



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 100062382-002

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:	<input type="text" value="Hardie Associates Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Colin"/>	Building Name:	<input type="text" value="78"/>
Last Name: *	<input type="text" value="Hardie"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01506 633979"/>	Address 1 (Street): *	<input type="text" value="Hopetoun Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Bathgate"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="West Lothian"/>
		Postcode: *	<input type="text" value="EH48 4PD"/>
Email Address: *	<input type="text" value="chardie@hardie-associates.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Green"/>	Address 1 (Street): *	<input type="text" value="Milne Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Falkirk"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="FK2 9GT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

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

<input type="text" value="Land East of Calzieveg, Standburn"/>
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Northing	<input type="text" value="674708"/>	Easting	<input type="text" value="292769"/>
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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)

Erection of Two 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.

We do not believe the Planning policies were applied appropriately and ask the LRB to review this. Please see supporting statement.

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

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

P17/0517/FUL

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

10/08/2017

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

06/10/2017

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We think it is important for the LRB to see the topography of the site and its context to the wider H73 site.

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 Colin Hardie

Declaration Date: 08/12/2017

HARDIE ASSOCIATES LTD

**PROPOSED RESIDENTIAL DEVELOPMENT**

**Land to the North East of Standburn Villa, Falkirk**

**SUPPORTING INFORMATION FOR**  
**LOCAL REVIEW BODY**

Dec 2017

78 Hopetoun Street, Bathgate, West Lothian, EH48 4PD

Tel. 01506 633979

## **BACKGROUND**

The planning application P17/0517/FUL was refused by Falkirk Council 06/10/2017 on the basis of seven factors, all of which relate to the Local Development Plan allocated housing site H73 and it's associated Supplementary Planning Guidance.

The applicant's father had previously obtained Planning Consent for the erection of 3 houses, which was approved on 25<sup>th</sup> August 2011 and expired in August 2014.

It is relevant to highlight that the SPG referred to in relation to the wider Standburn site was accepted by Council on 9<sup>th</sup> August 2011, two weeks prior to the approval granted to Mr Paterson.

The fundamental issue is that the current applicant and her brother, who lives adjacent to the application site, do not want to develop the wider site. They own the majority of Area B shown in the SPG and a large section of Area A, which fronts the public road. It should be noted that none of the family have ever promoted the site in the Local Plan process, or were consulted about it's inclusion.

## REASONS FOR REFUSAL

- (1) “The proposal fails to demonstrate that the wider allocated housing site (H73) could be suitably and safely accessed following completion of the current application proposal to the potential detriment of road safety and contrary to the terms of policy HSG04.”

We cannot agree with this statement. The concept of accessing the wider site was introduced very late in the application process and we were immediately able to demonstrate how access could quite easily be achieved, with our proposal in place. The main access road would be framed by the existing properties and proposed new houses. We also anticipated our client's two plots being entered from the new road junction, to avoid any vehicle safety issues.

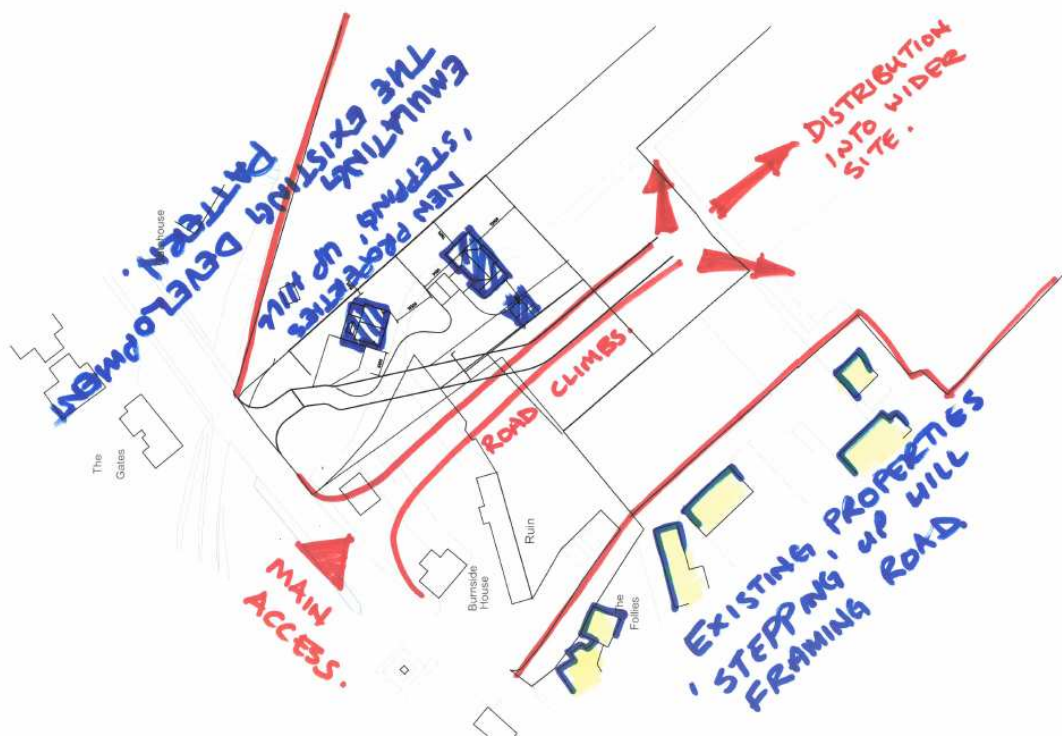


Figure 1 - sketch sent to the case officer showing a suitable access point

- (2) “By virtue of a lack of detail in respect of boundary treatments, landscape planting and a wider masterplan for the H73 site, the proposal fails to achieve the proposed design and layout quality set out within the H73 site schedule and supplementary guidance 'Standburn Housing Allocation - H.STA1' to the potential detriment of urban design, residential, visual and landscape amenity and placemaking. The proposal fails to accord with the terms of policy HSG04 - Housing Design, D01 - Placemaking and GN04 - Trees, Woodland and Hedgerows of the Falkirk Local Development Plan.”

Our application is for two house plots only and as such, we could not be expected to design elements wholly outwith this and which have no bearing on this application site .



- (3) *The proposal fails to demonstrate how affordable housing requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy HSG02 - Affordable Housing of the Falkirk Local Development Plan.*

Our application was for 2 houses and under the terms of Falkirk Council's Supplementary Guidance SG12 , the threshold for affordable housing is 20 units. We are below that threshold and therefore, the policy is not applicable.

- (4) *The proposal fails to demonstrate how developer contribution requirements relating to Education infrastructure requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF05 - Education and New Housing Development and INF02 - Developer Contributions of the Falkirk Local Development Plan.*

Our application was for 2 houses and under the terms of Falkirk Council's Supplementary Guidance SG10 , the threshold for education contributions is 4 units. We are below that threshold and therefore, the policy is not applicable.

- (5) *The proposal fails to demonstrate how developer contribution requirements relating to Open Space provision requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF04 - Open Space and New Residential Development and INF02 - Developer Contributions of the Falkirk Local Development Plan.*

Our application was for 2 houses and under the terms of Falkirk Council's Supplementary Guidance SG13 , the threshold for open contributions is 3 units. We are below that threshold and therefore, the policy is not applicable.

- (6) *The proposal fails to demonstrate how developer contribution requirements relating to Core Path upgrade requirements in the surrounding area would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF07 - Walking and Cycling and INF02 - Developer Contributions of the Falkirk Local Development Plan.*

The route core path of 022/944 goes through the allocated site H73, however it is outwith the application site and not even in the ownership of the applicant. Whilst the need for the core path is acknowledged, this should be addressed by any developer looking at Area A in a wider context.

*(7) The proposal fails to demonstrate that the wider allocated housing site (H73) could be suitably drained following completion of the current application proposal with the potential for surface water flooding to increase as a result of development. The proposal is therefore contrary to the terms of policy INF12 - Water and Drainage Infrastructure of the Falkirk Local Development Plan.*

It is acknowledged that INF12 is appropriate and should be addressed by any developer looking at Area A in a wider context, not the current applicant.

## **CONCLUSION**

Our firm belief is that the application has been inappropriately assessed in terms of the wider site. The proposal ought to have been considered as the two houses which we applied for and not the larger allocated site, which our client has no intention of developing.

Fundamentally, our client has the right to decide whether she wishes to sell her additional land for development and should not feel pressured into taking this step, on account of Falkirk Council having made a decision on her behalf, without prior consultation with either herself or her father, the previous owner.