

### List of Enclosures – Agenda Item 3

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## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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



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

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

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

### Applicant(s)

Name	David Donaldson
Address	Rumah
	Shieldhill Road
	Reddingmuirhead
	Postcode: FK2 0DU
Tel	
Mobile	
Fax	
e-mail *	

### Agent

Name	Wilson and Wilson
Address	Arnot Grange
	Maggie Woods Loan
	Falkirk
	Postcode: FK1 5SG
Tel	
Mobile	
Fax	
e-mail *	

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

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

Planning authority's application reference number

P/10/0306/PPP

Site address

Rumah, Shieldhill Road, Reddingmuirhead, Falkirk. FK2 0DU

Description of proposed development

Sub division of plot and erection of new dwellinghouse.

Date planning application declared valid by Planning Authority

11-05-2010

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

24-08-2010

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

### Nature of application

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

### Reasons for seeking review

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

Yes

No

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



#### Reasons for Notice of Review

See accompanying Statement

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

Yes



No



Are you submitting additional documentation?



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

I attach the result of a physical level survey that indicates the extent of the visibility to the East at a height of 1 metre above carriageway level. This was carried out to corroborate my contention that visibility to the east is within the accepted criteria of the "Roads Design Guidelines"

It was not submitted earlier because it was not considered necessary to prove visibility that is easily apparent on site. It has been submitted now only to refute the allegation in the notice of refusal that the visibility is impaired.

#### List of documents and evidence

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

1.	Written argument against refusal
2.	Drawn demonstration of visibility to the east.
3.	
4.	
5.	
6.	
7.	
8.	

### Review procedure

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

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

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

☐  
☐  
☒  
☐

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

### Site Inspection

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

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

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

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

### Statement

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

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

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

9.	
10.	

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

#### Checklist

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

Full completion of all parts of this form	<input checked="" type="checkbox"/>
Statement of your reasons for requiring a review	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>

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

#### Declaration

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

Signed

--	--	--

Date

19/11/2010

This form and other documents should be returned to:

**The Development Manager,  
Development Services,  
Abbotsford House,  
Davids Loan.**

**NOTES**

All proprietary goods and materials are to be fitted in accordance with manufacturers' instructions, relevant Codes of Practice and British Standards

By \_\_\_\_\_ Date \_\_\_\_\_ Revision \_\_\_\_\_  
Drawing Number **D-99/11**

**CLIENT**  
David Donaldson  
Rumath  
Redding, Massachusetts

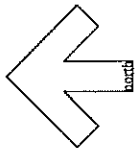
**Proposed sub Division of Plot at Rumaah, Raddingmairahad and erection of new dwelling houses**

**DRAWING**

**Outline Planning  
Submission  
Proposals**

Scale	Drawn	Date
1:200	agt	Mar 2010

WILSON & WILSON ARCHITECTS  
ARNOLD ORANGE MAGUIRE WOODS LOAN  
FALKIRK  
1761 590  
Drawing Number  
D-99/11



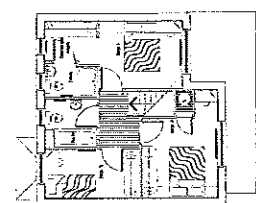
LOCATION PLAN Scale 1:1250



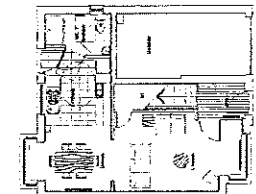
FRONT ELEVATION



REAR ELEVATION



**FIRST FLOOR PLAN**



### GROUND FLOOR PLAN

## INDICATIVE NOTIONAL DWELLING



Area within blue line denotes land owned by applicant

Rumahnya

Area within red line = 522 sq m  
0.042 Ha  
0.263 acres  
#100

EUROPEAN JOURNAL OF

TS/US





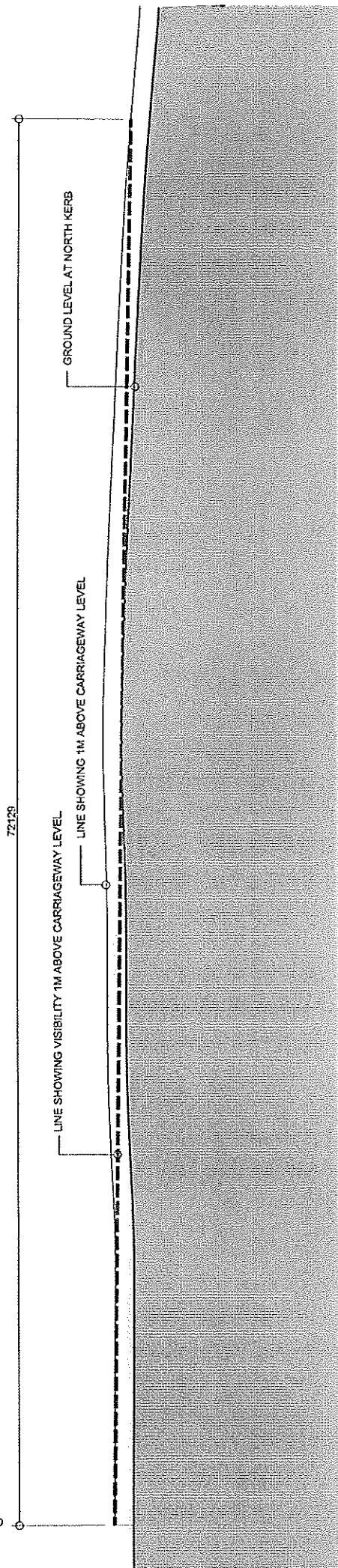
CENTRELINE OF PROPOSED ACCESS

72129

LINE SHOWING VISIBILITY 1M ABOVE CARRIAGEWAY LEVEL

LINE SHOWING 1M ABOVE CARRIAGEWAY LEVEL

GROUND LEVEL AT NORTH KERB





The refusal cites only traffic considerations as reason for refusal. We take the view that the refusal is ill founded for the following reasons : -

Reference is made to a "Blind Summit". There is the brow of a hill 40 metres away to the east of the proposed access. However, it should be noted that this is not the extent of the visibility to the east of the proposed access and therefore is not in fact a blind summit.

- ☐ There is sufficient visibility from the site to allow access onto the main road.

It has been identified that the access will be joining a 'Local Distributor'. Referencing the Falkirk District Roads Design Guidance, Table 7, page 32, the Y Visibility splay should be 70m.

Surveying the site, it has been determined that the Y Visibility splay from the proposed access is in excess of 72m. This visibility is therefore in excess of the required visibility from this access.

Also, the Highway Code lists the stopping distance from 30mph as 23metres and from 40mph as 36 metres.

It has been advised that a traffic survey was performed recently on this road. This survey was performed to the West of the site and, as the traffic approaching from the East is coming uphill, in a well lit area, coming out of a traffic calmed 30mph zone, the speeds of the traffic going in the opposite direction should either not be relevant, or if in excess of this 30mph zone, should be being notified to the police for enforcement, or to be calmed to reduce any possible speeding.

Visibility to the West, within a 30mph zone, is unrestricted.

Any reference to cars parking near the proposed access should not be relevant, as the road has no parking restrictions on it and in fact cars can indeed park anywhere on this road today and the new entrance would not change this from its current situation.

In the refusal notice the proposal is cited as being contrary to the terms of POL 3.1, POL 3.6, SC 2 and SC 8

POL 3.1 states that the proposal requires to satisfy a requirement for: -

*Access, parking, drainage and other infrastructure can be provided to aStandard acceptable to the Council;*

POL 3.6 States: -

*The proposed vehicular access and other infrastructure is of an adequate standard.*

SC 2 refers simply to SC 8 in matters of traffic and SC 8 simply repeats the content of POL 3.6

We believe that there is no reason to suggest that the proposal does not satisfy these criteria.

Since no other reason for refusal was intimated, and considering the above remarks we feel that it would be right and proper to grant outline consent for the proposal.



**P/11003061APP**  
**APPLICATION FOR PLANNING PERMISSION**  
**(NON HOUSEHOLDER)**

Town & Country Planning (Scotland) Act 1997



Falkirk Council  
Development Services

Please read the notes before completing this form. If you have any doubts about how to complete any part of the form, please contact Development Services and ask to speak with the Development Management Duty Officer. The telephone number is (01324) 504748. ONE copy of the completed form, TWO copies of the plans, the appropriate fee and other documents should be returned to:

**The Director of Development Services**  
**Abbotsford House, David's Loan,**  
**Falkirk FK2 7YZ**

REG 11-05-2010(TUE) 09:45  
 C12 NCH01 043646  
 CT 1

1 PLANNING APP. £319.00  
 TOTAL £319.00  
 CHEQUE £319.00  
 CHANGE 10.00

Falkirk Council is the Data Controller under the Data Protection Act 1998. Information submitted in this form and associated documents will be processed in accordance with the Act.

**1 DESCRIPTION OF PROPOSED DEVELOPMENT**

Sub-division of plot and erection of new Dwellinghouse

**2 ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT**

Address: Rumah, Shieldhill Road, Reddingmuirhead, Falkirk

Postcode: FK20DU

**3 AGENTS NAME AND ADDRESS**

Name: Wilson and Wilson

Address: Arnotgrange, Maggiewoods Loan, Falkirk

Postcode: FK15SG

E-mail: [REDACTED]

Telephone: [REDACTED]

Fax: [REDACTED]

**4 DETAILS OF PROPOSALS**

**a Land Use/Use of Building(s)**

Present: Garden Ground

Proposed: Dwellinghouse

Last known use of land/buildings (if unoccupied/vacant or derelict):

**b Site Area** Gross: 0.082 hectares Net of buildings to be retained: \_\_\_\_\_ hectares

**c Are any trees to be felled/lopped?** Yes ☐ No ☒

If yes, existing trees and those proposed to be felled/lopped should be clearly shown on the submitted plans.

**d Are any buildings/structures to be demolished?** Yes ☐ No ☒

If yes, provide details of the floorspace, present use and condition:

**e Is the construction of a new, or alteration of an existing access to a public road involved?**

Yes ☐

Name of road to which access is required:

No ☒

Shieldhill Road

**f Car Parking** Number of spaces available now: 0 Proposed: 2

**g Provision for Cyclists**

Number of spaces available now on racks outside of building:

N/A

Number of spaces available on completion of development on racks outside of building:

N/A

**h Materials**

External Walls: White Roughcast and Red Facing brick

Roofs: Red Interlocking tiles

Parking Area/Driveway: Buff Mono block

Windows/Doors: White u PVC

Boundary Walls/Fences: 1.8m high Palisade fence

<b>5 TYPE OF APPLICATION</b>			
Planning Permission (FUL): <input type="checkbox"/>		Planning Permission in Principle (PPP) <input checked="" type="checkbox"/>	
Further Application (extension of time on development not started):		<input type="checkbox"/>	
Further Application (removal of conditions on a previous application):		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions (MSC)		<input type="checkbox"/>	
<small>*Date and reference number of previous decisions (if known and applicable):</small>			
<b>6 HAVE THERE BEEN ANY PRE-APPLICATION DISCUSSIONS WITH THE PLANNING DEPARTMENT?</b>			
Yes: <input type="checkbox"/>		No: <input checked="" type="checkbox"/>	
If yes: By Telephone: <input type="checkbox"/>		Meeting: <input type="checkbox"/>	
By Letter: <input type="checkbox"/>		Date: _____	
		Officers Name: _____	
<b>7 SITE INFORMATION/PROPOSED FLOOR AREAS</b>			
<b>a Residential Development</b>			
i Does conversion of existing building to new units form part of this application?			
Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>	
ii Total number of dwellings formed:			
Detached:	1	Semi:	
Flats:		Other:	
		Terrace:	
		Grand Total:	1
<b>b Non Residential Development</b>			
	<b>Proposed</b>	<b>Existing</b>	
i Recreation and Leisure	_____ m <sup>2</sup>	_____ m <sup>2</sup>	
ii Manufacturing/Production	_____ m <sup>2</sup>	_____ m <sup>2</sup>	
iii Storage/Distribution	_____ m <sup>2</sup>	_____ m <sup>2</sup>	
iv Office Area	_____ m <sup>2</sup>	_____ m <sup>2</sup>	
v Retail	_____ m <sup>2</sup>	_____ m <sup>2</sup>	
<b>8 DRAINAGE AND CONTAMINATION</b>			
<b>Surface Water Drainage:</b> it is intended to use:			
Connection to a public drain: <input checked="" type="checkbox"/>		Separate soakaway or watercourse: <input type="checkbox"/>	
		Sustainable Urban Drainage System: <input type="checkbox"/>	
<b>Foul Drainage:</b> it is intended to use:			
Connection to a public sewer: <input checked="" type="checkbox"/>		An existing septic tank: <input type="checkbox"/>	
A new septic tank: <input type="checkbox"/>		Another tank method: <input type="checkbox"/>	
<b>For Septic Tank Drainage Systems:</b> please specify whether the septic tank will drain to:			
A watercourse: <input type="checkbox"/>		A soakaway pit/perforated pipe system: <input type="checkbox"/>	
Estuary: <input type="checkbox"/>			
<b>Flooding:</b> is the area susceptible to flooding? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please supply any known details of previous floods including dates, area affected, etc: _____			
<b>Contamination:</b>			
To the best of your knowledge has the application site, in view of it's present or a previous use been subject to ground		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, please supply details: _____			
<b>9 FEE</b>			
I enclose a fee to the value of:		£ 319	
Please state which fee group your application falls under. Group: <u>PPP One Dwellinghouse</u>			
If the fee is based on floorspace please state the floor areas using <u>external</u> dimensions for all floors (Notes for Guidance in relation to the Scale of Fees currently in force is contained in the application pack): _____			

## 10 LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2009  
Regulation 15

If you do not own all of the land or property to which this relates, you must notify all the owners at the same time as submitting this form. You must complete either certificates A or B below as applicable by inserting the date and details as appropriate. ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE OR MISLEADING DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £2,000

**Certificate A (Note A)**

I hereby certify that:

- 1 no person other than \*myself/the applicant was an owner (Note B) 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 this application; and
- 2 none of the land to which this application relates constitutes or forms part of an agricultural holding.

*Insert date if this certificate applies*

Date: 10.05.10

**Certificate B (Note A)**

I hereby certify that:

*Tick 1 box only*

- 1 no person other than \*myself/the applicant was an owner 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; ☐

OR

\*I have/the applicant has served notice on every person other than \*myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner (Note B) of any part of the land to which the application relates. ☐

These persons are (continue on a separate sheet if necessary):

Name	Address	Date Notice Served

*Tick 1 box only*

- 2 none of the land to which this application relates constitutes or forms part of an agricultural holding ☐

OR

the land or part of the land to which the application relates constitutes or forms part of an agricultural holding and \*I have/the applicant has served notice on every person other than \*myself/himself who at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

These persons are (continue on a separate sheet if necessary):

Name of Tenant (Note C)	Address	Date Notice Served

*Insert date if this certificate applies*

Date: \_\_\_\_\_

**Note A:** Certificate A to be completed where the applicant is the only owner and the land is not an agricultural holding. Certificate B to be completed where Certificate A does not apply but where it has been possible to notify all the owners and agricultural tenants.

**Note B:** Any person who in respect of any part of the land, is the proprietor of the "dominium utile" or is the lessee under a lease thereof of which not less than 7 years remain unexpired.

**Note C:** If you are the sole agricultural tenant enter "None".

\*Delete as appropriate

**11 APPLICANTS DETAILS**

Name: Mr D Donaldson

Address:

Postcode:

Telephone:

E-mail:

Fax:

**9 DATA PROTECTION ACT****YOUR PERSONAL DATA**

Falkirk Council respects your personal information and undertakes to comply with the Data Protection Act 1998.

The personal data you provide in making an application under the Planning Acts and related legislation will be used for the following purpose:

to enable the Council to undertake its statutory planning responsibilities under the above legislation.

Your data may be disclosed to the following parties in connection with the aforesaid purposes:

Parts I and II of the Statutory Planning Register - the entire application in paper form will be made available to all members of the public in order that:

officers and Members of the Council can discharge their statutory responsibilities; and

consultees and the general public may provide an input to the planning process.

The Council's Website - personal data contained within the application form will not be uploaded to the Council's Website.

Falkirk is the registered Data controller. Any queries regarding the processing of your personal data by Falkirk Council should be directed to the Director of Law and Administration, Municipal Buildings, Falkirk FK1 5RS

Signature of Applicant OR  
Agent:

Date 10.05.10

**10 PUBLIC ACCESS TO PLANNING INFORMATION**

From 29 April 2009, Falkirk Council will provide the facility to view and comment on planning applications online. **AS A RESULT OF ADVICE GIVEN TO COUNCILS BY THE INFORMATION COMMISSIONER ONLY SECTIONS 1-7 OF THIS FORM WILL BE MADE AVAILABLE TO VIEW BY THE PUBLIC ON-LINE.** The full submission will, however, be placed on the statutory Planning Register which is accessible by the public at Abbotsford House, Davids Loan Falkirk FK2 7YZ during normal working hours Monday to Friday.

**11 NOTES/ADDITIONAL INFORMATION**

**TO AVOID INADVERTANT DAMAGE TO UNDERGROUND PLANT WHICH MAY RESULT FROM YOUR PROPOSALS, YOUR AGENT OR BUILDER IS ADVISED TO USE THE NATIONAL FREEPHONE MOLESEYE ON 0800 800 333.**



## Checklist - Application for Non-Householder Application

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

Failure to submit all this information may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

	YES	NO
A copy of a location plan which identifies the land to which the application relates. This should have a north point and be drawn to an identified scale.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A copy of other plans and drawings or information necessary to describe the proposals (two must be selected).		
Existing and proposed elevations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Existing and Proposed floor plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cross sections	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site layout plan/Block plans (including access).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roof plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Master Plan/Framework Plan		
Landscape plan		
Photographs and/or photomontages	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional Surveys*	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A Supporting Statement**	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of an Environmental Statement	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design statement, and/or access statement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood Risk Assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage Impact Assessment (including proposals for Sustainable Drainage Systems)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage/SUDS layout	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transport Assessment or Travel Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contaminated Land Assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Habitat Survey	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Statements (please specify). (Max 500 characters)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Application Fee unless exempt	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other

\* for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.

\*\*you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required.

Please note that, unless exempt, you must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.



NOTES:  
All proprietary goods and materials are to be  
checked and approved by the relevant  
authorities, relevant Code of Practice and  
Health Standards

By Date Revision Letter  
Drawing Number  
D-99/11

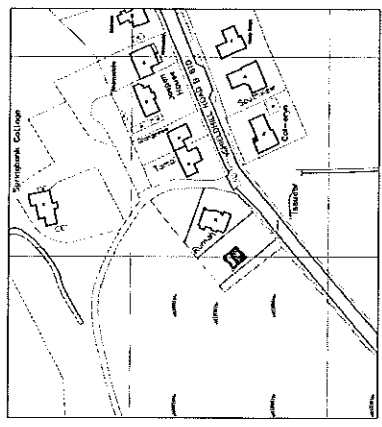
CLIENT  
David Donaldson  
Kunah  
Reddingmushhead

JOB  
Proposed sub Division of Plot  
at Kunah, Reddingmushhead  
and erection of new dwelling house

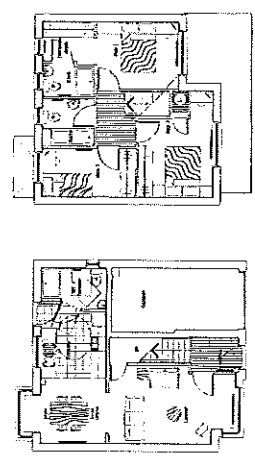
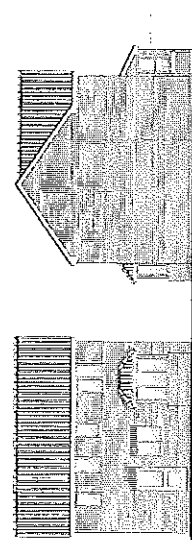
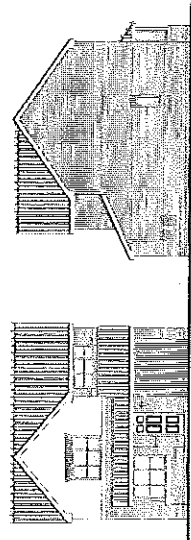
DRAWING  
Outline Planning  
Submission  
Proposals

Scale Drawn Date  
1:250 1st Mar 2010

WILSON & WILSON ARCHITECTS  
ARCHITECTS  
100-100  
100-100  
100-100  
Drawing Number  
D-99/11



LOCATION PLAN Scale 1:1250



INDICATIVE NOTIONAL DWELLING



**From:** MacKenzie, Roddy  
**Sent:** 25 May 2010 11:33  
**To:** adtm1dmbcorr  
**Cc:** Raeburn, Brian  
**Subject:** P-10-0306-PPP Shieldhill Road

## Development Services

## Development Services

## Memo

**To:** Kevin Brown, Planning Officer  
Planning and Transportation (Development Control)

**From:** Roddy Mackenzie, Roads Development

**Date:** 25 May 2010      **Enquiries:** 4908      **Fax:** 4850

**Our Ref:** RMK/      **Your Ref:** P/10/0306/PPP

**Proposal :** Subdivision of Plot & Erection of New Dwellinghouse  
**Location :** Rumah, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DU  
**Application :** P/10/0306/PPP

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I refer to your consultation notice received on 12 May 2010 regarding the above application, and would comment as follows:

The proposal would result in a 3 bedroom dwelling with a private driveway which will access directly on to the B810 Shieldhill Road.

Shieldhill Road at this location is a classified semi-rural road with a 30mph speed limit that changes to 40mph to the immediate west of the site. Vehicle speeds can be considerably more than the set limits at times.

This proposed dwelling at the west side of 'Rumah', accessing directly on to Shieldhill Road, would have good visibility to the west but not to the east where there would only be 40m clear visibility to a blind summit. This restricted visibility to the east, could in my view, create a dangerous situation for traffic turning right in to the site and turning right while exiting the site. A dwelling having access on to Shieldhill Road at this location may also lead to vehicles parking on Shieldhill Road itself, adding further to our road safety concerns.

With vehicle speeds regularly exceeding the speed limits we would not favour any development on this site accessing on to Shieldhill Road due to the impaired visibility and the proximity to the existing blind summit.

Regards.

RMK

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

\*\*\*\*\*

**From:** Henderson, Stuart  
**Sent:** 16 June 2010 10:45  
**To:** adtm1dmbcorr  
**Subject:** P/10/0306/PPP  
**ENVIRONMEATAL HEALTH**

The applicant shall undertake a noise survey to determine the impact of transportation noise on the development. The survey shall be conducted in terms of PAN 56.

The survey shall identify the noise exposure category within which the development will fall. If it falls within Category B or C then a scheme for protecting the proposed dwellings from transportation noise should be included as part of the noise survey and the scheme shall ensure that the internal levels, with the windows closed, do not exceed 45dB daytime and 35dB night-time when measured as LAeq,T, and permanent ventilation be provided in order that windows can be kept closed without loss of ventilation. The survey shall be submitted to, and approved by, the Planning Authority.

Construction shall not commence until the aforementioned survey has been approved by the Planning Authority.

## **CONTAMINATED LAND**

Conditioned due to the presence of quarries, in filled ground, railway and potentially other contaminative activities within 250m of the site.

1. Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
2. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
3. Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
4. 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.

Stuart Henderson  
 Environmental Health Officer  
 Falkirk Council  
 01324504982

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\*\*\*\*\*  
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 \*\*\*\*\*







**27th May 2010**

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

**SCOTTISH WATER**

Customer Connections  
 419 Balmore Road  
 Glasgow  
 G22 6NU

**CUSTOMER HELPLINE**

**T:** 0141 355 5511

**W:** [www.scottishwater.co.uk](http://www.scottishwater.co.uk)

**Dear Sir/Madam**

**PLANNING APPLICATION NUMBER** : P/10/0306/PPP  
**DEVELOPMENT AT** : Rumah Shieldhill Road Reddingmuirhead  
 Falkirk, FK2 0DU  
**PROPOSAL** : Sub-division of plot and erection of new dwellinghouse

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Carron Valley Water Treatment Works currently has capacity to service this proposed development.

The water network that serves the proposed development is currently able to supply the new demand.

Kinneil Kerse Waste Water Treatment Works currently has capacity to service this proposed development.

**Wastewater Network** - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for

checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel - 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: [www.scottishwater.co.uk](http://www.scottishwater.co.uk).

Yours faithfully

**Morven Henderson**  
**Planning & Development**

## Application Comments for P/10/0306/PPP

### Application Summary

Application Number: P/10/0306/PPP

Address: Rumah Shieldhill Road Reddingmuirhead Falkirk FK2 0DU

Proposal: Sub-Division of Plot and Erection of New Dwellinghouse

Case Officer: Kevin Brown

### Customer Details

Name: Mr Danny Callaghan

Address: 2 Nobel View, Reddingmuirhead, Falkirk FK2 0EF

### Comment Details

Commenter Type: Community Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our objection is on the following grounds.

This development will further lead to the joining of the settlements of Shieldhill & Reddingmuirhead the proposed construction being on the Shieldhill side of Rumah the last house in Reddingmuirhead. This being contrary to the Polmont local plan.

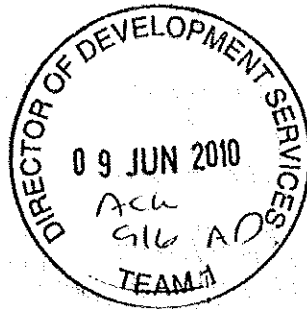
This application is for a further sub-division of the garden ground of this property and is over-development as a PPP has already been granted for another area of this garden ground.

The proposed access road is just below the brow of a hill and traffic entering or emerging from this access will be totally blind to traffic travelling from Reddingmuirhead. A previous application for development of this site P/08/0755/OUT was refused permission and one of the grounds for refusal The proposal would result in an unacceptable risk to road safety, by virtue of the unacceptable intensification of the use of an existing junction in an area where traffic speeds commonly exceed the recognised limit

The proposed dwelling is out of scale to the existing bungalow on the site.



P11010306/PPP.



Falkirk Council,  
Planning Department,  
Abbotsford House,  
David's Loan,  
Bainsford,  
Falkirk,  
FK2 7YZ.

'Col-eryn',  
Shieldhill Road,  
Reddingmuirhead,  
Falkirk,  
FK2 0DU.  
06/06/2010.

Dear Sir/Madam,

I hereby refer to my letters dated 19/9/2008, 11/3/2009 and 4/09/2009 with regards to planning application Number **P/08/0755/OUT**, the proposal to Sub divide the plot at Rumah, Shieldhill Road Reddingmuirhead and erect new dwellings and object as follows. All points that I have raised within this letter are outlined below and my views have not altered.

1. Firstly, I have not been made aware of any new proposals on this site and it is only by good fortune that I have been informed of the new proposal on the site. The new drawing displays a dwelling which will substantially overlook my own property and as such I believe I should have been notified officially with regards to this application as I have been previously.
2. I am now aware that the application requests for a double storey building to be built facing onto the roadway and a new entrance to be constructed directly onto the main road. I object to this new proposal most strongly on the grounds of road safety. This entrance is only a few metres around a very dangerous and blind corner. I know that regularly vehicles drive past my own property at 60 mph or above driving up the hill towards Shieldhill. This proposed entrance would not give vehicles time to stop if confronted by a stationary vehicle waiting to cross into this dwelling in the face of oncoming traffic. An accident of this magnitude would result in a three vehicle collision with an impact speed of potentially over 100mph. I think you would agree that a situation as such would undoubtedly lead to a loss of life. The average braking distance for a vehicle driving up hill at 60mph could be considered to be 80 metres yet this access point is clearly far less than this distance from the corner of the road. Even with no further grounds for objection I would hope that this potential and likely threat would be sufficient for this proposal to be rejected.
3. I have been made aware that the roads department were planning to put in additional traffic calming measures but are unable to do so due to the lack of available funding. I am astounded that the road, with such heavy traffic would have an additional opening in the middle of the already existing traffic calming and in such close proximity to the bad bend.
4. Furthermore, the footpath from Shieldhill to Reddingmuirhead is constantly used by children walking to the Braes High School. The footpath is only on this side of the main road so every person walking this route passes by this opening. The threat to the safety of pedestrians would also be greatly increased by the approval of this development. The footpath is also very narrow at this point and the increase in traffic movement in and out of the entrance would impact on anyone using the pavement.
5. I have also been informed that the new layout of the properties is close to the main sewer which covers both Shieldhill and my own property. I believe there are guidelines with regards to the proximity that housing can be to a sewer pipe and that the planned houses are closer to the sewer pipe than guidelines allow. Please confirm whether or not this is the case.
6. I also have grave concerns regarding the proposed design of the house on this site. This area is clearly a rural development which should have consideration for the area. A large two storey house in this area has no thought regarding the environment. I did think that only bungalows or smaller buildings

were permitted on sites such as this. The house designs appear similar to most new estates and do not include any features that can be considered as rural. The roof angles even appear inappropriate with high gable ends. Indeed, I am unaware whether these houses should be classed as within the Local Plan of the area or if they are within a designated green belt area. I would be grateful if you would clarify this point for me. I believe that the boundary of the property has in fact been extended to ensure there is enough space for the development to have room away from the current house on the site. Can you please confirm to me the legal position with regards to moving the existing boundary of the property to become outwith the Local Plan and how this matter will affect the construction of any new fence?

7. Notwithstanding this fact, the building would become the final house prior to the green belt area and thus should conform to rural guidelines. I know there were several strict guidelines which I had to follow with this regard previously. Can you please confirm to me how a large two storey building has been considered when this is out of character with the neighbouring properties? I was previously made aware that a two storey property would not be permitted under these guidelines.
8. This house would also have an adverse effect upon my own privacy. Due to the differing levels in land, this building will appear even higher from my viewpoint and will block out my view and even light to the front of my house. Due to the difference in height of the houses compared to my own, this house will have a clear view of my property and totally end any privacy I currently have. I find this totally unacceptable.
9. Any new house will also have an impact on the capability of the drainage system to cope effectively. I am aware that the local system is at full capacity and any further properties added to the system may contribute to failure of drains or flooding. Any flooding from this site could clearly affect my own property as my home sits at a lower level compared to the proposed house.
10. I also believe this development will have an impact upon the level of wildlife in the area. There are a number of badger sets and fox lairs nearby and deer also frequent the land at the side and rear of the property. Any building work will have a detrimental effect upon the natural habitat of these animals.

Therefore, I hereby reiterate my initial objections to the proposed development. I also advise you of my further grounds of objection regarding the vehicle access onto the main road and the issue of building outwith the area of the Local Plan. This is now my fourth letter of objection to this development and I am becoming particularly concerned with regards your lack of communication with myself as a concerned neighbour and resident who has voiced real concern with regards these applications. The only correspondence that I am sent by you is a standard reply and never have any points which I have raised, or questions I have asked, been answered whatsoever.

I eagerly await your reply to this letter of objection.

Yours sincerely

Colin Heggie

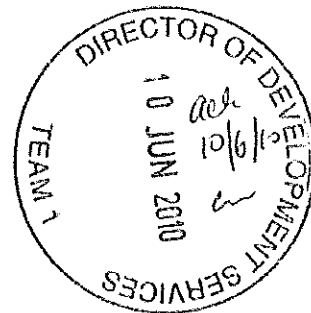


## Reddingmuirhead and Wallacestone Community Council

2 Nobel View  
Reddingmuirhead  
Falkirk  
FK2 0EF

4 June 2010

The Director of Development Services  
Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk  
FK2 7YZ  
Att Kevin Brown



Dear Sirs

### Objection to Planning Application P/10/0306/PPP Rumah, Reddingmuirhead.

Following consultation with members of our Community Council, I object to this planning application on behalf of Reddingmuirhead & Wallacestone Community Council.

Our objection is on the following grounds.

- This development will further lead to the joining of the settlements of Shieldhill & Reddingmuirhead the proposed construction being on the Shieldhill side of Rumah the last house in Reddingmuirhead. This being contrary to the Polmont local plan.
- This application is for a further sub-division of the garden ground of this property and is over-development as a PPP has already been granted for another area of this garden ground.
- The proposed access road is just below the brow of a hill and traffic entering or emerging from this access will be totally blind to traffic travelling from Reddingmuirhead. A previous application for development of this site P/08/0755/OUT was refused permission and one of the grounds for refusal *"The proposal would result in an unacceptable risk to road safety, by virtue of the unacceptable intensification of the use of an existing junction in an area where traffic speeds commonly exceed the recognised limit"*
- The applicant has ticked no on the application form regarding the construction of a new access onto a public road when a new access will be created.
- The proposed dwelling is out of scale to the existing bungalow on the site.

We ask the council to take these points into consideration and refuse this planning application.

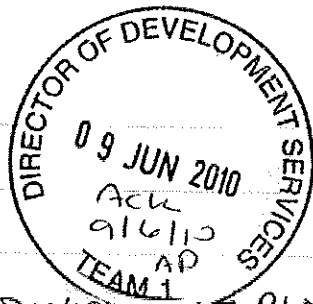
Yours,

[Redacted signature block]

Danny Gallagher  
Reddingmuirhead & Wallacestone Community Council







MR J AITKEN  
REDDINGRIGG SHIELDHILL ROAD  
REDDINGMUIRHEAD FALKIRK  
FK2 0DU

SUB DIVISION OF PLOT AND ERECTION OF NEW HOUSE.  
P/10/0306PP ROMAH SHIELDHILL ROAD.  
REDDINGMUIRHEAD FALKIRK.

8/6/2010

Dear Sir,

We object on the following points, we note that the access to this plot is directly onto Shieldhill Road. This access is near to a bad bend on the main road and traffic coming uphill could easily cause an accident as they would not have time to stop if there was a vehicle turning into this site. There have been accidents here before in the previous years, we have had a fence damaged and the wall at ROMAH has been damaged as well as have walls of neighbourhood houses. The road department should study this closely before making any decision, as this could be an accident waiting to happen. Permission has already been given for a plot in this site and we feel another one is not necessary.

Yours faithfully,





Falkirk Council,  
Planning Department,  
Abbotsford House,  
David's Loan,  
Bainsford,  
Falkirk,  
FK2 7YZ.



'Col-eryn',  
Shieldhill Road,  
Reddingmuirhead,  
Falkirk,  
FK2 0DU.  
29/11/2010.

Dear Sir/Madam,

I hereby refer to my letters dated 19/9/2008, 11/3/2009, 04/09/2009 and 06/06/2010 with regards to planning application Number **P/08/0755/OUT**, (and now **AP/10/006/REV\_DD**) the proposal to Sub divide the plot at Rumah, Shieldhill Road Reddingmuirhead and erect new dwellings and object as follows. All points that I have raised previously remain my view and I welcome the decision of the planning committee to refuse this application on grounds of road safety.

I do find it astonishing that this is the fifth letter that I have had to write to you regarding this matter and I hope that this will be the final time that I will have to do so. I am concerned that the applicant believes that they can just keep on demanding that the plans are passed and eventually they will get their own way. I do hope that these [REDACTED] attempts to put pressure on the council will not lead to a change in the original decision. Can you please confirm whether there is an end to the process or can an applicant simply continue to appeal and complain until they eventually get their own way?

With regards to the reason for the application being refused, I cannot understand how the applicant can make representation contrary to the council's decision. The facts are that the road is dangerous. The fact is that the camber of the road makes it impossible to see past the top of the blind summit. The fact is that a stationary vehicle trying to pass traffic to enter the proposed entrance would be a sitting duck for a speeding motorist to crash into. The fact is that this impact, as I related to in earlier correspondence, would almost definitely result in the death of a motorist. The fact is that you, our elected councillors, agreed with this scenario and did not wish to consent to permit this risk on our highway.

What makes this whole situation more galling is that the applicant is pursuing this matter solely for financial gain. The very person who would be left in this situation is the person he will have sold this property to. With the size of property that is proposed, I would expect a family to move into the house and the risk is that children could quite conceivably be involved in any accident.

I hereby request that you uphold the original decision to refuse this application and bring this matter to an end.

Yours sincerely

Colin Heggie



# WILSON & WILSON

Chartered Architects and Surveyors

A.W. McGill RIBA ARIAS

Our ref: AWM  
22 December 2010

FAO John Morris  
Falkirk Council  
Development Services  
(Planning)  
Abbotsford House  
David's Loan  
Falkirk FK2 7YZ

Dear Sirs

**Development: Proposed Sub-Division of Plot and Erection of New Dwelling**  
**Location: Rumah, Shieldhill Road, Reddingmuirhead, Falkirk FK2 0DU**  
**Application Number: P/10/0306/PPP**  
**Review Ref AP/10/006/REV\_DD**

Thank you for your letter of 13<sup>th</sup> December received in this office on 20<sup>th</sup>. In relation to the representation provided by interested parties to the sub-division of the plot and erection of new dwelling house it would appear that the party in question has made representations before but we have not been aware of the content.

It is our view that much of the content is vitriolic and is not based on fact as the writer suggests.

As it is, our client has simply followed the proper courses of action open to him under the Planning legislation that exists, and continues to do so. It is his intention to follow the Council's rules and guidance on the correct manner to liaise with and apply for planning permission for his site.

As indicated within our written statement accompanying the Review application, our Client takes the view that the B810, Shieldhill Road is a safe, 30 mph limited road

That is fully lit from the start of the road all the way to Shieldhill, this provides great visibility on this road 24 hours a day. The road has been provided with traffic calming on it, which assists in ensuring that traffic on this road maintains a speed under the 30 mph limit of the road.

The site is fully within the 30 mph zone. This entrance has a visibility splay which is in excess of 72 m. This is greater than that required by Falkirk District Roads Design Guidelines which require a splay of 70 m. This ensures that traffic entering or leaving the site has safe and sufficient visibility to do so. There is within the site sufficient space to turn all vehicles and this ensures that all traffic entering and leaving the site can do so, in forward gear, with sufficient visibility to execute the manoeuvre safely.

We would be obliged therefore if you would attach these comments to the material to be placed before the Review Committee.

Yours faithfully

A black rectangular redaction box covering the signature of the sender.

**From:** Henderson, Stuart  
**Sent:** 22 November 2010 15:15  
**To:** Morris, John  
**Subject:** AP/10/006/REV\_DD

**Follow Up Flag:** Follow up

**Flag Status:** Red

Regarding the above review, I can advise you that the Environmental Health Unit have no further comments to make.

Stuart Henderson  
Environmental Health Officer  
Falkirk Council  
01324 504771

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

**PROPOSAL** : Sub-Division of Plot and Erection of New Dwellinghouse  
**LOCATION** : Rumah, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DU  
**APPLICANT** : Mr D Donaldson  
**APPN. NO.** : P/10/0306/PPP  
**REGISTRATION DATE** : 11 May 2010

### 1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This application for planning permission in principle proposes the erection of a single dwellinghouse within the grounds of an existing detached dwellinghouse on the western edge of Reddingmuirhead to the south of Falkirk. The application proposes a new vehicular access onto Shieldhill Road to serve the new dwellinghouse.

### 2. SITE HISTORY

The application site and land associated with the donor property have been subject to a number of other similar applications for subdivision and erection of dwellinghouses within the last two years. These applications have resulted in one planning permission in principle being granted for a house to the east of Rumah which utilises the existing access provision. Of the two other applications submitted for housing on the application site, one was withdrawn whilst one was refused on road safety grounds.

### 3. CONSULTATIONS

The following responses to consultation were received:

Roads Development Unit	Concerns have been raised in reference to road safety issues resulting from the proposed new vehicular access and its proximity to a nearby blind summit.
Scottish Water	No objections.
Environmental Protection Unit	No objections however a noise survey and contaminated land survey have been requested to be carried out.

The local Community Council did not comment.

### 4. PUBLIC REPRESENTATION

In the course of the application, 4 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Development will contribute to the joining up of settlements and erosion of green space.  
 Over development of the plot.  
 Road safety issues.  
 Scale and design of dwellinghouse is inappropriate for location.  
 Overlooking and privacy issues.  
 Proposed development is too close to the existing sewer.  
 Drainage capacity in the area may not be able to cope.  
 Wildlife may be adversely affected.

### 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.

**Local Plan(s)**

Polmont Local Plan

The relevant policies against which assessment was made are:

POL 3.1 New Residential Development

POL 3.6 Infill Development and Subdivision of Plots

## **5A. MATERIAL CONSIDERATIONS**

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

Falkirk Council Local Plan Finalised Draft (Deposit Version)

Planning History

Assessment of Public Representations

## **6. PLANNING ASSESSMENT**

### **The Development Plan**

The proposal is located within the urban limits as defined in the development plan and represents a subdivision of an existing large garden ground. The proposed development would benefit from sufficient space to accommodate adequate garden ground and parking provision for the proposed and the donor property and it is considered the site can accommodate a dwellinghouse whilst maintaining adequate privacy and good standards of design. The proposed vehicular access to the site out onto Shieldhill road is however problematic and it is considered that due to traffic speeds and the proximity of the access to a blind summit, the proposed access would not be in the best interests of road safety. The proposal therefore fails to accord with the terms of the Polmont and District Local Plan.

### **Falkirk Council Local Plan Finalised Draft (Deposit Version).**

SC02 - Windfall Housing Development Within the Urban/Village Limit

SC08 - Infill Development and Subdivision of Plots

The emerging local plan affirms the position of the Polmont and District Local Plan. The proposal is located within the urban limits as defined in the development plan and represents a subdivision of an existing large garden ground. The proposed development would benefit from sufficient space to accommodate adequate garden ground and parking provision for the proposed and the donor property and it is considered the site can accommodate a dwellinghouse whilst maintaining adequate privacy and good standards of design. The proposed vehicular access to the site out onto Shieldhill road is however problematic and it is considered that due to traffic speeds and the proximity of the access to a blind summit, the proposed access would not be in the best interests of road safety. The proposed development therefore fails to accord with the terms of the emerging local plan.

### **Planning History**

Planning application P/08/0604/OUT for the subdivision of existing garden ground and erection of 3

dwellinghouses was withdrawn on 03 September 2008.

Planning application P/08/0755/OUT for the subdivision of garden ground and erection of 2 dwellinghouses was refused planning permission on 09 July 2009 on the grounds of road safety.

Planning permission P/09/0572/PPP for the subdivision of garden ground and erection of 1 dwellinghouse was granted planning permission in principle on 05 November 2009.

### **Assessment of Public Representations**

The application site is located entirely within the garden ground of an existing property and is within the urban limits as defined in the development plan. The proposal is therefore not considered to have any adverse impacts on village separation and there is no evidence to support claims that wildlife will be adversely affected.

This application is for planning permission in principle and the plans submitted are indicative only at this stage. Detailed issues of scale, design and overlooking or privacy have not therefore been assessed as part of this application. The size of the application site does however suggest that a substantial property, if appropriately designed, could be easily accommodated on the site without resulting in overdevelopment and without any adverse impacts on the residential or visual amenity of the area.

Scottish Water have not objected to the proposals and issues structural issues or issues surrounding construction processes are not material planning considerations.

It is accepted that the proposed vehicular access to the site is unacceptable from a road safety point of view.

## **7. CONCLUSION**

The proposal is an unacceptable form of development which fails to accord with the terms of the Development Plan. There are no material planning considerations that outweigh this assessment and support a grant of planning permission in these circumstances.

## **8. RECOMMENDATION**

Refuse Planning Permission in Principle

**Refusal is recommended for the following**

Reason(s):

1. The proposal would result in an unacceptable risk to road safety, by virtue of the creation of a new vehicular access in close proximity to a blind summit where traffic speeds commonly exceed the recognised limit, and as such is contrary to the terms of Policy POL 3.1 and POL 3.6 of the Polmont and District Local Plan and Policy SC 2 and SC 8 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

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

13/8/10

Date

Contact Officer : Kevin Brown  
(Planning Officer) 01324 504701

Reference No. P/10/0306/PPP



Falkirk Council

Please note: this permission does not carry with it any necessary consent or approval for the proposed development under any other statutory enactments.

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

**Refusal of Planning Permission in Principle**

Agent  
Wilson and Wilson  
Arnot Grange  
3 Maggie Woods Loan  
Falkirk  
FK1 5SG

Applicant  
Mr D Donaldson  
Rumah  
Shieldhill Road  
Reddingmuirhead  
Falkirk  
FK2 0DU

This Notice refers to your application registered on 11 May 2010 for permission in respect of the following development:-

Development Sub-Division of Plot and Erection of New Dwellinghouse

Location Rumah, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DU

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 accordance with the plans docquetted 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.

**Reason(s):**

1. The proposal would result in an unacceptable risk to road safety, by virtue of the creation of a new vehicular access in close proximity to a blind summit where traffic speeds commonly exceed the recognised limit, and as such is contrary to the terms of Policy POL 3.1 and POL 3.6 of the Polmont and District Local Plan and Policy SC 2 and SC 8 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

**Informative(s):**

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

24 August 2010

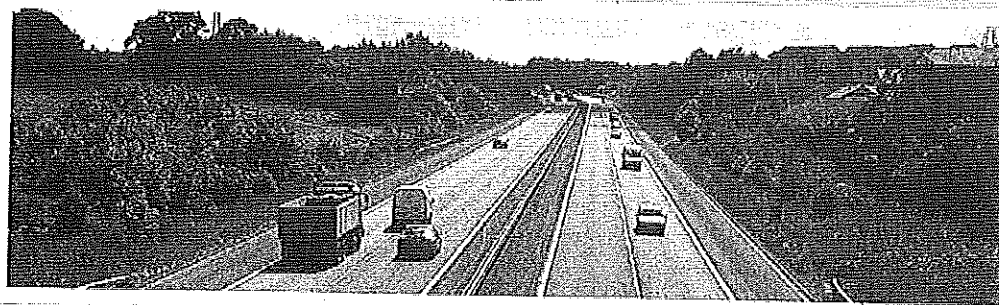
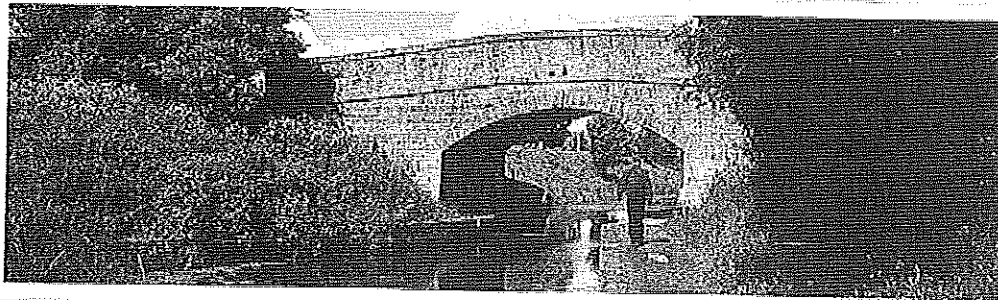


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Falkirk Council



## Polmont & District Local Plan

Written Statement & Plan

Adopted December 2001



**Falkirk Council**

*Development Services*

**POLMONT AND DISTRICT LOCAL PLAN  
2nd REVIEW**

**WRITTEN STATEMENT & PLAN**

**December 2001**



## CHAPTER 3 : HOUSING

### BACKGROUND

- 3.1 The need to maintain an effective supply of housing land to meet the needs of the growing number of households within Polmont and District is a key issue for the Local Plan Review. The Local Plan area accounted for approximately 20% of house completions in the Council area between mid 1980 and mid 1998, behind only Falkirk (28%) and Larbert and Stenhousemuir (22%). This popularity among house-buyers looks set to continue, resulting in continuing housing pressures in the area. The Local Plan Review must also ensure that sufficient housing land is made available to meet the requirement of the Central 2000 Structure Plan and has a key role in translating the overall Structure Plan allocation into site specific proposals. National and regional planning policy continues to promote the re-use of brownfield land. NPPG 3, entitled "Land for Housing" requires that "full and effective use should be made of land within existing built up areas, including redevelopment and conversions, to meet as much of the demand for housing as possible. The Local Plan Review therefore establishes the extent and capacity of brownfield opportunities prior to considering the release of greenfield sites.
- 3.2 The Review will have to address various aspects of housing need within the Local Plan area. Despite Housing Association involvement in developments at Wholequarter Avenue and Carronview, there are continuing shortfalls in the provision of housing for the elderly and special needs housing to meet the growing demands of 'Care in the Community'.
- 3.3 The promotion of good design in new residential development and the maintenance of a good environment in established residential areas are further issues on which the Local Plan Review must bring forward appropriate policies.

### OBJECTIVES

- 3.4 The Local Plan Review seeks to:
  - ❖ provide a coherent, sustainable framework for residential development in the Local Plan area over the plan period;
  - ❖ meet the Structure Plan requirement for new housing land and help to maintain an effective 5 year housing land supply within the Council area;
  - ❖ promote the required level of housing development primarily on appropriate brownfield sites;
  - ❖ direct housing to areas which are, or can be, well integrated with the transport network;
  - ❖ encourage the provision of low cost and special needs housing;
  - ❖ promote environmental quality in new residential development; and
  - ❖ safeguard the amenity of established residential areas.

# Housing

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## POLICIES

### POL 3.1 New Residential Development

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New residential development is directed towards sites H1 to H28, as identified on the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) the proposed housing use is compatible with neighbouring uses;
- (ii) a satisfactory level of residential amenity can be achieved;
- (iii) access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and
- (iv) essential services and community facilities such as shops, public transport and schools are readily accessible and can accommodate any increase in use associated with the proposed new development (see also POL 2.4).

### POL 3.2 Large Sites Development Policy

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Large sites which are allocated for residential development, notably Opportunities H5, H7, H25 and H28, must be developed in a comprehensive and co-ordinated manner, to an overall design concept. The form, layout and phasing of new housing may be required to comply with the provisions of an approved masterplan or development brief. Particular attention will be paid to boundary treatments where the development site adjoins the countryside. Proposals which could prejudice the implementation of the relevant masterplan or development brief will be opposed (see also POL 7.6).

### POL 3.3 Special Needs Housing

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The Council will generally support proposals for the provision of special needs housing, provided that:

- (i) the proposal meets a recognised need within the local community;
- (ii) the site is within easy reach of local shops, public transport and other local facilities; and
- (iii) the location is otherwise suited to the particular client group being catered for.

### POL 3.4 Affordable Housing

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The Council will support proposals for the provision of low cost and affordable housing for rent or purchase. Particular emphasis will be placed on meeting the needs of:

- (i) young single people; and
- (ii) newly formed households and first time buyers.

The Council will consult with Scottish Homes and developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site and market conditions at that time.

### POL 3.5 Open Space Provision

The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's approved standards. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) it forms an attractive and integral part of the development, contributing to its character and identity;
- (ii) existing natural features in, or adjacent to, the site are incorporated; and
- (iii) play areas are convenient, safe and easily supervised.

### POL 3.6 Infill Development and Subdivision of Plots

Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;
- (iv) 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;
- (v) the proposed houses would have a direct street frontage; and
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard.

## Housing

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### POL 3.7 Extensions and Alterations to Residential Properties

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The Council will require that extensions and alterations to residential properties respect the original building, neighbouring properties and the character of the area in general, in terms of scale, design and materials. Proposals for garages should generally not project beyond the front elevation of the house and should have external finishes that match those of the existing house.

### POL 3.8 Non Residential Uses in Housing Areas

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Within established residential areas, there will be a general presumption against the introduction of uses which would be incompatible with the residential character and amenity of the area. Proposals for appropriate ancillary services (e.g. surgeries, nurseries and corner shops) will be welcomed where it can be demonstrated that the quality of the residential environment would be safeguarded and access and parking issues can be satisfactorily resolved.

## SUPPORTING INFORMATION

New Residential Development (Policies POL 3.1 - POL 3.2)

Existing Housing Land Supply (Mid 1999)

- 3.5 The Local Plan Review's assessment of housing land requirements takes the established land supply at mid 1999 as its base. The sites which make up the 1999 housing land supply have an estimated capacity of 704 units over the 5 years to mid 2004.

Housing Land Requirement

- 3.6 The Central 2000 Structure Plan (July 1997) provides the starting point for assessing the level of new housing allocations required through the Local Plan Review. The outstanding requirement of 580 units is worked out from a base year of 1993, and when this figure is updated to 1999 to account for new sites, changes to the output of 1993 sites, and previously identified sites which are considered ineffective, a total of 104 is arrived at.
- 3.7 A summary of this housing land assessment is shown in Table 3.1 below.

Table 3.1 Housing Land Assessment (to 2006)

Housing Land Requirement (1993-2006)	+580
Changes in the Output of 1993 Sites (up to 2006)	+66
Windfall Sites (1993-1999 Housing Land Audits)	-367
Sites granted planning permission post 1999	-175
<b>Updated Requirement at Mid 1999</b>	<b>+104</b>

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### Windfall Housing Development within the Urban and Village Limits

- 4.10 In addition to the housing proposals identified specifically in the Local Plan, other housing development within the Urban or Village Limits will be supported where it meets the criteria set out in Policy SC2. Such windfall development will generally be on brownfield sites and will assist in meeting the general objective of recycling redundant land and minimising take up of greenfield sites. However, sites must meet requirements in terms of accessibility, amenity and infrastructure availability. An estimate of the output from windfall sites has been built into the housing land requirement calculation, and monitoring will take place to check the actual output against the estimate.

4.11

#### SC2 WINDFALL HOUSING DEVELOPMENT WITHIN THE URBAN/VILLAGE LIMIT

Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and
- (6) There is no conflict with any other Local Plan policy or proposal.

### Housing in the Countryside

- 4.12 There is continuing pressure for the development of individual houses or groups of houses in the countryside. Structure Plan Policy ENV.1 and Local Plan Policy EQ19 set out the broad approach of restricting new development in the countryside unless a countryside location is required. Policy SC3 contains detailed criteria for assessing the acceptability of proposals. In general, housing will be permitted where it is required to support a genuine rural economic activity. Further opportunities will arise from the rehabilitation of redundant properties and from appropriate infill sites.

4.13

#### SC3 HOUSING DEVELOPMENT IN THE COUNTRYSIDE

Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate all of the following:
  - The operational need for the additional house in association with the business;
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding;
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse; and
  - That the business as a whole is capable of providing the main source of income for the occupant;
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where all of the following criteria are met:
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape;
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer;
  - The restored or converted building is of comparable scale and character to the original building; and
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or
- (3) Appropriate infill opportunities within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.



### Special Needs and Affordable Housing

- 4.14 It is recognised that the majority of the new housing to be provided under Policy SC1 above will be for owner occupation. Falkirk Council has an existing stock of 16,852 houses for rent (24.2% of the housing stock in 2007) and there is a small stock of units rented by housing associations (3,049 or 4.4% of stock). In addition, there is a large stock of former local authority housing which provides a pool of good quality, affordable housing.
- 4.15 Research, published by Communities Scotland in November 2006, showed that Falkirk Council area had moved into the category of net need for affordable housing. This is a significant change from the historic position which was that housing in the Falkirk Council area was relatively affordable. The Council's own research on affordable housing need (2006) found that the picture of relative affordability had diminished, and while there was still a supply of affordable housing quantitatively across the Council area, some localities were now experiencing particular shortages. Further work carried out by independent researchers in 2007 confirmed the scale of differential need between the various settlement areas of the council. Therefore, there is now a more urgent need to create a supply of affordable housing. A fundamental requirement is land for affordable housing, and the Council's first preference is for on site provision. If this is deemed to be not achievable, the Council will consider off site provision, or as a last resort, the payment of a commuted sum to contribute to the provision of affordable housing elsewhere in the area. The Council intends to secure provision through partnership working with Scottish Government Housing and Regeneration Directorate, local Registered Social Landlords and private developers.
- 4.16 A key role for the private sector, in accordance with the SPP, will be to contribute to the provision of choice across the housing market area. Policy SC4 sets out specific requirements which seek to achieve this through ensuring, in larger housing developments, there is a diversity of house types and tenures in order to create mixed and socially inclusive communities, as advised by PAN2/2010. The Council's priority will be to deliver social rented housing, but consideration will be given to shared ownership or shared equity housing where considered appropriate. Further guidance is provided in the Council's SPG Note on Affordable Housing.

4.17

### SC4 SPECIAL NEEDS AND AFFORDABLE HOUSING

For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or
- (3) Provision of shared equity or shared ownership housing

Developers will be expected to work in partnership with the Council, the Scottish Government Housing and Regeneration Directorate and Registered Social Landlords to comply with this policy. The Council will apply a sequential approach to the delivery of affordable housing:

- On site provision
- Off site provision
- Commuted sum payment.

### Infill Development and Plot Subdivision

- 4.30 The quality of residential areas can often be threatened by inappropriate infill development, sometimes termed 'town cramming'. Infill proposals, particularly where they involve the subdivision of the curtilage of existing houses, frequently take little account of the overall grain of the surrounding area, or of the setting and amenity of neighbouring properties. Policy SC8 seeks to prevent insensitive infill whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric.

4.31

#### SC8 INFILL DEVELOPMENT AND SUBDIVISION OF PLOTS

Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and 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 and other infrastructure is of an adequate standard; and
- (6) the proposal complies with other Local Plan policies.

### Extensions and Alterations to Residential Properties

- 4.32 There is a need to ensure that alterations and extensions to residential properties do not, individually or cumulatively, detract from the environment of residential areas. Policy SC9 sets out the key considerations in determining the acceptability of proposals, dealing with the impact of changes on the integrity of the property itself, on the amenity of neighbouring properties and on the character of the area as a whole. Detailed guidance may be found within the Council's SPG Note on House Extensions and Alterations.

4.33

#### SC9 EXTENSIONS AND ALTERATIONS TO RESIDENTIAL PROPERTIES

Extensions and alterations to residential properties will be permitted where:

- (1) the scale, design and materials are sympathetic to the existing building;
- (2) the location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and
- (3) it will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, or the unacceptable loss of off-street parking.

4.34

#### Creating and Maintaining Residential Amenity - Actions and Indicators

##### Actions:

- Prepare development briefs for outstanding housing sites

##### Indicators:

- Quality as assessed through periodic audit of major built developments against sustainable development principles

## Sustaining Communities

### ACHIEVING QUALITY COMMUNITY INFRASTRUCTURE

4.35 The Local Plan must consider the land use requirements of a wide range of community infrastructure including education facilities, community halls, open space and recreational facilities, and healthcare provision. The adequacy of provision in each service area varies across the Council area and is influenced by demographic and lifestyle trends and historic patterns of growth and investment. As a general principle, resources need to be focused in the first instance on improving the quality, management and accessibility of existing facilities, although in some instances new or replacement infrastructure are needed. Detailed information on the issues affecting each community, and proposals aimed at addressing them, is set out in the Settlement Statements.

4.36 In general terms, the first priority for the Local Plan is to ensure that there is no overall diminution in the quantity of community provision through development or land use change. Accordingly, Policy SC10 generally prohibits the loss of facilities without a clear justification based on need or alternative means of service delivery, and provides criteria for assessing proposals for new facilities.

4.37

#### SC10 EXISTING COMMUNITY FACILITIES

- (1) There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available; and
- (2) The provision of new community facilities, including churches and places of worship, will generally be supported provided that:
  - The proposal is compatible in terms of scale, character and design with the surrounding area;
  - There is no adverse impact on local amenity
  - There is good access by public transport, on foot and by cycle; and
  - It complies with other Local Plan policies.

#### Developer Contributions to Community Facilities

4.38 As part of the strategy of 'Sustainable Growth in all our Communities', it is essential that housing growth is matched by a commensurate growth in community infrastructure. New residential development places additional burdens on infrastructure which may already be inadequate. In the context of limited public resources, the onus will be placed on developers to contribute funding for both on- and off-site works to provide, upgrade and maintain community and recreational facilities in these circumstances. Structure Plan Policy COM.5 sets out the context for this and indicates the broad circumstances where provision may be required. Government Circular 1/2010 provides additional guidance on the scope and extent of planning agreements, which are one of the main mechanisms for securing developer contributions.

4.39 In this context, it is the role of the Local Plan to identify areas where infrastructure is, or may become deficient, to identify requirements against specific sites identified in the plan, and to provide a consistent basis, where possible, for determining requirements in respect of windfall sites.

4.40

#### SC11 DEVELOPER CONTRIBUTIONS TO COMMUNITY INFRASTRUCTURE

Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 1/2010.