

SEPA's requirements for a private foul drainage system. The Roads Services have also confirmed that their surface water drainage system at that location consists of one road gully, one manhole and a piped culvert to an existing road side ditch on the west verge of the B8028. They have also confirmed that they will not accept any surface water runoff from the proposed site entering this drainage system. The proposal to construct two manholes and a piped culvert along the B8028 is also not acceptable. Surface water drainage to serve the site is liable to be an infiltration system, which is not ideal and will be very much dependent on the results of porosity tests. The site is remote, but Falkirk Council would not want surface water running off the site onto the adopted public road. Adjacent landowners may also have objections if flood risk/run-off to their land is altered by proposals. The surface water drainage proposals for the site would therefore have to be amended in line with the above information.

Overall, the current proposals fail to meet both Local and National Planning Policy for new developments within the countryside, as well as the Council's own guidance and requirements. I would therefore be unable to support the current proposals and it would be moving forward to a recommendation to refuse. I would therefore suggest that the above application is withdrawn, as this will allow for further discussions in relation to the issues raised above. If agreement can be reached on all the relevant matters, the application could then be resubmitted free of charge within a year of the original validation date.

Please do not hesitate to contact me on the number below or by e-mail if you wish to further discuss any of the matters raised above.

**Thanks,  
Stephen McClure  
Planning Officer  
Development Management  
Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk  
FK2 7YZ  
01324 504702**

- The link below is for the Development Management Survey which we would be grateful if you would complete and submit.

**[www.surveymonkey.com/s/dev\\_management](http://www.surveymonkey.com/s/dev_management)**

- For information, the undernoted is the direct link to the Scottish Government E-planning website.

**<https://eplanning.scotland.gov.uk/WAM>**

- 2012 Scottish Awards for Quality in Planning - Falkirk Greenspace Initiative, (Overall Winner)

**<http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/awards>**

Falkirk Council is committed to helping local people understand how the changes to benefits that are being made as a result of the Welfare Reform might affect them and what services they can get to support you through those changes. Information on the changes and who will be affected by them is available online: [http://www.falkirk.gov.uk/welfare\\_reform/welfare\\_reform.aspx](http://www.falkirk.gov.uk/welfare_reform/welfare_reform.aspx)

Please get in touch with us if you have concerns or problems so we can provide relevant advice and support.

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The views and opinions expressed in this e-mail are the sender's own and do not necessarily represent the views and opinions of Falkirk Council.

**Livingstone Design**  
Architectural/Structural Drafting Services

24<sup>th</sup> October 2013

Falkirk Council  
**Planning Department**  
Development Management  
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 15<sup>th</sup> 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 21<sup>st</sup> August 2013.**

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

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

On the 29<sup>th</sup> 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 24<sup>th</sup> 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 8<sup>th</sup> 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.

7. No consideration of the previous use and purpose of the land in question.

As you are probably aware the land was previously owned by Scottish Water and has never been used as farmland. As far as I am aware Scottish Water used the land as a water storage area as stated in the site deeds. In Mr McClure's email dated 24 September 2013 he highlights the types of buildings that in his view should be constructed on the land, including farmhouses, barns, outbuildings and steadings, none of which has ever been constructed on this land or next to the land. The closest dwelling to this land is clearly shown as a new build construction with a front facing PVC conservatory and windows and clearly not in keeping with the country vision Mr McClure appears to be advocating.

The proposed planning application submitted in my opinion complies with the conditions set out in the approved Section 75 agreement and the proposed properties to be constructed on the site would be in keeping with and enhance the area and aid Falkirk Council in their future road infrastructure improvement strategy for the area.

As previously stated, in my opinion my clients planning application has not been given any consideration in light of the opportunities it provides. These include the money required to be spent on the development, the vast amount of land gifted to Falkirk Council as set out in the Section 75 agreement, the opportunity for future vital road infrastructure improvements needed to the area, additional council tax revenue to Falkirk Council, providing new energy efficient family homes and new families eventually moving into the area and spending money within the local community. All good reasons for supporting the application submitted for consideration for three family homes.

As stated above a review of the Falkirk Council e-planning portal has highlighted that all previous planning applications in relation to this site have either been withdrawn or the applications has been refused. In light of this I feel that my clients planning application may not have been given a fair review and due consideration.

I trust the reasons for this application are clear and that this letter and enclosed documentation provides all necessary information for you to consider this application for review. If you require any further information or previously issued documentation please do not hesitate to contact me.

Yours Sincerely

Grant Livingstone  
Encs (6)

Cc Mr L Webb Pro Construction Ltd, Rosyth.

# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	CRAIG LEE	Forename	GRANT
Surname	THOMSON	Surname	LIVINGSTONE
Company Name		Company Name	LIVINGSTONE DESIGN
Building No./Name	11	Building No./Name	PO BOX 29236
Address Line 1	NORVAL PLACE	Address Line 1	
Address Line 2		Address Line 2	
Town/City	ROSYTH	Town/City	DUNFERMLINE
Postcode	KY11 2RJ	Postcode	KY12 2DY
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

  

**3. Postal Address or Location of Proposed Development (please include postcode)**  

LAND KNOWN AS GREYRIGG RESERVOIR, GREYRIGGS, BOXTON ROAD, CALIFORNIA, FALKIRK,  
 KY1 2JB.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

  

**4. Type of Application**  
 What is the application for? Please select one of the following:
 

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

\*Please provide a reference number of the previous application and date when permission was granted:

Reference No: P/09/0790/PPP & DV/PT/315	Date: 1st MARCH 2012
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**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

PROPOSED PLANNING APPLICATION SUBMITTED FOR CONSIDERATION TO APPROVE A SMALL DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES. THE PROPOSED DEVELOPMENT WOULD CONSIST OF THREE DOMESTIC DWELLINGS INCLUDING FRONT AND REAR GARDENS, VEHICLE ACCESS INCLUDING PARKING. ALL THREE HOMES WOULD HAVE A DOUBLE GARAGE. COPY OF SECTION 75 AGREEMENT IS ATTACHED, REF: KQ:DV/PT/315. AGREEMENT ISSUED 28/02/2012.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☒ Telephone call ☐ Letter ☒ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: STEPHEN MCCIURE

Date: 23rd JULY 2013

Ref No.: P/09/0790/PPP

PLEASE REFER TO ATTACHED APPLICATION LETTER EXPLAINING ALL COMMUNICATION WITH FALKIRK COUNCIL PLANNING AND TRANSPORTATION DEPARTMENTS.

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

3040sq m