



Agenda Item 6

**SUBDIVISION OF GARDEN GROUND
AND ERECTION OF 2
DWELLINGHOUSES AT 6 THISTLE
AVENUE, GRANGEMOUTH, FK3 8YH
FOR MR NEIL FOY -
P/19/0280/FUL**

FALKIRK COUNCIL

Subject: SUBDIVISION OF GARDEN GROUND AND ERECTION OF
2 DWELLINGHOUSES AT 6 THISTLE AVENUE,
GRANGEMOUTH, FK3 8YH FOR MR NEIL FOY -
P/19/0280/FUL

Meeting: PLANNING COMMITTEE

Date: 24 September 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Grangemouth

Councillor David Balfour
Councillor Allyson Black
Councillor Robert Spears

Community Council: Grangemouth Community Council

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

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The detailed application proposes the construction of 2 large detached dwellinghouses within the rear garden ground of a detached property at 6 Thistle Avenue, Grangemouth. The proposal includes the formation of a shared access road onto Thistle Avenue and the provision of off street parking within each plot. In order to achieve suitable plot sizes, the proposal also includes a change of use of a small area of private open space to the rear of the existing garden ground.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor John McLuckie for the following reason:-
- To allow the Planning Committee to consider the recommended refusal reasons in relation to development plan policy and allocation of housing land in the Grangemouth area..

3. SITE HISTORY

- 3.1 There is no site history relevant to this application.

4. CONSULTATIONS

- 4.1 HSE WebApp advise that the application is for the erection of 2 dwellings. Developments comprising 1 or 2 units result in minimal increase in the number of people at risk and fall within Sensitivity Level 1. Developments with this Sensitivity Level 1 produce a "Do Not Advise Against" result irrespective of the zone in which they fall.
- 4.2 The Council's Roads Development Unit have no objections.
- 4.3 Scottish Water have no objections.
- 4.4 The Council's Environmental Protection Unit advise that a Noise Impact Assessment and Contaminated Land Survey are required.
- 4.5 Transport Scotland have no objections.

5. COMMUNITY COUNCIL

- 5.1 Grangemouth Community Council has made no comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 12 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below:-
- Impact on health and residential amenity by virtue of noise and pollution associated with the nearby motorway.
 - Fire safety.
 - Lack of visitor parking.
 - Noise and disturbance due to increase in activity within the area.
 - Impact on privacy.
 - Overshadowing of garden ground.
 - Overdevelopment
 - Flooding.
 - Impact on bat roosts within adjacent trees.
 - Loss of greenfield.
 - Traffic congestion and road safety.
 - Impact on trees.
 - Loss of views from adjacent properties.
 - Impact on drainage system.
 - Disturbance during construction.

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 includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.2 Policy HSG05 - Infill Development and Subdivision of Plots states:-

Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

- 1. The scale, density, disposition and design of the proposed houses respect the townscape character of the area;*
- 2. Adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- 3. Adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- 4. The proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- 5. The proposed vehicular access, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and*
- 6. The proposal complies with other LDP policies.*

7a.3 The application site is located within the urban limits as defined by the Falkirk Local Development Plan and is located predominantly within the garden ground of a large detached dwellinghouse. The proposal therefore represents a form of infill development. The proposal manages to achieve garden ground provision of an adequate size, however the garden ground of the donor property would be heavily overlooked by the proposed dwellinghouses, resulting in loss of privacy, which is currently enjoyed, to the detriment of residential amenity. Suitable levels of off street parking can be accommodated within each plot. Minimum standards in relation to window to window privacy standards are also met. The surrounding streets are characterised by strong uniform building lines and by each property fronting onto the public road. With the exception of some commercial development to the north of the site, the surrounding area is characterised by a lack of backland development. The proposed development would be out of keeping with the established townscape character of the surrounding area. The proposal is therefore contrary to the terms of policy HSG05.

7a.4 Policy HSG03 - Windfall Housing states:-

Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*

2. *The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
3. *The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
4. *Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
5. *The site is not at significant risk of flooding in the terms of Policy RW06;*
6. *In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
7. *It complies with other LDP policies.*

7a.5 The proposed residential nature of this development is compatible with the surrounding residential land use. The site enjoys good accessibility to public transport and community facilities and the site is not highlighted as being at significant risk of flooding. The application site is however located in close proximity to a motorway which has the potential to generate significant noise intrusion within the proposed properties. The proposal has not been supported by a Noise Impact Assessment and it cannot therefore be concluded that adequate residential amenity levels can be met by the proposal. The proposal is therefore contrary to the terms of policy HSG03.

7a.6 Policy INF03 - Protection of Open Space states:-

The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value. Accordingly:

1. *Development involving the loss of urban open space will only be permitted where:*
 - *There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
 - *There will be no significant adverse effect on the overall recreational amenity of the local area, taking account of the Council's open space standards (defined within the Open Space Strategy) and its release for development will be compensated for by qualitative improvements to other parts of the green network in the local area;*
 - *The area is not of significant ecological value (this can include areas that are not specifically designated for ecological features, but which are important in supporting the qualifying features of Natura 2000 sites); and*
 - *Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*

2. *Where development would also involve the loss of playing fields or sports pitches, it must additionally be demonstrated that:*
- The proposed development is ancillary to the principal use of the site as a playing field; or*
 - The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; or*
 - The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or*
 - The Council's pitch strategy has shown that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

7a.7 The proposed development includes the change of use of a 6m x 35m strip of private open space to the rear of the existing garden area to garden ground. The area of land in question is not considered to have any landscape, amenity, recreational or ecological value and is closed off to the general public. The loss of this area of open space can therefore be justified in this instance. The proposal accords with the terms of policy INF03.

7a.8 In conclusion, the proposal is contrary to the terms of the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are Consideration of the Site in Relation to Coal Mining Legacy, Assessment of Public Representations, Falkirk Local Development Plan 2 (Proposed Plan) and Supplementary Guidance Forming Part of the Local Development Plan.

Consideration of the Site in Relation to Coal Mining Legacy

7b.2 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

7b.3 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

Assessment of Public Representations

- 7b.4
- Potential noise issues are noted. The application has not been supported by any form of Noise Impact Assessment. The Environmental Protection Unit has concluded that this area is not the subject of any existing air quality concerns at present.
 - Fire safety is not a material planning consideration.
 - Parking levels within the site meet current national standards.
 - The proposed residential use is compatible with the surrounding residential land use. Any noise and disturbance associated with the proposed use is likely to be minimal and can be accommodated in this location.
 - Potential impacts on the privacy of adjacent garden ground is noted. It is confirmed that the proposed dwellinghouses meet current minimum standards in relation to window to window privacy distances.
 - Overshadowing of adjacent garden ground is likely to be minimal and is not considered to be a determining factor in the assessment of this application.
 - The proposed plot sizes achieve sufficient garden ground and off street parking provision and the proposal does not represent an overdevelopment of the plot.
 - The site is not identified as being at risk of flooding within the SEPA flood maps and no concerns have been raised in respect of flooding by the council's flooding officer.
 - There are no trees within the application site and those on adjacent properties are a sufficient distance away so as not to be impacted by the proposed development. The proposal is not therefore likely to impact adversely on bat roosts within adjacent trees.
 - The loss of an area of private open space is noted however this area is assessed as having little in the way of ecological, recreational, or visual amenity value. The loss of this area of land can therefore be justified in this instance.
 - The Roads Development Unit has assessed the proposal and has not raised any concerns in respect of traffic congestion and road safety.
 - The loss of a view is not a material planning consideration.
 - Scottish Water has responded to consultation to confirm that they have no objection to the proposed development. The applicant would however require to obtain separate permission from Scottish Water in order to connect into the existing infrastructure. This is not therefore a determining factor in the assessment of this application.
 - Disturbance during construction is not a material planning consideration.

Falkirk Local Development Plan 2 (Proposed Plan)

- 7b.5
- The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications. In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which justify a grant of planning permission in this instance.

Supplementary Guidance Forming Part of Local Development Plan

7b.6 Supplementary Guidance SG02 - Neighbourhood Design

This guidance note seeks to support the council's design aspirations for new development by setting out general design principles addressing the six qualities of successful places identified in the Scottish Government's Scottish Planning Policy:

- Distinctive
- Safe and Pleasant
- Easy to move around
- Welcoming
- Adaptable
- Resource efficient

7b.7 The guidance offers specific advice in relation to infill developments and states that these should respect the immediate context in terms of height, massing, building lines and materials. The form of development proposed in this application is backland in nature and does not respect the immediate context which is characterised by strong building lines with residential properties facing directly onto the public road.

7b.8 The proposal is contrary to the guidance contained within SG02.

7c Conclusion

7c.1 The proposal is an unacceptable form of development which fails to accord with the Development Plan. There are no material planning considerations that warrant a grant of planning permission in this instance.

8. RECOMMENDATION

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

- 1. The backland nature of the development proposed fails to respect the well established building lines and pattern of development within the surrounding area and would result in the unacceptable erosion of privacy, through overlooking, within the rear garden ground of the donor property to the detriment of townscape character and residential amenity. The proposal is contrary to policy HSG05 'Infill Development and Subdivision of Plots' of the Falkirk Local Development Plan and Falkirk Council Supplementary Guidance SG02 'Neighbourhood Design'.**
- 2. The proposal fails to adequately address potential noise impacts from transportation (M9 Motorway traffic) within the proposed properties to the potential detriment of residential amenity levels. The proposal is contrary to the terms of policy HSG03 'Windfall Housing' of the Falkirk Local Development Plan.**

Informative(s):-

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

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pp Director of Development Services

Date: 13 September 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Supplementary Guidance Forming Part of the Local Development Plan.
4. Objection received from Mrs Joanne Garrity, 16 Thistle Avenue, Grangemouth, FK3 8YH on 17 June 2019.
5. Representation received from Mr David Cocker, 14 Thistle Avenue, Grangemouth, FK3 8YH on 5 June 2019.
6. Objection received from Mrs Isabel Jappy, 21 Primrose Avenue, Grangemouth, FK3 8YG on 19 June 2019.
7. Objection received from Ms Margaret Thompson, 9 Thistle Avenue, Grangemouth, FK3 8YH on 18 June 2019.
8. Objection received from Mr and Mrs Margaret and Peter Smith, 5 Thistle Avenue, Grangemouth, FK3 8YH on 18 June 2019.
9. Objection received from E Robertson, Kilcreggan, 4 Thistle Avenue, Grangemouth, FK3 8YH on 17 June 2019.
10. Objection received from Mr Daniel Kidd, 10 Thistle Avenue, Grangemouth, FK3 8YH on 27 June 2019.
11. Objection received from Mrs Maraed Campbell, 51 Thistle Avenue, Grangemouth, FK3 8YQ on 17 June 2019.
12. Objection received from Miss Mhairi Penman, 2 Thistle Avenue, Grangemouth, FK3 8YH on 19 June 2019.
13. Objection received from Mrs Anne Easton, 12 Thistle Avenue, Grangemouth, FK3 8YH on 20 June 2019.
14. Objection received from Mrs Amanda Campbell, 36 Thistle Avenue, Grangemouth, FK3 8YQ on 18 June 2019.
15. Objection received from Mr Barry Wilson, 2 Thistle Avenue, Grangemouth, FK3 8YH on 19 June 2019.
16. Objection received from Mr David J Thompson, 10 Duke Street, Grangemouth, FK3 9BA on 21 June 2019.
17. Objection received from Mrs Lorraine Annand, 65 Thistle Avenue, Grangemouth, FK3 8YQ on 26 July 2019.

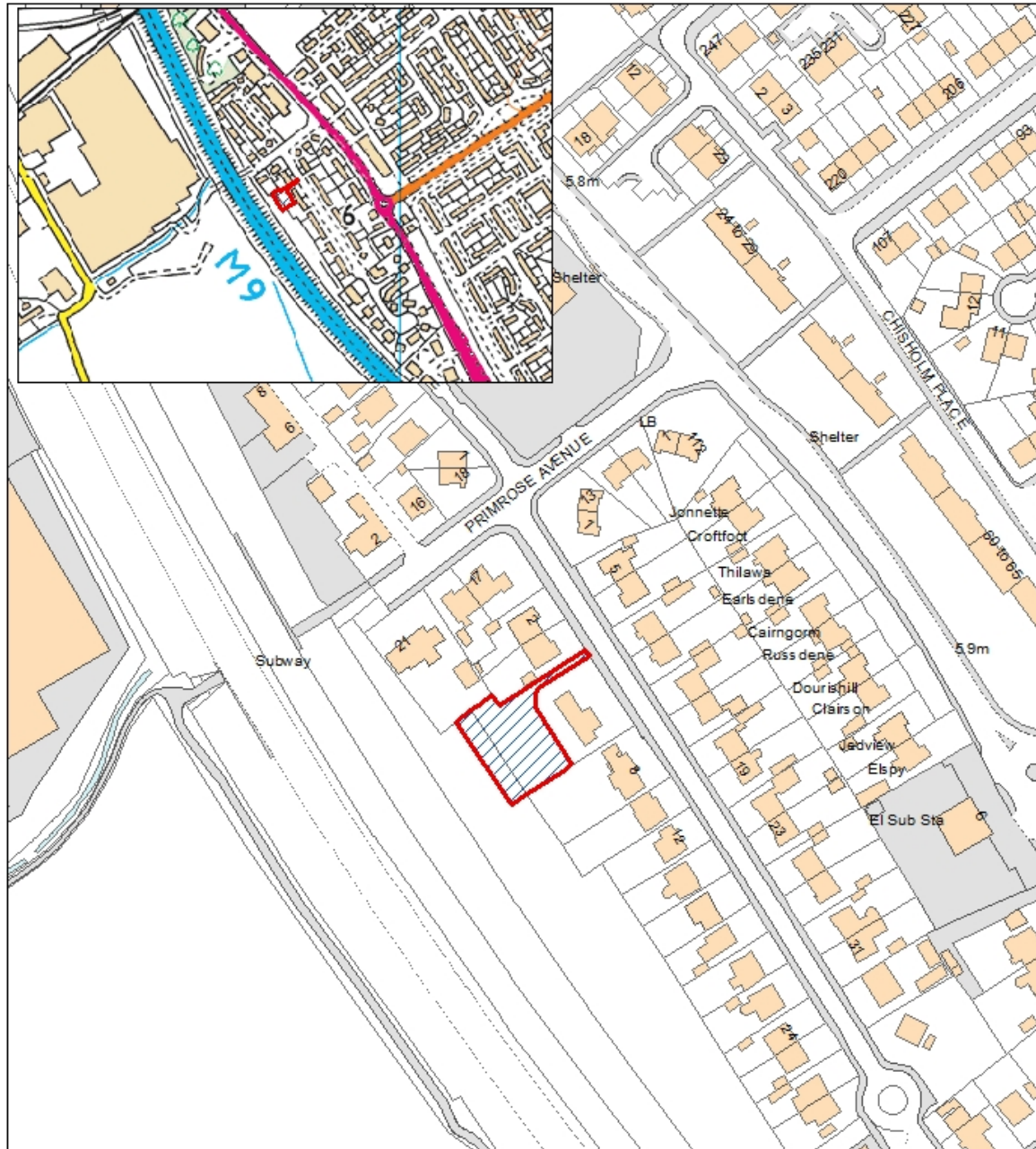
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0280/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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