

The background of the slide features a large, light blue outline of the Falkirk Council Crest. The crest includes a crown at the top with four thistles, a shield in the center containing a cross and a stag, and a banner at the bottom with the motto 'A'NE FOR A'.

AGENDA ITEM

6

**Planning Application
P/15/0708/FUL – Extension
to Dwellinghouse and
Erection of Detached
Garage at 21 Brown Street,
Falkirk, FK1 4PX**

List of List of Enclosures - Agenda Item 6

- | | | |
|----|---|---------|
| 1. | Notice of Review dated 7 March 2016 and supporting statement. | 81-88 |
| 2. | Application for Planning Permission dated 21 November 2015, associated plans and documents. | 89-114 |
| 3. | Report of Handling dated 15 February 2016. | 115-118 |
| 4. | Refusal of Planning Permission dated 12 February 2016. | 119-121 |
| 5. | Granting of Planning Permission for application F/2002/0081 dated 27 February 2002. | 122 |
| 6. | Consultation response from Environmental Health Unit dated 23 December 2015. | 123 |
| 7. | Emailed representation of support from Lindsay Smith undated. | 124 |

Policies/Documents Applicable to Review:-

- | | | |
|----|---|--|
| 8. | Supplementary Guidance SG03 - Residential Extensions and Alterations (please see agenda item 5) | |
| 9. | Falkirk Council Local Development Plan -
http://www.falkirk.gov.uk/services/planning-building/planning-policy/local-development-plan/ | |
| | ○ Policy HSG07 - Residential Extensions and Alterations (please see agenda item 5) | |

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	<input type="text" value="Ms"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Angela"/>	Forename	<input type="text" value="Barry"/>
Surname	<input type="text" value="Haughton"/>	Surname	<input type="text" value="Gibson"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="21"/>	Building No./Name	<input type="text" value="29"/>
Address Line 1	<input type="text" value="Brown Street"/>	Address Line 1	<input type="text" value="Strachur Crescent"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Falkirk"/>	Town/City	<input type="text" value="Glasgow"/>
Postcode	<input type="text" value="FK1 4PX"/>	Postcode	<input type="text" value="G22 6PW"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text" value="REDACTED"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text" value="REDACTED"/>

3. Application Details	
Planning authority	<input type="text" value="Falkirk Council"/>
Planning authority's application reference number	<input type="text" value="P/15/0708/FUL"/>
Site address	
<input style="width: 100%; height: 100%;" type="text" value="21 Brown Street
Falkirk
FK1 4PX"/>	
Description of proposed development	
<input style="width: 100%; height: 100%;" type="text" value="Proposed upper extension over existing lower extension footprint"/>	

Date of application

07.12.15

Date of decision (if any)

Refused

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.

Please refer to appended document

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:

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.

Please refer to the appended supporting statement and letter from my client.

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

Refer to appended document.

We have also been advised that Falkirk Council will provide the drawings and supporting documentation.

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:

Barry Gibson

Date:

07.03.16

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.

Planning Ref – P/15/0708/FUL

6.0 Review Procedure

We feel that the application should be re-address in a practical sense and take into account feedback from the agent/client, this is something we feel the planning officer did not do.

We felt like their decision had already been made on day one and no further negotiations, information or answers to their concerns would alter this decision.

8.0 Supporting Statement

Dear Sirs

My client has asked me to appeal on their behalf for the application at 21 Brown Street. I have provided a brief summary of the applications history and our comments below. My client has also asked me to include a covering letter to support their appeals process. This can be found appended to this application form.

My client currently has a single storey rear extension within their property. They had hoped to carry out a 'build over' on top of this existing extension to provide an additional storey (1st floor).

They had hoped to utilise the existing structure below in order to minimise disruption, cost and major structural alterations to the existing property.

My client proceeded to instruct me to undertake a full planning application for this project, as part of our application we undertook several discussions with the planner for this area and also a face to face meeting held within the Falkirk Council Headquarters.

As noted the purpose of the application was to construct a second storey over an existing single storey extension which had previously gained planning approval. The application drawings were issued to Falkirk Council on 23rd November 2015.

The planning officer assigned to the project issued us with some initial comments on the application via email and also suggested that the application would not pass in its current form. (email trail below)

*From: "Hope, Kirsty" <[REDACTED]>
Date: 12 January 2016 at 11:01:50 GMT
To: [REDACTED] <[REDACTED]>
Subject: P/15/0708/FUL 21 Brown Street Falkirk*

Dear Mr Gibson

P/15/0708/FUL 21 Brown Street Falkirk

I refer to the above planning application that is currently pending consideration. I have recently visited the premises and note there are a few inaccuracies when cross referencing the proposed elevations with the floor plans, however I am concerned with regards to the overall scale of development and the impact it would have in particular to the adjoining property as well as setting a precedent for a large two storey extension within the area. The application in its current form is unlikely to be supported.

Please note that there is no concerns raised with regards to the proposed single storey garage however there cannot be a mixed decision. I would recommend withdrawing the current proposal, to give time to discuss changes to the plans, I will be happy to set up a meeting to discuss new proposals. No additional planning fee would be required should a fresh application be submitted within a year of 7th December 2015.

Please let me know in writing, how you wish to proceed before Thursday 21st January 2015.

Kindest Regards

Kirsty Hope

Response

From: Barry Gibson [REDACTED]
Date: 13 January 2016 at 13:49:13 GMT
To: Kirsty Hope [REDACTED]
Subject: P/15/0708/FUL 21 Brown Street Falkirk

Kirsty

Thank you for your email and feedback on our planning application. From the email we have noted the following 3 points.

- *Inaccuracies with the plans*
- *Impact on adjoining property*
- *Setting a precedent for a two storey*

We would comment as follows on each of the above subjects.

Inaccuracies with the plans – We accept that there may be some minor errors on the drawings and would be happy to meet with you or discuss over the phone to rectify and resubmit.

Impact on adjoining property – We acknowledge that the proposed upper extension may have some impact on the neighbouring property, we would be open to discuss this with yourself and look to minimise any impact where we can. Could you also please advise at this stage if you have received any objections from the neighbouring property.

Setting a precedent for a two storey – We note your concerns on this, however we would highlight that an existing large scale two storey extension has been previously granted within the vicinity of the application site, could you please highlight the differences between this application and ours,

again happy to come and discuss this with you in person or over the phone. (details of property attached – 111 Union Road).

We also thank you for your advice regarding the withdrawal of the application and resubmission without further fee due to the remaining timescales, we will review this upon receipt of your comments to this email.

We trust the additional information provided above will allow you to revisit your dismissal of our application in the first instance, we are happy to work with the planning department in any way possible to reach a favourable conclusion for all parties.

As previously noted if you would like to discuss the issues above over the telephone or in person please advise me of your availability.

Regards

Barry Gibson

Upon issue of my email above the next step undertaken was to meet with the council, we acknowledged the councils comments and were open to discuss any changes we could to reduce their concerns.

The discussions with the planners felt like they were tailored to the planners needs and not an open meeting to try and resolve the issues in place.

From the meeting we took on board as many points as we could and amended the roof profile along with providing additional information to 'positively' support our application.

The planners main prerogative was for the extension to be moved further away from the existing boundary, the purpose of the proposed extension was to 'build over' and utilise the existing structure below which currently sits off of the existing boundary. The planners suggested that the upper level of the extension be stepped in by 2-3m from the boundary, this would effectively reduce the upper extension by 50% resulting in it being unsuitable to the clients requirements, look physically out of proportion and require major structural alterations to the existing lower extension.

This was considered to be unfeasible by myself, the design, and the client. Although this action could not be undertaken we did address, re-shape and inform the council as much as we could during the application process to allow the application to be assessed/granted. Close consultations were also undertaken to inform the planners at every stage.

As previously noted we do acknowledge the planners concerns however we feel we have provided a strong case to mitigate them, provided alterations were physically possible, provided all information requested (which further supported our case) and note that no objections were received from the neighbouring properties.

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

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	Ms	Ref No.	
Forename	Angela	Forename	Barry
Surname	Haughton	Surname	Gibson
Company Name		Company Name	
Building No./Name	21	Building No./Name	29
Address Line 1	Brown Street	Address Line 1	Strachur Crescent
Address Line 2	Camelon	Address Line 2	Lambhill
Town/City	Falkirk	Town/City	Glasgow
Postcode	FK1 4PX	Postcode	G22 6PW
Telephone	-	Telephone	
Mobile	-	Mobile	
Fax		Fax	
Email	-	Email	

3. Address or Location of Proposed Development (please include postcode)
 21 Brown Street
 Camelon
 Falkirk
 FK1 4PX

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Describe the Proposed Works
 Please describe accurately the work proposed:
 Proposed upper extension over existing lower extension and erection of detached garage

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.

5. 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.:

6. 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.

7. Changes to Vehicle 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 arrangement 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 of existing and any new spaces or reduced number of spaces)

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