



Abbotsford House Davids Loan Falkirk FK2 7YZ Tel: 01324 504748 Email: bsdm@falkirk.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100457747-001

The online reference 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.

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: | Roy Mitchell Design Limited | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Roy | Building Name: | Beechcroft |
| Last Name: * | Mitchell | Building Number: | |
| Telephone Number: * | 01324555667 | Address 1 (Street): * | Beechcroft |
| Extension Number: | | Address 2: | Carronvale Road |
| Mobile Number: | | Town/City: * | Larbert |
| Fax Number: | | Country: * | United Kingdom |
| | | Postcode: * | FK5 3LG |
| Email Address: * | roy@roymitchelldesign.co.uk | | |

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | |
|----------------------|--|--|
| Title: | <input type="text" value="Mr"/> | You must enter a Building Name or Number, or both: * |
| Other Title: | <input type="text"/> | Building Name: <input type="text" value="Beechcroft"/> |
| First Name: * | <input type="text" value="Jim"/> | Building Number: <input type="text"/> |
| Last Name: * | <input type="text" value="Scobie"/> | Address 1 (Street): * <input type="text" value="Carronvale Road"/> |
| Company/Organisation | <input type="text" value="c/o Roy Mitchell Design Limited"/> | Address 2: <input type="text"/> |
| Telephone Number: * | <input type="text" value="01324 555667"/> | Town/City: * <input type="text" value="Larbert"/> |
| Extension Number: | <input type="text"/> | Country: * <input type="text" value="Scotland"/> |
| Mobile Number: | <input type="text" value="07890 732678"/> | Postcode: * <input type="text" value="FK5 3LG"/> |
| Fax Number: | <input type="text"/> | |
| Email Address: * | <input type="text" value="roy@roymitchelldesign.co.uk"/> | |

Site Address Details

| | |
|---|--|
| Planning Authority: | <input type="text" value="Falkirk Council"/> |
| Full postal address of the site (including postcode where available): | |
| Address 1: | <input type="text"/> |
| Address 2: | <input type="text"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text"/> |
| Post Code: | <input type="text"/> |

Please identify/describe the location of the site or sites

Site to the West of Castlewood, Glen Road, Torwood.

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="685207"/> | Easting | <input type="text" value="283678"/> |
|----------|-------------------------------------|---------|-------------------------------------|

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of 9 dwellinghouses with associated garages and engineering operations.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I have attached: a) Notice of Review Statement and b) Report of Handling Comments, as further written submissions and if these documents are read in conjunction with a Site Inspection, I consider this will provide the Planning Review Body with an understanding of my Reasons to Object to the Refusal Decision.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

a) Notice of Review Statement b) Report of Handling Comments

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/21/0046/FUL

What date was the application submitted to the planning authority? *

03/02/2021

What date was the decision issued by the planning authority? *

25/06/2021

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 a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

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)

The 8no. Reasons for Refusal make specific reference to the Planning Policies, that I consider do not provide an accurate representation of the physical circumstances on site that are associated with the proposed development.

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: Mr Roy Mitchell

Declaration Date: 18/08/2021

Roy Mitchell Design Limited
Beechcroft
Carronvale Road
Larbert
FK5 3LG

18th August 2021

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

Dear Sir,

Local Planning Review Committee

Location: Site to the West of Castlewood, Glen Road, Torwood.

Report on Handling - Comments

Refusal of Planning Permission – P/21/0046/FUL

In respect of the Report on Handling prepared on behalf of the Director of Development Services under Delegated Powers, I wish to comment on the following elements contained within the document:-

Section 3: Consultations

The consultation response received from the Roads Engineering Unit – further information required.

From the Engineering Design Unit consultation response dated 29th April 2021, the council officials advised that they are satisfied with the roads technical geometry and have requested that 4no. planning conditions could be imposed covering:

1. Vehicular access via dropped kerb footway crossings
2. Gradient of driveways to be no greater than 10%
3. 2.4 x 60 metre visibility splays from the common driveways onto Glen Road
4. A 2.0 metre wide adoptable footpath provided along the frontage of the site

The council officials have requested a surface water/drainage/flood risk strategy is provided and confirmation was provided in the planning statement that the storm water would be captured in an underground treatment/attenuation structure before being discharged into the adjacent storm water ditch, controlled by a hydrobrake ensuring the rate of discharge is restricted to 3.2 l/s/ha, to ensure there is no greater risk of flooding downstream, than from the pre-development land use.

The consultation response received from Scottish Forestry – concerns raised.

The Scottish Forestry letter of response dated 12th March 2021 does raise concerns over the loss of woodland, however the letter also concludes with final remarks that Scottish Forestry would expect to see COMPENSATORY PLANTING equal to the total area removed to facilitate the development. This should be directed by an Approved Compensatory Planting Plan that meets the UK Forestry Standard and conditioned as part of the Planning Approval, if Granted.

Confirmation of the provision of Compensatory Planting was provided to the Planning Department and this is included within the Report on Handling under Section 1, Section on Site Location/Description of Proposal, in the final paragraph.

Section 4: Public Representations

The comments under the headings: a) Local Plan Policy; b) Woodland; c) Character, Amenity and Landscape; d) Flooding; e) Ecology; f) Recreation; g) Heritage; and h) Local Plan Policy are all personal to the objectors, who have used the same points of view against all the residential development applications that have been Approved during the past 20 years.

On their comments under the heading Traffic and Road Safety, again these are personal to the objectors, but the council's own roads engineers have assessed the application and recommended conditions that could be imposed should the application be Approved.

Similarly, their comments under the heading Infrastructure, again are personal to the objectors, but on the point of schools, Children Services have confirmed that capacity exists and a financial contribution of £2,334/dwellinghouse would be payable if Permission was Approved, and on the point of services and drainage, the public utilities have confirmed capacity exists and Scottish Water are planning the new construction of the WWTW to be located adjacent to the junction of Bogend Road with the A9.

Section 6: Planning Assessment – Local Plan Policies

Policy PE01 – Placemaking

The distinctive woodland setting referred to has been dramatically changed due to the tree felling of a vast area of adjacent commercial woodland. A satisfactory Landscape/Streetscape design solution can be provided to clarify a Landscape Planning Condition, should the application be Approved.

Policy PE06 – Archaeological Sites

Report confirms there are no issues.

Policy PE13 – Green and Blue Network

The felling of the commercial woodland Approved by Scottish Forestry resulted in the loss of a woodland area, permanent landscape change and biodiversity issues. The Environmental Impact was created by this tree felling and the opportunity exists to physically address the hard and soft landscape design to rectify this problem.

Policy PE14 - Countryside

This is where I consider there to be a contradiction in Policies, both reliant upon village limit boundaries to prohibit further development beyond, due to the classification as “countryside”, but Policy HC05 “Housing in the Countryside” rightly prevents over-development within the natural open countryside and recommends directing proposed new housing from the “true rural countryside” to the “existing villages”, in order to sustain their vitality and take advantage of village services and infrastructure.

The additional justification against “ribbon development” extending the settlement outwards, this already exists with the eight dwellings directly opposite the application site, that have been granted during the past 10 to 20 years.

The proposed development is mirroring this linear approach up to the edge of the urban village limit, creating an “attractive gateway entrance” into the village, and along with some quality landscaping, this can only improve on the current visual landscape.

Policy PE16 – Protection of Open Space

This comment reads as if it was written prior to the Scottish Forestry Felling Licence being Granted to remove the commercial woodland.

It is the removal of this commercial woodland which has adversely affected the character and appearance of the environment at this location and affected the ecological value of the former woodland.

The final statement that the development threatens connectivity to the wider green network is misleading, as the Adopted Core Path Routes adjacent to the application site provide the signposted connectivity into the Torwood Forest and towards the Historic Landmarks.

Policy PE18 - Landscape

The reality of the current on-site situation is that the Environmental Impact has been severely damaged by the felling of the commercial woodland. An opportunity exists for the proposed development to form part of a renewed landscape setting and a Planning Condition could be imposed requiring landscaping design information to be agreed for the edge treatment along the Glen Road frontage, and the new 25 metre wide woodland edge planting strip located to the south-west of the proposed dwellings, should Permission be Approved.

Policy PE19 – Biodiversity and Geodiversity

A Habitat and Protected Species Survey Report could be conditioned on any Decision Notice to Approve, however as stated numerous times through the above comments, the removal of the commercial woodland has severely impacted on the presence of wildlife species of importance and hopefully, they have just moved a few hundred metres south-westward into areas of the currently retained forest.

Policy PE20 – Trees, Woodland and Hedgerows

It is clear on-site that an area of woodland covering the application site and a vast area beyond has been felled.

Some vegetation exists along the edge of Glen Road, part of which would be retained within the development landscape frontage, and part removed to facilitate the formation of the common vehicular driveway access points and the associated visibility splays.

As acknowledged, Scottish Forestry suggested that Compensatory Planting off-site would be considered acceptable and this has been put forward as part of the application proposals.

Policy PE21 – Promotion of Forestry and Woodland

The Falkirk Forestry and Woodland Strategy 2015 to 2055 provided a long-term view for the management and expansion of the woodland resource within the Falkirk Area recognising Torwood as the single largest woodland in the lowland fringes area of Falkirk.

Unfortunately, as Foresters and Arboriculturists would concur, this woodland area is predominantly commercial woodland and should have been felled many years ago, but maintenance and management fell to the wayside and the forest floor has got densely overgrown, making it difficult and slow to look after.

I understand that there is a 25 year management plan which will see all the commercial woodland removed and replaced with native broadleaved woodland planting, so swathes of commercial forest are going to be felled each five years and this again will change the visual landscape setting and environment of Glen Road, Torwood, during this visionary period right through to nearly 2045.

So, this small residential development proposal is not the major factor in changing the environment, it is the removal of the commercial woodland.

Policy HC01 – Housing Land

This Policy covers the council's five year period of effective housing land supply, however additionally Policy HC02 covers "Windfall Housing" and states that sites within the urban and village limits, which are not identified as LDP proposals, will be supported where:

- 1. Housing is compatible with neighbouring uses and a satisfactory level of amenity can be achieved.*

The scale, density and tenure of the proposed housing is identical to the existing properties located on the opposite side of Glen Road.

- 2. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreation and other community facilities.*

Local and National bus services are available at the bottom of Glen road on the A9 within the village, good walking and cycling activities are available for recreation and the Scout Group/Community Facility is also available at the edge of the village.

- 3. Existing Infrastructure such as Transport, Drainage, Education and Healthcare have the capacity to accommodate the proposed development, or can be upgraded through appropriate developer contributions.*

Road improvements and speed restrictions have been upgraded on the A9 through the village, a new WWTW is planned by Scottish Water to be built down by the junction of Bogend Road with the A9, Children's Services have requested a financial contribution towards education.

4. *The site is not at risk of flooding, or the risk of contributing to flooding elsewhere.*

The site is not at risk of flooding and the Surface Water/Drainage/Flood Risk Strategy Report will ensure that the design attenuates the storm water run-off and is discharged at a restricted flow rate of 3.2 l/s/ha to ensure there is no greater risk of flooding downstream, than from the pre-development land use.

On the basis that all four points above can be addressed, then the proposal could be considered as an acceptable Windfall Housing site.

Policy HC05 - Housing in the Countryside

The comments attached to this Policy and the statement that the development cannot be considered “appropriate infill development”, and that “ribbon development” is an unacceptable form of development in the countryside are always the standard response to any application that challenges the urban and village limits that are set by the Policy Planning Team.

These similar comments were used to recommend Refusal for the existing housing on the opposite side of Glen Road from the application site.

So, the Planning Department by justifying the Policy, this basically concludes that the existing housing “ribbon development” is inappropriate and an unacceptable form of development in the countryside and should never have been built, rather than them embracing the situation by accepting that the proposal could mirror the existing housing, remove the description of ribbon development and create an attractive dual-frontage gateway entrance into the village.

Policy IR03 – Education and New Housing Development

An educational financial contribution of £2,334/dwellinghouse in accordance with Supplementary Guidance SG10, towards capacity pressures at Larbert High School is acceptable and would form part of a Section 75 Agreement, if Permission was Approved.

Policy IR06 – Active Travel

The comments attached to this Policy and the statement that the proposal fails to accommodate existing routes within the site, which may be long-established, I consider to be misleading.

The single breach in the boundary vegetation located opposite Torell/Tordene on Glen road, is not long-established and has never been the subject of any formal agreement with the landowner.

The overall site frontage is approximately 200metres long and it is not unreasonable for pedestrian movement to utilise the council's identified, signposted Core Path Route up the Torwood Castle Track, which is located adjacent to Plot 1 on the application site.

Policy IR10 – Drainage Infrastructure

The principles of the Surface water Drainage Strategy to satisfy the council's requirements are acceptable.

Policy IR13 – Low and Zero Carbon Development

The principles of the need to incorporate on-site low and zero carbon generating technologies are acceptable and can be the subject of a Planning Condition, if Permission is Approved.

Falkirk Council Supplementary Guidance:

All the Supplementary Guidance Documents that have been taken into consideration of the application are acknowledged as being helpful, relevant and acceptable.

Reponses to Consultation:

a) – The Roads Development Unit :-

Design proposal is acceptable and recommends Planning Conditions could be attached to any Permission, if Approved.

b) – Scottish Water :-

No objection to the application.

c) – The Environmental Protection Unit :-

Advised that there are no potential noise issues and no significant local air quality concerns with the application.

A Contaminated Land Assessment is required that can be imposed as a Planning Condition, attached to any Permission, if Approved.

d) – Children's Services :-

Requested a financial contribution of £2,334/dwellinghouse as an Educational Contribution.

e) – Falkirk Community Trust :-

No archaeological objection.

f) – Scottish Forestry :-

Advised that the site is designated on OS Base Maps as woodland.

Scottish Forestry have confirmed that Compensatory Woodland Planting would be acceptable for the loss of the woodland area associated with the proposed development.

Information Submitted in Support of the Proposal:

Information was written by applicant's agent.

Assessment of Public Representations:

Objectors comments and right to object to the application are acknowledged.

Consideration of the Site in Relation to Coal Mining:

The site lies within, or is partially within the Development Low Risk Area defined by the Coal Authority and as such is not considered that any past mining activities pose a risk to the proposed new development.

Section 7: Human Rights and Equality Assessment

Acknowledged as part of the planning process.

Section 8: Conclusion

The Planning Report on Handling has assessed the proposal as contrary to the policies contained within LDP2 and recommended Refusal.

I understand how the Planning Official, in determining the application is governed by the Policy Statements, primarily Policy PE14 “Countryside” and HC05 “Housing in the Countryside”, which both limit the expansion of settlements to within the designated Local Development Plan boundaries.

There are numerous arguments and justifications to counter the Reasons for Refusal, together with official consultation responses that have no objection to the proposed development.

However, the long and arduous task undertaken by the council in the production of the Policy Documents requires the Planning Report to reflect this in the Decision, and I recognise these Policies are a fundamental part of that process.

The Appeal to the Local Review Body planning process, provides for this Planning Report to be questioned, and highlights that interpretation of an alternative justification and point of view, may be appropriate in certain situations.

In conclusion, the circumstances affecting the visual landscape and environment currently on the ground, have seriously impacted on the setting and approach into the village. In my opinion, it is not the development proposal that creates any visual disturbance to the setting, but many of the Reasons for Refusal are based upon this assessment strategy.

Over the past twenty years, incremental growth has extended outwards along Glen Road, contravening Policy, but it does not look out of place, has its own character and this proposal would mirror the existing housing, providing dual-frontage to the edge of the 30mph urban speed limit, and finish off the last remaining part of infill development along the entire length of Glen Road, Torwood.

I trust the above comments are considered to be reasonable and if Permission was to be Granted, this would infill the last remaining section of road frontage along Glen Road and create an attractive gateway entrance into the northern end of the village and through time with the associated landscape, the present environmental situation will slowly recover.

Yours faithfully

Roy Mitchell