

## List of List of Enclosures – Agenda Item 5

|     |  |           |
|-----|--|-----------|
| 1.  | Notice of Review dated 2 July 2014 and supporting statement.                                       | 80 - 90   |
| 2.  | Application for Planning Permission dated 27 January 2014 and associated plans and documents.      | 91 – 104  |
| 3.  | Report of Handling dated 8 April 2014.   | 105 – 112 |
| 4.  | Refusal of Planning Permission dated 4 April 2014.   | 113 - 114 |
| 5.  | Consultation response from Roads Development Unit dated 6 February 2014.                           | 115       |
| 6.  | Consultation response from Environmental Health Unit dated 19 February 2014.                       | 116       |
| 7.  | Consultation response from Archeological Services, Falkirk Community Trust dated 21 February 2014. | 117       |
| 8.  | Consultation response from Scottish Water dated 26 February 2014.                                  | 118 – 119 |
| 9.  | Consultation response from Scottish Natural Heritage dated 26 February 2014.                       | 120       |
| 10. | Consultation response from Scottish Rights of Way and Access Society dated 27 February 2014.       | 121 - 122 |
| 11. | Consultation response from Historic Scotland dated 10 March 2014.                                  | 123       |
| 12. | Further consultation response from Historic Scotland dated 10 July 2014.                           | 124       |
| 13. | Further consultation response from Roads Development Unit dated 21 July 2014.                      | 125       |
| 14. | Supplementary email from by Applicant in Support of Review dated 30 July 2014.                     | 126       |

### **Policies/Documents Applicable to Review:-**

|     |  |           |
|-----|--|-----------|
| 15. | • Scottish Planning Policy   | 127 – 187 |
| 16. | • Housing Layout and Design Supplementary Planning Guidance Note (SPG) | 188 – 215 |
| 17. | • Trees and Development Supplementary Planning Guidance Note (SPG)     | 216 – 242 |
| 18. | • Trees and Development Supplementary Guidance SG06                    | 243 – 268 |
| 19. | • Inventory of Historic Battlefields Falkirk 11                        | 269 – 275 |
| 20. | • Historic Battlefields Interim Guidance                               | 276 – 290 |

|     |   |           |
|-----|---|-----------|
| 21. | <ul style="list-style-type: none"> <li>• Scottish Historic Environment Policy</li> <li>• Falkirk Council Structure Plan<br/> <a href="http://www.falkirk.gov.uk/services/planning-building/planning-policy/structure-plan">http://www.falkirk.gov.uk/services/planning-building/planning-policy/structure-plan</a> </li> </ul>  | 291 – 388 |
| 22. | <ul style="list-style-type: none"> <li>○ Policy Env. 1 – Countryside and Protected Areas</li> <li>• Falkirk Council Local Development Plan - Emerging Plan -<br/> <a href="http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-development-plan/">http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-development-plan/</a> </li> </ul> | 389 – 390 |
| 23. | ○ Policy GN02 – Landscape   | 391       |
| 24. | ○ Policy CG01 - Countryside   | 392       |
| 25. | ○ Policy CG03 - Housing in the Countryside  | 393       |
| 26. | ○ Policy HSG05 - Infill Development and Subdivision of Plots  | 394       |
| 27. | ○ Policy D13 – Battlefield Sites  | 395       |
| 28. | ○ Maps 1 to 7   | 396 – 402 |
|     | <ul style="list-style-type: none"> <li>• Falkirk Council Local Plan -<br/> <a href="http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-plan">http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-plan</a> </li> </ul>  |           |
| 29. | ○ Policy EQ19 – Countryside   | 403       |
| 30. | ○ Policy SCO3 – Housing Development in the Countryside  | 404       |
| 31. | ○ Policy SC08 – Infill Development and Subdivision of Plots   | 405       |
| 32. | ○ Policy EQ16 – Sites of Archaeological Interest  | 406 – 407 |
|     | <ul style="list-style-type: none"> <li>• Falkirk Council Local Plan - Main Issues Report<br/> <a href="http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-plan">http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-plan</a> </li> </ul>   |           |

## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (as amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

The Town and Country Planning (Appeals) (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 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 and Mrs | Ref No.                     |                             |
| Forename  | Alex       | Forename                    | Alastair                    |
| Surname   | McLaren    | Surname                     | Bell                        |
| Company Name  |            | Company Name                | McLean Bell Consultants Ltd |
| Building No./Name   | Seafeld    | Building No./Name           | 33                          |
| Address Line 1  |            | Address Line 1              | Miller Park                 |
| Address Line 2  |            | Address Line 2              | Polmont                     |
| Town/City   | Falkirk    | Town/City                   | Falkirk                     |
| Postcode  | FK1 3AH    | Postcode                    | Fk2 0UJ                     |
| Telephone   |            | Telephone                   |                             |
| Mobile  |            | Mobile                      | 07803 591 530               |
| Fax   |            | Fax                         | 01324 720732                |
| Email   |            | Email                       | mcleanbell@btconnect.com    |
| <b>3. Application Details</b>   |            |                             |                             |
| Planning authority  |            | Falkirk Council             |                             |
| Planning authority's application reference number                                   |            | P/14/0045/FUL               |                             |
| Site address  |            |                             |                             |
| Seafeld, Falkirk, FK1 3AH   |            |                             |                             |
| Description of proposed development   |            |                             |                             |
| Renewal of Planning Permission P/08/0507/FUL for the Erection of Two Dwellinghouses |            |                             |                             |

|  |                   |                           |                                     |
|--|-------------------|---------------------------|-------------------------------------|
| Date of application  | 30th January 2014 | Date of decision (if any) | 4th April 2014                      |
| <p><b>Note.</b> This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.</p>  |                   |                           |                                     |
| <b>4. Nature of Application</b>  |                   |                           |                                     |
| Application for planning permission (including householder application)  |                   |                           | <input checked="" type="checkbox"/> |
| Application for planning permission in principle   |                   |                           | <input type="checkbox"/>            |
| 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)   |                   |                           | <input type="checkbox"/>            |
| Application for approval of matters specified in conditions  |                   |                           | <input type="checkbox"/>            |
| <b>5. Reasons for seeking review</b>   |                   |                           |                                     |
| Refusal of application by appointed officer  |                   |                           | <input checked="" type="checkbox"/> |
| Failure by appointed officer to determine the application within the period allowed for determination of the application   |                   |                           | <input type="checkbox"/>            |
| Conditions imposed on consent by appointed officer   |                   |                           | <input type="checkbox"/>            |
| <b>6. Review procedure</b>   |                   |                           |                                     |
| <p>The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.</p> <p>Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.</p> |                   |                           |                                     |
| Further written submissions  |                   |                           | <input type="checkbox"/>            |
| One or more hearing sessions   |                   |                           | <input checked="" type="checkbox"/> |
| Site inspection  |                   |                           | <input checked="" type="checkbox"/> |
| Assessment of review documents only, with no further procedure   |                   |                           | <input type="checkbox"/>            |
| <p>If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.</p>   |                   |                           |                                     |
| <p>The Local Review Body would benefit from hearing evidence from the applicant, Historic Scotland and Council officers due to the complex nature of the issues involved in this proposal.</p>   |                   |                           |                                     |
| <b>7. Site inspection</b>  |                   |                           |                                     |
| In the event that the Local Review Body decides to inspect the review site, in your opinion:   |                   |                           |                                     |
| Can the site be viewed entirely from public land?  |                   |                           | <input type="checkbox"/>            |
| Is it possible for the site to be accessed safely, and without barriers to entry?  |                   |                           | <input checked="" type="checkbox"/> |

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

The application site lies within the garden of the applicant's house.

## 8. Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

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

See attached sheet.

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

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

## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

MB - 1 Planning Application P/10/0338/FUL - Report of Handling  
 MB - 2 Planning Application P/10/0338/FUL - Sketch Perspective  
 MB - 3 Planning Application P/10/0338/FUL - Decision Notice

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

## 10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

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

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

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

McLean Bell Consultants Ltd

Date:

2nd July 2014

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.

## **Statement of Appeal**

### **Planning Application P/14/0045/FUL**

#### **Seafield, Falkirk**

This development proposal has been refused consent under delegated powers by planning officers of the Council. However, the original planning consent was granted by the Planning Committee and it is considered inappropriate for officers to take a decision contrary to that previously taken by elected Councillors. It would have been appropriate for this application for renewal of the original planning consent to have been placed before the Planning Committee for a decision. Consequently the applicants have submitted this appeal to the Local Review Body so that elected members can consider the proposal.

In addition, following the original planning consent, the applicants submitted an application to amend the house types [P/10/0338/FUL]. That application was approved and the Report of Handling [document MB – 1] is attached. As can be seen in this report, the planning officer stated that the Planning Committee previously determined that there are circumstances which outweigh policy issues and that these exceptional circumstances remain relevant. On that basis the application was approved [document MB – 3]. The appellants understood from early discussions with the planning officer in the case of this application for renewal of the consent that there was no reason for a different outcome to their application and they were very surprised to receive a refusal notice.

All of the matters contained in the reasons for refusal were considered by the Planning Committee when it granted planning permission in April 2009. There has been no material change in relevant considerations since that decision and none of the statutory Consultees objected to the proposal.

McLean Bell Consultants Ltd

2<sup>nd</sup> July 2014

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

**PROPOSAL** : Amendment to House Type (P/08/0507/FUL - Plot 1 and 2)  
**LOCATION** : Seafield, Falkirk, FK1 3AH  
**APPLICANT** : Mr and Mrs A McLaren  
**APPN. NO.** : P/10/0338/FUL  
**REGISTRATION DATE** : 5 July 2010

**1. SITE LOCATION / DESCRIPTION OF PROPOSAL**

Site located on west side of B803 Slamannan Road at access to Seafield Farm.

Proposed to erect 2 dwellinghouses in garden ground of existing dwellinghouse.

**2. SITE HISTORY**

P/08/0507/FUL - Erection of 2 dwellinghouses Seafield, Slamannan Road. - Granted 29 March 2009.

**3. CONSULTATIONS**

The following responses to consultation were received:

|   |   |
|---|---|
| Roads Development Unit                    | Roads Development Unit does not favour taking access for additional houses. The planning history is relevant. The principle has been established. |
| Scottish Water                            | No objection.   |
| Environmental Protection Unit             | Contamination can be addressed by condition.  |
| Scottish Natural Heritage                 | No comments.  |
| Scottish Rights Of Way And Access Society | Right of way should be kept open during development.  |

The local Community Council did not comment.

**4. PUBLIC REPRESENTATION**

During consideration of the application, no letters of objection or representation were received.

**5. THE DEVELOPMENT PLAN**

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

**Falkirk Council Structure Plan.**

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

**Local Plan(s)**

**Rural Local Plan**

The relevant policies against which assessment was made are:



## RUR01 New Development in the Countryside

### 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)

National Planning Policies and Guidance

Falkirk Council Supplementary Guidance

### 6. PLANNING ASSESSMENT

#### The Development Plan

Proposal not essential to the pursuance of agriculture or a rural business. However, the planning history is a material consideration. The Planning Committee has previously determined that there are circumstances which outweigh the consideration of policy Rural 1.

Falkirk Council Local Plan Finalised Draft (Deposit Version).

SC03 - Housing Development in the Countryside

EQ19 - Countryside

Proposal not essential to the pursuance of agriculture or a rural business. However, the planning history is a material consideration. The Planning Committee have previously determined that other factors outweigh the considerations of policy SC3.

Proposal does not compromise any urban limit.  
Accords with policy EQ19.

Proposal does not fully accord with the emerging Local Plan. However, there are exceptional circumstances.

#### National Planning Policies and Guidance

Proposal is an opportunity to provide individually designed dwellinghouses, creating a small grouping which fits into the countryside setting.

Accords with Scottish Planning Policy.

#### Falkirk Council Supplementary Guidance

Proposal would create a grouping which does not have a significant impact on the landscape setting of the site and would create dwellings which have differences in character and appearance.

Proposal accords with the thrust of the SPG.

### 7. CONCLUSION

Proposal not essential to the pursuance of agriculture or a rural business.

It is noted, however, that the proposal is an amendment to a previous planning permission for the erection of two dwellinghouses at the site. The proposal does not raise any new material considerations or issues. The proposed amendments are design related only.

The Planning Committee previously determined that there are circumstances which outweigh policy issues. The proposed amendment sufficiently reflects the original proposal to consider that the exceptional circumstances remain relevant.

## 8. RECOMMENDATION

Grant Planning Permission

Permission should be subject to the following condition(s):-

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. Notwithstanding any details previously submitted no works shall commence on site until such times as the detail of the boundary treatments has been approved in writing by the Planning Authority. Thereafter there shall be no replacement boundary treatments erected or put in place without the written approval of the Planning Authority.
3. Notwithstanding any details previously submitted no work shall commence on site until such time as the Planning Authority has approved in writing a landscape plan showing trees at this site to be removed and trees to be retained. The plan shall be accompanied by a method statement detailing the means by which it is proposed to protect trees, which are identified to be retained, during construction works.
4. Notwithstanding any details previously submitted and prior to the commencement of work on site the Planning Authority shall approve in writing a plan detailing existing and proposed levels. The levels plan shall be accompanied by a detail of the retaining structure proposed to separate the new new gardens.
5. Prior to the occupation of any new dwellinghouse, in-curtilage parking for a minimum of two vehicles shall be formed and thereafter there shall at all times be in-curtilage parking provision for no fewer than two vehicles. In-curtilage parking spaces shall be of minimum dimensions 6 metres x 3 metres.
6. Notwithstanding any details previously submitted, no work shall commence on site until such time as drainage details have been approved in writing by the Planning Authority.
7. The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

Reason(s):

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To safeguard the environmental amenity of the area.
3. To safeguard the environmental amenity of the area.
4. To safeguard the environmental amenity of the area.
5. To ensure that adequate car parking is provided.
6. To ensure that adequate drainage is provided.

7. To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**Informatives:**

1. For the avoidance of doubt, the plans to which this consent refers bear our reference 01, 02, 03 and 04.
2. Should in the course of the development any made ground or suspect material be encountered, the applicant should inform the Environmental Protection Unit immediately.

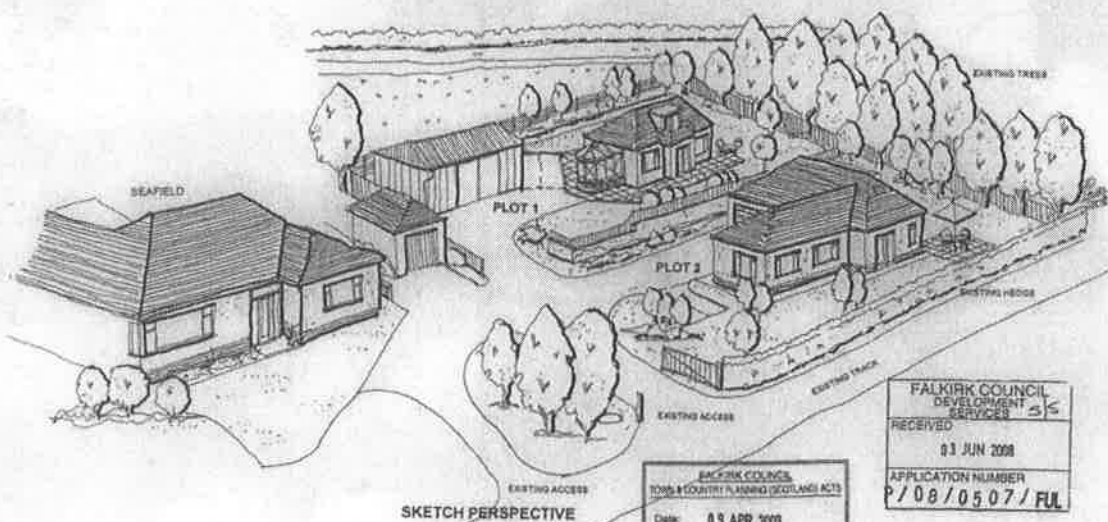
  
**Director of Development Services**

30/9/10  
Date

**Contact Officer : David Paterson  
(Planning Officer) 01324 504757**

THESE ARE THE DRAWINGS REFERRED TO IN THE APPLICATION DATED 30/03/08 FOR  
PLANNING APPROVAL SIGNED: [REDACTED]

MB-2



SKETCH PERSPECTIVE

LAURIE CRAWFORD  
WORK IN DESIGN  
UR PLANNING  
+44 (0) 171 39 74 70

ARCHITECTURE WITHIN THE SCOTLANDS PLANNING  
ACT 1990

By Statute and Planning (Scotland) Act 1990  
on 1st April 2008. The Act states that the  
Planning Commission  
& Planning Commission

FALKIRK COUNCIL  
TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Date: 03 APR 2008

Approved by Falkirk Council as Planning  
Authority for the purposes of the above Act,  
subject to any conditions herein specified.

FALKIRK COUNCIL  
DEVELOPMENT  
SERVICES  
RECEIVED  
03 JUN 2008  
APPLICATION NUMBER  
P/08/0507/FUL

PROPOSED 2 NEW DWELLING HOUSES  
AT SEAFIELD SLAMANNAN ROAD FALKIRK  
FK1 3 AH FOR MR & MRS MCLAREN

HTB 119/P/005

Reference No. P/10/0338/FUL



MB-3

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

Falkirk Council

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

**Planning Permission**

Agent  
Work In Design  
FAO Lauri Crawford  
56 Battock Road  
Brightons  
Falkirk  
FK2 0TT

Applicant  
Mr and Mrs J. J. J. J.  
Seafield  
Falkirk  
FK1 3AH

This Notice refers to your application registered on 5 July 2010 for permission in respect of the following development:-

Development Amendment to House Type (P/08/0507/1 - Plot 1 and 2)

Location Seafield, Falkirk, FK1 3AH

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://www.planning.falkirk.gov.uk/online>. 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

**Grants Planning Permission**

This decision is issued subject to the following condition(s):-

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. Notwithstanding any details previously submitted no works shall commence on site until such times as the detail of the boundary treatments has been approved in writing by the Planning Authority. Thereafter there shall be no replacement boundary treatments erected or put in place without the written approval of the Planning Authority.
3. Notwithstanding any details previously submitted no work shall commence on site until such time as the Planning Authority has approved in writing a landscape plan showing trees at the site to be removed and trees to be retained. The plan shall be accompanied by a method statement detailing the means by which it is proposed to protect trees, which are identified to be retained, during construction works.

# 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 + MRS               | Ref No.                             |                        |
| Forename  | ALEX                   | Forename                            | LAURI                  |
| Surname   | MCLAREN                | Surname                             | CRAWFORD               |
| Company Name  | -                      | Company Name                        | WORKINDESIGN           |
| Building No./Name   | 'SEAFIELD'             | Building No./Name                   | 56                     |
| Address Line 1  | SLAMANNAN ROAD.        | Address Line 1                      | BATHOCK ROAD           |
| Address Line 2  |                        | Address Line 2                      | BRIGHTONS              |
| Town/City   | FALKIRK                | Town/City                           | FALKIRK                |
| Postcode  | FK1 3AH.               | Postcode                            | FK2 0TT                |
| Telephone   | /                      | Telephone                           | -                      |
| Mobile  | 07840 942196           | Mobile                              | 07711387470            |
| Fax   | /                      | Fax                                 | /                      |
| Email   | PEAMCLAREN@HOTMAIL.COM | Email                               | WORKINDESIGN@GMAIL.COM |
| <b>3. Postal Address or Location of Proposed Development (please include postcode)</b>  |                        |                                     |                        |
| <div style="border: 1px solid black; padding: 5px;">             'SEAFIELD' SLAMANNAN ROAD<br/>             FALKIRK<br/>             FK1 3AH.           </div>  |                        |                                     |                        |
| <p>NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.</p>   |                        |                                     |                        |
| <b>4. Type of Application</b>   |                        |                                     |                        |
| What is the application for? Please select one of the following:  |                        |                                     |                        |
| Planning Permission   |                        | <input type="checkbox"/>            |                        |
| Planning Permission in Principle  |                        | <input type="checkbox"/>            |                        |
| Further Application*  |                        | <input checked="" type="checkbox"/> |                        |
| Application for Approval of Matters Specified in Conditions*  |                        | <input type="checkbox"/>            |                        |
| Application for Mineral Works**   |                        | <input type="checkbox"/>            |                        |
| <p>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.</p> |                        |                                     |                        |
| <p>*Please provide a reference number of the previous application and date when permission was granted:</p>   |                        |                                     |                        |
| Reference No:   | P/08/0507/FUL          | Date:                               | 09/04/2009             |

**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

RENEWAL OF CONSENT FOR ERECTION OF 2 DWELLING HOUSES.

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☒ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐ ?

Please provide a description of the advice you were given and who you received the advice from:

Name: C. CHURLEY.

Date:

27/01/14.

Ref No.:

N/A.

CONFIRMATION OF PROCEDURE FOR RENEWAL APPLICATION  
+ CONFIRMATION OF £764. FEE.

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

0.174

Square Metre (sq.m.)

**8. Existing Use**

Please describe the current or most recent use:

AS PER PREVIOUS APPLICATION APPROVED

**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?

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)

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

AS PER PREVIOUS APPLICATION

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

Yes ☐ No ☒ APPROVED

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:

AS PER PREVIOUS APPLICATION APPROVED.

### 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?

2

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?

Yes ☐ No ☒

If yes, please provide details below:

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 ☒

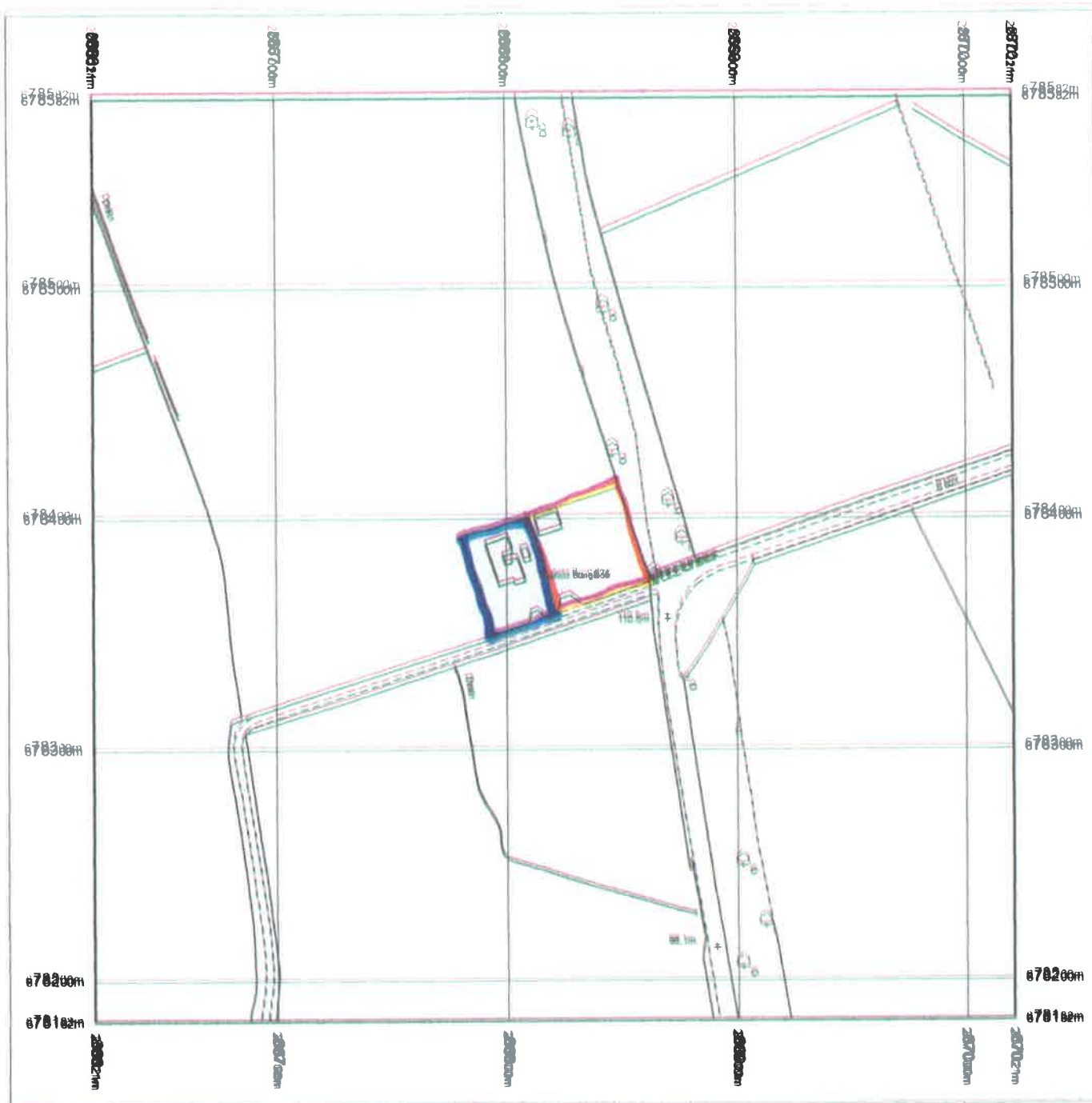
Signature:



Name: L. CRAWFORD.

Date: 27/01/14.

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.



Produced 02.07.2010 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2010.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

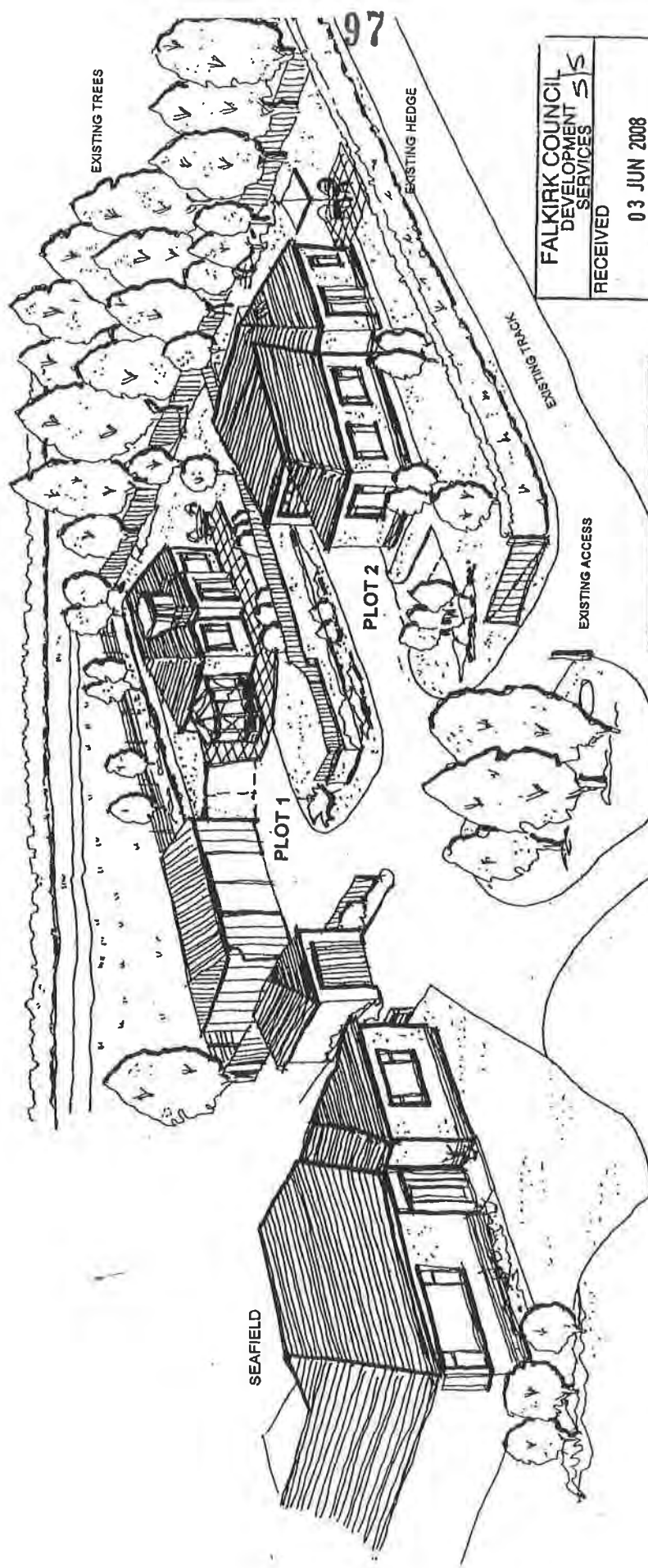
The representation of features as lines is no evidence of a property boundary.



Supplied by: Latitude - Southampton  
Serial number: 01033500  
Centre coordinates: 286820.75 678382.25

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:  
[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)

THESE ARE THE DRAWINGS REFERRED TO IN THE APPLICATION DATED 26/08/08 FOR  
 PLANNING APPROVAL SIGNED *W. D. D. D.*



# SKETCH PERSPECTIVE

FALKIRK COUNCIL  
 TOWN & COUNTRY PLANNING (SCOTLAND) ACTS  
 Date: 09 APR 2008  
 Approved by Falkirk Council as Planning  
 Authority for the purposes of the above Act,  
 subject to any condition herein specified.

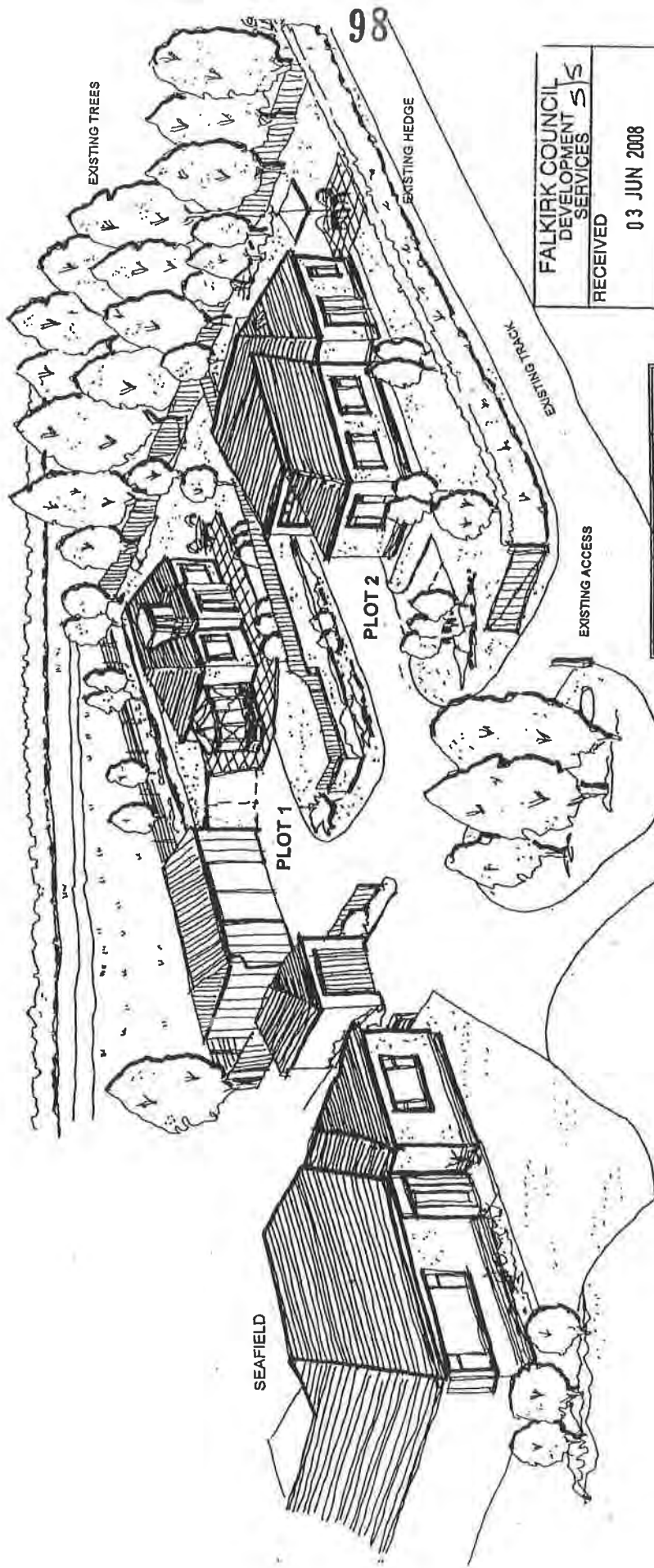
FALKIRK COUNCIL  
 DEVELOPMENT  
 SERVICES  
 RECEIVED  
 03 JUN 2008  
 APPLICATION NUMBER  
 P/08/0507/FUL

LAURI CRAWFORD  
 WORK IN DESIGN  
 UK FRANCE  
 +44 (0)7711 38 74 70

ARCHITECTURE INTERIORS CONCEPTS PLANNING  
 28 Bedford Road Brighton BN1 2DT Scotland UK  
 4th Tigh Ave Orem Le Chateau Vaud En Conflans 98700 France

PROPOSED 2 NEW DWELLING HOUSES  
 AT SEAFIELD SLAMANNAN ROAD FALKIRK  
 FK1 3 AH FOR MR & MRS McLARE

THESE ARE THE DRAWINGS REFERRED TO IN THE APPLICATION DATED 31/03/08 FOR  
 PLANNING APPROVAL SIGNED *W. D. D. D.*



# SKETCH PERSPECTIVE

EXISTING ACCESS

EXISTING ACCESS

EXISTING TRACK

EXISTING HEDGE

EXISTING TREES

PLOT 2

PLOT 1

SEAFIELD

FALKIRK COUNCIL  
 TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Date: 09 APR 2009

Approved by Falkirk Council as Planning  
 Authority for the purposes of the above Act,  
 subject to any condition herein specified.

FALKIRK COUNCIL  
 DEVELOPMENT  
 SERVICES  
 RECEIVED

03 JUN 2008

APPLICATION NUMBER  
 P/08/0507/FUL

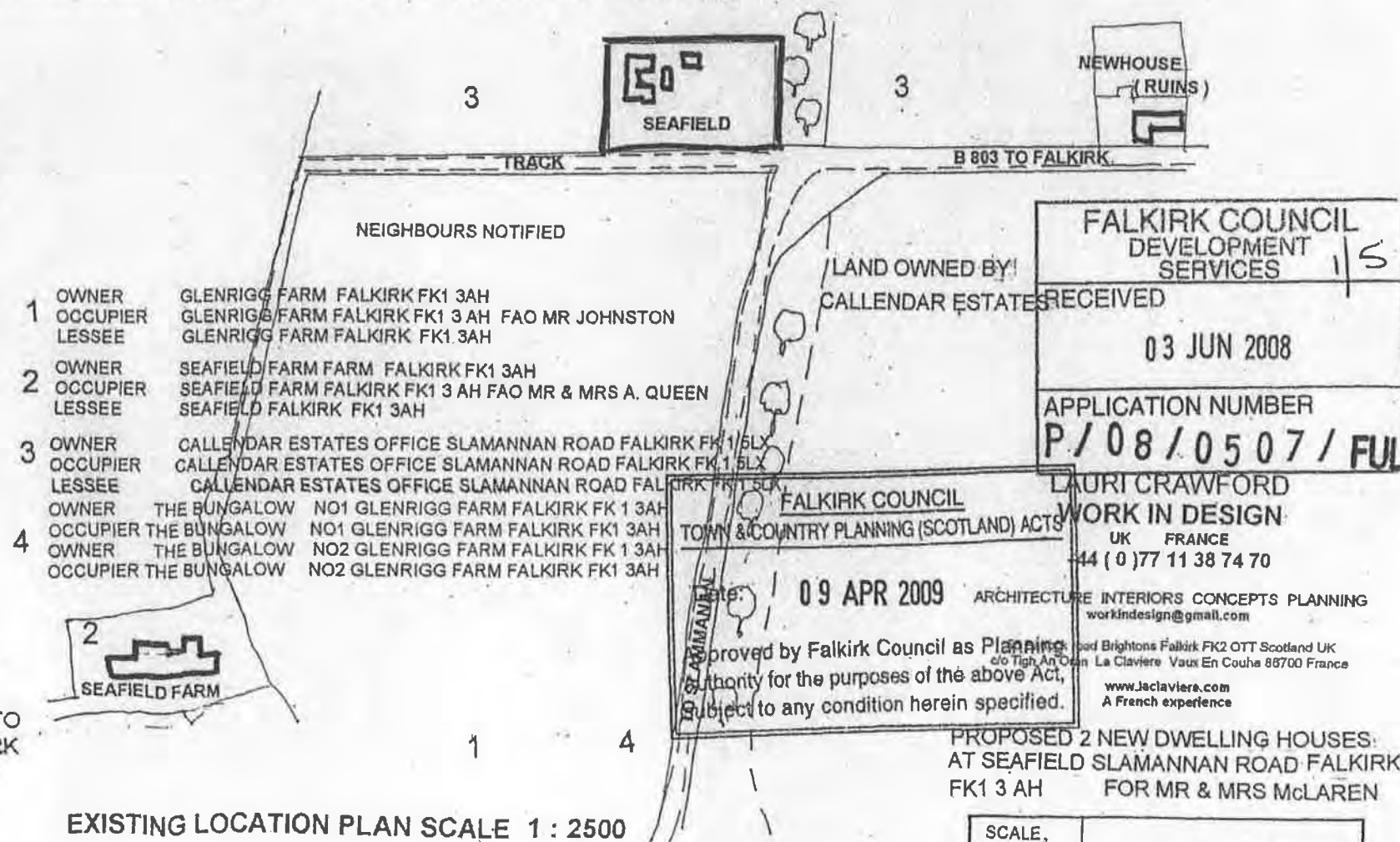
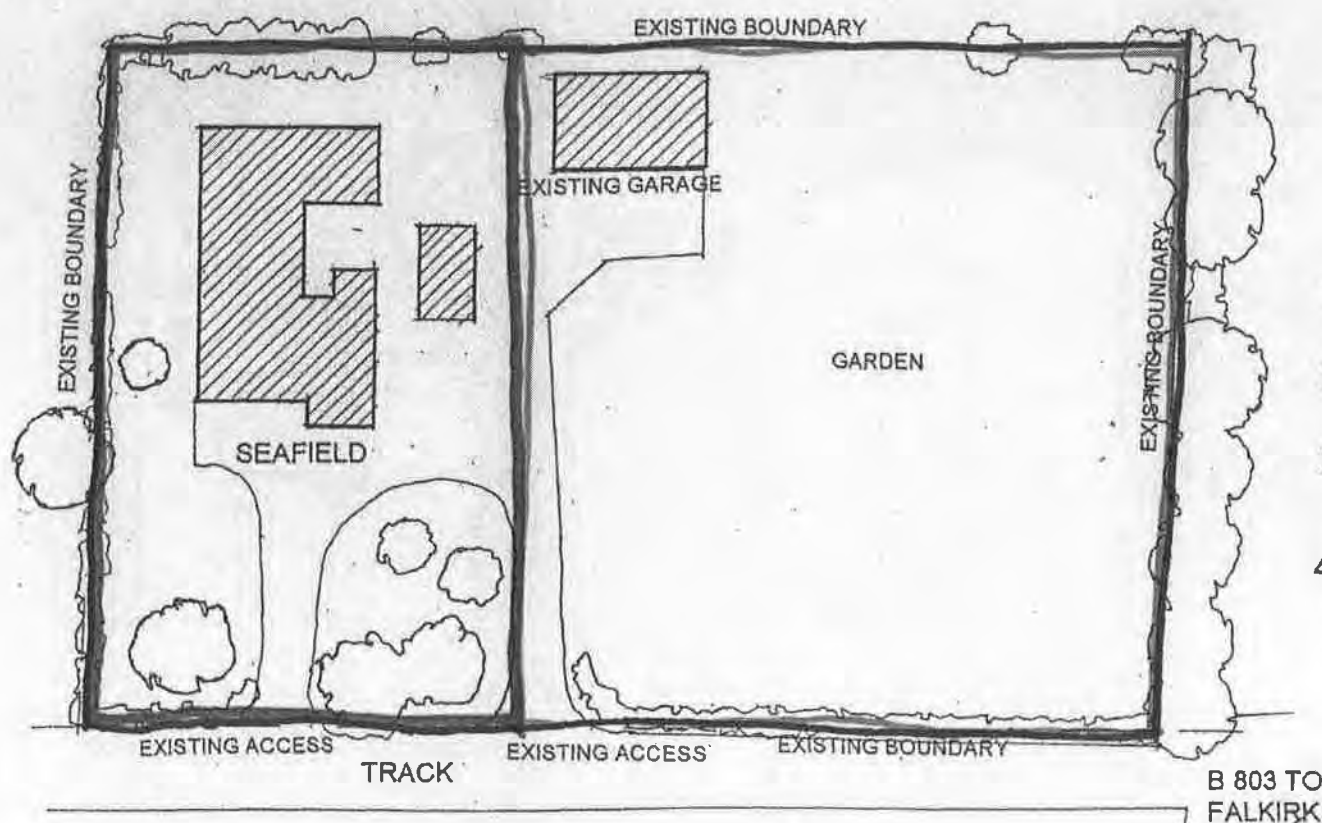
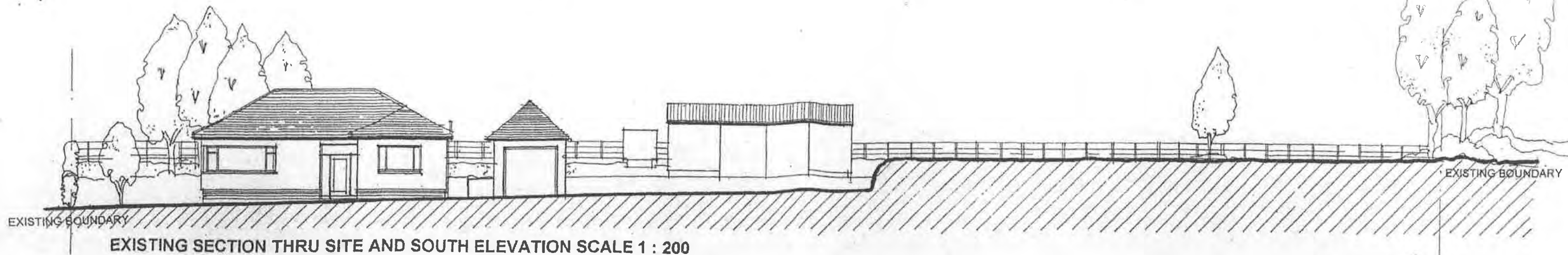
LAURI CRAWFORD  
 WORK IN DESIGN  
 UK  
 FRANCE  
 +44 (0) 777 11 38 74 70

ARCHITECTURE INTERIORS CONCEPTS PLANNING

25 Balfour Street Glasgow G1 1 1 1  
 0141 271 1111

PROPOSED 2 NEW DWELLING HOUSES  
 AT SEAFIELD SLAMANNAN ROAD FALKIRK  
 FK1 3 AH FOR MR & MRS McLAREN

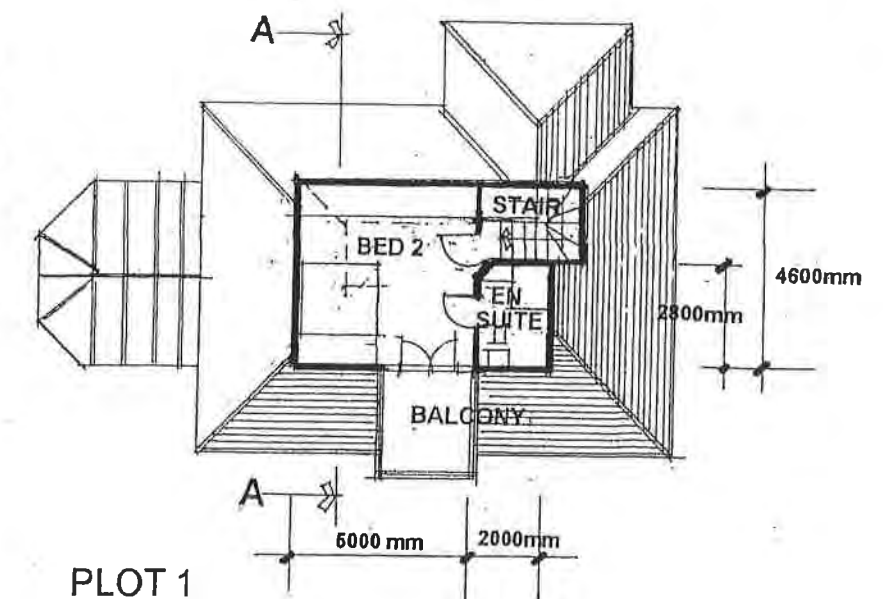
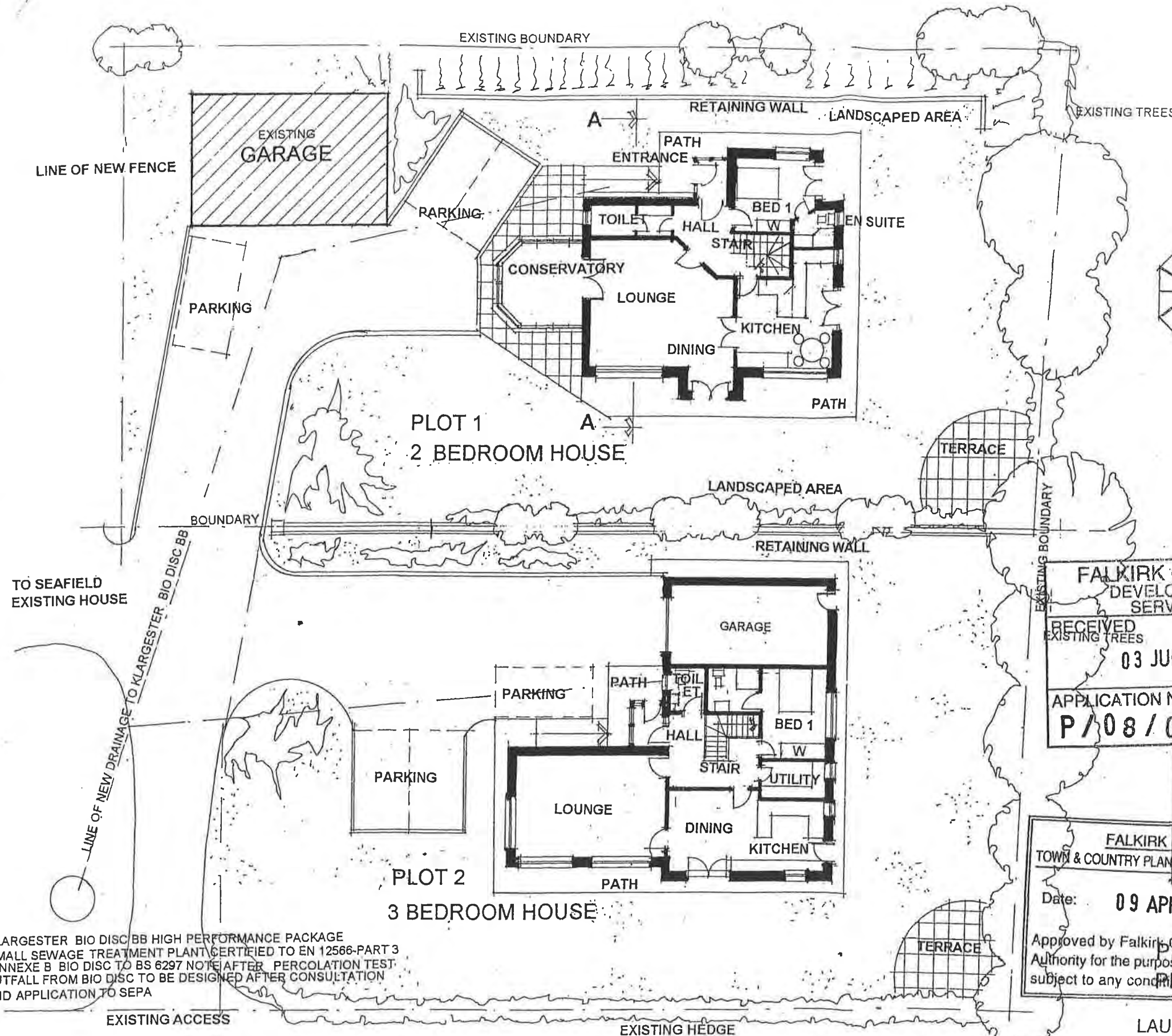




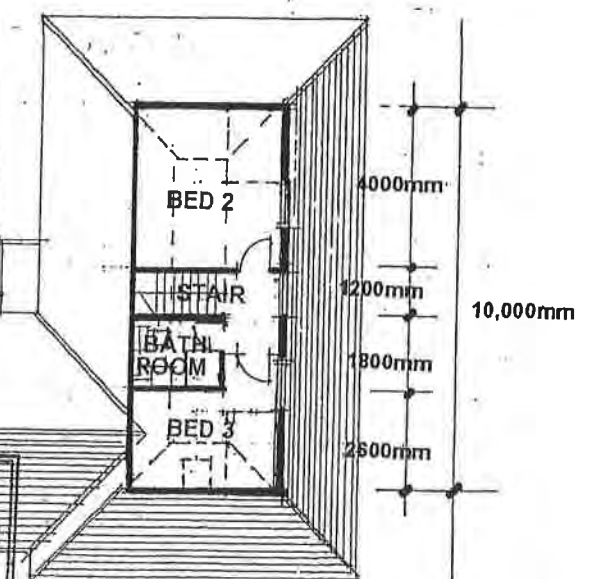
THESE ARE THE DRAWINGS REFERED TO IN THE APPLICATION DATED 3/6/08 FOR PLANNING APPROVAL SIGNED: [Signature]

PLOT 1 2 BEDROOM HOUSE 130<sup>2</sup>M GROUND FLOOR  
SITE AREA 938<sup>2</sup>M 33 FIRST FLOOR

PLOT 2 3 BEDROOM HOUSE 155<sup>2</sup>M GROUND FLOOR  
SITE AREA 804<sup>2</sup>M 40 FIRST FLOOR



PROPOSED FIRST FLOOR PLAN SCALE 1:200



PROPOSED FIRST FLOOR PLAN SCALE 1:200

KLARGESTER BIO DISC BB HIGH PERFORMANCE PACKAGE  
SMALL SEWAGE TREATMENT PLANT CERTIFIED TO EN 12566-PART 3  
- ANNEXE B BIO DISC TO BS 6297 NOTE AFTER PERCOLATION TEST  
OUTFALL FROM BIO DISC TO BE DESIGNED AFTER CONSULTATION  
AND APPLICATION TO SEPA

PROPOSED SITE PLAN SCALE 1:200

GROUND FLOOR

FALKIRK COUNCIL  
DEVELOPMENT SERVICES 2/5

RECEIVED  
EXISTING TREES  
03 JUN 2008

APPLICATION NUMBER  
**P/08/0507/FUL**

FALKIRK COUNCIL  
TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Date: **09 APR 2009**

Approved by Falkirk Council as Planning  
Authority for the purposes of the above Act,  
subject to any conditions or specifications.

LAURI CRAWFORD  
WORK-IN DESIGN  
UK FRANCE  
+44 (0)77 11 38 74 70

ARCHITECTURE INTERIORS CONCEPTS PLANNING  
workindesign@gmail.com

58 Balfour Road Brightons Falkirk FK2 0TT Scotland UK  
c/o Tigh An Oran La Claviere Vaux En Couche 86700 France  
www.laclaviere.com  
A French experience

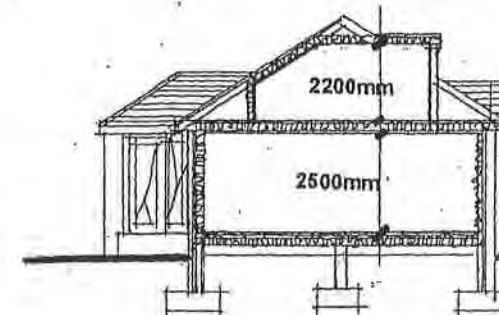
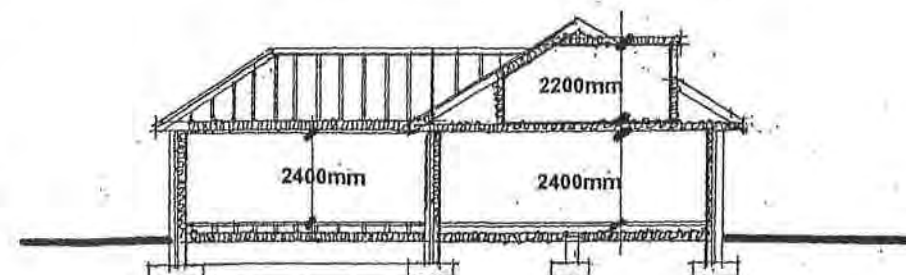
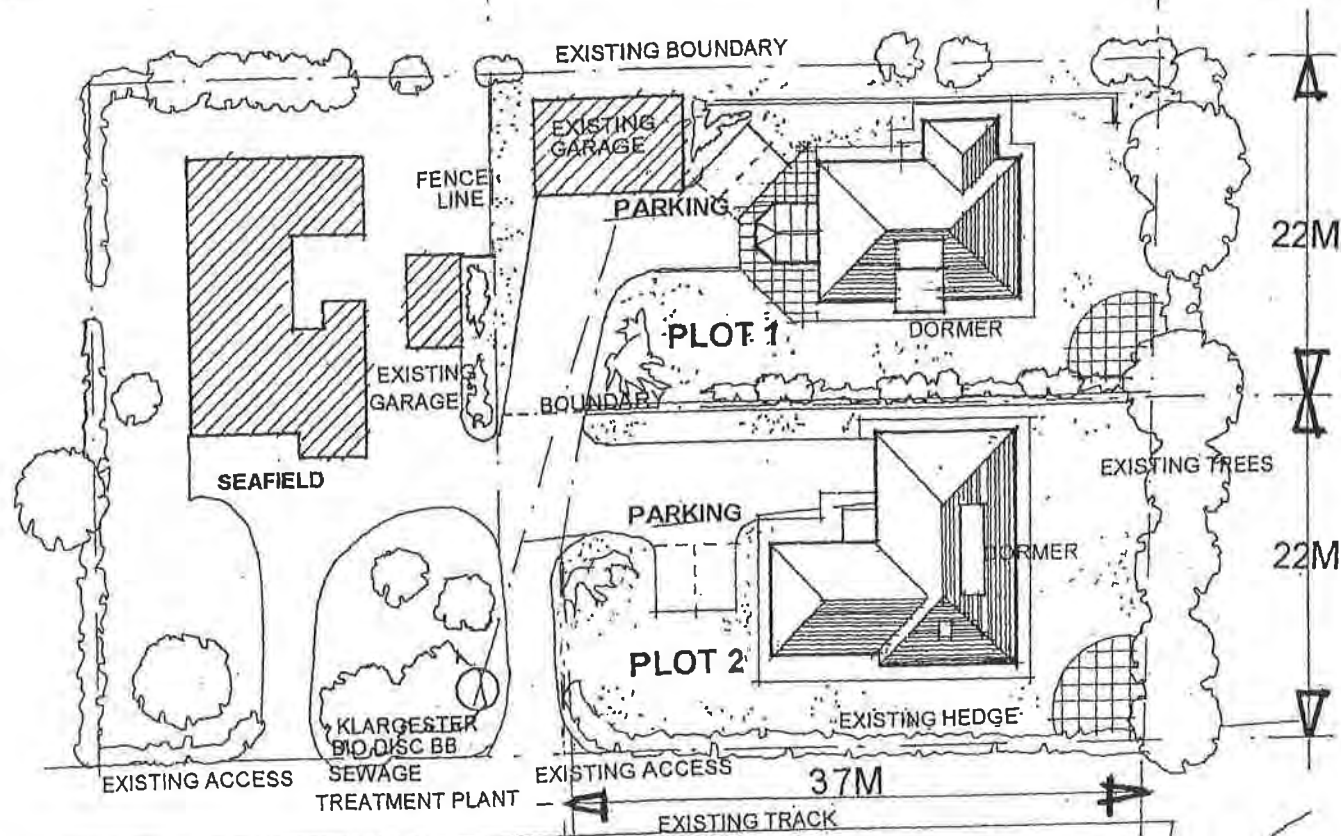
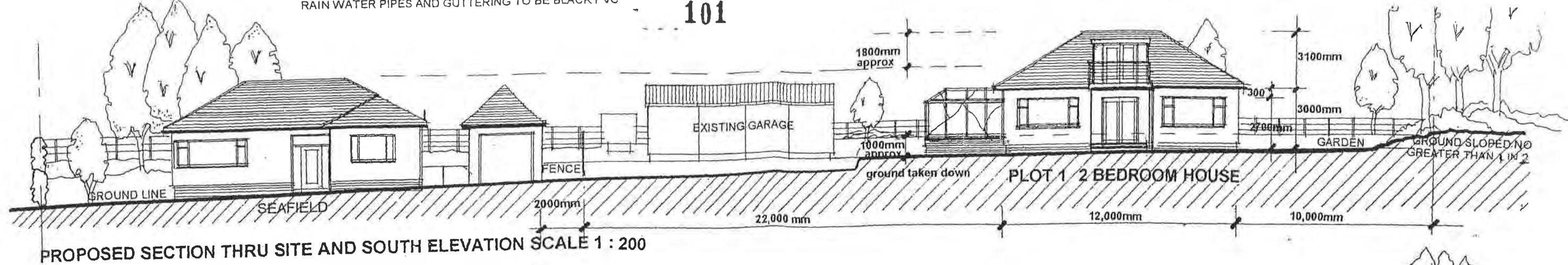
PROPOSED 2 NEW DWELLING HOUSES  
AT SEAFIELD SLAMANNAN ROAD FALKIRK  
FK1 3 AH FOR MR & MRS. McLAREN

SCALE  
1:200

119 / P / 002

THESE ARE THE DRAWINGS REFERED TO IN THE APPLICATION DATED 3/6/08 FOR  
PLANNING APPROVAL SIGNED...





|  |     |
|--|-----|
| FALKIRK COUNCIL<br>DEVELOPMENT<br>SERVICES | 3/5 |
| RECEIVED                                   |     |
| 03 JUN 2008                                |     |
| APPLICATION NUMBER<br>P/08/0507/FUL        |     |

FALKIRK COUNCIL  
TOWN & COUNTRY PLANNING (SCOTLAND) ACTS  
Date: 09 APR 2009  
Approved by Falkirk Council as Planning  
Authority for the purposes of the above Act  
subject to any condition herein specified.

LAURI CRAWFORD  
WORK IN DESIGN  
UK FRANCE  
+44 (0) 77 11 38 74 70  
ARCHITECTURE INTERIORS CONCEPTS PLANNING  
workindesign@gmail.com  
58 Battock road Brightons Falkirk FK2 0TT Scotland UK  
c/o Tigh An Oran La Claviere Vaux En Couhe 66700 France  
www.laclaviere.com  
A French experience

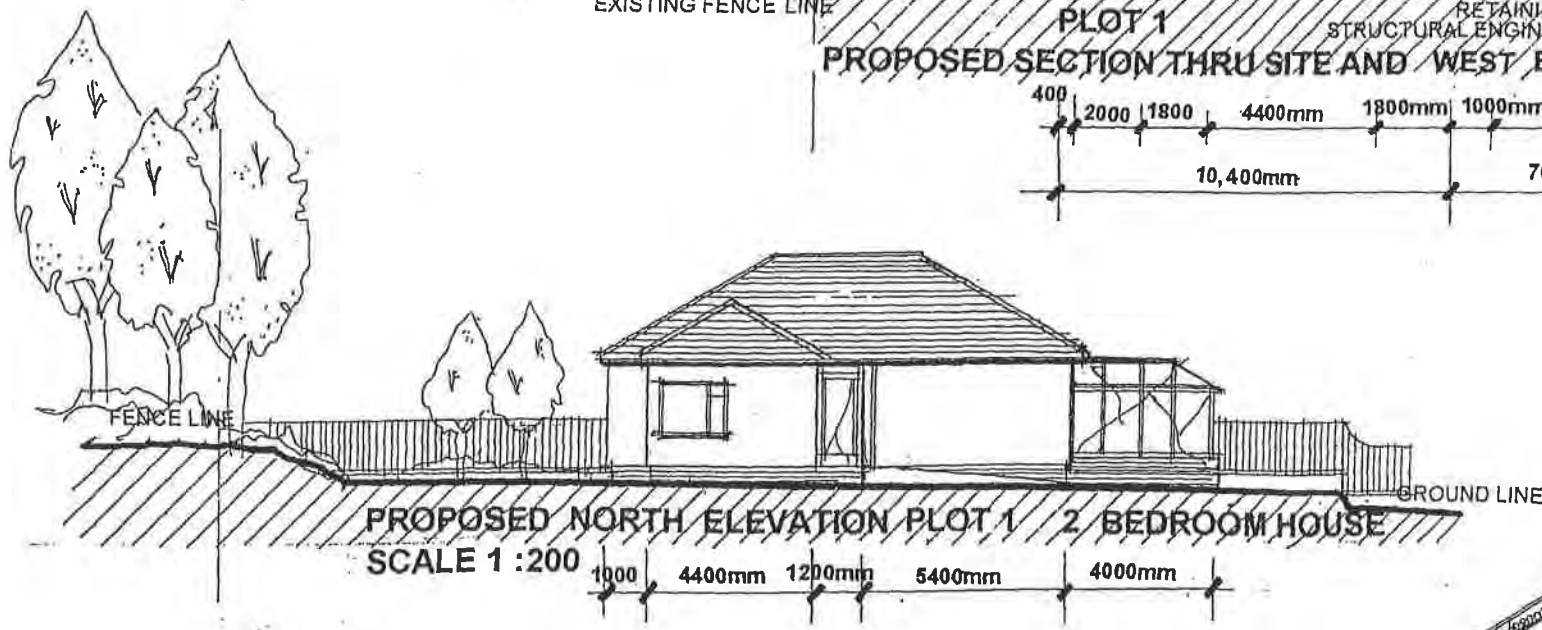
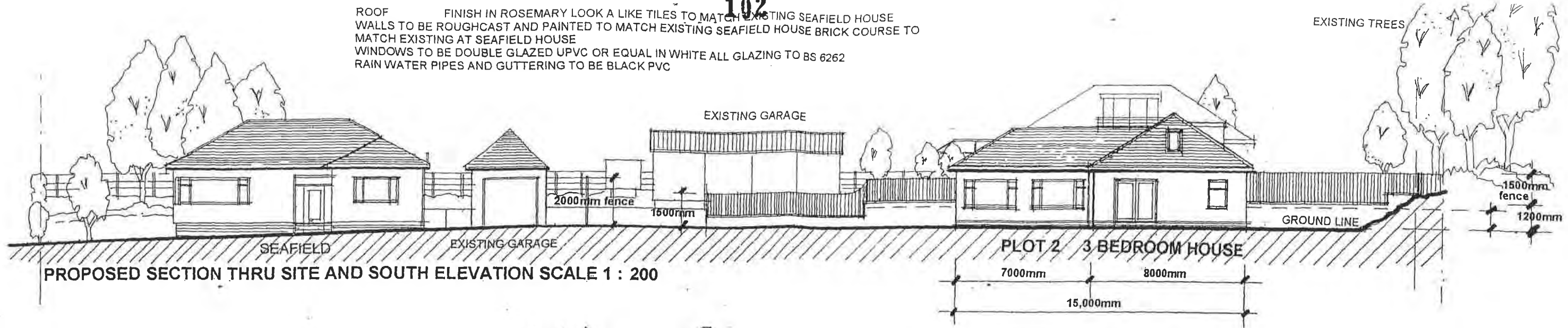
PROPOSED 2 NEW DWELLING HOUSES  
AT SEAFIELD SLAMANNAN ROAD FALKIRK  
FK1 3 AH FOR MR & MRS McLAREN

THESE ARE THE DRAWINGS REFERED TO IN THE APPLICATION DATED 3/6/08 FOR  
Planning APPROVAL SIGNED: [Signature]

|                             |               |
|-----------------------------|---------------|
| SCALE<br>1 : 500<br>1 : 200 | 119 / P / 003 |
|-----------------------------|---------------|

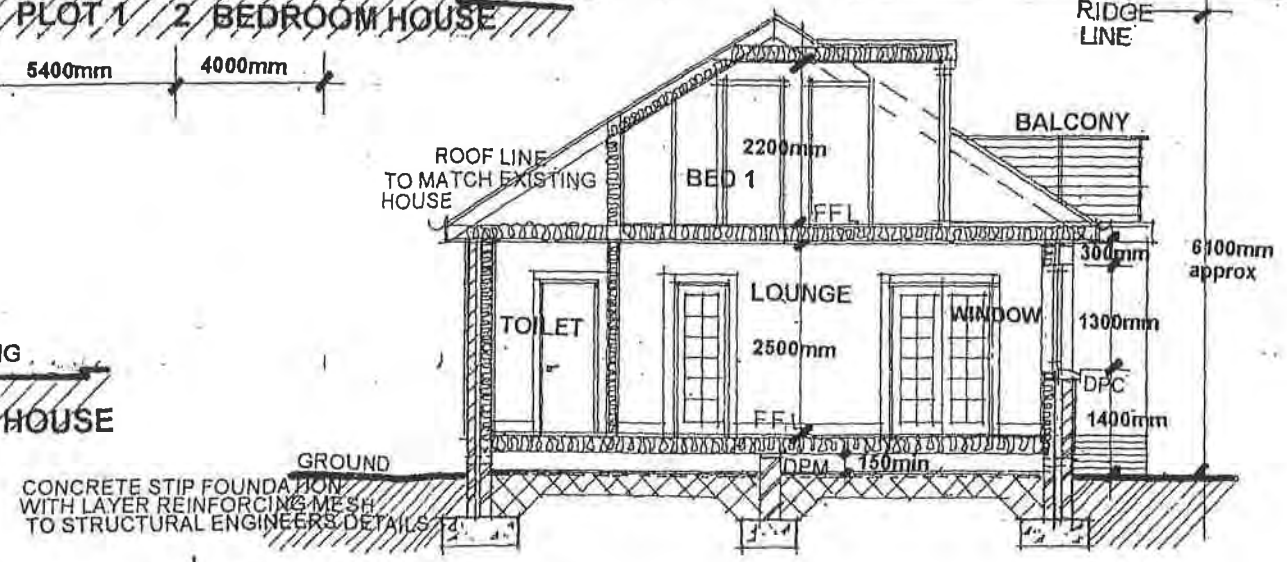
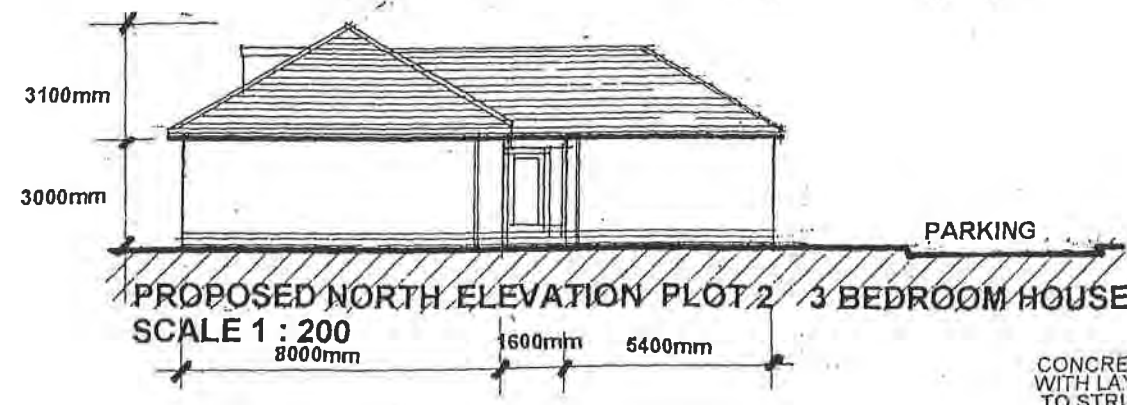


ROOF FINISH IN ROSEMARY LOOK A LIKE TILES TO MATCH EXISTING SEAFIELD HOUSE  
WALLS TO BE ROUGHCAST AND PAINTED TO MATCH EXISTING SEAFIELD HOUSE BRICK COURSE TO  
MATCH EXISTING AT SEAFIELD HOUSE  
WINDOWS TO BE DOUBLE GLAZED UPVC OR EQUAL IN WHITE ALL GLAZING TO BS 6262  
RAIN WATER PIPES AND GUTTERING TO BE BLACK PVC



FALKIRK COUNCIL  
TOWN & COUNTRY PLANNING (SCOTLAND) ACTS  
Date: 09 APR 2009  
Approved by Falkirk Council as Planning Authority for the purposes of the above Act, subject to any condition herein specified.

FALKIRK COUNCIL  
DEVELOPMENT SERVICES 4/5  
RECEIVED  
03 JUN 2008  
APPLICATION NUMBER  
P/08/0507/FUL



LAURI CRAWFORD  
WORK IN DESIGN  
UK FRANCE  
+44 (0)77 11 38 74 70  
ARCHITECTURE INTERIORS CONCEPTS PLANNING  
workindesign@gmail.com  
56 Battock road Brightons Falkirk FK2 0TT Scotland UK  
c/o Tigh An Oran La Claviere Vaux En Couhe 86700 France  
www.laclaviere.com  
A French experience  
PROPOSED 2 NEW DWELLING HOUSES  
AT SEAFIELD SLAMANNAN ROAD FALKIRK  
FK1 3 AH FOR MR & MRS McLAREN  
SCALE 1:200 1:100  
119/P/004

THESE ARE THE DRAWINGS REFERRED TO IN THE APPLICATION DATED 3/6/08  
FOR PLANNING APPROVAL SIGNED [Signature]



SKETCH PERSPECTIVE

LAURI CRAWFORD  
 WORK IN DESIGN

UK FRANCE  
 +44 (0) 77 11 38 74 70

ARCHITECTURE INTERIORS CONCEPTS PLANNING  
 workindesign@gmail.com

58 Battock road Brightons Falkirk FK2 0TT Scotland UK  
 c/o Tigh An Oran La Claviere Vaux En Couhe 66700 France

www.laclaviere.com  
 A French experience

FALKIRK COUNCIL  
 TOWN & COUNTRY PLANNING (SCOTLAND) ACTS

Date: 09 APR 2009

Approved by Falkirk Council as Planning  
 Authority for the purposes of the above Act,  
 subject to any condition herein specified.

FALKIRK COUNCIL  
 DEVELOPMENT  
 SERVICES

RECEIVED

03 JUN 2008

APPLICATION NUMBER

P/08/0507/FUL

PROPOSED 2 NEW DWELLING HOUSES  
 AT SEAFIELD SLAMANNAN ROAD FALKIRK  
 FK1 3 AH FOR MR & MRS McLAREN

NTS

119 / P / 005

# 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 <sup>THE APPLICANT</sup> 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:

DAVID L CRAWFORD AGENT.

On behalf of:

MR + MRS A. MCLAREN.

Date:

27/01/14.

### 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) 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 owner of any part of the land to which the application relates. These persons are: ☐

| Name | Address | Date of Service of Notice |
|------|---------|---------------------------|
|      |         |                           |

- (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: ☐



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

---

**PROPOSAL** : **Renewal of Planning Permission P/08/0507/FUL for the Erection of Two Dwellinghouses**  
**LOCATION** : **Seafield, Falkirk, FK1 3AH**  
**APPLICANT** : **Mr & Mrs Alex McLaren**  
**APPN. NO.** : **P/14/0045/FUL**  
**REGISTRATION DATE** : **30 January 2014**

## **1. SITE LOCATION / DESCRIPTION OF PROPOSAL**

It is proposed to erect two dwellinghouses within the garden ground of an existing residential property (Seafield). This application seeks to renew planning permission P/08/0507/FUL in respect of the proposed development.

The application site is located on the west side of the B803 Falkirk to Slamannan Road at the junction with the access track to Seafield Farm.

The ground is sloping and is well screened by existing landscaping.

## **2. SITE HISTORY**

P/08/0507/FUL - Erection of 2 dwellinghouses - Approved 9 April 2009.

It is noted that it was recommended that planning permission be refused in respect of P/08/0507/FUL on the following grounds:-

There is no justification that the proposed development is essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a rural location is essential and therefore the proposed development does not accord with Policy ENV 1 of the Falkirk Council Structure Plan "Countryside and Protected Areas", Policy Rural 1 of the Rural Local Plan "New Development in the Countryside" and Policy SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) "Housing in the Countryside".

The proposed development is not an appropriate form of agricultural diversification and therefore does not accord with Policy ENV 1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".

The proposed development is likely to exacerbate the possibility of a vehicle traffic accident occurring at the blind corner at the access to the site from the B803 Falkirk to Slamannan Road and as such the proposed development is detrimental to road safety.

The proposed development does not accord with the Supplementary Planning Guidance Note "Housing Layout and Design" as the proposed development would result in the unacceptable loss of garden ground in respect of the existing residential property and result in an inadequate standard of garden ground remaining for the enjoyment of the existing residential property.

The application has failed to provide sufficient information to enable the Planning Authority to assess whether the proposed development would provide a satisfactory level of residential amenity for the occupiers of the existing residential property in terms of site levels and protection of trees. It has not been demonstrated that the proposed development accords with Supplementary Planning Guidance Notes "Housing Layout and Design" and "Trees and Development".

Planning permission was approved by the Planning Committee on 25 March 2009 subject to conditions.

### 3. CONSULTATIONS

The following responses to consultation were received:

**Historic Scotland**

Historic Scotland has noted that the application site lies within an area identified in the Inventory of Battlefield Sites. The part of the battlefield site which includes the application site is largely preserved which facilitates interpretation of the terrain over which the battle was fought. However, given the scale of development objection is not raised. It is however advised to refer to the Keeper of Archaeology and Local History.

**Roads Development Unit**

The Roads Development Unit has advised that traffic generated (both vehicular and pedestrian) by two dwellinghouses at this location would add to the daily traffic accessing the site and so increase the traffic turning right in to the private access road. The existing access road serves at least 2 dwellings and if 2 more dwellings are built, it could double the accessing traffic turning right across the dangerous blind corner and thus double the chances of an accident happening at the B803 junction.

**Scottish Water**

Scottish Water has not objected.

**Environmental Protection Unit**

The Environment Protection Unit has advised that contamination can be addressed by means of an informative. Noise need not be considered a determining factor.

**Museum Service**

The Keeper of Archaeology and Local History has advised that the site lies within the battlefield site for the Battle of Falkirk Muir in 1746. It occupies the area where the Jacobite army first formed its front line before moving east to engage the enemy. It is close to the break in slope of the hill and thus forms a valuable part of the sight lines. Since the original application was made Historic Scotland has produced the Inventory of Battlefield Sites emphasising the national importance of such places. The conclusions of that inventory are agreed. It is advised that planning permission is not approved.

**Scottish Natural Heritage**

Scottish Natural Heritage has made no comment.

**Scottish Rights Of Way And Access Society**

The Scottish Rights of Way Society has advised that steps should be taken to ensure that the right of way which forms part of the access to the site remains open and free from obstruction during and after the proposed development works.

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

#### **4. PUBLIC REPRESENTATION**

During consideration of the application, no letters of objection or representation were received.

No representations received.

#### **5. THE DEVELOPMENT PLAN**

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

**Falkirk Council Structure Plan.**

Env.1 Countryside and Protected Areas

**Falkirk Council Local Plan.**

EQ19 - Countryside

SC03 - Housing Development in the Countryside

SC08 - Infill Development and Subdivision of Plots

EQ16 - Sites of Archaeological Interest

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

GN02 - Landscape

CG01 - Countryside

CG03 - Housing in the Countryside

HSG05 - Infill Development and Subdivision of Plots

D13 - Battlefield Sites

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

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

National Planning Policies and Guidance

Falkirk Council Supplementary Guidance

Additional Planning Considerations

Falkirk Local Development Plan (Proposed Plan)

#### **6. PLANNING ASSESSMENT**

**The Development Plan**

The proposal was assessed against both the Falkirk Council Structure Plan and the Falkirk Council Local Plan.

### **Structure Plan Policies**

A countryside location is not essential to the proposed development. The proposal is not a form of diversification.

The proposed development does not accord with Policy ENV1.

Accordingly, the proposed development does not accord with the Falkirk Council Structure Plan.

### **Local Plan Policies**

It is not considered that adequate garden ground would be provided to serve the functioning of the existing dwellinghouse. There is not sufficient information to determine if the existing landscaping at the site would be safeguarded. The access to the site is not considered adequate to sustain a further two dwellinghouses. It is noted that the proposal does not accord with all other policies of the Falkirk Council Local Plan.

The proposed development does not accord with policy SC8.

It is noted that the application site lies within the area of the Battle of Falkirk Muir, which is included in the Historic Scotland Inventory of Battlefield Sites. It is further noted that the Keepers of Archaeology and Local History has advised that, in order to safeguard the battlefield site, planning permission should not be approved. It is considered, therefore, that the proposed development would have an adverse affect on the battlefield site and an adverse impact on its setting.

The proposed development does not accord with Policy EQ16.

The proposed development does not accord with the Falkirk Council Local Plan.

Accordingly, the proposed development does not accord with the Development Plan.

The proposed development is not essential to the pursuance of agriculture, horticulture, forestry or the management of a business for which a countryside location is essential.

The proposal is not an appropriate form of infill development as there would be an adverse impact on the functioning and amenity of the existing dwellinghouse. There would not be sufficient garden ground afforded to the existing dwellinghouse to safeguard its amenity and function. There would also be a significant adverse impact on the setting and character of the existing dwellinghouse.

There would also be an element of backland development introduced.

The proposal does not accord with Policy SC3.

The proposal does not require a countryside location. It is not considered an appropriate form of infill development. The proposal does not utilise existing buildings.

The proposal does not accord with Policy EQ19.

### **National Planning Policies and Guidance**

It is noted that planning permission P/08/0507/FUL was considered in terms of previous Scottish Planning Policies SPP15 "Rural Developments" and SPP3 "Planning for Housing". A consolidated Scottish Planning Policy (SPP) has replaced previous subject policies.

In terms of the location and design of new housing development, the SPP emphasises the importance of a plan led strategic approach.

In terms of the location and design of new housing development, the SPP emphasises the importance of the efficient use of land, accessibility to public transport, coordination with public services and protection

of landscape, natural, built and cultural heritage. The siting of new housing should take account of issues which include setting, landscape and character. It is considered that the proposed development would have a detrimental impact on the setting and landscape character of the existing dwellinghouse at the application site.

However the SPP also emphasises the importance of a plan led strategic approach to the location and design of new housing. There are at present no Development Plan led initiatives for controlled introduction of small plot number housing developments in the countryside to regenerate rural areas. The policies of the Development Plan and the emerging Falkirk Local Development Plan Proposed Plan April 2013 provide the principle determining criteria.

In terms of rural development, the SPP emphasises the importance of the need for a generous supply of land to meet housing requirements, including rural areas. Development Plans should support more opportunities for small scale housing developments in all rural areas. Opportunities to provide small scale housing developments should be supported where new development is designed to fit in the landscape setting and will result in a cohesive grouping. It is considered that the proposed development would have an adverse impact on the existing dwellinghouse at the application site in terms of setting and character. However, again, in respect of rural development, the SPP emphasises the importance of a plan led flexible initiative. There is at present no Development led initiative. The policies of the *Development Plan and the Falkirk Local Development Plan Proposed Plan April 2013* provide the principle determining criteria.

The proposed development does not accord with the SPP.

#### **Falkirk Council Supplementary Guidance**

##### **Supplementary Planning Guidance Note "Trees and Development"**

It is noted that the application site is well screened by existing landscaping. The existing landscaping provides both privacy and a high level of visual amenity in respect of the existing residential property and the surrounding area.

The SPG emphasises that existing landscaping and tree cover has a significant impact and role in terms of screening, shelter from the wind and visual impact and is considered to add design value to the development.

The applicant has failed to demonstrate that existing landscaping at the site would be adequately protected.

Accordingly, it is not possible to assess whether or not the proposed development accords with the SPG.

#### **Falkirk Council Supplementary Guidance**

##### **Supplementary Planning Guidance Note "Housing Layout and Design"**

The SPG emphasises that private gardens should be a minimum depth of 9 metres in order to provide an adequate level of amenity. This standard refers to both existing and proposed dwellinghouses. The proposed development would result in a loss of garden ground to the extent that the existing residential property would not have an adequate standard of garden ground remaining.

The SPG also emphasises that buildings should integrate with sloping ground. Extensive areas of wall and underbuilding may result in a significant impact on the amenity of the existing residential property in terms of usable garden ground being made available. It is noted that the application site slopes downwards from north to south. There is not sufficient information to determine if there would be a significant impact on the amenity of the existing residential property in terms of levels.

Accordingly the proposed development does not accord with the SPG.



## **Additional Planning Considerations**

Scottish Historic Environment Policy December 2011 (SHEP)

The planning authority has a duty to have careful regard for the landscape characteristics and specific qualities of battlefields. It is noted that the application site is located within the area of the Battle of Falkirk Muir. Change should be managed carefully to respect the landscape character of battlefield sites.

It is noted that in the time since the original planning permission being approved, the Battle of Falkirk Muir battlefield site has been included in the Historic Scotland Inventory of Battlefield Sites and been afforded material importance status. It is further noted that whilst Historic Scotland has raised no objection, it has been advised to refer to the Keeper of Archaeology and Local History. The said Keeper has advised that planning permission should not be approved. The Keeper's comments are detailed in the "responses to consultations" section of this report.

The proposal does not fully accord with SHEP.

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

The Proposed Falkirk Local Development Plan was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.

The relevant policies are:

CG01 - Countryside  
CG03 - Housing In The Countryside  
HSG05 - Infill Development and Subdivision of Plots  
GN02 - Landscape  
D13 - Battlefield Sites

These policies reflect the policies of the Development Plan. Furthermore it is considered that the proposal would have an adverse impact on the Battle of Falkirk Muir battlefield site which is included in the Historic Scotland Inventory of Battlefield Sites. The advice of the Keeper of Archaeology and Local History is noted.

The proposed development does not accord with the Falkirk Local Development Plan Proposed Plan April 2013.

## **7. CONCLUSION**

The proposed development does not accord with the Development Plan, the Falkirk Local Development Plan Proposed Plan April 2013, Supplementary Planning Guidance Notes "Housing Layout and Design" and "Trees and Development" and Scottish Planning Policy. The proposed development does not fully accord with the Scottish Historic Environment Policy.

The proposed development does not essentially require a rural location. There is no justification that the proposed development is essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential.

There would be a significant adverse impact on the functioning of the garden ground and the amenity and setting of the existing dwellinghouse.

The erection of an additional two dwellinghouses at the application site is likely to significantly increase the chances of a traffic accident occurring at the junction of the access to the site with the B803 road.

There is not sufficient information to determine that there would be no significant impact on the existing landscaping at and, consequently the landscape character of the application site.

The proposed development would have an adverse impact on the character, setting and opportunity for appreciation of the site of Battle of Falkirk Muir.

## 8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following

Reason(s):

1. There is no justification that a countryside location is essential for the proposed development, or that the proposed development is essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a rural location is essential. The proposed development, therefore, does not accord with Policy ENV1 of the Falkirk Council Structure Plan "Countryside and Protected Areas", Policy SC3 of the Falkirk Council Local Plan "Housing in the Countryside" and Policy CG03 of the Falkirk Local Development Plan Proposed Plan April 2013 "Housing in the Countryside".
2. The proposed development is not an appropriate form of agricultural diversification and therefore does not accord with Policy ENV1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".
3. The proposed development would exacerbate the possibility of a vehicle traffic accident occurring at the blind corner at the access to the site from the B803 Falkirk to Slamannan Road and as such the proposed development is detrimental to road safety. The proposed development does not therefore accord with Policy SC8 of the Falkirk Council Local Plan "Infill Development and Subdivision of Plots and Policy HSG05 of the Falkirk Local Development Plan Proposed Plan April 2013 "Infill Development and subdivision of Plots".
4. The proposed development does not accord with the Supplementary Planning Guidance Note "Housing Layout and Design" as the proposed development would result in the unacceptable loss of garden ground in respect of the existing residential property and result in an inadequate standard of garden ground remaining for the enjoyment of the existing residential property.
5. There is not sufficient information to enable the Planning Authority to assess whether the proposed development would provide a satisfactory level of residential amenity for the occupiers of the existing residential property in terms of site levels and protection of trees. It has not been demonstrated that the proposed development accords with Supplementary Planning Guidance Notes "Housing Layout and Design" and "Trees and Development".
6. The proposed development would have an adverse visual impact on part of the site of the Battle of Falkirk Muir where there is a break in the slope of the ground which is considered important in terms of sight lines of the battle. The proposed development does not therefore accord with Policy EQ16 of the Falkirk Council Local Plan "Sites of Archaeological Interest", Policy D13 of the Falkirk Local Development Plan Proposed Plan April 2013 "Battlefield Sites" and the Scottish Historic Environment Policy".

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

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

## Informatives:

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

  
Director of8.4.14  
Date

Contact Officer : David Paterson  
(Planning Officer) 01324 504757

Reference No. P/14/0045/FUL



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

**Falkirk Council**

### **Refusal of Planning Permission**

Agent  
Work In Design  
FAO Lauri Crawford  
56 Battock Road  
Brightons  
Falkirk  
FK2 0TT

Applicant  
Mr & Mrs Alex McLaren  
Seafield  
Falkirk  
FK1 3AH

This Notice refers to your application registered on 30 January 2014 for permission in respect of the following development:-

|             |  |
|-------------|--|
| Development | Renewal of Planning Permission P/08/0507/FUL for the Erection of Two Dwellinghouses at |
| Location    | Seafield, Falkirk, FK1 3AH   |

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

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

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

#### **Refuses Detailed Planning Permission**

The Council has made this decision for the following

Reason(s):-

1. There is no justification that a countryside location is essential for the proposed development, or that the proposed development is essential to the pursuance of agriculture, horticulture or forestry or the management of a business for which a rural location is essential. The proposed development, therefore, does not accord with Policy ENV1 of the Falkirk Council Structure Plan "Countryside and Protected Areas", Policy SC3 of the Falkirk Council Local Plan "Housing in the Countryside" and Policy CG03 of the Falkirk Local Development Plan Proposed Plan April 2013 "Housing in the Countryside".
2. The proposed development is not an appropriate form of agricultural diversification and therefore does not accord with Policy ENV1 of the Falkirk Council Structure Plan "Countryside and Protected Areas".
3. The proposed development would exacerbate the possibility of a vehicle traffic accident occurring at the blind corner at the access to the site from the B803 Falkirk to Slamannan Road and as such the proposed development is detrimental to road safety. The proposed development does not therefore accord with Policy SC8 of the Falkirk Council Local Plan "Infill Development and Subdivision of Plots and Policy HSG05 of the Falkirk Local Development Plan Proposed Plan April 2013 "Infill Development and subdivision of Plots".

4. The proposed development does not accord with the Supplementary Planning Guidance Note "Housing Layout and Design" as the proposed development would result in the unacceptable loss of garden ground in respect of the existing residential property and result in an inadequate standard of garden ground remaining for the enjoyment of the existing residential property.
5. There is not sufficient information to enable the Planning Authority to assess whether the proposed development would provide a satisfactory level of residential amenity for the occupiers of the existing residential property in terms of site levels and protection of trees. It has not been demonstrated that the proposed development accords with Supplementary Planning Guidance Notes "Housing Layout and Design" and "Trees and Development".
6. The proposed development would have an adverse visual impact on part of the site of the Battle of Falkirk Muir where there is a break in the slope of the ground which is considered important in terms of sight lines of the battle. The proposed development does not therefore accord with Policy EQ16 of the Falkirk Council Local Plan "Sites of Archaeological Interest", Policy D13 of the Falkirk Local Development Plan Proposed Plan April 2013 "Battlefield Sites" and the Scottish Historic Environment Policy".

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

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

Informative(s):-

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

4 April 2014

Director of Development Services

**Morris, John**

---

**From:** MacKenzie, Roddy  
**Sent:** 06 February 2014 15:11  
**To:** adm1dmbcorr  
**Cc:** Steedman, Russell  
**Subject:** P-14-0045-FUL Seafield

## Development Services

## Memo

**To:** **David Paterson, Planning Officer**  
Planning and Transportation (Development Control)

**From:** Roddy Mackenzie, Roads Development

**Date:** 06 Feb 2014

**Enquiries:** 4908

**Our Ref:** RMK/

**Your Ref:** P/14/0045/FUL

**Proposal :** **Renewal of Planning Permission P/08/0507/FUL for the Erection of 2 Dwellinghouses**

**Location :** **Seafield, Falkirk, FK1 3AH**

**Application :** **P/14/0045/FUL**

I refer to your consultation notice received on 31 Jan 2014 regarding the above application.

The application is for the renewal of a previous consent and I would comment in a similar way:-

The traffic generated (both vehicular and pedestrian) by two dwellinghouses at this location would have insignificant effect on the traffic volume of the B803. But it would add to the daily traffic accessing the site and so increase the traffic turning right in to the private access road. The existing access road serves at least 2 dwellings and if 2 more dwellings are built, it could double the accessing traffic turning right across the dangerous blind corner and thus double the chances of an accident happening at the B803 junction.

The serious road safety implications at that junction already exist and we would not favour any new proposed development increasing traffic accessing the private road.

Regards

RMK

Morris, John

---

**From:** hillis, alfred  
**Sent:** 19 February 2014 13:48  
**To:** adtm1dmbcorr  
**Subject:** P/14/0045/FUL - Seafield, Falkirk

Contaminated Land

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

Environmental Health

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

Alf Hillis  
Environmental Health Officer  
01324 504873

---

\*\*\*\*\*  
The information contained in this e-mail is confidential and is intended only for the named recipient(s). If you are not the intended recipient, you must not copy, distribute or take any action or reliance on it. If you have received this e-mail in error, please notify the sender. Any unauthorised disclosure of the information contained in this e-mail is strictly prohibited.

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.  
\*\*\*\*\*

**Memo**

**To:** Director, Development Services  
Attn: David Paterson  
**From:** Geoff Bailey  
**Date:** 21 February 2014 **Tel:** 3783 **Fax:** 3771

**P/14/0045/FUL– Erection of two houses at Seafield, Falkirk**

The site lies within the battlefield site for the Battle of Falkirk Muir in 1746. It occupies the area where the Jacobite army first formed its front line before moving east to engage the enemy. It is close to the break in slope of the hill and thus forms a valuable part of the sight lines.

Since the original application was made Historic Scotland has produced the Inventory of Battlefield Sites emphasising the national importance of such places. We agree with the conclusions of that inventory and the scheme has been adopted by Falkirk Council. It therefore follows that we should not approve of this development.

Yours sincerely,

GEOFF BAILEY, Keeper of Archaeology & Local History.