

# **List of Enclosures for Item 5**

### List of Enclosures – Agenda Item 5

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|-----|--|-------|
| 1.  | Minute of Meeting of the Planning Review Committee on 17 February 2017.  | 16-18 |
| 2.  | Request for written submission from Applicant dated 22 February 2017.  | 19-20 |
| 3.  | Request for written submission from Director of Development Services dated 22 February 2017.   | 21-22 |
| 4.  | Request for written submission from Scottish Environment Protection Agency dated 22 February 2017.   | 23-24 |
| 5.  | Request for written submission from Police Scotland dated 22 February 2017.  | 25-26 |
| 6.  | Response to request for written submission from Applicant dated March 2017.  | 27-41 |
| 7.  | Emailed response to request for written submission from Scottish Environment Protection Agency dated 28 February 2017.   | 42-45 |
| 8.  | Response to request for written submission from Director of Development Services dated 1 March 2017.   | 46-47 |
| 9.  | Response to request for written submission from Police Scotland dated 9 March 2017.  | 48-53 |
| 10. | Emailed response to written submissions from Geoff Swift (original representation via agent Sandy Smith) dated 18 March 2017.  | 54-55 |
| 11. | Response to written submissions from Clarke Faichnie dated 21 March 2017.  | 56-59 |
| 12. | Emailed response to written submissions from Roddy Macdonald dated 27 March 2017.  | 60-61 |
| 13. | Response to written submissions from Donna Heaney dated 27 March 2017.   | 62-63 |
| 14. | <b><u>Important Note:</u></b> - the previous papers on this item were submitted to the meetings of the Planning Review Committee on 27 November 2015, 9 June 2016 and 17 February 2017. These papers are available to view on the Falkirk Council website at:- |       |

<http://www.falkirk.gov.uk/services/council-democracy/councillors-decision-making/committees/planning-local-review-body>

See website

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING REVIEW COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on FRIDAY 17 FEBRUARY at 9.30 A.M.**

**Councillors:** Baillie William Buchanan (Convener)  
John McLuckie  
Sandy Turner

**Officers:** Iain Henderson, Legal Services Manager  
Douglas Blyth, Team Leader, Legal Services

**Also Attending:** Ged Hailey, Associate, Ryden LLP

**PRC40. Apologies**

No apologies were intimated.

**PRC41. Declarations of Interest**

No declarations were made.

**PRC42. Minute**

**The minutes of meeting of the Planning Review Committee held on 27 October 2016 were approved.**

**PRC43. Opening Remarks**

The Convener welcomed everyone in attendance to the meeting of the Planning Review Committee and following a short introduction asked Mr Henderson, Legal Services Manager, to provide a summary of the procedure to be followed at the Committee.

**PRC44. Planning Application P/15/0022/FUL – Development of Land to Form Holiday Park with Raised Deck Mounted Chalets, Camping Pods, Deck Mounted Reception Building and Ancillary Roads and Drainage at Land to the South West of Denovan House (Continuation)**

The Committee considered documents which related to the Application for Review for planning application P/15/0022/FUL for the development of land to form holiday park with raised deck mounted chalets, camping

Pods, deck mounted reception building and ancillary roads and drainage at land to the south east of Denovan House.

Mr Henderson, Legal Services Manager advised the Committee that the applicant had provided correspondence to the effect that the SEPA objection had been withdrawn but that as no formal notification had been directed to the Planning Authority, that the Committee may want to be mindful of this in their deliberations.

Mr Hainey provided an overview of the application and consideration to date. He summarised the report on handling and the reasons for refusal of the application, the applicant's supporting statement, the responses from the applicant, consultees and other interested parties to previous procedure notices, and further responses thereto from all parties.

After discussion, and with particular reference to further responses submitted by the applicant including a Transport Statement prepared by McIlhagger Associates on their behalf, and a corresponding report by Mouchel commissioned by Falkirk Council, and having sought and heard advice from Mr Henderson and Mr Hainey, the Committee considered that there were still some items within the applicant's submission which contained insufficient detail to allow a decision to be taken. In particular discussion took place over the need for additional information on matters including road traffic, parking, details of road accidents highlighted in the reports, landscape capacity assessment, the internal road network of the site and impacts on existing trees within the site and the circumstances and details behind the withdrawal by SEPA of their objection. It was requested that officers prepare a further procedure notices with clear scoping of the additional information required on all points.

## **Decision**

**The Planning Review Committee agreed that:-**

- (1) it did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, that further information by way of written submissions be provided by the applicant, SEPA, Police Scotland and the Director of Development Services, (with specific delegation to officers to seek further information relating to road traffic accidents statistics from any other source should they be identified by the Director of Development Services), in line with a clear scope of requirements prepared by officers having regard to areas identified during discussion including accident details, road traffic and traffic flows, bus services, visibility splay, core path network, landscape capacity assessment, the internal road network of the site and impacts on existing trees within the site**

**and the circumstances and details behind the withdrawal by SEPA of their objection;**

- (2) the response from the applicant, SEPA, Police Scotland and the Director of Development Services should be made within a timescale of 8 working days from receipt thereof; and**
- (3) interested parties and, as appropriate, the applicant be allowed a period of 14 days to provide comments following receipt of the information.**

Enquiries to: Antonia Sobieraj  
Direct Dial: (01324) 501277  
Email - antonia.sobieraj@falkirk.gov.uk  
Our Ref: AS  
Date: 22 February 2017

**Recorded Delivery - 1st Class Royal Mail**

Dr Wesley Edmund  
Denovan Park  
Denovan Road  
Dunipace  
Denny  
FK6 6BJ

Dear Dr Edmund,

**PLANNING APPLICATION - P/15/0022/FUL - DEVELOPMENT OF LAND TO FORM HOLIDAY PARK WITH RAISED DECK MOUNTED CHALETs, CAMPING PODS, DECK MOUNTED RECEPTION BUILDING AND ANCILLARY ROADS AND DRAINAGE AT LAND TO THE SOUTH WEST OF DENOVAN HOUSE, DENNY - DENOVAN VILLAGE LIMITED**

I refer to the meeting of the Planning Review Committee on 17 February 2017 to consider the above application for review including your further comments on the interested parties' comments relating to your written submission which followed the decision of the Planning Review Committee on 9 June 2016.

The Committee determined that it still did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the 2013 Regulations"), that further representations or information by way of written submissions be provided by the applicant. Further written submissions were requested from the Director of Development Services, Police Scotland and the Scottish Environmental Protection Agency. I attach copies of these separate notices of request and you and interested parties will, in due course, be invited to provide comments on the submissions by them as set out in the notices.

The written submissions that the Planning Review Committee requested be provided by you are as follows:-

The Planning Review Committee noted that you have not provided (1) a Landscape Capacity Assessment; (2) a report detailing the proposed construction of the internal road network; and (3) a report assessing the impact of the proposed development on the existing trees (all as such reports were requested in the request for written submissions of 7 July 2016). You have previously noted that the requirement for this information could be the subject of an appropriately worded condition. The Planning Review Committee should be grateful if you would either provide these reports or explain why this information has not been provided and with an explanation as to why you consider the Planning Review Committee should be in a position to grant permission in the absence of this information.

The Committee agreed a timescale of 8 working days from receipt of the request for provision of this information, I should be grateful if you would forward to me any appropriate information on or before **Monday 7 March 2017**.

The Committee requested that interested parties be allowed a period of 14 days to provide comments on your submissions.

The Committee also requested that you and interested parties be allowed a period of 14 days to provide comments following receipt of the information provided by the Director of Development Services, Police Scotland and the Scottish Environmental Protection Agency.

Should you require any further clarification do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of the Committee Services Officer.

Committee Services Officer  
*for* Chief Governance Officer

cc      Malcolm Smith, TMS Planning and Development Services Ltd, 'Balclune' 32 Clune Road,  
Gowkhall, Fife KY12 9NZ

Enquiries to: Antonia Sobieraj  
Direct Dial: (01324) 501277  
Email - antonia.sobieraj@falkirk.gov.uk  
Our Ref: AS  
Date: 22 February 2017

Rhona Geisler  
Director of Development Services  
Falkirk Council  
Abbotsford House  
David's Loan  
Falkirk

Dear Mrs Geisler,

**PLANNING APPLICATION - P/15/0022/FUL - DEVELOPMENT OF LAND TO FORM HOLIDAY PARK WITH RAISED DECK MOUNTED CHALETs, CAMPING PODS, DECK MOUNTED RECEPTION BUILDING AND ANCILLARY ROADS AND DRAINAGE AT LAND TO THE SOUTH WEST OF DENO VAN HOUSE, DENNY - DENO VAN VILLAGE LIMITED**

I refer to the meeting of the Planning Review Committee on 17 February 2017 to consider the above application for review.

The Committee determined that it still did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the 2013 Regulations"), that further representations or information by way of written submissions be provided. Written submissions were requested from you as noted below. Additionally, further written submissions were requested from the applicant, Police Scotland and the Scottish Environmental Protection Agency.

The written submissions the Planning Review Committee requested be provided by you are as follows:-

I enclose copies of (1) a Transport Assessment (the "Transport Assessment") prepared for the applicant by McIlhagger Associates dated 26 September 2016 (pages 21-34 from the agenda papers of 17 February 2017- the Appendices to this document can be accessed on the Governance section of the Council website under Planning Review Committee on 17 February 2017) together with (2) comments from Mouchel Transport Consultants (the "Mouchel Comments") dated 18 November 2016 (pages 181-184 from the agenda)); and (3) further comments from the applicant's agent (the "Applicant's Comments") of 12 December 2016 (pages 185-192 from the agenda).

You will note the comments made in the Mouchel Comments at the "General Comments" section on the page marked page 183. The Planning Review Committee has asked for your written submissions in relation to the first, second, third, fourth, fifth and eighth bullet points on page 183.



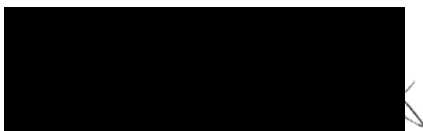
In particular, I should be grateful if you would provide your comments as follows:-

- Bullet Point 1 - Can you please confirm the Crashmap accident records against the available Council records? Please provide details from the Council records from 2011 to a date as up to date as available.
- Bullet Point 2 - (1) Please provide any details you hold regarding the specific causes/circumstances surrounding the incident recorded along Denovan Road noted at paragraph 2.11 of the Transport Assessment; (2) Please provide accident rates as suggested in the Mouchel Comments; and (3) Please provide any available details on unrecorded/damage only accidents along Denovan Road covering the period 2011 to date.
- Bullet Point 3 - The applicant has provided comments in the Applicant's Comments at the foot of the page marked 186 and overleaf. Please provide comments on the applicant's response.
- Bullet Point 4 - The applicant has provided comments on the page marked 187. Please provide comments on the applicant's response.
- Bullet Point 5 - The applicant has provided comments on the page marked 187. Please provide comments on the applicant's response.
- Bullet Point 8 - The applicant has provided comments on the page marked 187. Please provide comments on the applicant's response.

The Committee agreed a timescale of 8 working days from receipt of the request for provision of this information. I should therefore be grateful if you would forward provide your response on or before **Monday 7 March 2017**.

The Committee requested that the applicant and interested parties be allowed a period of 14 days to provide comments on your submissions.

Should you require any further clarification do not hesitate to contact me.

A black rectangular box redacting the signature of the Committee Services Officer.

Committee Services Officer  
*for* Chief Governance Officer

Enquiries to: Antonia Sobieraj  
Direct Dial: (01324) 501277  
Email - antonia.sobieraj@falkirk.gov.uk  
Our Ref: AS  
Date: 22 February 2017

**Recorded Delivery - 1st Class Royal Mail**

Mr Diarmuid O'Connor  
Senior Planning Officer  
Planning Service  
Scottish Environment Protection Agency  
Clearwater House  
Heriot Watt Research Park  
Riccarton  
Edinburgh EH14 4AP

Dear Mr O'Connor,

**PLANNING APPLICATION - P/15/0022/FUL - DEVELOPMENT OF LAND TO FORM HOLIDAY PARK WITH RAISED DECK MOUNTED CHALETS, CAMPING PODS, DECK MOUNTED RECEPTION BUILDING AND ANCILLARY ROADS AND DRAINAGE AT LAND TO THE SOUTH WEST OF DENOVAN HOUSE, DENNY - DENOVAN VILLAGE LIMITED**

As you will recall I wrote to you on 3 November 2016 with reference to the review of a planning decision in the above matter being conducted by the Council's Planning Review Committee (referred to as a Local Review Body in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the 2013 Regulations)).

The Committee at its meeting on 17 February 2017 determined that it still did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the 2013 Regulations"), that further representations or information by way of written submissions be provided by you. Further written submissions were also requested from the applicant, the Director of Development Services and Police Scotland.

The written submissions the Planning Review Committee requested you to provide are as follows:-

The Committee had before it at its meeting of 17 February 2017 a copy of your letter dated 15 November 2016 (ref: PCS/149897) which advised of an objection to the above planning application. The Committee was verbally advised at the meeting that notification had separately been received from the applicant advising that you have withdrawn the objection. Can you please confirm if the objection has been withdrawn as well as advising on what basis the objection was withdrawn and what information enabled you to reach the point that you had no objection?

The Committee agreed a timescale of 8 working days from receipt of the request for provision of this information. I should therefore be grateful if you would forward provide your response on or before **Monday 7 March 2017**.

The Committee requested that interested parties be allowed a period of 14 days to provide comments on your submissions.

Should you require any further clarification do not hesitate to contact me.

Yours sincerely,

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Committee Services Officer  
*for* Chief Governance Officer

Enquiries to: Antonia Sobieraj  
Direct Dial: (01324) 501277  
Email - antonia.sobieraj@falkirk.gov.uk  
Our Ref: AS  
Date: 22 February 2017

**Recorded Delivery - 1st Class Royal Mail**

Chief Inspector Damian Armstrong  
Area Commander  
Police Scotland  
West Bridge Street  
Falkirk  
FK1 5AP

Dear Chief Inspector Armstrong

**PLANNING APPLICATION - P/15/0022/FUL - DEVELOPMENT OF LAND TO FORM HOLIDAY PARK WITH RAISED DECK MOUNTED CHALETs, CAMPING PODS, DECK MOUNTED RECEPTION BUILDING AND ANCILLARY ROADS AND DRAINAGE AT LAND TO THE SOUTH WEST OF DENOVA HOUSE, DENNY - DENOVA VILLAGE LIMITED**

I am writing with reference to the review of a planning decision in the above matter being conducted by the Council's Planning Review Committee (referred to as a Local Review Body in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the 2013 Regulations")).

By way of background, this review has been considered at meetings of the Council's Planning Review Committee on 27 November 2015, 9 June 2016 and 17 February 2017. The Committee, following consideration of requested written submissions from various parties, has determined that it still did not have enough information to determine the application, and requested, in accordance with Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 ("the 2013 Regulations"), that further representations or information by way of written submissions be provided by you. Further written submissions were also requested from the applicant, the Director of Development Services and the Scottish Environmental Protection Agency.

The written submissions required from you, Police Scotland, are as follows:-

I enclose copies of (1) a Transport Assessment (the "Transport Assessment") prepared for the applicant by McIlhagger Associates dated 26 September 2016 (pages 21-34 from the Committee agenda papers of 17 February 2017- the Appendices to this document can be accessed on the Governance section of the Council website under Planning Review Committee on 17 February 2017); and (2) comments from Mouchel Transport Consultants (the "Mouchel Comments") dated 18 November 2016 (pages 181-184 from the agenda). You will note the comments made in the Mouchel Comments at the "General Comments" section on page 183. The Planning Review Committee has asked for your written submissions in relation to the first and second bullet points on page 183. In particular, I should be grateful if you would provide your comments as follows:-

- Bullet Point 1 – Do you have any additional information for the period 2011 to date beyond that revealed in the Crashmap accident records?
- Bullet Point 2 – (1) Do you have any information that could be provided to the Planning Review Committee on unrecorded/damage only accidents along Denovan Road; and (2) Do you have any information in relation to the specific causes/circumstances surrounding the incident recorded along Denovan Road and referred to at paragraph 2.11 of the Transport Assessment?.

The Committee agreed a timescale of 8 working days from receipt of the request for provision of this information. I should therefore be grateful if you would forward provide your response on or before **Monday 7 March 2017**.

The Committee requested that the applicant and interested parties be allowed a period of 14 days to provide comments on your submissions.

Should you require any further clarification do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of the Committee Services Officer.

Committee Services Officer  
*for* Chief Governance Officer

## Denovan Village

The site at Denovan is currently operated as a Commercial Care Home and has been managed by the current owner in excess of 30 years. Denovan House previously operated as a Guest House by then owner Graeme Reynolds and was approved by Falkirk Council as a tourist facility. It has previously been suggested that the Denovan Village tourism project is a change of use but rather it is an extension of the existing use of the whole site. The whole area is registered as a farm holding a recognised business unit as Part Denovan.

Denovan Village is a self catering and it is proposed to qualify as at least a 4 star registered Visit Scotland facility. A quality site with an emphasis as a touring holiday base for families walkers and cyclists.

### **To answer a number of questions posed throughout this process:**

1. The question of site capacity was addressed with a reduction from 10 to 8 cabins and from 17 to 10 camping pods. This will be a mix of 2 or 4 bed cabin units and 2 capacity pods. Pods will inevitably be utilized by walkers and cyclists. This improves use and access to the Falkirk core footpaths. It also improves the effective use of the site. Pods contain no services and are in essence moveable wooden tents.
2. The reduction does have an impact on viability. This is addressed by the reduction of one seasonal job. Although it is expected that as the site develops overtime more opportunities will be offered.
3. There was a suggestion that extensive concrete works would have an impact on rain water disposal. It is important to note that all cabins will be built on stilts and it is intended to develop a rainwater harvesting system to reduce reliance on mains water for toilet use.
4. Denovan Road is constantly used by horses and is signposted. This does effect speed and it has been shown that vehicle speeds past the site are low. This is an unregulated road, although by providing warning signs Falkirk Councils recognises that speed equestrian activity takes place and road speeds should be appropriate.
5. This is old woodland and it has been necessary where the age and disease of some trees has resulted in their removal. A comprehensive replanting has been proposed that overtime will greatly enhance the land. The scrub has been removed and all landscape works will be appropriate to the site.
6. The proposed new entrance has good sight lines and is on a slower part of the road. This new entrance also benefits the residents of West Lodge as all the traffic to Denovan Village will be through this new entrance
7. SNH and Historic Scotland have noted the project and find no fault with it. Denovan Parish Church was converted into domestic accommodation and even with a Grade B listing the leaded windows were changed defeating the object of historical protection.
8. Denovan Village is a low rise sympathetic woodland development. The most outstanding feature is the new Wind Turbine Development that overshadows Denovan Road.

9. The road through the site will generally follow the existing topography without disturbing tree roots similar to most public roads in Stirlingshire. The only area to be excavated will be to lower the existing road that runs along the top of the site and was the original Denovan House access.
10. The project has been designed to fulfil a tourism need as identified in the Falkirk Area Plan. It is measured sympathetic and locally focused. With the changes at Loch Lomond and restrictions on wild camping Denovan can provide a comfortable alternative where activities are controlled and the site is welcoming and secure.
11. Brent Vivian the Area planning officer stated that the project had merit
12. Jed Haney the LRC Planning advisor stated when asked by the Convenor that this was a suitable and appropriate site for the project.