#### FALKIRK COUNCIL

Subject:	ERECTION OF VETERINARY PRACTICE AT LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT, FALKIRK FOR I LINE DESIGNS – P/10/0608/FUL
Meeting:	PLANNING COMMITTEE
Date:	23 February 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

#### UPDATE REPORT FOLLOWING SITE VISIT

- 1. Members will recall this application was originally considered at the meeting of the Planning Committee on 26 January 2011 (copy of previous report appended), where it was agreed to continue the application and to undertake a site visit. This visit took place on 10 February 2011.
- 2. At the site meeting the applicants expressed their desire to construct a new surgery on this site due to capacity issues at their current surgery. Reference was made to the public meeting undertaken by the applicant in an effort to appease the concerns of local residents. Design improvements resulting from this meeting were highlighted which included use of opaque windows to the rear of property and improved boundary fencing.
- 3. Both supporters and objectors to the proposal were then heard. Supporters stated that they consider the Committee should support the proposal due to the practice being run by a local business which makes a valuable contribution to the local community. Objectors to the proposal reiterated concerns outlined in the previous report (attached) relating to the loss of trees, privacy and road safety. The Roads Development Unit officer present confirmed that parking and road safety are acceptable. It is also considered that the amendments to address privacy concerns are acceptable and have addressed concerns raised.

- 4. Concerns in relation to construction noise are not material considerations. Regarding the existing trees on the site, it was advised that all of the trees on site would be removed as a result of the proposal but that additional planting would be provided on completion of construction works. Attention was drawn to the suggested soft landscaping condition attached to the officer recommendation. Damage to trees outwith the application site due to root severance during construction work is a civil matter. However, planting on or near the boundary is considered important for screening purposes in this instance and therefore it is considered appropriate to attach an additional condition (8) to any consent given, requesting a tree/root protection plan to be prepared prior to construction work starting on site.
- 5. Local Members were then heard in relation to the applicant's case and the objectors' concerns. Members raised concerns regarding traffic speeds on Bo'ness Road and requested that a survey be carried out in time for the next meeting. This survey is currently being undertaken. A verbal update on this issue will be made at the next meeting on 23 February 2011.
- 6. Members made reference to a nearby garage which was not granted access out onto Bo'ness Road with concerns relating to consistency being mentioned. To date, no records of this garage have been found. A further verbal update on this issue will be made at the next meeting on 23 February 2011.

# 7. **RECOMMENDATION**

- 7.1 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.
- (8) Prior to the start of work on site details of a tree root protection scheme including details of stand off distances, protective fencing and foundation construction methods shall be submitted to and approved in writing by the planning authority. This scheme shall include assessment of any trees to be retained within the site and trees adjacent to the application site boundary where the roots are likely to spread to within the application site. The scheme shall be implemented in accordance with the approved details throughout construction of the development.

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.
- (8) To ensure the protection of existing tree roots within the site boundary and therefore minimise damage to trees on or close to the site boundary.

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

Pp Director of Development Services

**Date:** 15 February 2011

# LIST OF BACKGROUND PAPERS

- 1. Structure Plan
- 2. Falkirk Council Local Plan.
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

#### **FALKIRK COUNCIL**

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Subject:	ERECTION OF VETERINARY PRACTICE AT LAND TO THE SOUTH OF ASHBANK, BO'NESS ROAD, POLMONT, FALKIRK 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

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

This full application proposes the erection of a veterinary practice in the form of a one and a 1.1 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

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

#### 4. **CONSULTATIONS**

- The Roads Development Unit has assessed the application, including the proposed access and 4.1 parking arrangements and is satisfied in terms of road safety.
- The Environmental Protection Unit has requested that the applicant undertakes a standard 4.2 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.
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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

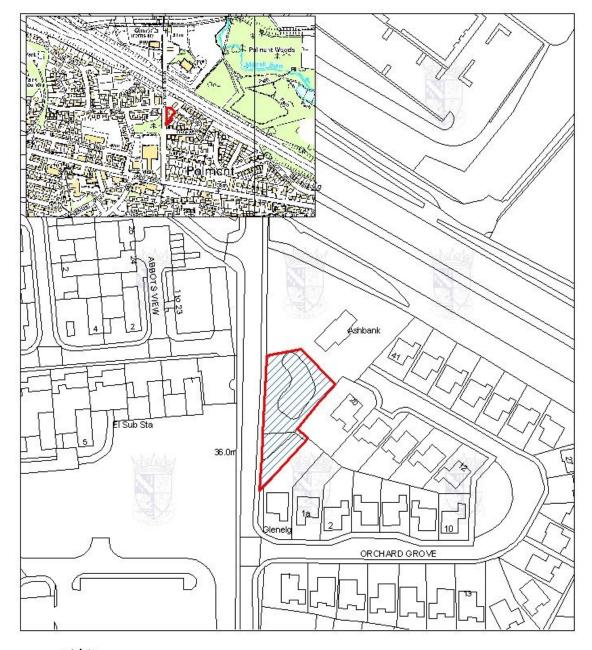
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# Planning Committee Planning Application Location Plan P/10/0608/FUL

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





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