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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 ☒
 Statement of your reasons for requiring a review ☒
 All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

Declaration

I the ~~applicant~~ agent [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

15/3/13

This form and other documents should be returned to:

The Development Manager,

APPENDIX 2

Reference No. P/12/0718/FUL



Falkirk Council

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

Refusal of Planning Permission

Agent

Andrew Bennie Planning Ltd
3 Abbots Court
Dullatur
G68 0ap

Applicant

Mr Stuart Anderson
60 Union Street
Bo'ness
EH51 9AQ

This Notice refers to your application registered on 27 November 2012 for permission in respect of the following development:-

Development Erection of 6 Dwellinghouses, Associated Roads and Landscaping at
Location Land To The East Of 44 Rodel Drive, Rodel Drive, Polmont,

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

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online at <http://eplanning.falkirk.gov.uk/online/applicationDetails.do?action=showSummary&caseNo=P/12/0718/FUL>. In accordance with the plans docketted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

Refuses Detailed Planning Permission

The Council has made this decision for the following

Reason(s):


1. The development would result in the loss of valuable open space to the detriment of the visual and recreational amenity and the ecological value of the surrounding area. The proposal is contrary to the terms of Policy Com. 6 - Open Space and Recreational Facilities of the Falkirk Council Structure Plan and Policy SC12 - Urban Open Space of the Falkirk Council Local Plan.
2. The development proposed would have a negative impact on the size, functioning, ecological value and integrity of the South Polmont Site of Importance for Nature Conservation (SINC). The proposal is contrary to the terms of Policy ENV. 3 - Nature Conservation of the Falkirk Council Structure Plan and Policy EQ24 - Ecological Sites and Features of the Falkirk Council Local Plan.
3. The proposed development is out of keeping with the scale, plot and street pattern of the surrounding residential area and fails to protect important skylines and views to the detriment of the visual amenity of the area. The proposal is contrary to Policy EQ3 Townscape Design of the Falkirk Council Local Plan.

4. The proposed development represents the removal of a recognised area of Public Open Space the loss of which cannot be justified and would have an adverse impact on the character and appearance of the area to the detriment of visual, residential and recreational amenity levels. The proposal is contrary to the terms of Policy SC2 - Windfall Housing Development Within the Urban/Village Limit and Policy SC12 - Urban Open Space of the Falkirk Council Local Plan.
5. The setting of the proposed development is not capable of absorbing the scale and character of the development proposed and the best environmental fit has not been achieved in terms of landscape character. The proposal would have an adverse impact on visual amenity and is contrary to the terms of Policy EQ22 - Landscape and Visual Assessment of the Falkirk Council Local Plan.
6. The proposed development would remove a large portion of mature trees and scrubland from an established area of open space in a prominent hilltop location without the ability of the site to accommodate suitable mitigation measures. The proposal would have significant adverse impacts on landscape, visual amenity, nature conservation and the recreational value of the site and surrounding area and is contrary to Policy EQ26 - Trees, Woodland and Hedgerows of the Falkirk Council Local Plan.
7. The applicant has failed to demonstrate that surface water drainage from the site will be adequately dealt with and as such the proposal is contrary to the terms of Policy ST11 - Sustainable Urban Drainage of the Falkirk Council Local Plan.

Informatives:-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03A, 04, 05A, 06A, 07A, 08 - 13 inclusive.

15 February 2013


Director of Development Services

PLANNING APPLICATION REFERENCE P/12/0718/FUL
SCHEDULE OF DOCUMENTS IN SUPPORT OF
REVIEW OF REFUSAL OF PLANNING PERMISSION

1. Application Form and Associated Land Ownership Certificate
2. Site Location Plan
3. Planning Statement In Support of Application
4. Supplementary Statement In Support of Application
5. Protected Species Walkover Assessment & Phase 1 Habitat Survey
6. Topographical Site Survey
7. Site layout Plan
8. Alternative Site Layout Plan
9. Access and Landscape Plan
10. Local Area – Aerial View
11. House Plans, Plot 1
12. Visualisation Plot 1
13. House Plans, Plots 2-6
14. Visualisation Plots 2-6
15. Plot 1 Ancillary Accommodation
16. Site Sections
17. Filtration Trench Details
18. Report of Handling

P/12/0718/PJL

Print Form

APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Stuart	Forename	Andrew
Surname	Anderson	Surname	Bennie
Company Name		Company Name	Andrew Bennie Planning Ltd
Building No./Name		Building No./Name	
Address Line 1	60 Union Street	Address Line 1	3 Abbots Court
Address Line 2		Address Line 2	
Town/City	Bo,Ness	Town/City	Dullatur
Postcode	EH51 9AQ	Postcode	G68 0AP
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
Land lying to the east side of Rodel Drive, Polmont			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission In Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified In Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

8. Existing Use

Please describe the current or most recent use:

Non-maintained area of privately owned open space.

9. Access and Parking

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

N/A

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Minimum of 3 per Plot

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☒ No ☐

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

☒
☐
☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

☐
☐
☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐
☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes ☒ No ☐

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (Including recycling)

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Please refer to application drawings.

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

6

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?
If yes, please provide details below:

Yes ☐ No ☒

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed



I, the applicant/agent hereby certify that requisite notice has been given to other land owners and/or agricultural tenants

Yes ☒ No ☐ N/A ☐

Signature:

Name: Andrew Bennie

Date: 2/11/12

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

Print Form

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2008

**CERTIFICATE A, B, C OR CERTIFICATE D
MUST BE COMPLETED BY ALL APPLICANTS**

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was 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 application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) The applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
Mr. Agnew	30 Main Street, Polmont	2/11/12

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

 2/11/12

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have been unable to serve notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐
- or
- (2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐
- (3) None of the land to which the application relates constitutes or forms part of an agricultural holding.
- or
- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐
- or
- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

--

CERTIFICATE D Certificate D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself ☐ 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

- (2) I have ☐ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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


- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have ☐ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

On behalf of:

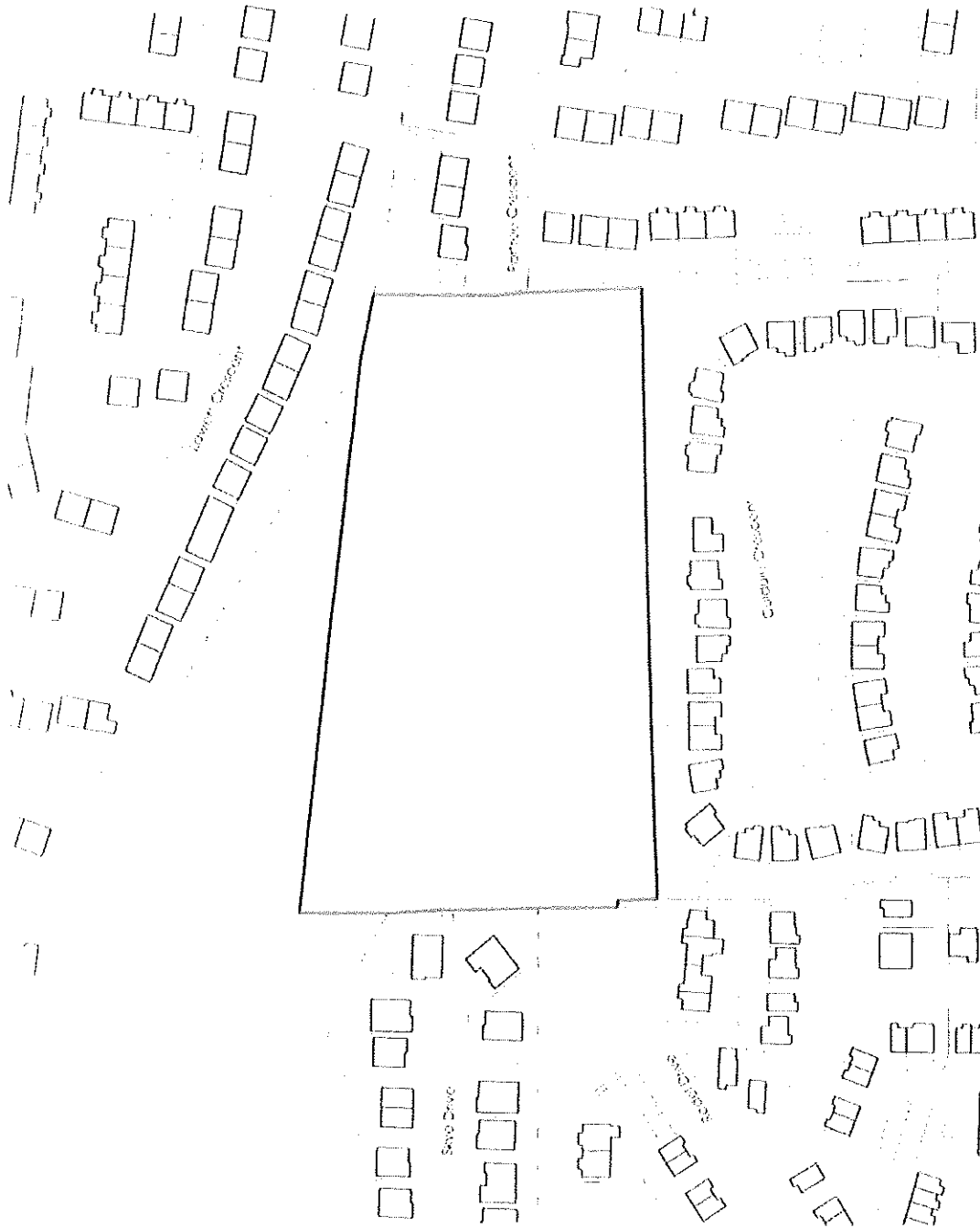
Date:



Andrew Bennie Planning Limited

2/11/12

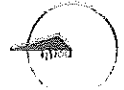
Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act



	Jewitt and Wilkie architects	
		2999/P/100



SITE AREA 1.67 Hectares / 4.12 Acres
DEVELOPED AREA 1.09 Hectares / 2.7 Acres



LAND TO THE EAST OF
RODEL DRIVE, POLMONT

PLANNING STATEMENT IN
SUPPORT OF DETAILED
APPLICATION FOR THE
ERECTION OF SIX
DWELLINGHOUSES

PREPARED BY
ANDREW BENNIE PLANNING
LIMITED

NOVEMBER 2012

LAND TO THE EAST OF RODEL DRIVE, POLMONT
PLANNING STATEMENT IN SUPPORT OF DETAILED
APPLICATION FOR THE ERECTION OF
SIX DWELLINGHOUSES

NOVEMBER 2012

Prepared by:

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Tel: [REDACTED]

Email: [REDACTED]

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6.0 CONCLUSIONS

1.0 INTRODUCTION

This statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. Stuart Anderson in support of a full detailed planning application relating to the erection of six dwellinghouses on a site lying to the east side of Rodel Drive, Polmont, hereinafter referred to as the Application Site.

This statement provides information on both the Application Site and its surroundings and sets out an assessment of the policy basis against which the application proposals require to be assessed. The statement also provides full details of the development proposed under this application.

Should Falkirk Council require any further, relevant information or clarification of any matters relating to these proposals, Andrew Bennie Planning Limited would be pleased to assist in its timely provision.

2.0 THE APPLICATION SITE AND ITS SURROUNDINGS

The Application Site, which extends to some 1.69Ha in area, comprises a roughly rectangular area of land lying generally to the south of Main Street, Polmont.

The application site is in the control of the applicant.

The Application Site is located on the eastern flank of Polmont Hill and lies between Rodel Drive to the west and Portree Crescent to the east. The existing residential properties on the south side of Lawers Crescent lie a short distance to the north of the Application Site, with further residential properties, situated on Culdule Circle and Ardmore Drive, lying to the south.

In physical terms, the southern, eastern and western boundaries of the Application Site are well defined by the rear boundary fences of existing residential properties. The northern boundary of the Application Site is less well defined and is marked generally by a downward break in the slope of the land, which falls away to the north, towards the housing on Lawers Crescent.

The Application Site comprises a mix of rough, poor quality grassland and a number of areas of relatively dense, self-seeded scrub growth, including hawthorn, broom and bramble.

A number of footpaths run through the Application Site, with the main paths being located along the southern and northern boundaries of the site.

The Application Site slopes gently down from a high point of some 105.5 AOD in its north western corner, to a slightly more level plateau at some 99.5 AOD in its south eastern corner. On its western boundary, the site falls some 3.0m from north to south, whereas on its eastern boundary, the difference in levels from north to south, are negligible.

3.0 PLANNING POLICY BACKGROUND

The current adopted development plan covering the Application Site comprises the approved Falkirk Council Structure Plan (January 2007) and the adopted Falkirk Council Local Plan (2010).

The Council is at present preparing its first Local Development Plan, the Proposed Plan stage of which is expected to be published in the early part of 2013.

Falkirk Council Structure Plan

Paragraph 2.27 of the Plan advises that **"the development strategy of the Structure Plan is based on a clear vision of the future of the area, which is linked to the Council's corporate goals and strategies, as well as to national policy objectives"**.

To achieve this vision, the Plan advises, at paragraph 2.28, that the Council believes that a strategy of carefully managed growth which benefits all of its communities **"must be pursued over the period of the Structure Plan"**. Accordingly, the strategy:

- **Provides for population and economic growth;**
- **Distributes growth amongst the different settlements;**
- **Promotes major strategic economic development at selected mixed-use development opportunities;**
- **Identifies, protects and enhances the area's key environmental assets; and**
- **Ensures growth is realistic and achievable.**

Chapter 4, Sustaining Communities of the Plan sets out the Council's objectives in relation to housing and associated issues, such as open space, developer contributions and school provision.

Paragraph 4.2 of the Plan sets out the Council's key objectives in relation to sustaining communities, which, amongst other things, include:

- **To make provision for sufficient housing land to enable the population of the Council area to increase to 152,000 over the period of the Structure Plan;**
- **To share growth amongst the different communities so that, as far as is possible, their vitality and viability are sustained; and**

- **To ensure that the provision and improvement of public open space....goes hand in hand with new housing development through the adoption of a proactive 'planning gain' Policy"**

Policy COM1, Housing Land Allocations, sets out the Plan's housing land requirements for each of the identified sub-areas for the periods 2001-2012 and 2013-2020. So far as the Polmont area is concerned, policy COM1(1) and its associated Schedule COM1a, requires the provision of land for housing amounting to 1,350 units in the period 2001-2012 and 750 units in the period 2013-2020.

At paragraph 4.21, the Plan advises that **"The provision of public open space and recreational facilities is an important determinant of quality of life within communities"**. To this end, Policy COM6, Open Space and Recreational Facilities, at part (1), provides that **"the loss of open space and recreational facilities will not normally be permitted except where ... it is demonstrated that the loss will have no adverse impact on visual or recreational amenity..."**

Policy ENV3, Nature Conservation, advises that the protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. At part (2), Policy ENV3 I, in relation to, amongst other things, SINC's, advises that **"Developments likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature"**.

Falkirk Council Local Plan, 2010

Proposals Map 4: Grangemouth and Polmont, shows the Application Site as lying within an area, which is covered by the terms of Policies EQ24 and SC12.

Policy EQ24, Ecological Sites and Features, sets out the Council's policy for the protection of the network of sites of ecological importance within the area and provides, at part (3) that:

"Development affecting ... Sites of Importance for Nature Conservation ... will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised ..."

Policy SC12, Urban Open Space provides the detailed criteria against which proposals involving the loss of open space will require to be assessed. To this end, Policy SC12 provides that,

amongst other things, "Development involving the loss of urban open space will only - be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;
- (2) In the case of recreational open space, it can be clearly demonstrated from the Council's open space audit or a site specific local audit of provision in the interim that the area is surplus to recreational requirements and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;
- (3) The area is not of significant ecological value; having regard to Policies EQ24 and EQ25; and
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded."

In addition to these site-specific policy designations, the following policies are also of relevance to any assessment of the Application proposals.

Policy SC2, Windfall Housing Development within Urban/Village Limits, provides details of the criteria that will be used by the Council when assessing applications for residential development on unallocated sites falling within the identified urban/village boundaries and notes that when the criteria can be satisfied, such developments will be supported.

The criteria detailed within the policy are as follows:

- (1) The site is a brownfield one, or comprises 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 access by public transport, walking and cycling to shopping, recreational and other communal facilities;
- (4) The existing physical infrastructure, such as roads and drainage 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".

4.0 THE APPLICATION PROPOSALS AND PRE-SUBMISSION CONSULTATION

Under the application submission, full detailed planning permission is sought for the erection of six detached dwellinghouses and associated roads and amenity open space on that land which comprises the Application Site.

The proposed dwellinghouses would be accessed by way of an eastwards extension of the existing carriageway of Rodel Drive, which would be extended a short distance into the site to create a formal turning head. This turning head would provide the access to plot no.1, with the remaining plots being accessed via a new private roadway which would run eastwards through the site.

All of the proposed dwellinghouses would lie to the north side of the site access road.

The existing informal footpaths which run along the northern and southern boundaries of the Application Site would be retained and upgraded, with the exact details of the upgrade works being reserved for further discussion with the Council during their consideration of the application.

The existing points of access into the Application Site from Portree Crescent and Culduie Circle will also be retained and upgraded where necessary.

Areas of amenity open space, which will be designed also to provide for a significant degree to enhancement to the existing level of habitat interest on the site, will be provided along the eastern, southern and northern sides of the site, wrapping around the proposed dwellinghouses. Full details of the proposed treatment of these amenity areas will be determined in consultation with the Council during their consideration of the application.

The house type which is proposed for plot no.1, which lies at the western side of the site, has been designed for the applicant and has been conceived as a large villa of a contemporary design, the details of which allow it to take advantage of the open views to the north whilst at the same time maximizing the level of solar gain on its southern side.

The house is orientated around a central axis, which divides those "public" and "private" spaces within the house. This axis is defined by a 'spine' wall which is expressed both internally and externally, thus drawing the user through the building to the landscape beyond.

The internal layout of the house is predominantly open plan, which creates a light, free flowing space, which is contrasted by a series of more intimate private spaces.

Externally, the form of the dwellinghouse is informed and dictated by the internal spaces within the building. The modular glazing panels are generally grouped, defining the "main" spaces, or placed singly, defining the secondary rooms. A plain smooth white render is proposed for the majority of the external wall, with sections of feature timber cladding defining the lounge and office spaces.

Above these rooms, a terrace will be formed to maximize available sun, with a similar terrace on the north side of the building being created to take advantage of the open outlook. This terrace is balanced by the cantilevered form of the master bedroom suite, the overhang of which, creates a sheltered area off the living room and entertainment area.

The flat roofed form of the dwellinghouse and the detached garage, have been chosen specifically to minimise the potential impact of the building upon those properties, which lie at the eastern end of Skye Drive.

A single house type is proposed for plots 2-6, which is of a slightly more traditional design, albeit echoing and acknowledging the design intent in respect of plot 1. The ground floor of this house type is organized around a main open plan living area, with two further public rooms and ancillary spaces leading off it. The "L" shaped form of the building combines with a detached garage to form a south facing external courtyard space, which allows the living area and the master bedroom to have a dual aspect.

Externally, plots 2-6 would feature a similar palette of colours and materials to plot 1, with the more traditional style being reflected by the use of a pitched roof. As with plot 1, modular glazing panels have been incorporated in to the design, the grouping of which defines the hierarchy of the internal spaces, with a timber finish being used to define the main entrance and garage.

Prior to submitting this application, and as a means of identifying any issues of concern, which local residents may have in relation to the proposed development, a public site meeting was held on Saturday 29th September. This meeting was publicised by way of individual letters sent to all of those parties whose properties bound directly on to the Application Site.

A total of 25 individuals attended the site meeting, with said parties voicing a range of issues including potential overlooking, impact upon the skyline, increased levels of traffic, impact upon property values and impact upon local wildlife.

As a consequence of these concerns, the details of the proposed development have been adjusted and amended by the project architect in order, where practicably possible, to directly address the matters raised by those who attended the site meeting.

The nature of these changes, are set out in more detail within the Design Statement, which forms part of the application submission.

A meeting was also held on 26th October with Keith Brown of the Council's planning department, this meeting being called as a formal pre-application request. The matters discussed at this meeting and the additional information which was suggested be provided have been included as part of the application submission.

5.0 PLANNING ASSESSMENT

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

For the purposes of the determination of this planning application, the current, approved development plan covering the Application Site comprises the approved Falkirk Council Structure Plan (2007) and the adopted Falkirk Council Local Plan (2010). The relevant provisions of the development plan, as set out above within section 3.0, are discussed below.

Falkirk Council Structure Plan

Paragraph 4.8 of the Plan makes clear the role that windfall and small sites have to play in meeting the overall housing land requirement, with this contribution to the overall requirement being recognised within the terms of Policy COM2.

It is beyond doubt therefore that the Council both accepts and acknowledges the valuable role that windfall sites have to play in meeting their housing land obligations.

The development of the Application Site, as proposed under this application, would constitute a windfall development and to this extent, the proposed development would assist the Council in meeting those housing land requirements set down under Policy COM1.

Policy COM6, part (1), of the Plan provides that **" the loss of open space and recreational space will not normally be permitted except where...It is demonstrated that the loss will have no adverse impact on visual or recreational amenity."**

A full and detailed assessment of the impact of the proposed development upon the level and availability of the open space provision within the Polmont area is set out below in relation to

Policy SC12 of the adopted Local Plan, with it being concluded that whilst the proposed development will result in a reduction in the amount of open space within the Polmont area, the scale and significance of this reduction, taking into account also the open space enhancements that form part of the proposed development, is not sufficient to justify withholding planning permission in respect of this application.

Policy ENV3, part (2), of the Plan provides that in relation, amongst other things, to SINC's, **"Development likely to have an adverse impact on any such sites or feature will not be granted planning permission....."**

A full assessment of the impact of the application proposals upon the SINC designation which relates to the Application Site is set out below in relation to Policy EQ24 of the adopted Local Plan, with it being concluded that the level of impact upon the SINC in terms of the key habitats for which it was designated is minimal and not of a level of significance that would justify withholding planning permission in respect of this application.

For the reasons set out above, it is submitted that the proposed development of the Application Site can be fully and reasonably justified against the provisions of Policies COM1, COM6 and ENV3 of the approved Falkirk Council Structure Plan.

Falkirk Council Local Plan

Policies EQ24 and SC12 together comprise the principle policy basis against which the application proposals require to be assessed. This assessment is set out within the following paragraphs.

Policy EQ24

Part (3) of Policy EQ24 provides that:

"Development affecting.....Sites of Importance for Nature Conservation.....will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised...."

Given the clear manner in which this policy is worded, it follows that if it can be demonstrated that the proposed development will not have an adverse impact upon the wider SINC designation of which the Application Site forms only a minor part, the provisions of Policy EQ24 would not provide a reasonable basis upon which to resist the proposed development.

The Application Site has been the subject of three separate habitat surveys over the last twelve years or so, including the most recent ecological appraisal of the Application Site which is submitted in support of this application, all of which highlight the simple fact that the Application Site is of low ecological value and that its development would not adversely impact upon the integrity of the wider SINC designation.

This view of the ecological value of the Application Site has previously been accepted by Scottish Natural Heritage who, in relation to an earlier application relating to the site advised that they:

"... certainly couldn't object to the proposals on nature conservation grounds alone."

Given the variety of different sources which all point to the fact first of all that the Application Site is of low ecological value and secondly that its development would not affect the wider SINC designation, it is concluded that the application proposals can be reasonably justified against the provisions of Policy EQ24 of the adopted Local Plan.

Policy SC12

Policy SC12 sets out a total of four criteria against which development proposals affecting the loss of any urban open space require to be assessed.

Prior to addressing these criteria, it is important to note that the manner in which this policy is constructed provides a clear acceptance of the fact that if the "qualifying" criteria can be met, there is no absolute prohibition against the development of any given area of urban open space and that as such, the fact that the Application Site is covered by this policy does not in itself mean that it is unsuitable for development.

Looking at each of the stated criteria in turn, the following comments are made.

Criterion 1

Whilst the proposed development will result in a change in the nature and character of the Application Site, it is submitted that this change will not result in any adverse effects upon the established amenity of the surrounding area.

In both physical and visual terms, the Application Site relates most strongly to the existing residential properties, which bound the site on all sides. Accordingly, it is considered that the proposed residential development of the site would be wholly in keeping with the well established residential character of the surrounding area.

It is not considered that the proposed development would give rise to any detrimental impacts upon the level of amenity that is presently enjoyed by those properties, which bound directly onto the site.

It is further noted that the Application Site does not comprise an area of planned open space provided as a consequence of the development of any of the residential units which surround the site, rather, it is simply an area of ground left over as a result of these earlier developments.

Criterion 2

The Application Site does not comprise an area of recreational open space, rather, it comprises an area of privately owned urban open space which is used on a wholly informal basis for passive recreational purposes, mainly in the form of dog walking. The nature and condition of the site is such that it would not be capable of being used for any form of more active recreational use.

The proposed development will allow for the upgrading and continued use of the existing footpath routes which run along the site's northern and southern boundaries and as such, the proposed development will not compromise the use of the site as a through route for dog walkers.

Criterion 3

For the reasons set out above in relation to the assessment of the proposals against the terms of Policy EQ24, it is submitted that the proposed development of the Application Site will give rise to no adverse impacts upon the overall integrity of the wider SINC designation within which the site is located.

Criterion 4

The proposed development will allow for the safeguarding and continued use of the two main footpaths, which run through the site, along its southern and northern boundaries. Both of these footpaths have been given Core Path status by the Council within their Core Paths Plan.

As part of the proposed development, these two footpaths will be upgraded to a specification to be agreed with the Council during their consideration of the application.

As a consequence of the above, the proposed development will not affect the connectivity of the Application Site to any adjacent area of open space on the contrary, through the upgrading of the two footpaths, the proposed development will improve the connectivity of the site the wider area.

In light of this assessment of the application proposals against the criteria, which forms part of Policy SC12, it is submitted that the proposals themselves can be reasonably justified against the provisions of Policy SC12.

Policy SC2

Policy SC2 sets out the criteria against which the acceptability of residential proposals relating to unallocated sites within urban and village limits require to be tested.

Looking at each of the stated criteria in turn, the following comments are made.

Criterion 1

The Application Site does not comprise a brown field site, rather it comprises an area of unplanned urban open space, and as such the acceptability of the loss thereof to development requires to be assessed against the requirements of Policy SC12.

This assessment has been carried out above with it being concluded that the proposed development can be fully and reasonably justified against the provisions of Policy SC12.

Criterion 2

The Application Site is bounded on all sides by existing residential development and as such, it is considered that the proposed use of the site for residential purposes would be wholly in keeping with the established amenity of the surrounding area.

The form of development proposed for the site, as detailed within the Design Statement, which forms part of the application submission, is such that all of the proposed units on the site will be provided with a high level of residential amenity.

Criterion 3

The Application Site enjoys a good level of accessibility to nearby shopping, recreational and community facilities by means of transport other than by car and as such, it is considered to comprise a sustainable location.

Criterion 4

On the basis of initial investigations, it is submitted that all of those physical and community facilities required to support the erection of the six dwellinghouses proposed under this application have the capacity to accommodate the application proposals. In the event that any capacity issues are identified, these can be dealt with through an appropriate application of the terms of Policy SC11.

Criterion 5

Policy SC8 is not relevant to the assessment of the application proposals.

Criterion 6

The application proposals are not considered to give rise to any issues of conflict with any other Local Plan policies/proposals.

Given the matters set out above, it is submitted that the application proposals can be reasonably justified against the provisions of Policy SC2.

6.0 CONCLUSIONS

In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application proposals fall to be assessed against the terms of the approved development plan, so far as they are of material relevance to the determination of the application, and in the light of any other relevant material considerations.

For the purposes of this application, the approved development plan comprises the approved Falkirk Council Structure Plan, 2007 and the adopted Falkirk Council Local Plan, 2010.

The relevant provisions of the Structure Plan, as detailed within Section 3 above, are identified as being the strategy which underpins the Plan, the Plan's key objectives in relation to sustaining communities, Policies COM1, COM6 and ENV3 and the various supporting paragraphs which relate to said policies.

These various matters are assessed in detail within Section 5 above, the overall conclusion of which is that the application proposals can be reasonably justified against the provisions of the approved Structure Plan.

With regard to the adopted Falkirk Council Local Plan, the relevant provisions thereof are identified as being Policies EQ25, SC12 and SC2.

These policies are assessed in detail within Section 5 above, with the overall conclusion being that the application proposals can be reasonably justified against the provisions of the adopted Local Plan.

For the reasons set out above, it is submitted that the application proposals can be fully and reasonably justified against the provisions of the approved development plan.

No material considerations have been identified which would outweigh the acceptability, in terms of the development plan, of the application proposals.

Accordingly, it is respectfully requested that Falkirk Council grant full, detailed planning permission pursuant to this application.

LAND TO THE EAST OF
RODEL DRIVE, POLMONT

SUPPLEMENTARY
PLANNING STATEMENT IN
SUPPORT OF DETAILED
APPLICATION FOR THE
ERECTION OF SIX
DWELLINGHOUSES

PREPARED BY
ANDREW BENNIE PLANNING
LIMITED

JANUARY 2013

LAND TO THE EAST OF RODEL DRIVE, POLMONT

SUPPLEMENTARY
PLANNING STATEMENT IN SUPPORT OF DETAILED
APPLICATION FOR THE ERECTION OF
SIX DWELLINGHOUSES

JANUARY 2013

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Drawing no. 2999/P/200-B, Site Plan

Drawing no. 2999/P/600, Filtration Trench Details