

# 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

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**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 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.	4953
Forename	Wesley	Forename	Colm
Surname	Edmund	Surname	Curran
Company Name		Company Name	McFarlane Curran
Building No./Name		Building No./Name	12
Address Line 1		Address Line 1	Main Street
Address Line 2		Address Line 2	Comrie
Town/City		Town/City	Dunfermline
Postcode	FK66BJ	Postcode	KY129HD
Telephone	01324 822122	Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority		Falkirk	
Planning authority's application reference number		P/14/0398/PPP	
Site address			
Denovan Park Denovan Road Dunipace FK66BJ			
Description of proposed development			
Development of land for residential purposes- Erection of two dwellings.			

Date of application

18/07/14

Date of decision (if any)

23/01/15

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

#### 4. Nature of Application

- Application for planning permission (including householder application) ☐
- Application for planning permission in principle ☒
- 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) ☐
- Application for approval of matters specified in conditions ☐

#### 5. Reasons for seeking review

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

#### 6. Review procedure

The Local Review Body 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 wish the review to be conducted by a combination of procedures.

- Further written submissions ☐
- One or more hearing sessions ☒
- Site inspection ☐
- Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, 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 necessary.

Verbal discussions are considered essential during a site meeting to fully appreciate the nature of the application and surrounding circumstance

#### 7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

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

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

The access to the site is through a secured gate so any visit must be made by appointment with the applicant or agent

## 8. 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. Note: 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 Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, 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 here 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.

see separate sheet from applicant

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

**9. 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

Reasons for appeal  
Copy of drawings as submitted for planning consent

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.

**10. Checklist**

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

Colm Curran

Date:

13/03/15

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

**9. 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

Reasons for appeal  
Copy of drawings as submitted for planning consent

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.

**10. Checklist**

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



Wesley Edmund  
 Denovan Park ( Denovan House )  
 Denovan Road  
 Dunipace  
 Application No: P/14/0398/PPP

Agent:

McFarlane Curran Building Design  
 Mafeking  
 12 Main Street  
 Comrie  
 KY12 9HD

I would like to appeal the refusal of the above planning application for the following reasons.

- Responses to consultation:
  - Roads – it is accepted that the access is an obtuse angle, however this has been the main entrance to Denovan House since 1840 and when we lived at Denovan House we were all drivers with a minimum of 4 vehicles using this entrance continuously. There will be NO additional traffic or impact on West Lodge. This is the main entrance and there is a clear right of way past West lodge which was the former servants property for Denovan House.
  - Roads service have indicated that the access is appropriate but should be used with care; this is something that everyone normally does when leaving or entering any access and should be noted as such.
  - The development will have minimum Landscape Impact mostly hidden at the base of the hill.
  - The development is justified based on recent precedents set by the council
  - The development is justified as an improvement to the local landscape.
- Public Representation:
  - All trees on the site were assessed and those considered to be dangerous were removed. Others were made safe. This was reviewed and confirmed by a representative of the Forestry Commission.
  - The trees bordering West Lodge were hollow in the centre and could have fallen at anytime
  - A further full tree review has been carried out on all the land tree cover and will be actioned as recommended.
  - It is proposed that a new planting programme bordering the fields behind and along the west Lodge boundary will be undertaken to replace lost trees.
  - This has been discussed with the Forestry Commission and is fully supported by them.

- Falkirk Proposed Local Plan
- The site is directly opposite Denovan Mains. Probably the most disorderedly area in Denny. Dilapidated buildings dumped, disused farm machinery and piles of builders waste litter the area. An area that has extensive planning permission but an owner who appears to care little for the environment. This small development will enhance the area rather than detract from it.
- The council granted permission to my neighbour at Denovan House to Brenda McConnell for 3 dwellings in her garden just along the road from our project.
- The council previously granted permission to Alex Thomson for a new bungalow further along Denovan Road, although it is accepted this was in conjunction with his business development and I understand it is proposed by Mr Thomson to further develop his business.
- The application has little impact on the landscape, and from a distance appears to be located beneath the new Larbert Wind Farm that has a dramatic landscape impact.
- I would request a Local review of the refusal of my planning application.

Regards

Wesley Edmund



**Falkirk Council**

Abbotsford House Davids Loan Falkirk FK2 7YZ

Tel: 01324 504748

Fax: 01324 504747

Email: [planning.applications@falkirk.gov.uk](mailto:planning.applications@falkirk.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000094295-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- ☐ Application for Planning Permission (including changes of use and surface mineral working)
- ☒ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

proposed house plots adjacent to the west lodge, Denovan House

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Have the works already been started or completed? \*

☒ No ☐ Yes - Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:

McFarlane Curran

Ref. Number:

First Name: \*

Colm

Last Name: \*

Curran

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

You must enter a Building Name or Number, or both:\*

Building Name:

Mafeking

Building Number:

12

Address 1 (Street): \*

Main Street

Address 2:

Comrie

Town/City: \*

Dunfermline

Country: \*

UK

Postcode: \*

KY12 9HD

Is the applicant an individual or an organisation/corporate entity? \*



Individual



Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: \*

Mr

Other Title:

First Name: \*

Wesley

Last Name: \*

Edmund

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:\*

Building Name:

Denovan House

Building Number:

Address 1 (Street): \*

Denovan Road

Address 2:

Town/City: \*

Dunipace

Country: \*

UK

Postcode: \*

FK6 6BJ

## Site Address Details

Planning Authority:

Falkirk Council

Full postal address of the site (including postcode where available):

Address 1:

DENOVAN HOUSE

Address 5:

Address 2:

FALKIRK

Town/City/Settlement:

DENNY

Address 3:

Post Code:

FK6 6BJ

Address 4:

Please identify/describe the location of the site or sites.

Northing

683373

Easting

282037

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐

Yes

☒

No

## Site Area

Please state the site area:

2000.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Estate grounds and access road to Denovan House

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? \*

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \* (Max 500 characters)

Traditional septic tank and soakaway

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

### Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

### Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

### Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

### Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Colm Curran

On behalf of: Mr Wesley Edmund

Date: 15/07/2014

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. \*

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Colm Curran

Declaration Date: 15/07/2014

Submission Date: 15/07/2014

## Payment Details

Online payment: 36619

Created: 15/07/2014 11:15





## McFARLANE CURRAN

### **Building Design**

12 Main Street

Comrie

Fife

KY12 9HD

Tele. 0789 292 2360

email: [REDACTED]

### SUPPORTING STATEMENT FOR 2 NEW DWELLINGS AT DENOVAN HOUSE- WEST LODGE, Dr. WESLEY EDMUND

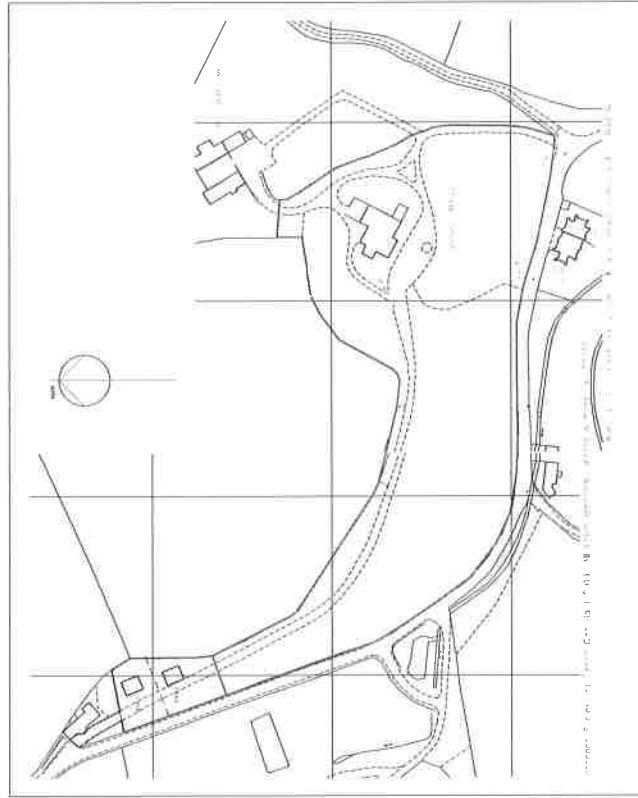
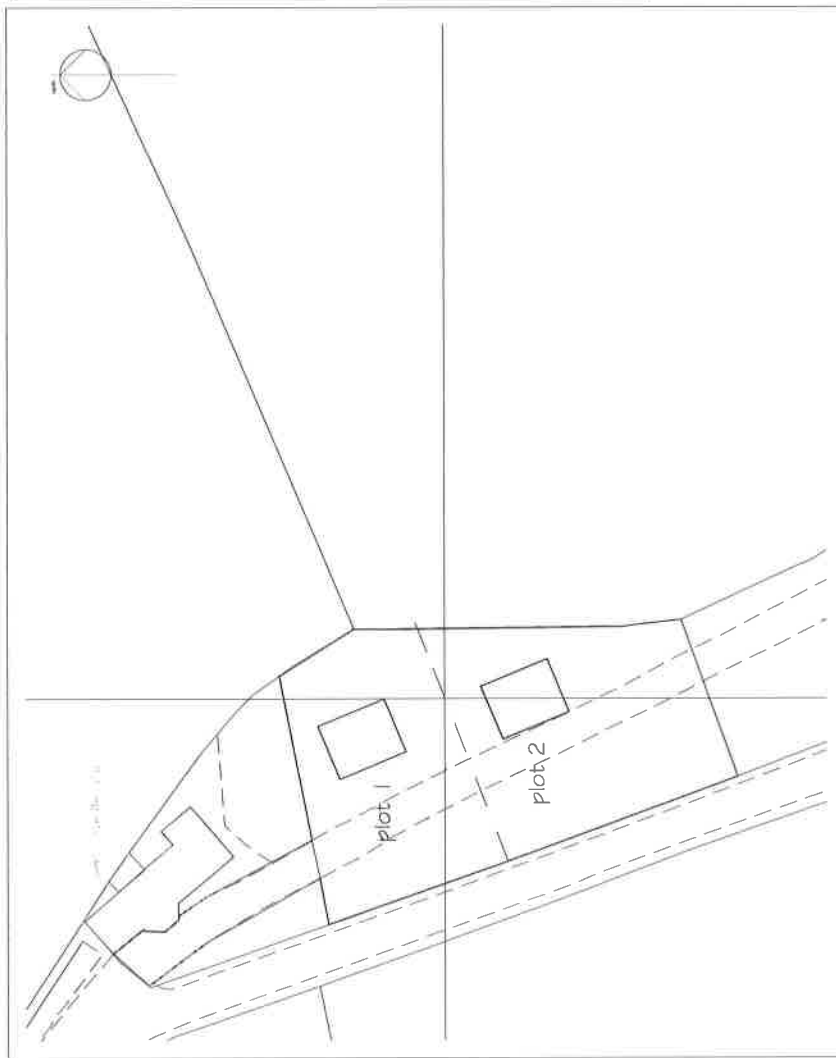
Due to the applicants log term illness, Denovan House and the surrounding grounds have now been divided into 2 parcels. The mansion house and immediate surrounding grounds have been sold and the most of the remaining landscaped grounds are to be used for a proposed holiday park, which, being sited on a cycle route, will greatly add to tourism in the area. A separate application will be lodged for this in January 2015.

The remaining portion of land adjacent to the west lodge is flat and suitable for the construction of two dwellings for the purposes of the applicants 2 daughters. Both are attending university in Scotland, and with the sale of Denovan House, are temporarily living outwith the area.

It is proposed to serve these new houses from the existing west access road. This will no longer be used by the 8 bedroomed mansion house, which will use only the east access. It is considered therefore that there will be no increase in traffic flow through the west access. These accesses have been in regular use since 1840 when Denovan house was erected.

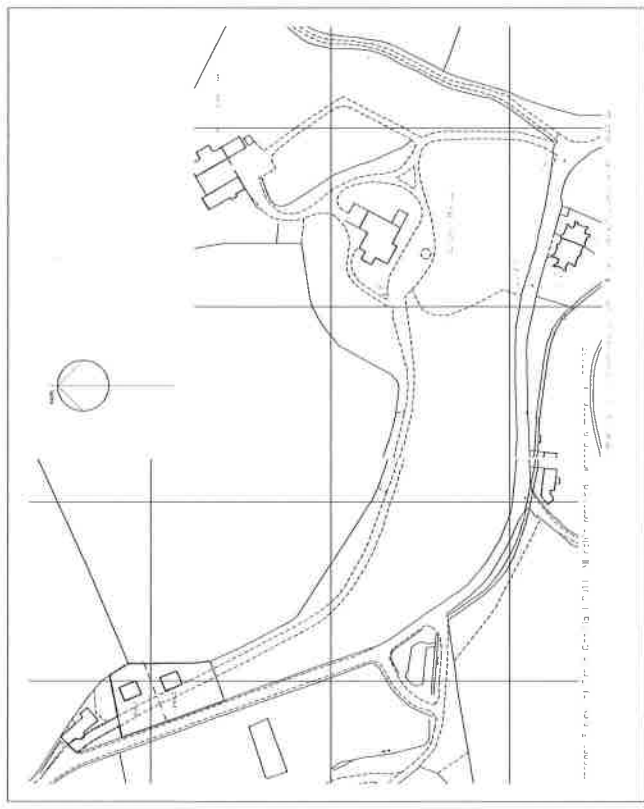
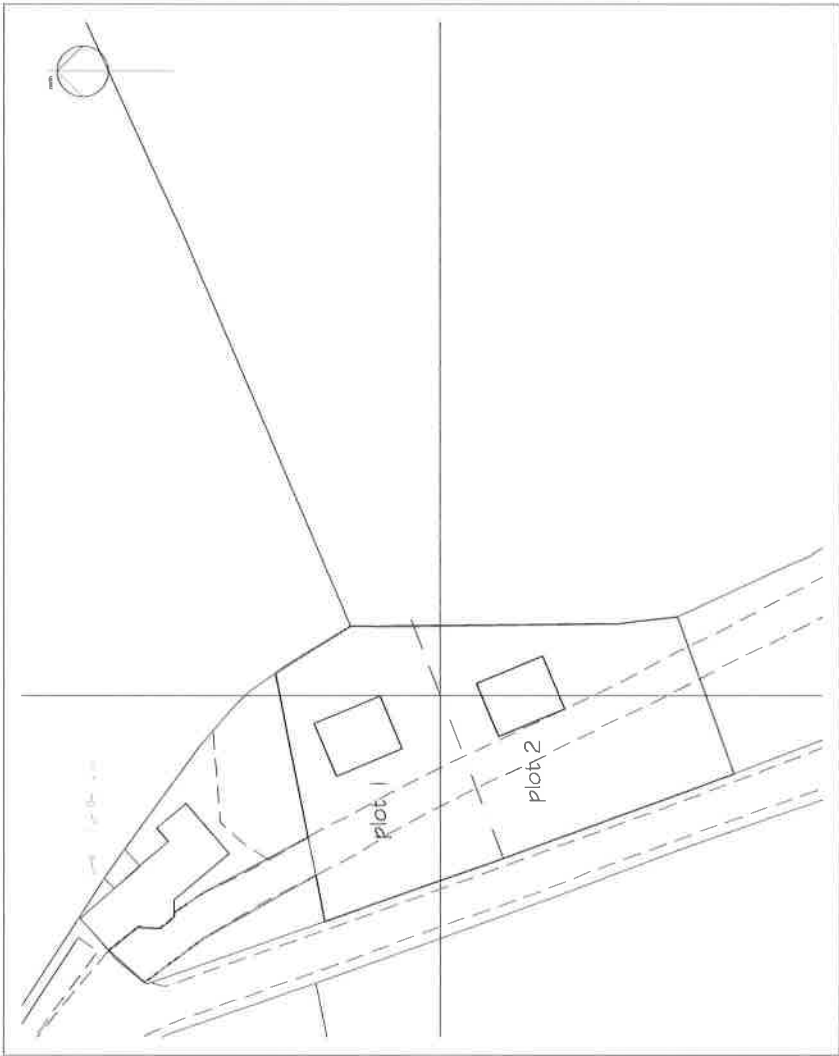
This project will allow the applicants family to remain in the area where they have grown up, and will provide much needed accommodation in the area similar to many nearby houses which have been built very recently. Any new development can only add to the quality of the Denny area and support the redevelopment of the Town. It is preferred that the new homes will be traditional one and half storey cottages and these will blend naturally into the landscape. Looking around it is obvious that any new development will have a positive effect and recently supported planning applications adjacent and opposite to this site show there is a need within the area. We see no reason why this application cannot be supported likewise.





Project		DENOVAN HOUSE	
Drawn By		DUNPACE	
Sheet Size		A3	
SITE AND BLOCK PLAN			
McFARLANE CURRAN BUILDING DESIGN			
12 MAIN STREET, COHRIE DANFERMLINE KY12 9HD TEL 07892923360 email: cdm@mcfarlanecurrans.co.uk			
Date	Scale	Drawn No	4953.D.010
15/07/2014	1:500	1:2000	





Project		PROPOSED DWELLINGS AT DENOVAN HOUSE DUNPACE	
Title		SITE AND BLOCK PLAN	
Drawn By	CC	Scale	A2
McFarlane Curran BUILDING DESIGN		12 MAIN STREET, CO. WEX, DUNFERMLINE KY12 9HD TEL 0783532360 EMAIL: c@mcfarlanecurran.co.uk	
DPI	Scale	Drawing No	4953.D.01A
300 DPI	1:500	1:2000	

0 10m 20 30 40 50 60 70 80 90 100  
scale of metres 1.500

0 1 2 3 4 5 10 15  
scale of metres 1.2000

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## PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

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**PROPOSAL** : Development of Land for Residential Purposes  
**LOCATION** : Denovan House, Denny, FK6 6BJ  
**APPLICANT** : Mr Wesley Edmund  
**APPN. NO.** : P/14/0398/PPP  
**REGISTRATION DATE** : 18 July 2014

### 1. SITE LOCATION / DESCRIPTION OF PROPOSAL

The application site lies within the grounds of Denovan House, on the north side Denovan Road, near Denny. To the immediate north-west of the application site is a dwellinghouse (the West Lodge). Between the West Lodge and Denovan House is mature woodland. Part of an access road serving these dwellinghouses is also included within the application site.

The application seeks planning permission in principle to develop the site for residential purposes. An indicative site plan has been submitted indicating the location of two detached dwellinghouses to the east of the existing access road.

The applicant has submitted the following information in support of the application:-

- Due to the applicant having a long term illness, Denovan House and the surrounding grounds have been divided into two parcels. The mansion house and immediate surrounding grounds have been sold, and the remaining landscaped grounds have been retained by the applicant and are proposed for a holiday park;
- The land adjacent to the West Lodge is flat and suitable for two dwellinghouse for the purposes of the applicant's two daughters, who temporarily live outwith the area;
- The dwellinghouses are proposed to be served from the existing west access road. This access will no longer be used by the 8 bedroom mansion house, which will use the east access only. It is therefore considered that there would be no increase in traffic flow through the west access as a result of the current proposal;
- The proposal would allow the applicant's family to remain in the area where they have grown up. It would also provide much needed accommodation in the area similar to many nearby houses which have been built very recently, including adjacent and opposite to this site;
- Any new development would add to the quality of the Denny area and support redevelopment of the Town; and
- It is preferred that the houses would be traditional one and a half storey cottages and these would naturally blend into the landscape.

### 2. SITE HISTORY

There is no relevant planning history for Denovan House or its grounds (including the current application site).

Planning application F/99/0631/FUL for an extension to the West Lodge was granted in 1999.

### 3. CONSULTATIONS

The following responses to consultation were received:

Roads Development Unit

Concerns noted

Scottish Water	No response
Environmental Protection Unit	No objection
Historic Scotland	No objection
Museum Service	No objection

Where the local Community Council requested consultation, their comments appear above.

#### 4. PUBLIC REPRESENTATION

In the course of the application, 2 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

- The existing access road enters the public road (Denovan Road) at an oblique angle and this, combined with existing boundary hedging (outwith the control of the applicant), results in severely restricted visibility to the south. An increase in traffic would be a road safety hazard and exacerbate the potential for accidents; and
- The application form indicates that drainage would be provided by a traditional septic tank and soakaway. No details are provided but there would appear to be clear difficulties in providing this facility, partly due to existing landform; and
- Some of the applicant's submissions in support of the application are irrelevant to the current application, whilst no information has been provided to suggest that the proposal complies with the terms of the countryside policies, or supports a case for setting aside the terms of the policies.
- The land ownership certificate is incorrect as the applicant does not own the access road passing in front of the west lodge;
- The owners of the access road would not give consent for that access to be used to serve additional dwellings;
- Mature trees have already been removed on the east side of the access where the two proposed units are indicated;
- Additional tree removal has occurred further up the site to provide for a new building;
- The application seeks planning permission in principle and does not, in itself, restrict the proposal to two units;
- The application is clearly contrary to Policy SC3 of the Falkirk Council Local Plan and Policy CG03 of the Falkirk Local Development Plan (Proposed Plan);
- Supplementary Guidance SC01 provides clear confirmation that the current proposal fails to satisfy any of the basic requirements;
- No reason has been given as to why these houses have to be built in the countryside i.e. they are not needed to support a business which can only be carried out on that site;
- The proposed development is immediately adjacent to the West Lodge and the access runs immediately past the front elevation of the West Lodge. An increase in traffic and use of garden ground would have the potential for noise nuisance and result in an unacceptable loss of residential amenity and privacy;
- The development would have an adverse impact on the local environment, already evidenced by the removal of mature trees. The remaining mature trees, between the access road and the public road appear healthy and, due to their height, would overshadow the development and could not reasonably be retained if the development was to go ahead;
- The existing mature trees contribute to the setting of Denovan House, which is a Category B listed building;

#### 5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s):

**Falkirk Council Structure Plan**



There are no relevant policies within the Falkirk Council Structure Plan.

#### **Falkirk Council Local Plan**

EQ19 - Countryside

SC03 - Housing Development in the Countryside

EQ14 - Listed Buildings

EQ18 - Historic Gardens and Designed Landscapes

#### **Falkirk Council Local Development Plan - Proposed Plan**

CG01 - Countryside

CG03 - Housing in the Countryside

D09 - Listed Buildings

D12 - Historic Gardens and Designed Landscapes

### **5A. MATERIAL CONSIDERATIONS**

The following matters were considered to be material in the consideration of the application:

Consideration of the site in relation to coal mining legacy

Falkirk Council Supplementary Guidance

Responses to Consultation

Assessment of Public Representations

Falkirk Local Development Plan (Proposed Plan)

### **6. PLANNING ASSESSMENT**

#### **The Development Plan**

The proposal raises no strategic issues and was therefore assessed against the Falkirk Council Local Plan alone.

#### **Local Plan Policies**

Policy EQ19 indicates that land outwith the urban and village boundaries will be subject to the detailed policies for specific uses. In this instance the relevant detailed policy is Policy SC3 (Housing Development in the Countryside).

Policy SC3 permits housing development in the countryside in certain circumstances. In this instance, none of these circumstances are met. No case has been made by the applicant that the proposed dwellings are required to meet the essential needs of a rural business and the proposal does not involve the rehabilitation of former residential properties or the conversion of existing buildings. In addition, the proposal does not involve development within the envelope of an existing group of residential buildings, and it would result in ribbon development along the western access road. The proposal does not therefore represent an appropriate infill opportunity. The application is therefore contrary to this policy.

Policy EQ14 requires development affecting a listed building or its setting to preserve the building and its setting. Having regard to the comments of the Council's Archaeologist, it is considered that the proposal in itself would not adversely affect the listed building or its setting, subject to sensitive design. Detailed design would be considered as part of any subsequent planning application(s).

Policy EQ18 generally presumes against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland' and other historical gardens and landscapes of national, regional or local significance. The property is considered to be a locally valued non-inventory designed landscape.

### **Local Plan Policies**

Whilst the applicant has not submitted a landscape assessment, it is considered that new planting and sensitive design would protect the character and setting of the designed landscape. In particular, additional dense native tree and shrub planting would be required between the development proposal and the West Lodge, to ensure the lodge is seen in isolation when viewed from the western approach to the property.

The application is therefore considered to be contrary to the Development Plan, as it does not meet the fundamental policy tests to support new housing development in the countryside.

### **Falkirk Council Supplementary Guidance**

Supplementary Guidance SG01 'Development in the Countryside' provides detailed guidance on the application of the criteria under Policy CG03 of the Proposed Plan. The application does not satisfy any of these criteria as detailed in this report.

Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations' lists Denovan House as a non-inventory designed landscape. It states that many of the non-inventory designed landscapes and their remnant features remain locally valued and make an important contribution to the local landscape and cultural heritage. The guidance indicates that development proposals within a non-inventory designed landscape must be supported by an assessment (depending on the designed landscape, remaining features and development type), detailing the ways in which the character and setting of the original designed landscape will be protected without adverse effect. This matter is considered in the assessment under Policy EQ18.

### **Responses to Consultation**

The Roads Development Unit have advised that Denovan Road is a typical 'C' class road of restricted width and alignment which lacks footway and lighting provision. There are several locations on Denovan Road, both east and west of the proposed site, where forward visibility is poor due to either carriageway alignment and/ or roadside vegetation. They are concerned that an increase in the volume of traffic (including pedestrian movements) on a rural road of this nature would not be in the best interests of road safety. In addition, they advise that the driveway approaches Denovan Road towards the west at an obtuse angle. Whilst there is likely to be sufficient visibility towards the east, it is unlikely that an emerging vehicle would be well positioned, due to the obtuse angle, which means that the driver must carefully look over their shoulder to check for oncoming vehicles. This is less than ideal. They advise that a surface water drainage strategy should be submitted for their approval.

The Environmental Protection Unit have advised that a contaminated land assessment would be required if unexpected contamination was encountered following the commencement of development. They advise that noise need not be a determining factor.

Historic Scotland have advised that the proposed development should have no impact on the setting of Doghillock dun Scheduled Monument, due to the distance from the application site and intervening topography. They advise that the proposed house plots are in the vicinity of the category B listed Denovan House and category B listed Denovan Mains and the Council will no doubt wish to assure itself that there would be not adverse impacts on the curtilage or setting of the listed buildings.

## **Responses to Consultation**

Museum Services have advised that Denovan House is a B listed structure and the proposed development lies within its curtilage besides the entrance gate and a contemporary stone lodge building. However, the location is remote from the House and the lodge has a new extension on its eastern side. They consider that, provided the scale of the new dwellings is appropriate and the line of the drive is maintained, the development would not break the association of the entrance and lodge with the House. They therefore have no objection to the application.

## **Assessment of Public Representations**

The following comments are considered to be relevant in respect of the concerns raised in the public representations:-

- Road safety matters are considered in this report;
- As part of a detailed submission, the applicant would have to demonstrate that suitable drainage facilities could be provided;
- The applicant contends that the Land Ownership Certificate is correct. Any issue in respect of right of access is a private matter which would have to be resolved between the relevant parties in order to enable any grant of planning permission to be implemented;
- The concerns that mature trees have been removed are noted, but they are not subject to a Tree Preservation Order;
- The development plan policy issues are set out in this report;
- Amenity impacts in respect of the adjoining dwellinghouse would be acceptable given the nature and scale of the proposal;
- There is a reasonable distance between the proposed dwellinghouses and the mature trees on the opposite side of the access. Therefore any significant impacts on overshadowing are unlikely;
- The trees opposite the proposed dwellinghouses lie within the application site therefore a planning condition could secure their retention or compensatory new planting if the case for removal of any tree is accepted; and
- It should be appreciated that tree removal can be justifiable for other reasons e.g. poor condition or proximity to a road.

## **Falkirk Local Development Plan (Proposed Plan)**

The Proposed Falkirk Local Development Plan was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It 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.

The application site lies outwith the urban limits, within the countryside, under the Proposed Plan. The relevant policies of the Proposed Plan are generally the same as the relevant policies of the Falkirk Council Local Plan. However there are some changes to the 'Housing in the Countryside' policy as Policy CG03 adds replacement houses as a relevant factor, as well as limited enabling development to secure the restoration of historic building or structures. In this instance, the proposal is not for replacement houses and there is no evidence provided by the applicant that the proposal is to enable the restoration of any historic building or structure on the property.

The application is therefore also considered to be contrary to the Proposed Plan.

## **Consideration of the Site in relation to Coal Mining Legacy**

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.

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

## 7. CONCLUSION

The application is considered to be contrary to the Development Plan, for the reasons detailed in this report. It is therefore recommended for refusal. Whilst the submissions of the applicant are noted, they are not considered to amount to any special circumstance to outweigh the terms of the Development Plan in this instance.

The concerns of the Roads Development Unit in relation to road safety are noted, but they need to be considered in the context of the scale and nature of the proposed development, being for two dwellinghouses. In addition, the Roads Development Unit have acknowledged that there is likely to be sufficient visibility at the entrance, albeit that careful checking is required when exiting due to the obtuse angle.

## 8. RECOMMENDATION

Refuse Planning Permission in Principle

Refusal is recommended for the following

Reason(s):

1. The application does not accord with Policies EQ19 (Countryside) and SC03 (Housing Development in the Countryside) of the Falkirk Council Local Plan as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside and therefore represent unjustified development at this countryside location.
2. The application does not accord with Policies CG01 (Countryside) and CG03 (Housing Development in the Countryside) of the Falkirk Local Development Plan (Proposed Plan) as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside and therefore represents unjustified development at this countryside location.
3. The application does not accord with Falkirk Council's Finalised Supplementary Guidance SG01 'Development in the Countryside', August 2014.

The recommendation is based on the following reason(s):-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

Informatives:

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



 Director of Development Services

27.1.15  
Date

Contact Officer : Brent Vivian  
(Senior Planning Officer) 01324 504935



**Reference No. P/14/0398/PPP**



**Town and Country Planning (Scotland) Act 1997 as Amended  
Issued under a Statutory Scheme of Delegation.**

**Falkirk Council**

**Refusal of Planning Permission**

Agent  
McFarlane Curran  
F.T.A.O. Colm Curran  
Mafeking  
12 Main Street  
Comrie  
Dunfermline  
KY12 9HD

Applicant  
Mr Wesley Edmund  
Denovan House  
Denovan Road  
Dunipace  
FK6 6BJ

This Notice refers to your application registered on 18 July 2014 for permission in respect of the following development:-

Development	Development of Land for Residential Purposes at
Location	Denovan House, Denny, FK6 6BJ

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to request a review of the decision.

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online by inserting your application number at <http://eplanning.falkirk.gov.uk/online/>

In accordance with the plans docketted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

**Refuses Planning Permission in Principle**

The Council has made this decision for the following reasons:-

1. The application does not accord with Policies EQ19 (Countryside) and SC03 (Housing Development in the Countryside) of the Falkirk Council Local Plan as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside and therefore represent unjustified development at this countryside location.
2. The application does not accord with Policies CG01 (Countryside) and CG03 (Housing Development in the Countryside) of the Falkirk Local Development Plan (Proposed Plan) as the proposed development does not satisfy any of the prescribed circumstances to permit new housing development in the countryside and therefore represents unjustified development at this countryside location.
3. The application does not accord with Falkirk Council's Finalised Supplementary Guidance SG01 'Development in the Countryside', August 2014.

The Council's decision is based on the following reason(s):-

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant approval of the application.

Informatives:

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

23 January 2015

  
Director of Development Services





HISTORIC SCOTLAND  
ALBA AOSMHOR

Sent by e-mail: [adtm1dmbscorr@falkirk.gov.uk](mailto:adtm1dmbscorr@falkirk.gov.uk)

Development Services  
Falkirk Council  
Abbotsford House  
Davids Loan  
FALKIRK  
FK2 7YZ

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Direct Line: 0131 668 8662  
Switchboard: 0131 668 8600

Our ref: AMH/6929/10  
Our Case ID: 201402422  
Your ref: P/14/0398/PPP

23 July 2014

Dear Sirs

**Town And Country Planning (Development Management Procedure) (Scotland) Regulations 2013**  
**Development of Land for Residential Purposes, Denovan House, Denny**

Thank you for your consultation dated 18 July regarding the above proposed development.

We have considered your consultation in terms of the nearest designated site within our remit: **Doghillock, dun 700m N of (Scheduled Monument Index No. 6929)**. The proposed development is located 1.1km SSW of the monument and due to the distance and intervening topography there should be no impact on its setting. We therefore confirm that your Council should proceed to determine the application without further reference to us.

However, the proposed housing plots are in the vicinity of the category B listed **Denovan House** and category B listed **Denovan Mains** and the Council will no doubt wish to assure itself that there will be no adverse impacts on the curtilage or setting of the listed buildings.

Yours faithfully

**MARTIN BRANN**

Senior Heritage Management Officer (Ancient Monuments)



INVESTOR IN PEOPLE



LEGACY 2014  
XX COMMONWEALTH GAMES  
GLASGOW

[www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk)



**Sandy Smith**

BSc (Hons)

**Town Planning Consultant**

Greenloaning Cottage  
Greenloaning  
Perthshire  
FK15 0LY

Telephone/Fax [REDACTED]  
[REDACTED]

Head of Planning  
Falkirk Council  
Abbotsford House  
Davids Loan  
Falkirk  
FK2 7YZ



1 August 2014

My ref: SS/14/799/Denovan/01  
Your ref: P/14/0398/PPP

SCANNED

05 AUG 2014

Dear Sir

**Objection to Application for Residential Development on Land at Denovan House, Denny:  
On Behalf of Mr & Mrs G Swift, West Lodge, Denny**

I refer to the above, and to my brief discussion with your Mr Paterson, and wish to submit formal objection to the proposed development on behalf the above-mentioned clients. The objection is founded on seven grounds: (i) adopted Development Plan Policies; (ii) Local Development Plan; (iii) Supplementary Guidance; (iv) loss of residential amenity; (v) adverse effect on the environment; (vi) highway safety & (vii) waste disposal. Additionally, my clients have raised concerns regarding a fundamental inaccuracy in the application form and recent removal of mature trees.

Regarding the last two issues, the applicant's agent has completed Certificate 'A' on the application form, indicating that his client is the sole owner of all of the land "to which the application refers". In fact, the access road passing in front of West Lodge is wholly owned by my clients and should not have been included within the red line boundary. Whilst acknowledging that that this is not a relevant 'planning' concern, as a point of information I can confirm that my clients would not give consent for that access to be used to serve additional dwellings. It was also noted during my visit to the site that mature trees have already been removed on the east side of the access (where two units appear to be indicated). Historic Scotland show Denovan House is listed Category 'B' and, consequently, trees within the policies of the building enjoy statutory protection and cannot be removed without the prior consent of the Planning Authority. My clients inform me that there has been additional tree removal further up the drive and that they have been informed that the cleared site is to provide a building which provide temporary accommodation for the applicant when during the period between him vacating Denovan House and, presumably, occupying one of the proposed dwellings, should consent be forthcoming. Whilst this is circumstantial we believe it is an issue which should be clarified with the applicant.

It is worth noting that, whilst the plan accompanying the application indicates two proposed units, the application is for Planning Permission in Principle and the 'Description of Proposal' in the application form is simply for 'House Plots'. Consequently, the site plan has no ~~statutory~~ relevance to the application and does not, in itself, restrict the formal proposal to two units

Turning to the six grounds referred to above, I would offer the following comments:

The relevant statutory documents are the adopted Local Plan and the emerging Local Development Plan. With direct relevance to this particular application these are supplemented by Falkirk Council's Guidance note SG01 (*Development in the Countryside*) albeit it is currently issued as a Consultative draft. Nevertheless, the terms set out in the Guidance Note are wholly in accord with Scottish Government policy relating to development proposals within areas defined as 'countryside'.

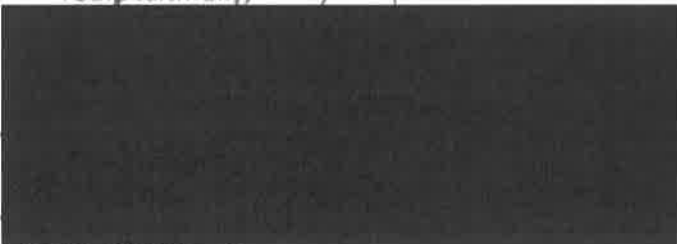
- (i) Whilst the Structure Plan sets out the broad policy framework applicable to this proposal, it is the adopted Falkirk Council Local Plan which provides specific policy guidance. In the section dealing with the Rural Area, the Local Plan Summary sets out one of the 'key provisions' as *"Continuing the general policy presumption against new development in the open countryside, unless a specific need for a rural location is demonstrated"*. The relevant policy is Policy SC3 which sets out 3 criteria against which proposals for residential development in the countryside will be judged. The development proposed in the current application satisfies none of these criteria and is, therefore, clearly contrary to the terms of the adopted Local Plan and this application should be refused.
- (ii) Currently, the new Falkirk Local Development Plan is in the course of its passage to formal adoption but has reached a stage whereby it constitutes a "material consideration" in the determination of this application. As with the adopted Local Plan, the new Plan offers no support for this proposal. Policy CG03 sets out 6 criteria against which proposals for residential development in the countryside will be judged. Again, the current proposal fails to satisfy any of these criteria and the application should be refused.
- (iii) Policy CG03 will be supported through the terms of Supplementary Guidance document SG01, currently at consultative draft stage. This document elaborates on the criteria set out in key countryside policies and provides clear confirmation that the current proposal fails to satisfy any of the basic requirements. Again, the clear conclusion is that this application should be refused.
- (iv) The proposed development site is immediately adjacent to my client's dwelling, with access running immediately past their front elevation. Increase in traffic, and use of garden ground, offers clear potential for noise nuisance, at any time of the day or night, from additional properties. The potential loss of both residential amenity and privacy are unacceptable, particularly since their own property has been extended closer to the common boundary on the north side of the proposed development.

- (v) Development of the proposed site will have an adverse impact on the local environment, already evidenced by the removal of mature trees on the area to east of the access road. The remaining mature trees, between the access road and the public road, appear healthy and are estimated to stand approximately 15-20mts in height. The trees are a mix of beech/chestnut and sycamore but which could not reasonably be retained in the event that this development is permitted. The trees would overshadow any new development which would, additionally, be vulnerable when these trees, inevitably, become aged, given the direction of the prevailing winds.
- (vi) The proposed private access enters the public road (Denovan Road) at a significantly oblique angle and this, combined with existing boundary hedging (outwith the control of the applicant) results in severely limited visibility to the south. For a narrow rural road, traffic levels are already relatively high and will inevitably be increased if/when extant consents for residential development are implemented. Consent for this proposal would simply exacerbate the potential for accidents.
- (vii) The application for indicates that drainage for this development will be by way of a *"traditional septic tank and soakaway"*. No details are provided and, whilst it is acknowledged that the application seeks Planning Permission in Principle there appear to be clear difficulties in providing this facility. The land to the rear of the development site is rises steeply away from the boundary and would not provide the land required for a soakaway system. My clients' septic tank has outfall across the public road and through land belonging to Denovan Mains Farm. Confirmation should be sought to ensure that satisfactory means of drainage can be provided as part of the consideration of this application.

For the reasons et out above my clients are of the view that the proposed development is unacceptable in terms of adopted, and emerging, policy documents, adverse effects on the local environment, potential loss of residential amenity and privacy, highway safety and lack of drainage information. Consequently, my clients urge Falkirk Council to refuse consent for this proposed development.

I look forward to receiving your acknowledgment of receipt in due course.

Yours faithfully,

A large black rectangular redaction box covering the signature and name of the sender.

A H Smith

Cc: Mr&Mrs G Swift



Acc - 6/8/14 - cuA



Denovan Mains Farm  
Denny  
FK6 6BJ

3<sup>rd</sup> August, 2014

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



Dear Mr Paterson,

P/14/0398/PPP : Application for Planning Permission in Principle for Development of Land for Residential Purposes at Denovan House, Denny, FK6 6BJ

My husband, David Graham, and I object to this application for the following reasons -

- When turning towards Falkirk, the access on to Denovan Road is at a very acute angle. Increased traffic would be a road safety hazard.
- No reason has been given as to why these houses have to be built in the countryside i.e. they are not needed to support a business which can only be carried out on that site.
- There has already been a substantial amount of tree felling on the area of the proposed plots and building would necessitate felling even more mature trees which contribute to the setting of Denovan House, a Category B Listed property. From memory, I think that a grant was given by The Woodland Trust for planting within the grounds of Denovan House and, presumably, some of these trees would also be felled.

We are also concerned that the "house" which the applicant is currently building within the grounds of Denovan House has also necessitated the removal of trees.

Yours sincerely,

Letitia Graham





## Memo

**To:** Director, Development Services  
**Attn:** David Paterson  
**From:** Geoff Bailey  
**Date:** 5<sup>th</sup> August 2014 **Tel:** 3783 **Fax:** 3771

P/14/0398/PPP | Erection of 2 dwellings east of Denovan Lodge, Denny

Denovan House is a B Listed structure and the proposed development lies within its curtilage besides the entrance gate and a contemporary stone lodge building. However, the location is remote from the House and the lodge has a new extension on its eastern side. It is felt that, *provided that the scale of the new dwellings is appropriate*, and that the line of the drive is maintained, the development would not break the association of the entrance and lodge with the House. We would therefore have no objections.

Yours sincerely,

GEOFF BAILEY, Keeper of Archaeology & Local History.

Archaeological Services, Falkirk Community Trust, Callendar House, Falkirk. FK1 1YR.  
Tel 01324 503783; FAX 503771; Email j [REDACTED]



## Development Services

## Memo

To: **Development Management (attn. David Paterson)**

From: **Planning and Environment**

Date: 6 August 2014                      Enquiries: Colin Hemfrey Ext 4720

Fax: 4709

Our Ref: P&E/DC/DEN/DENVH/CH      Your Ref: P/14/0398/PPP

**Proposal: Development of Land for Residential Purposes**  
**Location: Denovan House, Denny**  
**Applicant: Mr Wesley Edmund**

I refer to the above proposed development and offer the following comments. The site lies in the designated countryside and therefore all policy considerations are in that context.

### **Development Plan Policy**

#### ***Falkirk Council Structure Plan 2007***

ENV 1	Countryside and Protected Areas
COM2	Implementation of Housing Land Requirement

1. Policy ENV1 states that:
  - 1 *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
  - 2 *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.*
2. There is no evidence from the applicant's submission that, in principle, development of housing at this site requires a countryside location or is an appropriate form of agricultural diversification. As stated, detailed policies covering development in the countryside are contained in the Local Plan.
3. Policy COM2 makes provision for Local Plans to allocate land for housing. The site has not been allocated in the Falkirk Council Local Plan.

### ***Falkirk Council Local Plan***

6. The relevant policies are:
- |      |                                          |
|------|------------------------------------------|
| EQ19 | Countryside                              |
| SC3  | Housing Development in the Countryside   |
| EQ18 | Historic Gardens and Designed landscapes |
| EQ22 | Landscape and Visual Assessment          |
| EQ26 | Trees, Woodland and Hedgerows            |

#### Principal policy

7. Policy EQ19 provides for a general presumption against development in the countryside and, in the case of housing development, refers further to policy SC3 for specific guidance as shown in table 3.3 of the Local Plan.
8. Policy SC3 allows for housing development in 3 restricted circumstances:
- Where the housing is essential to the pursuance of agriculture, horticulture or forestry, or where the management of a business for which a countryside location is essential
  - Proposals that involve the rehabilitation or conversion of existing residential or farm buildings
  - Where there is an appropriate infill opportunity within the envelope of an existing group of residential buildings, which would not result in ribbon, backland or sporadic development, and would satisfy policy SC8
9. The limited material submitted with the application provides no evidence that the proposed houses are for the use of those involved in agriculture, forestry, horticulture or the management of a business where a countryside location is essential. Therefore this exception is not satisfied.
10. The proposal does not involve the rehabilitation or conversion of an existing building and so this exception does not apply.
11. The site plan provided shows two houses south of West Lodge. This would not constitute infill development as there is no existing 'group' of residential buildings; moreover it would form ribbon development along the access road. The proposal does not satisfy this exception and therefore fails to comply with policy SC3. As such it is not necessary to further consider the provisions of policy SC8.

#### Landscape issues

12. Policy EQ18 affords protection from inappropriate development to all historic gardens and designed landscapes. Denovan House is one such designed landscape of local importance, although not nationally listed. It appears as such in the new Supplementary Guidance SG09 Landscape Character Assessment and Landscape Designations. While this SG does not support the current policy EQ18 it does support the equivalent policy of the Proposed Falkirk Local Development Plan (see below). The SG contains guidance that proposals in designed landscapes have to be carefully considered. Although tree and shrub cover provide

some screening as viewed from the adjacent minor road (Denovan Road) to the immediate west, any development would be clearly seen from this road at the access point to the northern entrance driveway and such development would create an unsympathetic backdrop to the lodge house to Denovan House; development in this location would have an adverse effect on the setting of the northern access driveway and the lodge house as well as having a consequential impact on the wider setting of Denovan House. This proposal would therefore not accord with the general guidance in section 5.6 of SG09.

13. Policy EQ22 requires proposals with a significant landscape impact to be accompanied by a landscape and visual assessment and to demonstrate that the setting can accommodate development. Policy EQ26 affords protection to trees and hedgerows of amenity value affected by development. My specialist landscape colleague, Phil Harris, makes the following comments, which should only be considered should the proposal be deemed acceptable in meeting the 'in principle' policy requirements of housing in the countryside.
14. The site is visually exposed from the west and from Denovan Road in the vicinity of the lodge house. If this site were to be considered for approval, then the following would be essential to fully integrate the site into the rural location and character and provide screening:
  - A site specific landscape and visual impact assessment to assess the effects of the proposal on the designed landscape and to fully detail how adverse effects can be mitigated.
  - Retain the driveway leading from the lodge to Denovan House and ensure views from the driveway access point with Denovan Road are retained to enable the original 'woodland driveway leading to a country house' character is maintained as a feature. The dwellings in both plots would need to be located as far east as possible to achieve this.
  - Retain all existing tree cover within the site (it should be noted that trees to the north east side of the existing driveway, in the position of the proposed dwellings, have been removed recently). No further trees would be accepted for removal without a detailed tree survey in accordance with BS5837 and the Council's SG 'Trees and Development'
  - Undertake native broadleaf tree planting within the existing trees along the full south west boundary
  - Undertake additional dense native tree and shrub planting on the northern boundary of plot 1 (each side of the retained driveway) to provide screening from the existing lodge / entrance area and to ensure the lodge is seen in isolation from the access point to the driveway junction to Denovan Road
  - Reinstall a native hedge along the full Denovan Road frontage along with some native trees at the road frontage (it is noted the original boundary is to be removed for visibility splay to road)
  - A fully specified planting / boundary treatment plan should be submitted to address the above screen planting / boundary planting requirements to retain the rural character.
  - A tree protection plan showing the positions of all temporary protective fencing around all existing trees for the duration of construction works on

site (this information is required at the outset to inform the layout and cannot be conditioned)

### **Material Considerations – Falkirk Proposed Local Development Plan**

15. The Proposed LDP has been approved by the Council and is currently subject to an Examination process by Reporters appointed by Scottish Government. As it embodies the Council's latest position on planning policy it is a significant material consideration in determining planning applications. The relevant policies are
- CG01 Countryside
  - CG03 Housing in the Countryside
  - D12 Historic Gardens and Designed Landscapes
  - GN02 Landscape
  - GN04 Trees, Woodland and Hedgerows

#### Principal policy

16. Policy CG01 defines the countryside and refers to policies CG03 and CG04 for further guidance. Policy CG04 is irrelevant as it deals with business development in the countryside. Policy CG03 provides a list of 6 circumstances where appropriate housing would be supported in a countryside location. These are listed below.
1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;
  2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;
  3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;
  4. Appropriate infill development;
  5. Limited enabling development to secure the restoration of historic buildings or structures; or
  6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.
17. The policy also refers to Supplementary Guidance SG01 'Development in the Countryside' which provides detailed guidance on the application of these criteria. This SG has been approved by Council but has yet to be submitted to Scottish Government. The policy emphasises that proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.
18. In considering the 6 criteria in the policy, the first is equivalent to the first part of FCLP policy SC3 which the proposal fails to meet. The second adds the replacement of houses as a relevant factor to the equivalent clause of policy SC3. The proposal is not for replacement houses, so fails this test. The proposal fails criteria 3 and 4, as discussed under FCLP policy SC3. As regards criterion 5 there is no evidence provided by the applicant that the proposal is an enabling development to secure the restoration of an historic building or structure. For criterion 6 the proposal is not for a gypsy/traveller site. Thus the proposal does not meet any of the circumstances for permitting housing in the countryside afforded by policy CG03.

### Landscape issues

- 19 Policy D12 clause 2 points out that the presence of non-inventory designed landscapes will be given due weight in considering proposals located in such areas. Denovan House has a non-inventory designed landscape and is listed as such in draft SG09 page 89. The introduction of new housing could prejudice the integrity of the designed landscape at Denovan House. As discussed above under FCLP policy EQ18 the SG provides guidance that proposals in designed landscapes have to be carefully considered. In particular page 90 of the guidance says that *'Development proposals within a non- inventory designed landscape must be supported by an assessment (depending on the scale of the designed landscape, remaining features and development type) detailing the ways in which the character and setting of the original designed landscape will be protected without adverse effect'*. No such assessment has been submitted with the application so even if the policy challenges of the countryside location could be overcome, discussed under the key policies above, the proposal cannot yet be properly assessed.
- 20 Policies GN02 and GN04 make similar provisions to those of the equivalent FCLP policies, which have been assessed above.

### **Assessment**

- 21 This proposal for housing is located in the designated countryside. In this circumstance there is an 'in principle' policy presumption against development, except in restricted circumstances. Any housing proposal would have to demonstrate that it meets exceptions to the general presumption against development. The information submitted to date provides no reasons to suggest that the proposal can meet any exceptional circumstances. Even if exceptional circumstances could be established, the location within a designed landscape requires proposals to be carefully designed to avoid adverse effects.
- 22 As this is a PPP application where the principle of development is the key consideration I would suggest that the weight of policy consideration does not support the application.





**Morris, John**

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**From:** hillis, alfred  
**Sent:** 08 August 2014 11:33  
**To:** adm1dmbcorr  
**Subject:** P/14/0398/PPP - Denovan House, Dunipace, Falkirk

Contaminated Land

In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

Environmental Health

Noise need not be considered as a determining factor in considering this application.

Informative - The builder shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.

Alf Hillis  
Environmental Health Officer  
01324 504873

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**Morris, John**

**From:** Russell, Craig  
**Sent:** 28 August 2014 14:23  
**To:** adm1dmbcorr  
**Cc:** Steedman, Russell  
**Subject:** P/14/0398/PPP

## Development Services

## Memo

**To:** David Paterson  
Planning & Transportation (Development Management)

**From:** Craig Russell  
Roads and Design (Roads Development & Flooding)

**Date:** 28 August 2014      **Enquiries:** 4732      **Fax:** 4850

**Our Ref:** 140828/CR/P/14/0398/PPP      **Your Ref:** P/14/0398/PPP

**Proposal :** Development of Land for Residential Purposes  
**Location :** Denovan House Denny FK6 6BJ

I refer to your consultation received on 18 July 2014 concerning the above application and would offer the following comment.

The application site lies in a rural location approximately 1km east of Dunipace. Vehicular access is from Denovan Road, and appears to be proposed via an existing driveway serving a residential property at West Lodge Denovan. The driveway approaches Denovan Road toward the west at an obtuse angle, consequently, visibility toward the east is less than ideal.

Denovan Road is a typical rural "C" class road of restricted width and alignment which lacks footway and lighting provision. There are several locations on Denovan Road, both east and west of the proposed site, where forward visibility is poor due to either carriageway alignment and/or roadside vegetation.

There are, therefore, concerns associated with increasing the volume of traffic on a rural road of this nature.

Development in the rural situation may also result in pedestrian traffic being generated. As there is no footway or lighting provision along the majority of Denovan Road, the introduction of pedestrian movements along a road of this nature is not considered to be in the best interests of road safety.

In view of the concerns raised in this response, it is advised that consent should only be granted if the proposal is essential to the pursuance of agricultural, forestry or other economic activity appropriate to a rural location, and the following conditions should apply:

1. Excluding any garage facility, in-curtilage parking shall be provided at a rate of 1No. space for one and two bedroom dwellings and 2No. spaces for dwellings with three or more bedrooms.
2. A surface water drainage strategy should be submitted for the approval of the Planning Authority.

Regards,  
Craig Russell.

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**Morris, John**

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**From:** Hemfrey, Colin  
**Sent:** 18 March 2015 12:22  
**To:** Morris, John  
**Subject:** FW: Notification of Request for Review on Application Ref P/14/0398/PPP  
**Attachments:** ufm8.rtf

Hi John

Thanks for the notification of the request to review the decision on application P/14/0398/PPP Denovan House. I have no further comments to add to P&E's original response.

Colin Hemfrey  
Development Plan Co-ordinator

-----Original Message-----

From: Rodger, Alan  
Sent: 13 March 2015 14:52  
To: Hemfrey, Colin  
Subject: FW: Notification of Request for Review on Application Ref P/14/0398/PPP

Alan Rodger  
Falkirk Council  
Development Services  
Planning and Environment.  
01324 504710

-----Original Message-----

From: planenv  
Sent: 13 March 2015 13:56  
To: Rodger, Alan  
Cc: pandemail  
Subject: FW: Notification of Request for Review on Application Ref P/14/0398/PPP

-----Original Message-----

From: adtm1dmbcorr@falkirk.gov.uk [mailto:adtm1dmbcorr@falkirk.gov.uk]  
Sent: 13 March 2015 12:51  
To: planenv  
Subject: Notification of Request for Review on Application Ref P/14/0398/PPP

Please See Attached

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Mr John Morris  
Development Services  
Falkirk Council  
Abbotsford House  
David's Loan  
FALKIRK  
FK2 7YZ

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131 668 8716  
HS.Appeals@scotland.gsi.gov.uk

Our ref: AMH/6929/10  
Our Case ID: 201407880  
Your ref: P/14/0398/PPP  
19 March 2015

Dear Mr Morris

**Notification of Local Review Body Hearing on:  
Refusal of Planning Permission, Denovan House, Denny: Development of Land  
for Residential Purposes.**

We have been notified of the above review of the decision to refuse planning permission.

We have made previous comments in relation to this proposal and have nothing further to add. I attach a copy of our previous correspondence for ease of reference.

If the Review Body has specific questions where our expertise would be useful we will be happy to provide further submissions in response to these.

Yours Sincerely

William Kidd  
Heritage Management Business Support

