

**FALKIRK COUNCIL**

**Subject:**        **ERECTION OF 6 FLATTED DWELLINGS, 2 DWELLINGHOUSES AND ASSOCIATED WORKS AT LORRAINE COTTAGE, SOUTHCRAIGS ROAD, RUMFORD, FK2 0SR, FOR JCS BUILDERS LTD - P/09/0215/FUL**

**Meeting:**       **PLANNING COMMITTEE**

**Date:**           **23 September 2009**

**Author:**        **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Member:**     **Councillor Gordon Hughes**  
                         **Councillor Stephen Fry**  
                         **Councillor John McLuckie**

**Community Council:**    Maddiston

**Case Officer:**         Kevin Brown (Planning Officer), ext 4701

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

- 1.1       This detailed application proposes demolition of an existing single storey cottage and erection of 6 flats and two houses on the grounds of this cottage, utilising the large garden area that was located to the rear of this property. The proposed development includes off street parking and proposes to create a courtyard style arrangement to the front of the main housing blocks.
- 1.2       The application site is located in a predominantly residential area and fronts onto Southcraigs Road, Rumford, from which site access is to be taken.

**2.        REASON FOR COMMITTEE CONSIDERATION**

- 2.1       The applicant has lodged an appeal against the non-determination of this planning application within the statutory 8 week period to the Department for Planning and Environmental Appeals. (DPEA).
- 2.2       The DPEA requires Falkirk Council to submit a written statement containing its views on this application to allow full consideration of the appeal. These views should have been submitted to the DPEA on 28 August, but an extension to this period has been granted which allows these to be submitted by 25 September. This extension has been granted specifically to allow members time to consider this application.
- 2.3       It should be noted that a number of similar appeals have also been lodged against non-determination but have not been afforded this extension to time and therefore any further extension of this time period is highly unlikely with regard to this particular planning application.

### **3. SITE HISTORY**

- 3.1 None relevant to this application.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has assessed the application in terms of parking, road safety, flooding and drainage and they are satisfied with the proposals in their current form.
- 4.2 The Environmental Protection Unit has requested that the applicant undertakes standard noise and a contaminated land surveys. They have not raised any objection to the proposal.
- 4.3 Scottish Water has not objected to the proposal.

### **5. COMMUNITY COUNCIL**

- 5.1 The Maddiston Community Council has objected to this proposal on the grounds of building height, overdevelopment and traffic and parking.

### **6. PUBLIC REPRESENTATION**

- 6.1 A total of 31 letters of objection have been received raising the following issues:
- Parking shortage and road safety issues.
  - Overshadowing and impact on daylighting.
  - Overdevelopment of the plot.
  - Privacy issues.
  - Loss of trees from the site.
  - Noise and disturbance generated from the increase in number of dwellinghouses in the area.
  - Visual amenity.

### **7. DETAILED APPRAISAL**

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

## 7a The Development Plan

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

### ***Polmont and District Local Plan***

#### 7a.1 Policy POL 2.2 'Urban Limit' states:

*"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside."*

#### 7a.2 The application site is within the urban limits as defined by the Polmont and District Local Plan and the proposal, in principle, is therefore in accordance with the terms of this policy.

#### 7a.3 Policy POL 3.6 'Infill Development and Subdivision of Plots' states:

*"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:*

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) 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;*
- (v) the proposed houses would have a direct street frontage; and*
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard."*

#### 7a.4 The scale, density and disposition of the proposed houses is appropriate for this area. The design of the properties in addition to the site levels helps to keep the ridge heights similar to that of the properties adjacent. The orientation of the properties ensures that adequate privacy is afforded to both the proposed dwellinghouses and the neighbouring properties without resulting in any adverse overshadowing issues.

#### 7a.5 With regard to garden ground provision, it is considered that the proposed dwellinghouses and flats benefit from adequate levels of amenity space. The two semi-detached properties are afforded the largest area of open space, over 100 square metres in each instance, on an area of ground on the southern portion of the site. The block of four, two bedroom flats shares an area of garden ground on the western portion of the site equating to approximately 50-70 square metres per flat whilst the two, one bedroom flats towards the front of the site have a communal area measuring approximately 50 square metres in total. The division of these areas is considered to fairly reflect the size of each property and the likely needs of the inhabitants of each property.

#### 7a.6 The proposal requires the removal of a number of trees and bushes from the site although these trees are of little aesthetic value and are not protected by any tree preservation order. The loss of the trees is not considered to have an adverse impact on the character of the area.

- 7a.7 The proposed vehicular access and parking arrangements are considered acceptable and whilst the proposed properties would not front directly onto Southcraigs Road, the creation of a courtyard arrangement gives the impression of a street frontage thus maintaining good levels of residential amenity.
- 7a.8 The proposal is therefore considered to comply with the terms of Policy POL 3.6 of the Polmont and District Local Plan as a whole. Accordingly, the proposal accords with the Development Plan.

**7b Material Considerations**

- 7b.1 The material considerations relating to this proposal are the representations received, the Falkirk Council Local Plan Finalised Draft (Deposit Version) and supplementary planning guidance.

***Representations Received***

- 7b.2 Parking and road safety issues have been assessed by the Roads Development Unit who are satisfied that the proposed development meets the required standards of provision.
- 7b.3 Overshadowing and impact on day lighting have been assessed and, whilst it is accepted that the proposed development will overshadow certain areas of neighboring garden ground for small periods during the day, these gardens are of sufficient size that residential amenity will not be adversely affected.
- 7b.4 Issues of overdevelopment are assessed above, but it is considered that the proposal does not represent an overdevelopment of the plot; rather it is an example of good design making best use of an awkward plot size whilst minimizing impacts on surrounding properties. Each property would benefit from adequate levels of amenity space provision and the design and layout maintains good levels of residential amenity.
- 7b.5 Privacy issues have been assessed and it is considered that, due to the orientation of the proposed properties, all window to window distances comply with Falkirk Council guidelines. In addition to this, the internal layouts of each property have been arranged to minimize the overlooking of adjacent garden ground from habitable rooms where possible.
- 7b.6 It is accepted that trees and shrubbery will be lost as a result of this development. However, the site is not covered by any tree preservation order and the vegetation on the site is not considered worthy of protection. The site is currently untidy in appearance and redevelopment of this site in the manner proposed will be beneficial in visual terms.
- 7b.7 The use of the site for residential purposes is considered appropriate for this location and it is not considered that increase in activity on the site will have an adverse impact on the residential amenity of other properties by virtue of noise.

## ***Finalised Draft Falkirk Local Plan***

7b.8 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

*“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:*

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and 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 and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

7b.9 Policy SC8 affirms the position of the Polmont and District Local Plan as stated in paragraphs 7a.1 – 7a.8. The proposal accords with this policy.

### ***Supplementary Planning Guidance Note – Housing Layout and Design***

7b.10 This guidance note aims to provide advice on how a high standard of design can be achieved in estate layout and house architecture. The guidance is generally split to address two classic location types, Urban and Sub-Urban. The current application falls into the category of an Urban site and, in this regard, the general guidance seeks to encourage well designed spaces which fit well with the surroundings. There is a general appreciation that development in this urban form will be denser in nature than the Sub-Urban form although the guidance stops short at suggesting specific plot ratios.

7b.11 Whilst the guidance contained in this document is general in nature, specific reference is made to concealment of parking areas where possible, courtyard arrangements and privacy issues. It is considered that each of these sections lend support to the proposed form of development.

### ***Supplementary Planning Guidance Note – House Extensions and Alterations***

7b.12 This general guidance note is intended to advise on developments at a householder scale. However, it does set out guidance on privacy and overshadowing which are considered appropriate to this application. The proposed development accords with all the provisions set out in this document and as a result issues of privacy and overshadowing are considered.

## **7c Conclusion**

7c.1 The proposed development represents an acceptable form of development for this site and is in accordance with the terms of the Development Plan. There are no material planning considerations that would justify a refusal of planning permission in this instance.

## 8. RECOMMENDATION

- 8.1 It is recommended that the appeal against non-determination and deemed-refusal of this application is not challenged by Falkirk Council as the proposal is acceptable.

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For Director of Development Services

Date: 15 September 2009

### LIST OF BACKGROUND PAPERS

1. Polmont and District Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Supplementary Planning Guidance Note – Housing Layout and Design
4. Supplementary Planning Guidance Note – House Extensions and Alterations
5. Letter of representation received from Maddiston Community Council Magdalene Cottage Vellore Road Maddiston Falkirk on 13 May 2009
6. Letter of representation received from Mr John Pitcaithly 1 Carron Terrace Rumford Falkirk FK2 0SZ on 1 May 2009
7. Letter of representation received from Mrs Morag Pitcaithly 1 Carron Terrace Rumford Falkirk FK2 0SZ on 1 May 2009
8. Letter of representation received from John Gibb , 6 Bellevue Rumford Falkirk FK2 0SP on 15 April 2009
9. Letter of representation received from Robert Hunter, 9 Bellevue Rumford Falkirk, FK2 0SP on 15 April 2009
10. Letter of representation received from Mr & Mrs R McMillan
11. Letter of representation received from The Cottage 15 Southcraigs Road Rumford FK2 0SF on 15 April 2009
12. Letter of representation received from Anne Blelloch, 7 Bellevue Rumford Falkirk FK2 0SP on 15 April 2009
13. Letter of representation received from Mrs Roslyn McPhillips, Gardrum Greenhithe Terrace Rumford FK2 0SR on 16 April 2009
14. Letter of representation received from Mr Brian Besler Pandora Cottage Southcraigs Road Rumford FK2 0SF on 16 April 2009
15. Letter of representation received from Owner/Occupier, 7 Greenhithe Terrace Maddiston Road Rumford Falkirk on 16 April 2009
16. Letter of representation received from Jessie E Gray 5 Greenhithe Terrace Maddiston Road Rumford Falkirk on 16 April 2009
17. Letter of representation received from Mrs Eleanor Pollock, Ortego Greenhithe Terrace Maddiston Road Rumford on 27 April 2009
18. Letter of representation received from Mrs Roslyn McPhillips, Gardrum Southcraigs Road Rumford FK2 0SR on 22 April 2009
19. Letter of representation received from Mr Colin Spiers, 2 Greenhithe Terrace Maddiston Road Rumford Falkirk on 20 April 2009
20. Letter of representation received from Alex Pollock , Ortego Greenhithe Terrace Maddiston Road Rumford on 9 April 2009

21. Letter of representation received from Mr Gary Pollock, 6 Budbury Tynning Bradford on Avon Wiltshire BA15 1QE on 14 August 2009
22. Letter of representation received from Mrs Margaret Towe, 3 Greenhithe Terrace Maddiston Road Rumford Falkirk on 15 April 2009
23. Letter of representation received from Mr Stephen McPhillips, Gardrum Greenhithe Terrace Rumford FK2 0SR on 28 April 2009
24. Letter of representation received from James Hunter, Craiglee 2 Carron Terrace Rumford Falkirk on 15 April 2009
25. Letter of representation received from A Rankine, 6 Greenhithe Terrace Maddiston Road Rumford Falkirk on 15 April 2009
26. Letter of representation received from Mrs A Elliott, 8 Greenhithe Terrace Maddiston Road Rumford Falkirk on 15 April 2009
27. Letter of representation received from Mr Jim Toye, Rannoch Southcraigs Road Rumford FK2 0SR on 15 April 2009
28. Letter of representation received from Owner/Occupier, 10 Bellevue Rumford Falkirk FK2 0SP on 15 April 2009
29. Letter of representation received from Owner/Occupier, 8 Bellevue Rumford Falkirk FK2 0SP on 15 April 2009
30. Letter of representation received from Mr Stephen McPhillips, Gardrum Southcraigs Road Rumford FK2 0SR on 15 April 2009
31. Letter of representation received from Mr Blleloch, 7 Bellevue Rumford Falkirk FK2 0SP on 15 April 2009
32. Letter of representation received from Mrs J Sneddon, 1 Greenhithe Terrace Maddiston Road Rumford Falkirk on 15 April 2009
33. Letter of representation received from Mr Stephen McPhillips, Gardrum Southcraigs Road Rumford FK2 0SR on 28 April 2009
34. Letter of representation received from Alex Pollock, Ortego Greenhithe Terrace Rumford FK2 0SR on 20 April 2009
35. Letter of representation received from Mr P Meechan, Hylands Southcraigs Road Rumford FK2 0SR on 9 April 2009

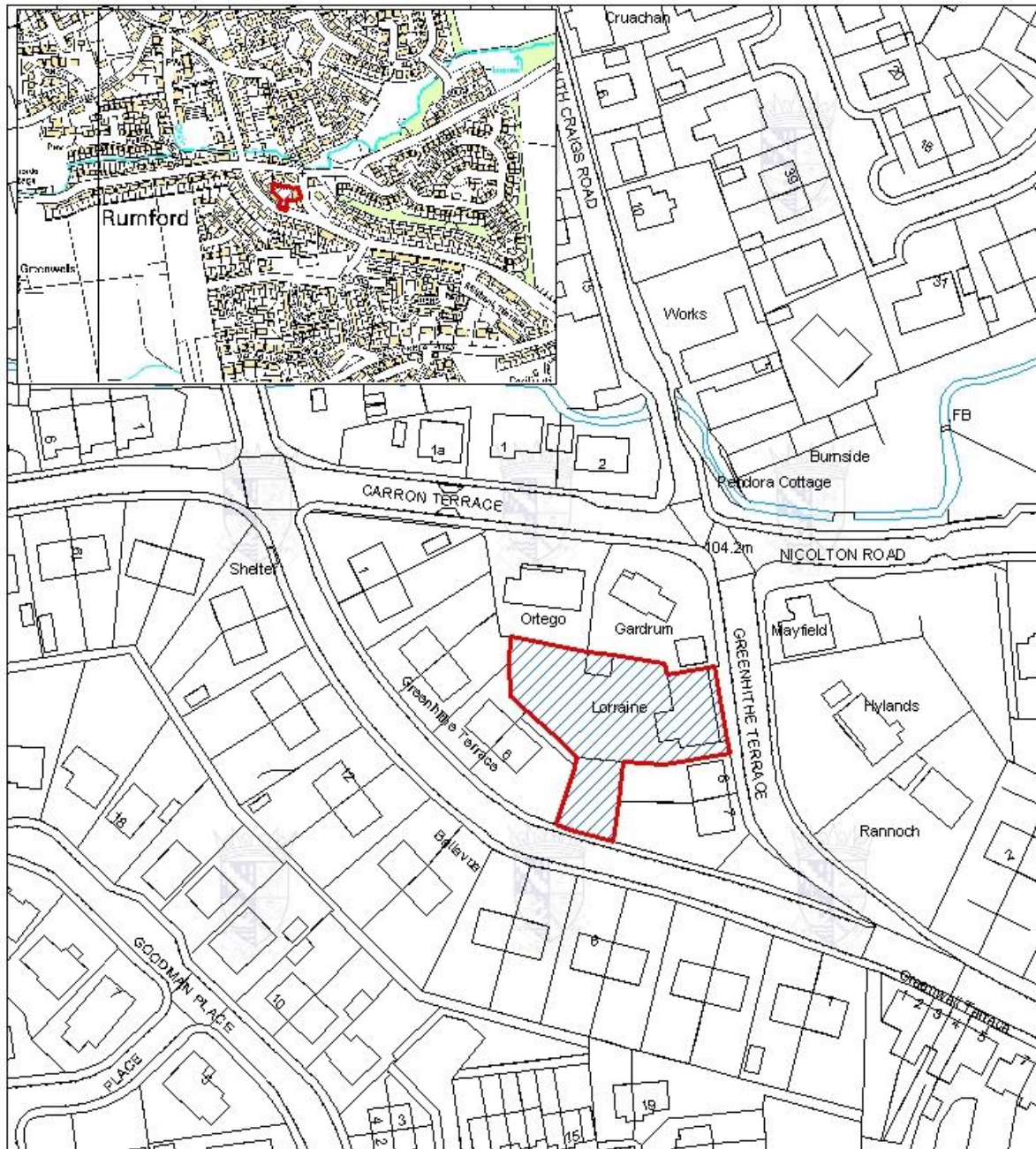
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown (Planning Officer).

# Regulatory Committee

## Planning Application Location Plan

**P/09/0215/FUL**

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



Falkirk Council

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