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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997 (AS AMENDED)
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS



Falkirk Council

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review. Please note that the guidance notes are issued by the Scottish Government. They apply to planning authorities generally and not specifically to Falkirk Council

In terms of the Act and regulations referred to above, Falkirk Council's Planning Review Committee sits as the "local review body".

Please use **BLOCK CAPITALS** if completing by hand.

Applicant(s)		Agent	
Name	CRAIG LEE THOMSON	Name	GRANT LIVINGSTONE
Address	11 NORVAL PLACE	Address	LIVINGSTONE DESIGN
	ROSKIRK		PO BOX 29236
	FIFE		DUNFERMLINE
	Postcode: KY11 2RS		Postcode: KY12 2DY
Tel		Tel	
Mobile		Mobile	
Fax		Fax	
e-mail *		e-mail *	

Mark this box to confirm all contact should be through your agent or representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority's application reference number P/13/0540/FUL

Site address GREYRIGG RESERVOIR LAND, CALIFORNIA, FALKIRK
Description of proposed development PROPOSED ERECTION OF THREE FAMILY DWELLING HOUSES AS PER SECTION 75 AGREEMENT REF: KQ:DN/P/13/15.

Date planning application declared
valid by Planning Authority

21ST AUGUST 2013

Date of Decision (Leave blank if
appeal against non-determination)

Note. This notice must be served on the planning authority within **three months** of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Planning Review Committee will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you consider that the review should be conducted by a combination of procedures. Please note, however, that the final decision as to procedure will rest with the Planning Review Committee.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Planning Review Committee decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If there are reasons why you think the Planning Review Committee would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Planning Review Committee to consider as part of your review.

If the Planning Review Committee issues a notice requesting further information from any other person or body, copies of any such information received will be sent to you and you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State in the space provided the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Are you submitting a statement of reasons for review in a separate document?

Yes



No



Reasons for Notice of Review

PLEASE REFER TO STATEMENT LETTER ATTACHED. STATEMENT LETTER ATTACHED PROVIDES FULL REASONS FOR THE REVIEW REQUEST.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes



No



Are you submitting additional documentation?



If you answer yes to either or both of the above questions, you should explain in the box below, why you are raising new material and/or introducing additional documentation, why it was not raised with or made available to the appointed officer before your application was determined and why you think it should now be considered in your review. Please note that it will be for the Planning Review Committee to decide whether or not all or any of the new material/additional documentation will be considered in the review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1.	APPLICATION STATEMENT LETTER.
2.	PROPOSED PLANNING SITE PLAN LAYOUT DRAWING.
3.	PROPOSED PLANNING LANDSCAPING DRAWING.
4.	PROPOSED PLANNING HOUSE TYPE ELEVATIONS & SECTIONS DRAWING.
5.	PROPOSED PLANNING GARAGE ELEVATIONS & SECTIONS DRAWING.
6.	COPY OF PLANNING APPLICATION LETTER DATED 15TH AUGUST 2013.
7.	
8.	
9.	
10.	

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

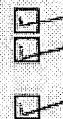
Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requiring a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant~~agent~~ [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

25TH OCTOBER 2013

This form and other documents should be returned to:

**The Development Manager,
Development Services,
Abbotsford House,
Davids Loan,
Falkirk FK2 7YZ**

Livingstone Design
Architectural/Structural Drafting Services

25th October 2013

Falkirk Council
Planning Department
Development Management
Falkirk Council
Abbotsford House
David's Loan
Falkirk
FK2 7YZ



For attention of Ian Dryden

Section 75 Agreement Reference: KQ:DV/PT/315
Granted Planning Permission in Principle Reference: P/09/0790/PPP
Current Planning Application Reference: P13/0540/FUL

PLANNING NOTICE OF REVIEW APPLICATION

Dear Mr Dryden

PLANNING NOTICE OF REVIEW FOR: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT GREYRIGG LAND, BOXTON ROAD, CALIFORNIA, FALKIRK, ERECTION OF THREE DOMESTIC FAMILY HOMES

Following my clients recent planning application the planning officer assigned to this application, Mr McClure, has confirmed in recent email communication and formally in writing that my clients planning application has been refused.

Following the decision to refuse planning permission my client has requested that I submit a planning notice of review application. Please find attached the following:

1. One complete notice of review application.
2. Proposed site plan layout drawing.
3. Proposed site landscape layout drawing.
4. Proposed planning house type elevations & sections drawing.
5. Proposed planning garage elevations and sections drawing.
6. Copy of planning application letter dated 15th August 2013.

All other proposed planning drawings and site investigation documentation was submitted as part of the planning application, registered by Falkirk Council on the 21st August 2013.

The reasons for submitting the notice of review application are listed below:

Livingstone Design Drafting Services
PO Box 29236, Dunfermline, KY12 2DY
Tel: 07980651059

1. Possible incomplete advice provided by the planner at the pre-application meeting held at the above addressed Falkirk Council office.

On the 29th July I had a meeting with Mr McClure, the planning officer. I provided a full package of original drawings to discuss and obtain feedback before any planning application was submitted. During the meeting Mr McClure provided many recommendations to help progress the planning drawings.

Mr McClure did mention the ridge height of all houses would need to be reduced to clearly show one and half storey house types. The urban design officer would need to assess the proposed landscape layout and he also recommended that the external house type finish must be more natural stone finish. These points and others were taken in good faith and all drawings were revised keeping in full compliance with the Section 75 agreement.

Mr McClure did not mention at any stage during the pre-application meeting his preferred house type style or mention that the original house type provided would be refused. Referring to the Falkirk Council portal I have seen many other applications in relation to this land that have been withdrawn or refused by Mr McClure. By the pre-application stage Mr McClure should therefore have already formed a clear idea of what the planning department would have preferred to see submitted for consideration. In email correspondence sent by Mr McClure on the 24th September 2013 Mr McClure for the first time mentioned the exact house types he would prefer to see on this site. There was no mention of smaller scale outbuildings, steadings or barns at the pre-application meeting.

2. Not showing the submitted planning application letter on the Falkirk Council e-planning portal.

My planning application letter was never shown as part of the planning application shown on the Falkirk Council e-planning project file. Mr McClure confirms from received email correspondence dated 8th October 2013 that only relevant and required supporting documentation is shown on the portal.

The covering letter submitted as part of the application is relevant and clearly highlights previous communication following the pre-application meeting. My covering application letter listed all supporting documentation submitted and indicated to readers of the documentation that a pre-application meeting had been held and that all points raised during the meeting had either been answered in my letter or the enclosed drawings had been amended as a result. To not show my application letter with the rest of my client's planning application is definitely not in keeping with other local authorities and a little misleading to readers of the documentation. All submitted information provided as part of the original application should have been shown on the Falkirk Council e-planning portal.

3. In my planning application covering letter I confirmed a number of changes made to the drawings following the pre-application meeting with Mr McClure. In subsequent correspondence from Mr McClure he appears to keep repeating some of the issues raised, indicating to me that he has neither recognised or acknowledged the

changes made. This highlights point 2 above and how important this covering letter is to the planning application submitted.

4. Not acknowledging the conditions and restrictions placed within the Section 75 agreement and the impact this has on the development of the land and its economic viability.

The conditions within the Section 75 agreement place heavy restrictions for any proposed development on the land in question. These conditions include restrictions on the proposed site entrance, insist that land be gifted to Falkirk Council and insist that my client pays all legal fees incurred through this process. This all restricts the type of development that can be designed for the land that is available for development and also impacts on the economic viability of developing the land.

One of Mr McClure's main issues is in relation to the house type to be constructed. He is being very rigid and inflexible in his view of the house type to be constructed and in effect his proposals would make the land non-viable for development.

5. Failure to take account of existing domestic dwellings and structures surrounding the site.

Following the pre-application meeting the proposed revised house types submitted clearly show one and half storey domestic family dwellings and will easily be in keeping with existing dwellings neighbouring my clients land and surrounding area.

Mr McClure has confirmed that neighbouring properties next to and near my clients land were not of recent times and therefore not assessed under the same guidance. My points raised in previous correspondence with Mr McClure are that the planning department should take account of the style and architectural appearance of dwellings next to and in the vicinity of my clients land. Mr McClure should also take into account existing utility services in the surrounding area which also limits the proposed orientation and location of the house types. To completely ignore existing dwellings next to my clients land and repeatedly try to enforce a proposal that is neither in keeping with the surrounding area or economically and financially viable is not practical.

6. Refusal of the planning application based on non-compliance with a number of recommendations made by the planning officer.

Mr McClure has made a number of recommendations with regards to such issues as the materials to be used in construction of the properties, the proposed soft landscaping, planting, hedging, transportation requirements and obtaining SEPA approval. Whilst he feels that these recommendations have not been adequately addressed in the planning application they could however be placed as planning conditions. These issues alone should not result in the failure of the planning application.