a vets practice and expected hours of operation are compatible with the surrounding residential land use. The proposed building design and layout minimises potential privacy issues and it is considered that satisfactory levels of residential amenity can be maintained for surrounding properties. The proposal complies with policy SC7.

- 7a.4 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.5 The proposed development involves the loss of a number of trees from the application site, primarily along the boundary of the site with Bo'ness Road. However, these trees are not covered by a tree preservation order nor do they form part of any protected habitat area. The trees on the site are not considered particularly worthy of retention and loss of these trees is proposed to be mitigated by some replacement planting and improved boundary treatments to aid privacy. The proposal complies with policy EQ26.

7a.6 Accordingly, the proposed development accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations relating to this proposal are the representations received.

Representations Received

7b.2 The Roads Development Unit has assessed the proposals and is satisfied that the proposed access is sufficient to serve the development and adequate parking is proposed. No concerns have been raised in reference to road safety.

7b.3 Impact on property value and antisocial behaviour are not material planning considerations.

7b.4 The loss of trees on the site is dealt with in section 7a.5 of this report.

7b.5 Privacy has been considered as part of this application. Changes have been made to the proposals to remove overlooking windows from the rear of the premises and improved boundary fencing along the eastern boundary would aid privacy in this area. All window to window distances comply with Falkirk Council guidelines. It is considered that residential amenity levels would not be adversely affected.

7b.6 Future changes of use of the proposed premises to anything other than class 1 (shops) would require planning permission and would be subject to further scrutiny by way of a planning application.

7b.7 The proposed internal layout does show a 'dog ward' and it is possible that dogs will be kept on the premises overnight in certain circumstances, with the majority of animals being returned to their owners on the same day. The applicant has advised that any animal required to be kept in overnight is generally sedated or is too sick to bark anyway. There are no proposals for any external dog run. The Environmental Protection Unit has assessed the proposal and has raised no concerns in regard to noise.

7b.8 Comments submitted in support of the proposal are noted and, with regard to the planning issues, in general agreed with. The proposed development would create a purpose built premises allowing an existing established local business to expand and create additional employment. The proposed premises would offer better parking than is provided at the existing premises in the centre of Polmont whilst remaining within walking distance of the main village centre.

7c Conclusion

- 7c.1 The proposal is considered to be an acceptable form of development and is considered to be in accordance with the Development Plan for the reasons outlined in this report. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee grant planning permission subject to the following conditions:

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the planning authority.
- (3) Samples of all external finishing materials to be used in the development shall be submitted for the consideration of the planning authority and no work shall begin until written approval of the planning authority has been given.
- (4) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - (i) indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - (ii) location of new trees, shrubs, hedges and grassed areas
 - (iii) schedule of plants to comprise species, plant sizes and proposed numbers/density
 - (iv) programme for completion and subsequent maintenance.
- (5) Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- (6)
 - (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its

intended use by the removal of any unacceptable risks caused by the contamination.

- (iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (7) Notwithstanding the details on the approved plans, and prior to the occupation of the property, a plan showing the full extent of new boundary fencing, including heights, shall be submitted to and approved in writing by the planning authority. Thereafter, the boundary fencing shall be erected on site prior to the veterinary surgery becoming operational.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure that adequate drainage is provided.
- (3,4) To safeguard the visual amenity of the area.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure the ground is suitable for the proposed development.
- (7) To safeguard the privacy of the occupants of adjacent properties.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B, 03A, 04B, 05B, 06C, 07A, 08A, 09A and 10

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Director of Development Services

Date: 18 January 2011

LIST OF BACKGROUND PAPERS

- 1. Structure Plan
- 2. Falkirk Council Local Plan.

3. Letter of Support from Mrs Aileen Stevenson, 47 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 24 September 2010.
4. Letter of Support from Mrs Clare McCafferty, 28 Wallace Brae Bank, Reddingmuirhead, Falkirk, FK2 0FW received on 24 September 2010.
5. Letter of Support from Mr John Cochrane, 28 Colonsay Avenue, Polmont, Falkirk, FK2 0UZ received on 28 September 2010.
6. Letter of Support from Mrs Anne Grimwood, 8 Fairhaven Terrace, Reddingmuirhead, Falkirk, FK2 0EG received on 27 September 2010.
7. Letter of Representation from Polmont Old Parish Church, C/o P M Richards, Congregational Board Clerk, 36 Colonsay Avenue, Polmont received on 23 September 2010.
8. Letter of Support from Ms S Hope, 1 Mountjoy Cottages, Rumford, Falkirk, FK2 0RX received on 27 September 2010.
9. Letter of Support from Miss Aileen Dewar, 4 Braeside Place, Reddingmuirhead, Falkirk, FK2 0DD received on 30 September 2010.
10. Letter of Support from Mrs Clare Mccafferty, 28 Wallace Brae Bank Reddingmuirhead, Falkirk, FK2 0FW received on 24 September 2010.
11. Letter of Support from Mrs Pat Ballantine, Edinample, Smiddy Brae, Boness Road, Polmont, Falkirk, FK2 0XZ received on 30 September 2010.
12. Letter of Objection from Mr W G Erskine, 33 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 5 October 2010.
13. Letter of Support from Mrs Ishbel Cifelli, 8 St Margarets Gardens, Polmont, Falkirk, FK2 0JL received on 25 September 2010.
14. Letter of Support from Mrs Sian Balfour, 6a Buchanan Gardens, Polmont, Falkirk, FK2 0UR received on 24 September 2010.
15. Letter of Objection from Pauline Grant received on 22 September 2010.
16. Letter of Objection from Mr and Mrs AA Creech, Creech, 1A Orchard Grove, Polmont, Falkirk received on 21 September 2010.
17. Letter of Objection from Owner/Occupier, 27 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
18. Letter of Objection from Owner/Occupier, 12 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
19. Letter of Objection from Mr and Mrs Johnstone, 2 Harvey Avenue, Polmont, Falkirk, FK2 0QR received on 21 September 2010.
20. Letter of Objection from Owner/Occupier, Kirk Entry, 1 Bo'ness Road, Polmont, Falkirk received on 21 September 2010.
21. Letter of Objection from Anne and Andrew Symons, 1 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
22. Letter of Objection from Owner/Occupier, 39 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
23. Letter of Objection from June Kinniburgh, 37 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
24. Letter of Objection from A Johnston, 14 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
25. Letter of Objection from Robert and Morna McFadyen, 4 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 20 September 2010.
26. Letter of Objection from Owner/Occupier, 35 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
27. Letter of Objection from Marilyn Laing, 19 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
28. Letter of Objection from Owner/Occupier, 29 Orchard Grove, Polmont, Falkirk, FK2 0XE. received on 21 September 2010

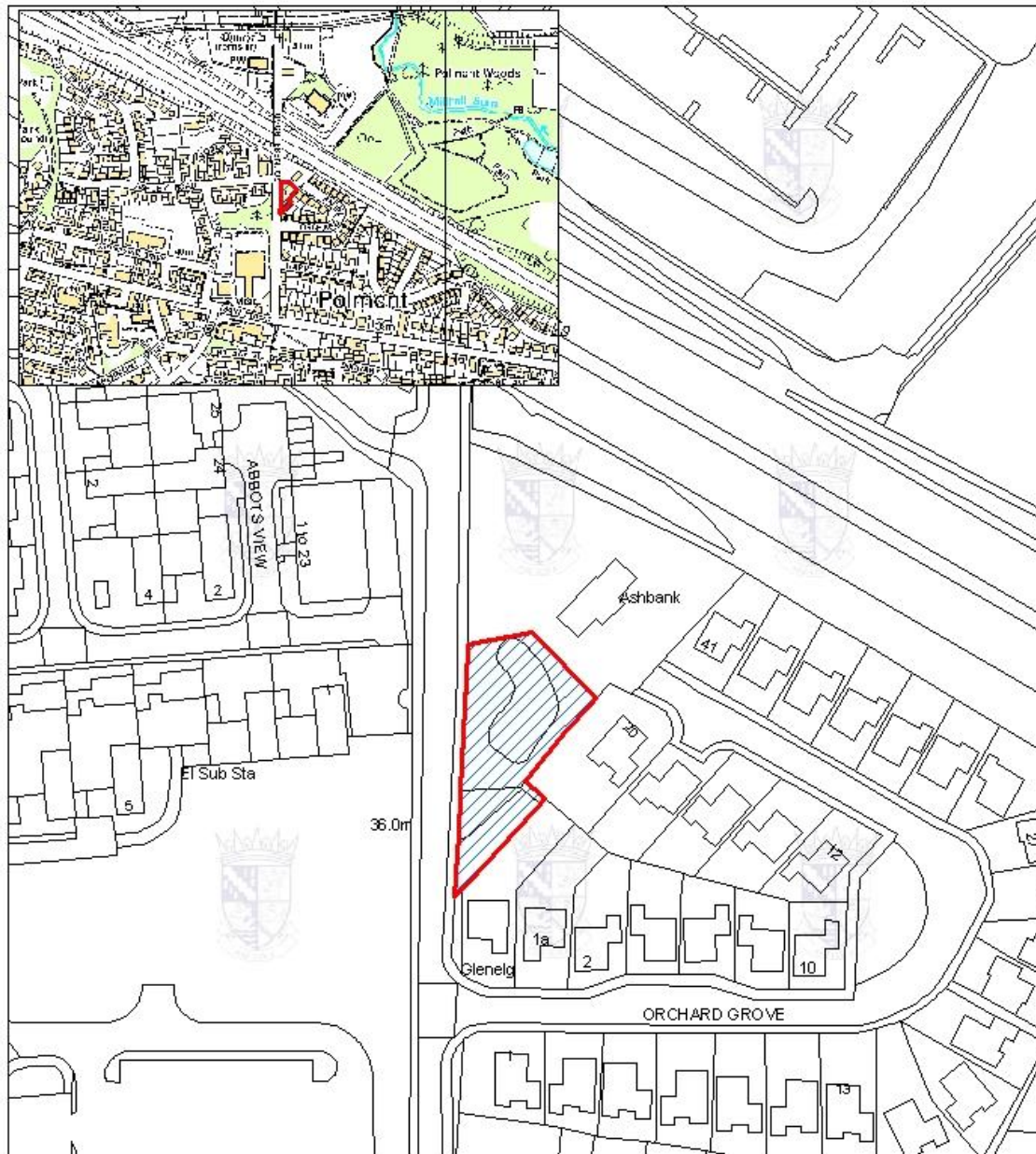
29. Letter of Objection from Mark Lorenzetti, 8 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
30. Letter of Support from Mrs Julie Drummond, 10 Colonsay Avenue, Polmont, Falkirk, FK2 0UZ received on 24 September 2010.
31. Letter of Support from Miss Donna Geddes, 116 Calder Place, Falkirk, FK1 2QQ received on 29 September 2010.
32. Letter of Support from Mr Allan Watson, 26 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 1 October 2010.
33. Letter of Support from Rev Glen Macaulay, Erskine Manse, Burnbrae Road, Falkirk, FK1 5SD received on 24 September 2010
34. Letter of Objection from Mr Alan Hill, 7 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 18 September 2010.
35. Letter of Support from Mrs Dawn Hill, 3 Sunnyside Court, Brightons, Falkirk, FK2 0GF received on 27 September 2010.
36. Letter of Support from Mr Gordon England, 16 Colonsay Avenue, Polmont, FK2 0UZ received on 28 September 2010.
37. Letter of Support from Mrs Ann Adrian, 2 Pretoria Road, Larbert, FK5 4NB received on 27 September 2010.
38. Letter of Objection from Brian and Anne Steele, Glenelg, Orchard Grove, Polmont, Falkirk received on 21 September 2010.
39. Letter of Objection from Alasdair and Pauline Grant, Ashbank, Orchard Grove, Polmont, Falkirk received on 28 September 2010.
40. Letter of Objection from Karen and Paul Evans, 41 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
41. Letter of Objection from Elsie MacFane, 20 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
42. Letter of Objection from Derek and Christine Simpson, 18 Orchard Grove, Polmont, Falkirk, FK2 0XE received on 21 September 2010.
43. Letter of Objection from Moira Arthur, 2 Orchard Grove, Polmont, Falkirk FK2 0XE received on 15 September 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan **P/10/0608/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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