

NOTICE OF REVIEW

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

The Town and Country Planning (Schemes 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	<div>MR</div>	Ref No.	
Forename	<div>FRANK</div>	Forename	
Surname	<div>BARR</div>	Surname	
Company Name		Company Name	
Building No./Name	<div>1/2 LIVINGSTONE</div>	Building No./Name	
Address Line 1	<div>RISE</div>	Address Line 1	
Address Line 2	<div>GLENGRAE</div>	Address Line 2	
Town/City	<div>FALKIRK</div>	Town/City	
Postcode	<div>FK1 2AE</div>	Postcode	
Telephone	<div>01324 873568</div>	Telephone	
Mobile	<div>07742956560</div>	Mobile	
Fax		Fax	
Email	<div>frankbarr@hotmail.com</div>	Email	
3. Application Details			
Planning authority		<div>FALKIRK COUNCIL</div>	
Planning authority's application reference number		<div>P/16/0207/F42</div>	
Site address			
<div>GROUND TO THE SOUTH OF 1/2 LIVINGSTONE RISE GLENGRAE</div>			
Description of proposed development			
<div>3 houses</div>			

Date of application

10 Feb. 2017

Date of decision (if any)

5/3/17

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.

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.

DO NOT THINK ANY OF THE REASONS GIVEN FOR REFUSAL ARE VALID.
LAND IS A STRIP BETWEEN 1/2 LIVINGSTONE RISE AND HAD PERMISSION PREVIOUSLY FOR A C/8 HOUSE DEVELOPMENT AND WAS COVERED BY LARGE FARM BUILDINGS.
EXAMPLES OF HOUSES BUILT BACK TO BACK AS PROPOSED HAVE MANY SIMILAR EXAMPLES THROUGHOUT THE COUNCIL AREA
THE HOUSES HAVE BEEN DESIGNED SO AS NOT TO HAVE ANY HAYSTACK ROOFS OVER LOOKING REAR

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.

NOT GIVEN ENOUGH CONSIDERATION

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

Pictures And Paper Work Can Be Provided If
Required

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:

PLANNING

Date:

10/8/17

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.

Local Review Body
Falkirk Council
Abbotsford House
Davids Loan
Falkirk



Frank Barr
1 Livingstone Rise
Falkirk
FK1 2AE



Planning Reference **P/16/0707/FUL**

Dear Members

With respect to the above planning application, I do not agree with the conclusions for the following reasons.

Point 1

Several years ago the council granted permission for 6 houses to be built on the site even though it was outside the development plans and although the plans have been updated, there have been no significant changes to the development guidelines since that planning was granted.

The only significant changes that have occurred since the permission was granted, is that the site was cleared of all the legacy farm buildings due to the council serving a dangerous buildings notice.

A few years ago I applied for 2 houses to be built on the site which at first was recommended for refusal by the officer but was called in by the then convener of planning councillor J Constable. A site meeting took place followed by a fully planning meeting at which councillor J Constable stated that he failed to understand how planning permission for houses could be granted then refused by officer's when no significant changes had occurred and that they were in his words dealing with what was clearly a brown field site and motioned that permission be granted. The motion was then voted on by the committee subsequently passed unanimously.

Point 2

The permission is being sought on the remaining ground to the rear of the two houses which were built. This is a strip of land that fulfils no useful purpose which lies derelict, overgrown and rather ironically leads to complaints from the neighbours to the rear who are now objecting to the plan. These very same people who are now complaining to a loss of views, after years of looking on to the rear of derelict farm buildings, neglected overgrown ground that was used by several of them as their personal rubbish dump before I removed the rubbish and cleared the site up.

On the issue of over development, it is proposed to have 5 houses on approximately 1 acre of land with none of the three houses proposed exceeding 1 to 4 building to garden ratio and if 9 council houses to the rear occupy the same space as I propose to build three house I fail to see how this could be considered overdevelopment.

With respect to the issues of "daylight, outlook and residential amenity", given the relevant positions of the buildings 15 meters apart, government guidelines state that a straight line hedges to a height of 8.5 meters would be permitted without affecting daylight and since only a very small part of two gables reach 8.2 Metres at their peak there would be no significant issues with daylight according to government guide lines.

Many houses in the area are built back to back in fact my son lives in relatively new house at Burder Park Carron where his house backs on to his neighbours roughly the same distance apart as proposed here, the only difference is that in his case habitable rooms overlook each

other while the buildings proposed here have no habitable rooms overlooking the houses to the rear so subsequently would have no impact on the residential amenity of existing residents.

In conclusion this site never was open country it was a derelict farmyard covered with farm buildings which have now been removed, but is not and never will become open countryside. It is, as stated above by councillor Constable "clearly a brown field site" and if building is not permitted then some other use for it will have to be sought.

Kind Regards

Mr Frank Barr

Please find attached for your reference ...

1. The attached is an very early photo of the site showing the buildings that were present however at the time the farm was purchased in 1996, most of the buildings roofs other than the farm house were in a pretty bad state either missing or collapsed. The steel sheds that can be seen to the left of the pitched roofs had sheets missing with sever corrosion eating through the remainder.
2. The other is a plan showing the outlines of the development as was at the time of purchase.



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Location Map



