

NOTICE OF REVIEW

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

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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	Craig and Denise	Forename	Michael
Surname	Crosbie	Surname	Block
Company Name		Company Name	
Building No./Name	31	Building No./Name	Aonach-Mor
Address Line 1	Tryst Park	Address Line 1	Glen Road
Address Line 2		Address Line 2	Torwood
Town/City	Larbert	Town/City	Larbert
Postcode	FK5 4FN	Postcode	Fk5 4SN
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	Falkirk Council
Planning authority's application reference number	P/14/0686/FUL
Site address	
Land to the South of Aonach-Mor, Glen Road, Torwood, Larbert. FK5 4SN	
Description of proposed development	
Erection of a detached dwellinghouse with integral garage	

Date of application 25 November 2014

Date of decision (if any) 3 February 2015

Note. 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.

4. Nature of Application

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

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) ☐

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

Failure by appointed officer to determine the application within the period allowed for determination of the application ☐

Conditions imposed on consent by appointed officer ☐

6. Review procedure

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

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.

Further written submissions ☐

One or more hearing sessions ☒

Site inspection ☐

Assessment of review documents only, with no further procedure ☐

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.

A hearing would be beneficial to discuss the current inaccuracies with the Local Plan not depicting the consented development boundaries of recent planning approvals, that would clarify the proposal is within the settlement boundary and not in countryside, and to discuss any issues that may be raised Members.

7. Site inspection

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? ☐

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

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

None

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.

The five reasons for Refusal are based upon Policy Criteria taken from the current Falkirk Council Local Plan and Structure Plan, soon to be replaced by the impending adoption of the Replacement Local Development Plan, all making reference to the Countryside Policies which have determined the reasons behind the recommendation.

I do not dispute that these Policies are a safeguard to protect against unacceptable development in the countryside, however, my argument is that these policies would not even need to be considered, if the Local Plan settlement boundaries were correct and up-to-date, depicting the decision process that has been taken in previous years that alters the "red line" boundary around the village, to incorporate additional consented properties.

Refusal Reason 3 suggests the application is contrary to Falkirk Council Local Plan Policy SC8 - "Infill Development and Subdivision of Plots" - as it would result in backland development, not respecting the townscape character of the area and , if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.

Prior to drafting this Refusal Reason 3, a study of recent historical planning decisions granted for development along Glen Road, Torwood, would have informed the planning officer that similar design proposals have been approved, so in using his descriptive wording: a warranted precedent has been set within the settlement and now on that basis, could not be fairly resisted and therefore APPROVED.

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 your 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.

- 1) - During the determination process, no communication was received from the planning officer. However, I assume the case history of previous applications/decisions for similar residential development along Glen Road, within the settlement over recent years would have been assessed, which should have assisted the planning officer with his decision recommendation. My review statement makes reference to this past history procedural investigation.
- 2) - The Local Plan Settlement Boundary Plan:- I am unfamiliar with the administrative procedures carried out by the planning officer through the consultation process, however, I fully appreciate that if the officer views the Policy Plan information from the Local Plan, he would be incorrectly informed, as the village boundary has not been updated to incorporate subsequent approvals since its initial adoption.

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

Statement against the Reasons for Refusal noted on Refusal of Planning Permission ref: P/14/0686/FUL

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:

Michael Block

Date:

14th April 2015

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.

FALKIRK COUNCIL PLANNING REVIEW ON REFUSAL OF APPLICATION:-

1. Reference No. P/14/0686/FUL

**Applicant - Mr. & Mrs. Craig and Denise Comrie
Erection of a Dwellinghouse with Integral Garage
Land to the South of Aonach-Mor, Glen Road, Torwood.
Refused - 3rd February 2015**

1.0 REFUSAL REASON 1):-

The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 - "Countryside and Protected Areas" - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.

1.10 Response to Structure Plan Policy ENV.1:-

The Council's Policy ENV.1 clearly sets out a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential, or is an appropriate form of agricultural diversification.

1.11 I acknowledge that this Policy is an essential safeguard to protecting the amenity of the countryside, with the aim to generally confine built development to the urban areas.

1.12 I wish to refer to Planning Approval P/12/0359/MSD granted on the 15th November 2012, which permitted a "mirror image" of this proposed dwellinghouse design, located in the rear garden area of my existing house "Aonach-Mor". The approval of this permission was not considered to be in contravention of Policy ENV.1, therefore as similar circumstances exist for this current application, I cannot understand how this policy is now considered to be of relevance, or applicable.

1.13 The current Local Plan "Red Line" envelope boundary excludes my private rear garden amenity space associated with "Aonach-Mor", and also excludes the recently approved dwellinghouse referred to under item 1.12 mentioned above. The reality of the situation is that if the Local Plan village settlement boundary had been updated to take cognisance of the "most up-to-date" information, then the application proposal would fall within the recognised urban framework of

the settlement and this policy reason for refusal would not need to be considered as being applicable.

- 1.14 Therefore, my argument against this policy "Reason for Refusal" is based upon the fact, that the previously approved decisions taken by the Planning Committee, have not been updated on the Local Plan - Settlement Envelope Boundaries.

If this accurate information was available to the Members, this would prove that the application is not in a rural location having no essential justification, but rather is located within the confines of the village settlement and meets the design requirements, similar to the decision taken by the Planning Authority back in November 2012, for the adjacent similar design.

2.0 REFUSAL REASON 2):-

The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - "Housing Development in the Countryside" and Policy EQ19 - "Countryside" - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.

2.10(a) Response to Local Plan Policy SC3:-

Policy SC3 contains detailed criteria for assessing the acceptability of proposals. Opportunities will arise from the rehabilitation of redundant properties and from appropriate infill development sites.

- 2.11 Housing development in the countryside would only be permitted by fulfilling compliance with one of the circumstances mentioned under Policy SC3 and with reference to the current dwellinghouse proposed, I consider circumstance (3) is the most appropriate:-

(3) Appropriate infill opportunities within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8

- 2.12 I interpret this design criteria as protecting against ribbon form where sporadic development extends settlements along main road frontages outwith the outer edges of the village envelope, or unacceptable backland development is proposed within the rear garden ground of large properties that may impinge on the amenity of adjacent properties.

- 2.13 This proposal would complete the group of residential buildings, none of which would have any impact on adjacent properties and follows the same design principle decision taken when the earlier approval was granted under item 1.12 mentioned above.

2.14 Two other similar arrangements exist within the village, where backland development has been granted to create groups of housing, located at:-

a) the bottom of Newington Lane directly opposite Aonach-Mor and

b) at the northern end of Glen Road,

so therefore this principle of development has been established in the past as an acceptable form of residential expansion within the settlement.

2.15 As part of Policy SC3(3), the proposal should also satisfy Policy SC8 which seeks to prevent insensitive infill whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric.

Additionally this policy would only be considered favourably where the scale; density; disposition and design of the proposed dwelling respects the architectural and townscape character of the surrounding area.

I would respectfully suggest that as the existing adjacent "mirror image" dwelling of this design proposal was previously approved under P/12/0359/MSD, that all the design criteria must have been considered acceptable to the Planning Authority on the previous decision, therefore as the circumstances are virtually similar, then the current proposal should follow similar principles.

2.10(b) Response to Local Plan Policy EQ19:-

Policy EQ19 defines the countryside by reference to a system of Urban and Village Limits, and establishes from there, the overall policy approach to development within.

2.16 Land located outwith the Local Plan envelope boundaries is designated as countryside and is then subjected to a different set of design criteria and policies, irrespective of the outer surrounding shape the settlement follows.

2.17 In response to this "Reason for Refusal", my answer is identical to the response to Refusal Reason 1) ; - point 1.14 and is based upon the fact, that the previously approved decisions taken by the Planning Committee, have not been updated on the Local Plan - Settlement Envelope Boundaries.

If this accurate information was available to the Members, this would prove that the application is not in a rural location having no essential justification, but rather is located within the confines of the village settlement and meets the design requirements, similar to the decision taken by the Planning Authority back in November 2012, for the adjacent similar design.

3.0 REFUSAL REASON 3):-

The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - "Infill Development and Subdivision of Plots" - as it would result in backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.

3.10 Response to Local Plan Policy SC8:-

Policy SC8 seeks to prevent insensitive infill whilst allowing development where a legitimate opportunity exists and can be integrated successfully into the urban fabric.

Proposals for the erection of dwellinghouses on small gap sites will only be considered favourably where:-

- 3.11 (1) *the scale, density, disposition and design of the proposed dwellings respect the architectural and townscape character of the area.***

The proposed dwellinghouse pays regard to the contextual analysis of the existing housing along Glen Road in respect of the architectural form, scale and character of the buildings and the design is a "mirror-image" of the previously approved adjacent dwelling.

Also, the plot to be built is in full compliance with the Rural Housing Design Code.

- 3.12 (2) *adequate garden ground can be provided to serve the proposed houses without an unacceptable impact on the size or functioning of existing gardens.***

The proposed dwellinghouse is set within a plot application boundary in excess of half an acre, to provide active and passive landscape garden ground that has no adverse impact on any existing adjoining properties.

- 3.13 (3) *adequate privacy will be afforded to both the proposed house and neighbouring properties.***

The proposed dwellinghouse is set within a large plot to ensure that privacy of both existing and proposed dwellings shall not be impaired.

- 3.14 (4) *the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character of the area would be adversely affected.***

The proposed dwellinghouse is set within a large plot that would not result in the loss of features to the detriment of the existing character of the settlement.

3.15 (5) the proposed vehicular access and other infrastructure is of an adequate standard.

The proposed dwelling is to be accessed off an existing common driveway that currently serves the dwelling previously referred to above, approved under P/12/0359/MS.

Falkirk Council Roads Design Guidelines accept that up to three dwellings can be served off a private access roadway.

The pre-enquiries to the Public Utilities have not raised any technical issues with the connection to existing services infrastructure.

3.16 (6) the proposal complies with other Local Plan Policies.

In my opinion, if the village settlement boundary was updated and reflected the permissions granted by the Planning Committee, the proposal would not contravene the Local Plan Policies attached to the proposed "Refusal" notice.

3.17 In taking into account, the assessment of all of the above six points and the underlying aims and objectives of the Local Plan relative to the delivery of housing, it is considered that the development in the form proposed would comply with the relevant requirements of the Falkirk Council Local Plan.

3.17 In taking into account that Planning Approval P/12/0359/MS for an existing adjacent "mirror image" dwelling was granted in November 2012 (described in item 1.12) and two other similar backland groupings of housing exist at present within the settlement, (as described in item 2.14), I consider it misleading that the statement in the "Reason for Refusal" should suggest that if the application was to be approved, this would represent an unwarranted precedent, which could not be fairly resisted in similar application sites.

The precedent has already been established, by the granting of permission for these earlier similar types of development, therefore adhering to the context of the statement, this current similar application could not, and should not, be fairly resisted.

4.0 REFUSAL REASON 4):-

The proposal is considered contrary to Policies CG03 - Housing in the Countryside - and HSG05 - Infill Development and Subdivision of Plots within the proposed Falkirk Local Development Plan

4.10 Response to Local Plan Policy SC8:-

Policies CG03 - Housing in the Countryside - and HSG05 - Infill Development and Subdivision of Plots, as contained within the proposed Falkirk Local Development

Plan, (that is now in the final stages of being adopted), have been introduced to replace Falkirk Council Local Plan Policy SC3 - Housing in the Countryside and Policy SC8 - Infill Development and Subdivision of Plots, which shall become redundant, following the formal adoption of the LDP.

- 4.11 The above information contained within the responses to Refusal Reason 2 and Refusal Reason 3 are identical and once again, I reiterate that the previously approved decisions taken by the Planning Committee, have not been updated on the Local Plan - Settlement Envelope Boundaries.**

If this accurate information was available to the Members, this would prove that the application is not for a dwellinghouse in a countryside location having no essential justification, but rather is located within the confines of the village settlement and meets the design requirements, similar to the decision taken by the Planning Authority back in November 2012, for the adjacent similar design.

5.0 REFUSAL REASON 5):-

The development is considered contrary to Falkirk Council Supplementary Guidance SC1 - Development in the Countryside - in that the proposal is not required to support an economic activity; does not represent the restoration or replacement of a house; is not the conversion or restoration of non-domestic Farm Buildings/Redevelopment of Farm Steadings; is not appropriate infill development (due to the introduction of backland development); is not enabling development nor is related to Gypsy Travellers.

4.10 Response to Falkirk Council Supplementary Guidance SC1:-

In my interpretation of the proposed Refusal Notice, the design proposal is an integral element of the Torwood Village and wholly contained within the actual approved application boundaries of the settlement, and if the Local Plan Settlement Boundary was to accurately reflect the "Approved" Planning Applications, this would demonstrate that the proposed development is not in conflict with the Local Plan Policies; Proposed Local Development Plan Policies; and Falkirk Council Supplementary Design Guidance.

**Case response against Recommendation to Refuse Planning Permission
P/14/0686/FUL - 14th April 2015 - Mr and Mrs Craig and Denise Comrie**

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	Craig & Denise	Forename	
Surname	Comrie	Surname	
Company Name		Company Name	
Building No./Name	Aonach-Mor	Building No./Name	
Address Line 1	Glen Road	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Torwood	Town/City	
Postcode	FK2 4SN	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
Plot No. 1, located to the rear of Aonach-Mor, Glen Road, Torwood, FK 2 7YZ			
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:	

****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:

Erection of a detached one and a half storey dwellinghouse with integral garage. This application relates to a previous application on this site, P13/0265/FUL (attached for ease of reference) which was refused planning at Committee with the Decision Notice issued on the 26th November 2013. There haven't been any changes to the application however we, the applicant, consider that there have been material changes resulting from a recent decision to grant planning for a neighbouring development.

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:

Date:

Ref No.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

2223 sq.m

8. Existing Use

Please describe the current or most recent use:

Garden ground

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?

none

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)

four

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:

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?

one unit

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, 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:

Denise Comrie

Date:

25th Nov 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.

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 the applicant 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:

25th November 2014

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 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

- (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 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 an agricultural tenant. These persons are: ☐

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) The applicant has been unable to serve 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. ☐

or

- (2) The applicant has been unable to serve notice on any person other than the applicant 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 the applicant has been unable to serve notice on any person other than the applicant 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 the applicant has served notice on each of the following persons other than the applicant 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) The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and has 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 the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application. ☐

or

- (2) The applicant has served notice on each of the following persons other than the applicant 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:

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



Rev	Date	By	Amendments
1	April 2011	RM	Added Plot No. 1 and Cattle Pen

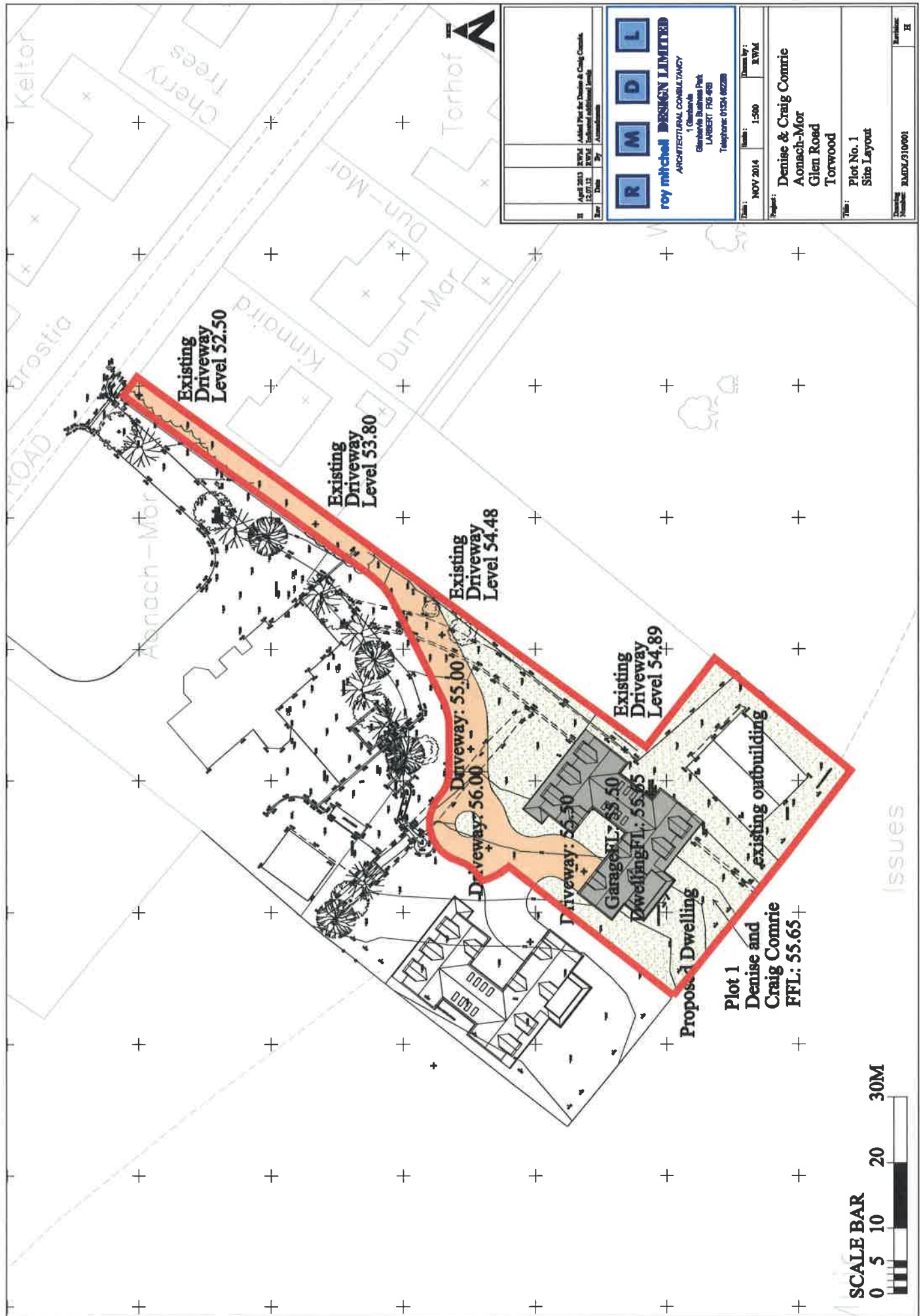
R	M	D	L
roy mitchell DESIGN LIMITED			
ARCHITECTURAL CONSULTANCY			
1 Glenhead			
Glenhead Business Park			
LARGHAT P10-010			
Telephone: 01834 62288			

Date:	NOV 2014	Scale:	1:1250	Drawn by:	ARM
-------	----------	--------	--------	-----------	-----

Project:	Denise & Craig Connrie
	Annach-Mor
	Glen Road
	Torwood

Title:	Plot No. 1
	Location Plan

Drawing Number:	RM/01/10002
Revision:	B





SVP from bathroom to terminate at vent tile outlet min 900mm above window head or in roof space with air admittance valve.

STAIR SPEC:
Width - 1200mm min.
Going - 300mm
Rise - 200mm
Handrail - 840mm
Balustade - 900mm

[illegible]

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

PROPOSAL : Erection of Dwellinghouse with Internal Garage
LOCATION : Land To The South Of Aonach-Mor, Glen Road, Torwood, Falkirk
APPLICANT : Mr and Mrs Craig and Denise Comrie
APPN. NO. : P/14/0686/FUL
REGISTRATION DATE : 25 November 2014

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This application seeks planning permission for a dwellinghouse within the garden ground of an existing dwellinghouse. The principle donor dwellinghouse is Aonach-Mor, Glen Road, Torwood, albeit an additional dwellinghouse is already near completion to the rear of this property. This application proposes another dwellinghouse, directly adjacent to the new dwelling under construction and also to the rear of the original donor property.

2. SITE HISTORY

There is extensive site history associated with this property, all reflecting a desire to erect new dwellings in the garden ground of the property known as Aonach-Mor. The most recent application - P/13/0265/FUL - proposed the same development as the current application and was refused by Planning Committee on 22nd August, 2013. P/13/0265/FUL - Erection of dwellinhouse with integral garage - Refused 25th June, 2013. P/12/0359/MS - Erection of dwellinghouse with integral garage and formation of new access driveway - MSC granted 19th October, 2012. P/11/0573/FUL - Erection of 2 dwellinghouses with integral garages - Refused 2nd October, 2011. AP/12/001/REV_DD - Planning Review Decision - 17th April, 2012 - Appeal dismissed and planning permission refused. P/11/0496/MS - Erection of dwellinghouse with integral garage - Application returned. P/11/0495/MS - Erection of dwellinghouse and integral garage - Application returned. P/10/0589/PPP - Sub-division of garden ground and erection of dwellinghouse - Granted 11th March, 2011. F/2002/0593 - Erection of dwellinghouse (outline) - Refused. F/92/0525 - Erection of dwellinghouse (outline) - Refused. F/92/0524 - Erection of dwellinghouse (outline) - Refused. F/91/0407 - Erection of dwellinghouse (outline) - Refused. F/91/0009 - Erection of dwellinghouse and garage (detailed) - Granted - this being the dwelling known as Aonach-Mor.

3. CONSULTATIONS

The following responses to consultation were received:

Larbert, Stenhousemuir And Torwood Community Council	Object to the application.
Roads Development Unit	No objections and no planning conditions.
Scottish Water	No objections.
Environmental Protection Unit	No objections subject to planning conditions.
Case Officer Notification	No report required but standard informative required should planning permission be approved.
Larbert, Stenhousemuir And Torwood Community Council	Reminder consultation.

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

4. PUBLIC REPRESENTATION

In the course of the application, 3 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

3 letters of objection have been received from neighbouring proprietors. The issues raised are;-
There is no material change to the proposals previously refused by Falkirk Council; The proposal is contrary to current development plan policies; The recently constructed dwellinghouse was restricted by planning condition to being the only property allowed on the site; The existing construction has adversely impacted on drainage and flooding to adjoining property; There will be overlooking issues to neighbours;

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undemoted 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

Falkirk Council Local Development Plan - Proposed Plan

HSG05 - Infill Development and Subdivision of Plots

CG03 - Housing in the Countryside

5A. MATERIAL CONSIDERATIONS

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

Consideration of the site in relation to coal mining legacy

Falkirk Council Supplementary Guidance

Planning History

Responses to Consultation

Information Submitted in Support of the Proposal

Assessment of Public Representations

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

The proposal does not conform to the wider strategic policies associated with appropriate new housing in rural areas.

Local Plan Policies

The proposal is clearly contrary to policies regarding new housing in the countryside as no justification for the structure has been offered. In design terms, the introduction of the structure would constitute backland development, not in the best interests of design practice.

Falkirk Council Supplementary Guidance

Given the location of the proposed dwellinghouse, the proposal represents a new dwellinghouse in the countryside. Therefore, the advice contained within SPG 1 - Housing in the Countryside - is relevant. In terms of infill development, part 3.10(4) the development should not constitute backland development.

Planning History

The extensive nature of repeated approaches to develop the land is documented. However, of specific interest is a previous application P/10/0589/PPP where the applicant sought permission for a new single dwellinghouse, based on the accommodation needs of his family. Although initially refused by Falkirk Council, the application was granted planning permission at a Local Review Board. The dwelling under construction is a consequence of that decision. Planning application P/13/0265/FUL sought a second dwellinghouse on the site and was refused by the Planning Committee on 22nd August, 2013. The current application is a reiteration of that previously refused proposal.

Responses to Consultation

There are no objections from Roads, Scottish Water or Falkirk Council's Environmental Protection Unit. However, Larbert, Stenhousemuir and Torwood Community Council object to the application for the following reasons:-

The proposal represents back-fill development; There may be infrastructure constraints and over-development in the area; There appear to be access issues to the site; Woodland areas have been encroached upon; There are already a number of houses for sale in the Torwood area, bringing into question demand for additional housing; The Community Council has consistently objected to development of the site, which is contrary to structure and local plan policies.

Information Submitted in Support of the Proposal

The applicant contends that there is a change in material circumstances since the last refusal decision, but these have not been expanded upon. The applicant refers to other approvals in the area, however each application requires to be considered on its individual merits.

Assessment of Public Representations

It is acknowledged that the proposal is contrary to development plan policies regarding new housing in the countryside and that the proposal has not changed materially since the previous refusal of planning permission. Issues of infrastructure deficiency have not been identified by consultees.

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 application site remains outwith the village envelope boundary and, therefore, constitutes new housing in the countryside. The proposal is also contrary to design practice to avoid backland development.

Consideration of the Site in relation to Coal Mining Legacy

The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7. CONCLUSION

The proposal represents an unacceptable introduction of a new dwellinghouse within a rural location where no supporting justification is offered. Indeed, the proposal seems to contradict previous statements where only one dwellinghouse to the rear of the original donor property of Aonach-Mor was required for the accommodation needs of the resident family. In addition, a proposal of a similar nature was submitted by the same applicant in 2013, being subsequently refused by the Planning Committee. No additional material changes have been submitted in further support of the current proposal. With the introduction of the SPG on New Housing in the Countryside supporting policies in the current Local Plan and emerging Local Development Plan, there is no policy justification for the development.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following

Reason(s):

1. The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 'Countryside and Protected Areas' - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
2. The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - 'Housing Development In The Countryside' and Policy EQ19 - 'Countryside' - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
3. The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - 'Infill Development and Subdivision of Plots' - as it would result in backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.
4. The proposal is considered contrary to Policies CG03 - Housing in the Countryside - and HSG05 - Infill Development and Subdivision on Plots within The proposed Falkirk Local development Plan.

5. The development is considered contrary to Falkirk Council Supplementary Guidance SC1 - Development in the Countryside - in that the proposal is not required to support an economic activity; does not represent the restoration or replacement of a house; Is not the conversion or restoration of non-domestic Farm Buildings/Redevelopment of Farm Steadings; is not appropriate infill development (due to the introduction of backland development); is not enabling development nor is related to Gypsy/Travellers.

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

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1,2,3. ****



Director of Development Services

3/2/15
Date

**Contact Officer : John Milne
(Senior Planning Officer) 01324 504815**

Reference No. P/14/0686/FUL



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

Falkirk Council

Refusal of Planning Permission

Applicant
Mr and Mrs Craig and Denise Comrie
31 Tryst Park
Larbert
FK5 4FN

This Notice refers to your application registered on 25 November 2014 for permission in respect of the following development:-

Development Erection of Dwellinghouse with Internal Garage at
Location Land To The South Of Aonach-Mor, Glen Road, Torwood, Falkirk

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

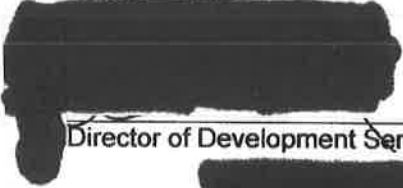
Reason(s):

1. The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 'Countryside and Protected Areas' - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
2. The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - 'Housing Development In The Countryside' and Policy EQ19 - 'Countryside' - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
3. The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - 'Infill Development and Subdivision of Plots' - as it would result in backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.
4. The proposal is considered contrary to Policies CG03 - Housing in the Countryside - and HSG05 - Infill Development and Subdivision on Plots within The proposed Falkirk Local development Plan.
5. The development is considered contrary to Falkirk Council Supplementary Guidance SC1 - Development in the Countryside - in that the proposal is not required to support an economic activity; does not represent the restoration or replacement of a house; is not the conversion or restoration of non-domestic Farm Buildings/Redevelopment of Farm Steadings; is not appropriate infill development (due to the introduction of backland development); is not enabling development nor is related to Gypsy/Travellers.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1, 2, 3.

3 February 2015


Director of Development Services


FILE COPY



No. F/91/0009

Falkirk District Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT (SCOTLAND) ORDERS

DETAILED PLANNING PERMISSION

Applicant

Michael Block
14 Hunter Place
Falkirk

Reference is made to your application received on 07 JAN 91 for PLANNING PERMISSION for the following development:

PROPOSAL : Erection of Dwellinghouse and Garage (Detailed)
LOCATION : Glen Road, Torwood.

Falkirk District Council, in exercise of its powers under the above-mentioned Acts and Orders, hereby :

GRANTS PLANNING PERMISSION for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application subject, however, to the following condition(s):

- (1) That, in order to comply with Section 38 of the Town and Country Planning (Scotland) Act 1972, the development to which this permission relates must be begun within five years from the date of this permission.
- (2) The roof tile to be used shall be dark brown in colour, and of a profile to be agreed prior to construction work commencing on site, with the District Planning Authority.
- (3) Within 6 months of the dwellinghouse being occupied, the approved landscaping scheme shall be carried out to the satisfaction of the District Planning Authority.
- (4) The existing stone wall along the frontage of the site to Glen Road shall be retained, and repaired where necessary to the satisfaction of the District Planning Authority.
- (5) There shall be no obstructions to visibility over 1 metre in height within 2.5 metres of the carriageway edge along the whole of the site frontage to Glen Road to the satisfaction of the District Planning Authority.



No. F/91/0009

Falkirk District Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

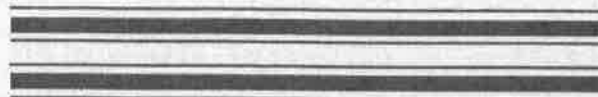
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT (SCOTLAND) ORDERS

DETAILED PLANNING PERMISSION

- (6) Vehicular access to the site shall be formed adjacent to the north-east corner of the site and shall be 3 metres wide, formed at right angles to the public road, and constructed in accordance with the Central Regional Council's "Development Road Guidelines and Specification, October, 1988" to the satisfaction of the District Planning Authority.
- (7) The drainage ditch between the channel line of the public road, and the stone wall shall be culverted under the new vehicular access, and before any work is commenced on site detailed proposals for the culvert, including the diameter of the culverting pipe, the method of backfill, and the construction of the headwalls shall be submitted to and approved by the District Planning Authority.
- (8) Concurrently with the erection of the dwellinghouse, the existing vehicular access adjacent to the north-western boundary of the site shall be premanently closed off by extending the existing stone wall northwards, using stone recovered from the forming of the new vehicular access, all to the satisfaction of the District Planning Authority.
- (9) Adequate space shall be provided at all times within the site to enable vehicles to turn freely, to the satisfaction of the District Planning Authority.
- (10) The dwellinghouse shall be protected so that externally generated noise does not cause internal noise levels to exceed 45 dB(A) Leq 1 hour between 0800 and 1800 hours and 40 dB(A) Leq 1 hour at any other time to the satisfaction of the District Planning Authority.

Reasons :-

- (1) To safeguard the visual amenity of the area.
- (2) To safeguard the interests of users of the highway.
- (3) To ensure that the inhabitants of the dwellinghouse are not subjected to noise nuisance.



No. F/91/0009

Falkirk District Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT (SCOTLAND) ORDERS

DETAILED PLANNING PERMISSION

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

20 MAR 91



DIRECTOR OF DEVELOPMENT SERVICES



APPLICATION NO

: F/91/0407

No.

Falkirk District Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT (SCOTLAND) ORDERS

REFUSAL OF PLANNING PERMISSION

Applicant

Mr Michael Block
14 Hunter Place
Stenhousemuir

Reference is made to your application received on 22 APR 91 for OUTLINE PLANNING PERMISSION for the following development:

PROPOSAL : Erection of Dwellinghouse (Outline)
LOCATION : Plot B, Glen Road, Torwood.

Falkirk District Council, in exercise of its powers under the above-mentioned Acts and Orders, hereby :

REFUSES PLANNING PERMISSION for the said development. The reason(s) for the Council's decision are :

- (1) It is considered that the site lies outwith Torwood Village Limit, and that the proposal would be contrary to Policy LAR 9 of the Larbert/Stenhousemuir Local Plan which presumes against new development outwith the Village Limit which is not required for agriculture, or forestry, and that the development would be out of character with the linear pattern of development along this side of Glen Road, and would have an adverse effect on the character of an area of well established residential amenity.
- (2) It is considered that the proposal represents an undesirable form of tandem development which would have an adverse effect on the privacy and amenity of occupiers of adjacent properties.

03 JUL 91



DIRECTOR OF DEVELOPMENT SERVICES



APPLICATION NO

: F/92/0524

No.

Falkirk District Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT (SCOTLAND) ORDERS

REFUSAL OF PLANNING PERMISSION

Applicant

Mr Michael Block
"Aonach-Mor"
Glen Road
Torwood

Reference is made to your application received on 11 JUN 92 for OUTLINE PLANNING PERMISSION for the following development:

PROPOSAL : Erection of Dwellinghouse (Outline)
LOCATION : Glen Road, Torwood.

Falkirk District Council, in exercise of its powers under the above-mentioned Acts and Orders, hereby :

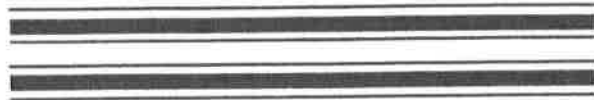
REFUSES PLANNING PERMISSION for the said development. The reason(s) for the Council's decision are :

- (1) It is considered that the site lies outwith Torwood Village Limit, and that the proposal would be contrary to Policy LAR 9 of the Larbert/Stenhousemuir Local Plan which presumes against new development outwith the Village Limit which is not required for agriculture, or forestry, and that the development would be out of character with the linear pattern of development along this side of Glen Road, and would have an adverse effect on the character of an area of well established residential amenity.
- (2) It is considered that the proposal represents an undesirable form of tandem development which would have an adverse effect on the privacy and amenity of occupiers of adjacent properties.



20 AUG 92

DIRECTOR OF DEVELOPMENT SERVICES



APPLICATION NO

: F/92/0525

No.

Falkirk District Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT (SCOTLAND) ORDERS

REFUSAL OF PLANNING PERMISSION

Applicant

Mr Michael Block
"Aonach-Mor"
Glen Road
Torwood

Reference is made to your application received on 11 JUN 92 for OUTLINE PLANNING PERMISSION for the following development:

PROPOSAL : Erection of Dwellinghouse (Outline)
LOCATION : Glen Road, Torwood.

Falkirk District Council, in exercise of its powers under the above-mentioned Acts and Orders, hereby :

REFUSES PLANNING PERMISSION for the said development. The reason(s) for the Council's decision are :

- (1) It is considered that the site lies outwith Torwood Village Limit, and that the proposal would be contrary to Policy LAR 9 of the Larbert/Stenhousemuir Local Plan which presumes against new development outwith the Village Limit which is not required for agriculture, or forestry, and that the development would be out of character with the linear pattern of development along this side of Glen Road, and would have an adverse effect on the character of an area of well established residential amenity.
- (2) It is considered that the proposal represents an undesirable form of tandem development which would have an adverse effect on the privacy and amenity of occupiers of adjacent properties.



20 AUG 92

DIRECTOR OF DEVELOPMENT SERVICES

APPLICATION NO:
F/2002/0593

FILE COPY



Falkirk Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
Outline Planning Permission

Applicant:

Mr Michael Block
Aonach-Mor
Glen Road
Torwood
FK5 4SN

Reference is made to your application registered on 02 August 2002 for **Outline Planning Permission** for the following development:

Proposal : Erection of Dwellinghouse (Outline)
Location : Glen Road, Torwood FK5 4SN

Falkirk Council, in exercise of its powers under the above mentioned Acts and Orders, hereby:

Refuses Planning Permission for the said development. The reason(s) for the Council's decision are:

1. The site lies within the countryside as defined in the adopted Rural Local Plan and no justification has been made that the proposed dwellinghouse is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. As such it is considered that the proposal would be contrary to Policy Rural 1 - New Development in the Countryside and Policy Rural 2 - Village Limits of the adopted Rural Local Plan.
2. It is considered that the proposal to erect a dwellinghouse in this location would constitute an undesirable form of backland development which would be out of keeping with the well established residential character of the surrounding area.

01 October 2002

Director of Development Services

Reference No. P/10/0589/PPP



Falkirk Council

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

Town and Country Planning (Scotland) Acts as Amended

Planning Permission in Principle

Applicant

Mr Michael Block
Aonach-Mor
Glen Road
Torwood
Larbert
FK5 4SN

This Notice refers to your application registered on 23 August 2010 for permission in respect of the following development:-

Development Sub-Division of Garden Ground and Erection of Dwellinghouse at

Location Aonach-Mor, Glen Road, Torwood, Larbert, FK5 4SN

The application was determined by the Planning Committee. Please see the attached guidance notes for further information, including how to appeal against 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/> 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

Grants Planning Permission in Principle

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

1. This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.

2. That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:

- (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
- (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

3. That the development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
- (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

4. Before any development commences on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

5. The proposed driveway shall be at least 3 metres wide, at a maximum gradient of 10% and shall be constructed such that no loose material or surface water is discharged onto the public road.

6. Any driveway gates shall open in an inward direction only.

7. An in-curtilage turning facility shall be provided to enable vehicles to enter and exit the site in a forward gear.

8. Excluding any garage facility, in-curtilage parking shall be provided at a rate of 1 No. space for one and two bedroom dwellings and 2 No. spaces for dwellings with three or more dwellings.

9. There shall be clear sightlines to achieve as close to a minimum standard of 2.4m x 70.0m, in both directions from the proposed access, within which there will be no obstruction to visibility above carriageway level.

10. The proposed driveway will require to be constructed to allow maximum flow within the drainage ditch and be designed to allow access for maintenance purposes, ensuring it remains free of debris.



Reason(s):

- 1. To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- 2,3. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 4. To safeguard the visual amenity of the area.
- 5-7,9. To safeguard the interests of the users of the highway.
- 8. To ensure that adequate car parking is provided.
- 10. To prevent localised flooding.

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01a.
2. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
3. All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
4. Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
5. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

11 March 2011


Director of Development Services


Reference No. P/11/0573/FUL



Falkirk Council

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

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

Refusal of Planning Permission

Applicant

Mr Michael Block
Aonach-Mor
Glen Road
Torwood
Larbert
FK5 4SN

This Notice refers to your application registered on 27 September 2011 for permission in respect of the following development:-

Development Erection of 2 Dwellinghouses with Integral Garages and Formation of New Access at

Location Aonach-Mor, Glen Road, Torwood, Larbert, FK5 4SN

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/11/0573/FUL>. In accordance with the plans docquetted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

Refuses Detailed Planning Permission

The Council has made this decision for the following

Reason(s):-

1. The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 - Countryside and Protected Areas - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
2. The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - Housing Development in the Countryside - and Policy EQ19 - Countryside - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
3. The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - Infill Developments and Sub-Division of Plots - as it would result in tandem/backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.

Informative(s):-

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

11 November 2011



Director of Development Services

Planning Review Committee Review Decision Notice

Decision by the Falkirk Council Planning Review Committee (the FCPRC)

- Site address: Aonach-Mor, Glen Road, Torwood, Larbert, FK5 4SN
 - Application for review against the decision by an appointed officer of Falkirk Council
 - Planning application reference P/11/0573/FUL for the erection of 2 dwellinghouses with integral garages and formation of new access
 - Date of decision notice – 17 April 2012
-

Decision

The Planning Review Committee upholds the decision reviewed by them and refuses planning permission.

Preliminary

This notice constitutes the formal decision notice of the FCPRC as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

The above application for planning permission was considered by the FCPRC at their meeting on Thursday 8 March 2012.

The Planning Review Committee was attended by Cllr Billy Buchanan (Convener), Cllr John McLuckie (Depute) and Cllr David Alexander. Having considered the submissions the Planning Review Committee decided that the review should be conducted without further procedure as the information contained within the documentation before the Committee was sufficient to allow a decision to be made.

Proposal

The application seeks detailed planning permission for the erection of two detached dwellinghouses with integral garages on land to the rear of Aonach-Mor, Glen Road, Torwood. The application site forms part of the garden of Aonach-Mor. It is proposed to serve both of the proposed dwellinghouses from a new single access driveway adjacent to the eastern boundary of the site and adjoining the existing access to Aonach-Mor.

Reasoning

In accordance with section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

The determining issues in this review with regard to the Development Plan and other material considerations were (i) whether residential development of this nature outwith the Torwood settlement boundary identified in the Development Plan is justified, (ii) the site history, nature and precedent, (iii) representations and consultation responses received.

The Planning Review Committee considered the terms of the Development Plan which comprises the Falkirk Council Structure Plan 2007 and the Falkirk Council Local Plan 2010. The Committee established that Falkirk Council Structure Plan Policy ENV.1, Falkirk Council Local Plan Policies EQ19, EQ26, SC03 and SC08 are relevant.

The Committee noted that the application site is situated outwith the settlement boundary of Torwood identified in the Local Plan. Structure Plan and Local Plan Policies state that housing development outwith the settlement boundary will only be permitted in circumstances set out in the relevant Policies. The Committee were not convinced that the proposed development complied with these Policies.

It was noted that the Planning Committee had previously granted planning permission (reference P/10/0589/PPP) in principle for the erection of a single dwellinghouse on the application site. This previous decision was contrary to the Development Plan but the Planning Committee had considered that the applicant's argument that a single dwellinghouse and only a single dwellinghouse was required to meet the accommodation needs of his family should be given greater weight and therefore granted planning permission in principle. The Planning Review Committee concluded that the applicant's subsequent detailed planning application for the erection of 2 dwellinghouses on the site is a materially different proposal. They were not convinced that there were any material considerations to justify allowing a further exception to the Development Plan. In addition the Planning Review Committee expressed concern that a decision to grant planning permission contrary to the Development Plan and in the absence of any outweighing material considerations would set a dangerous precedent.

The Planning Review Committee noted the representations and consultation responses received. It was noted that no consultation response had been received from the Roads Development Unit but that in response to the previous planning application in principle for a single dwellinghouse the Roads Development Unit had raised no objection.

Conclusion

The Planning Review Committee agreed that planning permission should be refused for the reasons set out in the original notice of decision.

Informatives

For the avoidance of doubt the plans to which this decision refers bear the Council's online reference numbers 01A, 02A, 03, 04 and 05

Chief Governance Officer

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Reference No. P/12/0359/MS

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.**

Approval of Matters Specified in Conditions

Mr Michael Block
Aonach-Mor
Glen Road
Torwood
Larbert
FK5 4SN

This Notice refers to your application registered on 19 July 2012 for permission in respect of the following development:-

Development Erection of Dwellinghouse with Integral Garage and Formation of New Access Driveway at

Location Aonach-Mor, Glen Road, Torwood, Larbert, FK5 4SN

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/12/0359/MS>
C 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

Approves the Matters Specified in Conditions

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. That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 3 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

3. That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. Before any development commences on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
5. The proposed driveway shall be at least 3 metres wide, at a maximum gradient of 10% and shall be constructed such that no loose material or surface water is discharged onto the public road.
6. Any driveway gates shall open in an inward direction only.
7. An in-curtilage turning facility shall be provided to enable vehicles to enter and exit the site in a forward gear.
8. Excluding any garage facility, in-curtilage parking shall be provided at a rate of 1 No. space for one and two bedroom dwellings and 2 No. spaces for dwellings with three or more dwellings.
9. There shall be clear sightlines to achieve as close to a minimum standard of 2.4m x 70.0m, in both directions from the proposed access, within which there will be no obstruction to visibility above carriageway level.
10. The proposed driveway will require to be constructed to allow maximum flow within the drainage ditch and be designed to allow access for maintenance purposes, ensuring it remains free of debris.
11. For the avoidance of doubt, the site shall only be occupied by one dwellinghouse and the garden ground associated with it shall only be used for purposes incidental to the enjoyment of the dwellinghouse.

Reason(s):-

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2,3. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
4. To safeguard the visual amenity of the area.
- 5-7,9. To safeguard the interests of the users of the highway.
8. To ensure that adequate car parking is provided.
10. To prevent localised flooding.
11. To allow the Planning Authority to control the future use of the site.

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

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

This application is not subject to a planning obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1, 2A and 3A.
2. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
3. Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
4. It is recommended that the applicant should consult with the Coal Authority concerning the proposal because of the possibility of disused mine workings under the site.

15 November 2012


Director of Development Services

Reference No. P/13/0265/FUL



Falkirk Council

Town and Country Planning (Scotland) Act 1997 as Amended

Refusal of Planning Permission

Applicant
Mr and Mrs Comrie
Aonach-Mor
Glen Road
Torwood
Larbert
FK5 4SN

This Notice refers to your application registered on 12 April 2013 for permission in respect of the following development:-

Development Erection of Dwellinghouse with Integral Garage at
Location Aonach-Mor, Glen Road, Torwood, Larbert, FK5 4SN

The application was determined by the Planning Committee. Please see the attached guidance notes for further information, including how to appeal against 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. The proposal is considered contrary to Falkirk Council Structure Plan Policy ENV.1 'Countryside and Protected Areas' - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
2. The proposal is considered contrary to Falkirk Council Local Plan Policy SC3 - 'Housing Development In The Countryside' and Policy EQ19 - 'Countryside' - as the site is in a rural location and no essential justification for a dwellinghouse has been demonstrated.
3. The proposal is considered contrary to Falkirk Council Local Plan Policy SC8 - 'Infill Development and Subdivision of Plots' - as it would result in backland development, not respecting the townscape character of the area and, if approved, the application would represent an unwarranted precedent which could not be fairly resisted in similar application sites.

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.

26 November 2013


Director of Development Services

FILE

Development Management

Falkirk Council

Abbotsford House

Davids Loan

Falkirk

17th November 2014

Dear Mr Milne

P/14/0686/FUL – Erection of Dwellinghouse with Internal Garage

I am writing further to your letter dated Friday 28th November 2014, received Tuesday 2nd December 2014.

We wish to submit our strongest objection to the above application made by Mr & Mrs Comrie, Mr Blocks daughter and son-in-law. There is no material difference in this application to the one made just over 12 months ago to which we previously objected – our grounds for objection remain unchanged with the exception of some additional comments which have occurred as a result of the building of the first house.

In granting this application the Council would be in direct contravention of its own Local Development Plan and its determination as recorded in the minute of the Planning Committee dated 17th June 2013 where the Committee records clear conditions when granting application for the first house.

Condition No. 11 P/12/0359/MS

"For the avoidance of any doubt, the site shall only be occupied by one dwelling house and the garden ground associated with it shall only be used for purposes incidental to the enjoyment of the dwelling house."

You may also recall 1000s of tons of landfill material was dumped on top of the woodland area - Mr Block stated at the site visit held on 5th August 2013 that he would remove landfill once the first house was complete. The matter I understand was reported to SEPA. I know a number of councillors attended a site visit on 5th August 2013. As yet no soil has been removed. The impact of this building work and significant dumping landfill on the woodland area has resulted in flooding and drainage issues behind our home and that of our neighbour.

The building of a second house further represents back land development within a rural location again previously concluded by the Committee.

We are in no doubt that a second house built in this back land area would overlook our current private garden area.

Yours sincerely

Mr & Mrs J Bell, Netherlee, Glen Road, Torwood, Larbert, FK5 4SN