

LAND AT WESTER BONHARD

12 JUNE 2017

PICTURE 2





LAND AT WESTER BONHARD  
12 JUNE 2017  
PICTURE 3





LAND AT WESTER BONHARD  
12 JUNE 2017  
PICTURE 4.





Abbotsford House Davids Loan Falkirk FK2 7YZ Tel: 01324 504748 Email: [bsdm@falkirk.gov.uk](mailto:bsdm@falkirk.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100019651-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Development & Environmental Services Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Daniel	Building Name:	Holly Cottage
Last Name: *	Henderson	Building Number:	
Telephone Number: *	01324 841183	Address 1 (Street): *	Braeface Road
Extension Number:		Address 2:	near Banknock
Mobile Number:		Town/City: *	Bonnybridge
Fax Number:		Country: *	Scotland
		Postcode: *	FK4 1UE
Email Address: *	desltd@outlook.com		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Beechwood Nurseries"/>
First Name: *	<input type="text" value="James"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Williamson"/>	Address 1 (Street): *	<input type="text" value="17 Houston Mains Holdings"/>
Company/Organisation	<input type="text" value="NOW Holdings Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Uphall"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH52 6PA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Falkirk Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Land to the south west of Wester Bonhard Bo'ness EH51 9RR

Northing	<input type="text"/>	Easting	<input type="text"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Proposed erection of 3 detached dwelling houses

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate document in the Supporting Statements section

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Supporting Statement; Energy Statement; Transportation Statement; Coal Mining Risk Assessment; Contaminated Land Phase 1 Study; Historic Maps; Aerial Photos. Copies of Previous Papers.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

P/16/0074/FUL

What date was the application submitted to the planning authority? \*

01/04/2016

What date was the decision issued by the planning authority? \*

17/05/2016

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.



## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Daniel Henderson

Declaration Date: 22/07/2016



## **SUPPORTING STATEMENT**

## **NOTICE OF REVIEW**

### **P/16/0074/FUL – PROPOSED ERECTION OF 3 DWELLINGHOUSES AT LAND TO THE SOUTH WEST OF WESTER BONHARD BO'NESS EH51 9RR**

## **SUPPORTING STATEMENT**

### **INTRODUCTION**

Application for Planning Permission P/16/0074/FUL was validated on 1<sup>st</sup> April 2016 and refused on 17<sup>th</sup> May 2016 on a delegated basis. This Notice is a formal request for a review of the application.

### **REASON FOR REVIEW**

The application was refused on a delegated basis and it is considered that had more time been permitted to allow lodgement of information in support of the proposed development the application would have been granted.

### **MATTERS FOR REVIEW**

It is considered that the following matters require further consideration; -

- (a) Reason 5 for refusal was that the proposal was contrary to Supplementary Guidance SGO1 – Development in the Countryside, in that accesses to the site do not meet visibility splay requirements and as a result would not be in the best interests of road safety. Paragraph 3.4 of SGO1 states that “proposals will be required to meet the Council’s standards for access and servicing”; and “in some instances the Council will request a transport assessment”, and advises reference to the Council’s “Design Guidelines & Construction Standards for Roads in the Falkirk Council Area”. A detailed Transportation Statement is submitted as a supporting document which concludes; -
- there is no justification for refusal of the application on road safety grounds;
  - the development will not significantly affect the operation of the surrounding road networks;
  - there have been no injury accidents along the route in the last 5 years and this is indicative of no particular road safety difficulties at the location;
  - although the road is subject to the National Speed Limit ACTUAL traffic speeds are considerably lower, the road is lightly trafficked and, on the basis of the appropriate design speed the available visibility splay of 70m meets the standard prescribed in the Design Manual for Roads and Bridges – which is the appropriate standard to be applied to trunk roads throughout Scotland, England and Wales.

It is concluded that there is no justification for refusal of the application on road safety grounds.

- (b) Reason 4 for refusal was that the proposal was contrary to Policy DO4 – Low and Zero Carbon Development. The Local Development Plan (LDP) states all development proposals must be accompanied by an Energy Statement which demonstrates compliance with Policy DO4. The new houses will incorporate low and zero carbon generating technologies (LZCGT), namely photovoltaic cells, and more than 10% of the overall reduction in CO2 emissions as required by Building Standards shall be achieved by LZCGT. The design, orientation and layout of the development also seeks to minimise energy requirements through solar gain and by retention and maximisation of shelter.

An Energy Statement which demonstrates compliance with DO4 accompanies this submission and accordingly there is no justification for refusal of the application on the basis of the Low and Zero Carbon Development Policy.

- (c) Reason 3 for refusal was that “the proposal would result in the unacceptable permanent loss of prime quality agricultural land to the detriment of the farming industry and is contrary to the terms of Policy RWO4 – Agricultural Land, Carbon Rich Soils and Rare Soils of the Falkirk LDP and Scottish Planning Policy. The development site soil is not a Carbon Rich Soil and it is not a Rare Soil (such as podzols or saltings). Policy RWO4 relates to SIGNIFICANT permanent loss of prime agricultural land and it is contended that the development proposal is not contrary to RWO4 for the following reasons; -

- The area of land is so small, less than 0.73ha, that it is not significant
- The land was last actively farmed more than 26 years ago and has subsequently been used only for grazing
- The site is not part of a farm or agricultural holding and use of the land for a small housing development will not be to the detriment of the farming industry

It is considered that the development proposal is not contrary to RWO4 and that there is no justification for refusal of the application on that basis.

- (d) Reason 2 for refusal was that an adequate assessment of coal mining legacy risk had not been undertaken. A Coal Mining Risk Assessment (CMRA) and a Phase 1 Contaminated Land Report accompany this submission. These reports address the matters of coal mining legacy and possible land contamination. The CMRA identifies the issue of ground instability and indicates that remediation by grouting is likely to be required. In light of the submitted information the development proposal is not contrary to RW10 - indeed RW10 states that proposals that reduce the incidence of unstable and contaminated land will be supported – and Policy RW10 therefore provides justification for approval of the application.

It is considered that there is no justification for refusal of the application on the basis of Policy RW04.

- (e) Reason 1 for refusal is that the development would represent unacceptable development in the countryside and green belt – which is contrary to Policies CG03 –



Housing in the Countryside; CG02 – Green Belt; and Supplementary Guidance SG01 – Development in the Countryside.

Policy CG03 states that housing development in the countryside will be supported in instances of appropriate infill development; paragraph 3.10 of SG01 provides guidance on infill development and Policy HSG05 – Infill Development & Subdivision of Plots – states proposals for erecting houses on small gap sites will be permitted in certain circumstances.

The development proposal is justified in terms of Policy HSG05 and in particular; -

- The design of the proposed houses and the scale, density and disposition respect the character of the area;
- Adequate garden ground is provided;
- Adequate privacy will be afforded to the proposed and neighbouring properties;
- The proposal will not result in the loss of features such as trees, vegetation or walls;
- Proposed vehicular access, parking and infrastructure is of adequate standard for proposed and existing houses; and
- The proposed development complies in general with LDP policies.

The site is a gap site. The infill development is not backland, ribbon or sporadic development; it is appropriate and will sit well within the existing development cluster.

The development proposal constitutes infill development of a gap site in accordance with HSG05. It is in accordance with CG03 and para 3.10 of SG01 and there is therefore no justification for refusal.

- (f) The importance of meeting the new house building targets set within the Falkirk Council LDP and consequently securing the economic regeneration benefits delivered through the provision of employment in the construction industry must be fully recognised. The Council target is the delivery of 675 new houses on average per year.

From about 1916 until at least 1954 and possibly into the 1980's there were at least 10 houses between Northbank Cottages and Bonhard House.

The LDP advises that regeneration at Bo'ness Foreshore will not deliver housing until after 2024; it also states windfall sites have made a significant contribution to housing supply in the Council area and "will continue to provide additional flexibility over and above the housing allocations"; crucially the LDP states that small gap sites will be supported where Policy HSG05 is satisfied.

Approval of the 3 houses at Bonhard will result in about a million pounds being invested into the local Bo'ness economy through payments to small building contractors, roof truss manufacturers, timber yards and businesses involved in the supply of building materials and services. It will also result in Building Warrant fees of about £4000-£6000, and in almost £9000/annum being paid in respect of council tax/water charges in 2017 and every subsequent year thereafter.

At a time when many larger construction projects are being "put on hold" it is important that the Economic Development benefits delivered from lots of smaller construction projects are facilitated and encouraged.

In conclusion – our sincere belief is that the application would not have been refused if all the information relating to the development proposal had been provided prior to determination.

We respectfully request that the application is now approved.

DH/MH 15/07/2016 Version 1.1.

## **ENERGY STATEMENT**