

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

In order that the LRB members can inspect the brownfield nature of the site, its boundary treatments, general landscape setting and overall relationship to adjoining properties, as well as give consideration to the technical issues raised in the reasons for refusal.

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mark Myles

Declaration Date: 14/09/2015

Submission Date: 14/09/2015



Notice of Review Statement

**Erection of Dwellinghouse in principle at
Land to the South of Donaldson's Lodge, Whitecross**

**For
Mr Gilmour Manuel**

September 2015

1. Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Mr Gilmour Manuel for the erection of a dwellinghouse on land located to the south of Donaldsons Lodge, Whitecross.
- 1.2 The Notice of Review relates to a planning application that was submitted by Denholm Partnership Architects in June 2015 (P/15/0353/PPP) and refused by the council on 27 August 2015.
- 1.3 The proposal requires to be considered under the terms of the development plan policy (in particular Policies CG01 - Countryside and CG03 – Housing in the Countryside within the Falkirk Local Development Plan) but also the council's Supplementary Guidance 01 for Development in the Countryside as well as the advice contained within Scottish Planning Policy and related Advice Note.
- 1.4 For the reasons set out in this statement it is considered that the proposal complies with the key policies within the Local Development Plan and the other material considerations also add weight in support of a positive decision.

2. Development Plan Policy

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) requires all proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In this case the relevant development plan consists of the Falkirk Local Development Plan adopted in July 2015.
- 2.2 In terms of other material considerations, the council's Supplementary Guidance for Development in the Countryside is the most significant in terms of the detailed criteria it contains for assessing this type of proposal. In addition Scottish Planning Policy (June 2014) and Planning Advice Note 72 – Housing in the Countryside are also considered to be of relevance.
- 2.3 The principle of erecting a house on this site is required to be considered under the terms of Policy CG01 –Countryside and CG03 – Housing in the Countryside in the adopted LDP.
- 2.4 Policy CG01 states that 'The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'
- 2.5 Proposals do not therefore automatically fail against Policy CG01 as further assessment against the supporting policies and Supplementary Guidance is required i.e. in this case Policy CG03 and SG01.
- 2.6 Policy CG03 states that 'Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:
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.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. 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.'

2.7 Of the 6 categories listed under Policy CG03 – the proposal is considered to meet the overall aims of category 4 – appropriate infill development.

2.8 The council's Supplementary Guidance on Development in the Countryside provides detailed guidance on what is meant by appropriate infill development under Section 3.10. It states appropriate infill development will be allowed between two residential properties where all of the following criteria are met;

- The proposed infill development must occupy a clear gap between two existing residential properties.
- The scale, density and design of the proposed infill housing should respect the character of existing development. Proposals should respond to local distinctiveness.
- The existing residential properties must front a road or access lane and be less than 80 metres apart.
- The gap is not on the edge of an existing village or urban limit where the edge of the settlement has already been defined.
- The development should not constitute ribbon or backland development (ribbon development is defined as the outward linear growth of development along a road).
- If there is a predominant building line this should be adhered to.
- The terms of LDP Policy HSG05 (Infill development and subdivision of plots) should be met.

2.9 Policy HSG05 states 'Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

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

3 Material Considerations

3.1 In addition to the development plan policy referred to in section 2, the other material considerations which require to be considered as part of the assessment of this Notice of Review are as follows;

- Scottish Planning Policy - June 2014
- Planning Advice Note 72 – Housing in the Countryside – February 2005

Scottish Planning Policy

3.2 SPP is considered to be an important material consideration but is not referred to in the Report of Handling.

3.3 Paragraph 75 of SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

3.4 Paragraph 40 also highlights that decisions should be guided by the policy principle of re-using or redevelopment of brownfield land before development takes places on greenfield sites.

3.5 Under the subject heading of Promoting Rural Development, Scottish Planning Policy paragraphs 81 advocates that ‘plans and decision making should generally set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.’

3.6 Paragraph 83 also highlights that ‘plans and decision making should include provision for small scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact. Where appropriate allowance should also be made for construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character and there should be no need to impose occupancy restrictions on housing.’

Planning Advice Note 72 – Housing in the Countryside

3.7 PAN 72 – Housing in the Countryside was published in February 2005. It predates the publication of SPP and the LDP but it is still of relevance as it highlights the opportunities that exist from the changing circumstances created by the rise in the number of people wishing to live in the countryside.

3.8 The document refers to important criteria such as design, landscape setting, layout and access. The PAN states that the ‘overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.’

- 3.9 The PAN concludes by stating that 'there will continue to be a need for new houses in the countryside and this demand will have to be accommodated. This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short term thinking can have a long term impact on the landscape.'

4 Assessment of Falkirk Council Decision

- 4.1 When assessing the 1st reason for refusal, the Report of Handling for the planning application simply contains one sentence that dismisses the proposal on the basis that the proposal does not meet all of the criteria (without actually stating what criteria) for infill housing development set out in the Council's Supplementary Guidance for Development in the Countryside and as a result is therefore considered to be contrary to Policies CG01 and CG3 of the LDP.
- 4.2 However a detailed assessment of each of the infill criteria contained within the Supplementary Guidance confirms that;
- The proposed development does occupy a gap between two existing diagonally opposite residential properties i.e. Manuel Lodge and Donaldson's Lodge.
 - Although this is a planning permission in principle application it is evident from the submitted plans that the scale, density and design of the proposed infill development could respect the character of existing development.
 - The existing residential properties both front a road or access lane and are less than 80 metres apart.
 - The existing settlement boundary of Whitecross is located on the opposite side of the road from the proposed site. However this proposed site is sandwiched between properties so is not ribbon development and it also involves re-use of a brownfield site as it was formerly in use as a sawmill. The site is and will remain a bit of an eyesore due to the fact that as a former brownfield site vegetation will not grow on it. In addition the site is contained by a robust and mature landscape framework and overall setting and a visual assessment does appear to indicate that this would be an obvious infill opportunity site that would be read as part of an existing group of houses, creating a more cohesive sense of place and giving context to the houses across the road. Furthermore approval of the house would not set a precedent for other developments due to the landscape setting of the site, thus there are considered to be material reasons to justify a minor departure from the fact that the site is located adjacent to the Whitecross settlement boundary.
 - The development would not constitute ribbon or backland development as it would have its own road frontage and access as per the other adjacent properties in the surrounding group.
 - The predominant building line can be adhered to as shown on the submitted plans.
 - The terms of LDP Policy HSG05 (Infill development and subdivision of plots) can also all be met.
- 4.3 As noted above and acknowledged through the consultation response that was received from the Environmental Protection Unit, the site was formerly

used as a sawmill and is deemed to be a brownfield site. Scottish Planning Policy encourages the re-use of brownfield sites as the site cannot be used for agricultural purposes. A contaminated land assessment was not requested as part of the application process but its requirement can be properly addressed through a suspensive condition on any approval by the LRB.

- 4.4 When visiting the site it is evident that the site is set within a mature and robust landscape framework which is perfectly capable of absorbing the development and it is a site that could only accommodate a single house. The proposal would blend in sympathetically with the land form, does not occupy a prominent, skyline, top of slope location, utilises an identifiable site with long established boundaries, and uses existing trees/landscaping to provide a suitable backdrop, setting and a sense of enclosure. The proposed house would be well screened from the surrounding area and wouldn't have any impact on the wider landscape.
- 4.5 The development of a house on this site would blend in sympathetically with the existing properties to the north and also the existing dwellinghouses to the southwest and southeast and would be read as part of this cohesive grouping. The site area would be similar to these neighbouring properties and the boundaries are already well defined on all sides.
- 4.6 There would be no impact to the amenity of the existing properties as the access to the proposed house would be taken direct from the public road.
- 4.7 From a technical aspect the local road network is capable of absorbing the additional traffic generated by the development. The Roads Development Unit have raised concerns with the visibility to the west, however with proper management of the hedging along the road frontage this can be improved and controlled. The gate piers at Manuel Lodge create more of an issue for visibility coming out of that property than would be the case for this new house due to the distance involved. Due to the large scale developments that are planned at Whitecross it is also likely that that speed restrictions along this road will be altered and street lighting possibly also introduced at some point in the future.
- 4.8 In terms of the potential flood risk associated with this site, this was never raised as an issue by the appointed officer during the consideration of the planning application and was not highlighted as being a potential reason for refusal. Furthermore no opportunity was ever given to provide a flood risk assessment in support of the application. The risk is related to the Manuel Burn located to the east but the SEPA flood risk maps show that a 1:200 year flood event from the burn would not directly affect this site. The applicant has owned this site for over 50 years and there has never been any actual or perceived problem. The Manuel burn can carry a great deal of water past the site as it sits a considerable level below the site. It is considered that a

suspensive condition requiring the submission of a flood risk assessment should be included as part of any decision to allow this appeal as this would comply with the guidance on the use of conditions as set out in Circular 4/1998.

- 4.9 Other than the 1 criteria that states that a site is not to be located on the edge of an existing village, the proposal is considered to be consistent with all of the criteria listed in section 3.10 (4) Infill Development within Supplementary Guidance 01 Development in the Countryside.
- 4.10 However for the reasons set out above it is considered that there is sufficient justification to allow this appeal due to the unique characteristics of this brownfield site and its overall landscape setting which would prevent any precedent from being set.

5 Conclusions

- 5.1 For the reasons set out in this statement it is considered that there are sufficient and justifiable reasons for allowing the proposed house as it would be consistent with the key policy considerations (policies CG01 and CG03 and HSG01 in the adopted Falkirk Local Development Plan).
- 5.2 The proposal can also be considered to be consistent with all of the detailed criteria set out in SG01 except for only one relating to the proximity of the Whitecross settlement boundary. However we have highlighted that there are a number of material considerations in this case which would allow the LRB to accept this proposal as a minor departure to SG01 and thus for it to be supported in accordance with Policies CG01 and CG03 of the Falkirk Local Development Plan.
- 5.3 The improvement and safeguarding of visibility along the site frontage can be controlled by means of a condition.
- 5.4 The proposed redevelopment of a brownfield site can also be considered to be in conformity with SPP and PAN 72.
- 5.5 We therefore respectfully request that the LRB support this proposal subject to any conditions that may be considered necessary including the requirement for a contaminated land assessment and a flood risk assessment.



Falkirk Council

Abbotsford House Davids Loan Falkirk FK2 7YZ

Tel: 01324 504748

Fax: 01324 504747

Email: 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 000121868-001

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 new Dwelling House at land to east of Manuel Lodge, Linlithgow.

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:

Denholm Partnership
Architects LLP

Ref. Number:

First Name: *

Denholm Partnership

Last Name: *

Architects

Telephone Number: *

01764 670899

Extension Number:

Mobile Number:

Fax Number:

01764 670995

Email Address: *

admin@james-denholm.co.uk

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

Building Name:

Building Number:

11

Address 1 (Street): *

Dunira Street

Address 2:

Comrie

Town/City: *

Crieff

Country: *

UK

Postcode: *

PH6 2LJ

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: *

Gilmour

Last Name: *

Manuel

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Manuel House

Building Number:

Address 1 (Street): *

Falkirk

Address 2:

Town/City: *

Linlithgow

Country: *

Scotland

Postcode: *

EH49 6JF

Site Address Details

Planning Authority:

Falkirk Council

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

Address 1:

MANUEL LODGE

Address 5:

Address 2:

FALKIRK

Town/City/Settlement:

LINLITHGOW

Address 3:

Post Code:

EH49 6JF

Address 4:

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

Northing

676541

Easting

296853

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1250.00

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)

Vacant, riding area.

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)

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: Denholm Partnership Architects

On behalf of: Mr Gilmour Manuel

Date: 01/06/2015

☒ 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: Denholm Partnership Architects

Declaration Date: 01/06/2015

Submission Date: 01/06/2015

Payment Details

Cheque: J Gilmour Manuel, 100221

Created: 01/06/2015 16:16

Advert fee not paid
Reminder sent 3/17/15

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

PROPOSAL : Erection of Dwellinghouse
LOCATION : Land To The South Of Donaldsons Lodge, Linlithgow,
APPLICANT : Mr Gilmour Manuel
APPN. NO. : P/15/0353/PPP
REGISTRATION DATE : 2 June 2015

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

The application site lies on the south side of the B825, to the east of an access road and Manuel Lodge. The Whitecross urban limit lies on the north side of the road. Manuel Burn adjoins to the east. There is post and wire fencing, a gate and a hedge along the site frontage and mature trees along the south and east boundaries. The application records the use of the site as a vacant riding arena.

The application seeks planning permission in principle for the erection of a dwellinghouse. Elevation and floor plans have been submitted showing a four bedroom one and half storey dwellinghouse with an attached garage. A site layout plan has been submitted showing the house, a new access and a septic tank and soakaway.

2. SITE HISTORY

There is no planning history recorded for this site.

3. CONSULTATIONS

The following responses to consultation were received:

Scottish Natural Heritage	No comment
Historic Scotland	No objection
Museum Service	No objection
Roads Development Unit	Concerns noted
Scottish Water	No response
Environmental Protection Unit	No objection subject to conditions

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

4. PUBLIC REPRESENTATION

In the course of the application, 1 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

- The proposed development adversely affects road safety where the existing single track access road from Manuel Mill Farm and three other properties exits onto the B825;
- Creating a new vehicular access at the proposed location simply creates another potential hazard at an already dangerous location;

- The south and west boundary hedges are greatly overgrown and obscure the sightlines to the east onto the B825 when emerging from the single track access road;
- The sightline to the west is also obscured by the boundary wall of Manuel House;
- There are near misses on an almost daily basis between cars emerging from the single track access road and traffic approaching from the east on the B825; and
- A possible compromise would be for a suitable single bellmouth access to be constructed to adoptable standards which continues south to join the existing single track access road.

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

CG01 - Countryside

CG03 - Housing in the Countryside

GN02 - Landscape

D13 - Battlefield Sites

5A. MATERIAL CONSIDERATIONS

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

Responses to Consultation

Assessment of Public Representations

6. PLANNING ASSESSMENT

The Development Plan

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

Local Plan Policies

The application site lies within the countryside, outwith the urban limits, under the Falkirk Local Development Plan (LDP). Housing development in the countryside is only permitted in certain circumstances such as where it is required to support the needs of a business which has an essential need for a countryside location, or where the proposal is considered to represent an appropriate infill development opportunity. In this instance no case has been made by the applicant that the development proposal satisfies any of these circumstances. The proposal does not meet all of the criteria for infill housing development set out in the Council's Supplementary Guidance for Development in the Countryside. The application is considered to be contrary to Policies CG01 and CG3 of the FLDP.

Detailed drawings (site layout, elevations and floor plans) have been submitted in support of the application. No detailed assessment has been undertaken in respect of these details as the application seeks planning permission in principle (PPP). If PPP is granted, the detailed matters would be subject to a separate application(s) for approval of matters specified in conditions.

The site lies on the western periphery of the Battle of Linlithgow. It is not considered that the development proposal would adversely affect this battlefield site (see consultation responses from

Historic Scotland and Falkirk Community Trust (Museum Services). The applicant is therefore considered to accord with Policy D13.

The site adjoins the Manuel Burn and is also understood to have previously contained a pond to service a sawmill and piped water may still enter the area. As such there is potential flood risk at the site. In the absence of submission of a flood risk assessment, it has not been demonstrated that the development proposal would be free of significant flood risk or avoid an increase in the level of flood risk to existing development. The application is therefore considered to be contrary to Policy RW06.

The site lies on the periphery of an Area of Great Landscape (Avon Valley). Whilst no landscape or visual assessment has been submitted with the application, it is noted that the site is low lying and well contained by existing mature planting. Provided the mature trees are retained, any hedgerow loss (to improve visibility) is replaced and the development is sympathetically designed, it is considered that the landscape character would be protected. Subject to appropriate planning conditions, no issues are anticipated in respect of Policy GN02.

In summary, the application is considered to be contrary to the LDP.

Responses to Consultation

The Roads Development Unit have advised that the site lies on the south side of the B825 which is two way derestricted rural road with no street lighting at this location. They advise that the visibility splay requirement is 2.5 metres x 160 metres which cannot be met to the west due to Manuel Lodge. They advise that a flood risk assessment is required due to the site falling within a flood risk area.

The Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of a mill and made ground at the site and the presence of several works, railways, a landfill site and other potential sources of contaminated land within 250 metres of the site. They advise that noise need not be a determining factor.

Historic Scotland have advised that the proposal does not raise any issues of national significance such that they would object. However, they advise that consideration should be given to the potential for the discovery of archaeological finds due to the location of the site just within the western boundary of the Battle of Linlithgow.

Falkirk Community Trust, Museum Services, have advised that the site lies within a peripheral area of the designated battlefield of Linlithgow Bridge and adjacent to the designed landscape of Manuel House. They are of the view that the development site would not have been significant in the Linlithgow Battle. They consider that existing topographical features (the site is low lying and has a steep slope to the south) isolate the site from the grounds of Manuel House. Therefore they have no objection to the proposed development.

Assessment of Public Representations

The concerns raised in the representation to the application are summarised in this report. In response to those concerns the following comments are considered to be relevant:-

- The restriction to visibility to the west, beyond the site boundaries, has been noted in this report. Road safety concerns in relation to this proposal are therefore recognised;
- The safeguarding of visibility along the site frontage could be controlled as a condition of any grant of planning permission; and
- The suggestion for the construction of a shared bellmouth access to adoptable standards is noted. This may be worth exploring if there is a decision to grant the application.

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. It has not been demonstrated that there are any material planning considerations to set aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following:

Reason(s):

1. The application is considered to be contrary to Policies CG01 (Countryside) and CG03 (Housing in the Countryside) of the Falkirk Local Development Plan, and to Falkirk Council's Supplementary Guidance SG01 for Development in the Countryside. In particular, it has not been demonstrated that there is an essential need for the development proposal at this countryside location and the proposal is not considered to represent appropriate infill development. The proposal therefore represents unjustifiable and inappropriate development in the countryside.
2. The development proposal would introduce additional turning traffic onto a de-restricted, unlit rural road (the B825) and the visibility requirement to the west of the proposed new access is unable to be satisfied due to existing obstructions. The development proposal is therefore not considered to be in the best interests of road safety.
3. The application is considered to be contrary to Policy RW06 (Flooding) of the Falkirk Local Development Plan as it has not been demonstrated that the development proposal would be free of significant flood risk or avoid an increase in the level of flood risk to existing development.

Informatives:

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


Director of Development Services

30/7/15.

Date

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



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

Falkirk Council

Refusal of Planning Permission

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This Notice refers to your application registered on 2 June 2015 for permission in respect of the following development:-

Development Erection of Dwellinghouse at

Location Land To The South Of Donaldsons Lodge, Linlithgow

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 is considered to be contrary to Policies CG01 (Countryside) and CG03 (Housing in the Countryside) of the Falkirk Local Development Plan, and to Falkirk Council's Supplementary Guidance SG01 for Development in the Countryside. In particular, it has not been demonstrated that there is an essential need for the development proposal at this countryside location and the proposal is not considered to represent appropriate infill development. The proposal therefore represents unjustifiable and inappropriate development in the countryside.
2. The development proposal would introduce additional turning traffic onto a de-restricted, unlit rural road (the B825) and the visibility requirement to the west of the proposed new access is unable to be satisfied due to existing obstructions. The development proposal is therefore not considered to be in the best interests of road safety.
3. The application is considered to be contrary to Policy RW06 (Flooding) of the Falkirk Local Development Plan as it has not been demonstrated that the development proposal would be free of significant flood risk or avoid an increase in the level of flood risk to existing development.

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) 01.

27 August 2015


Director of Development Services

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