

HARDIE ASSOCIATES LTD

LOCAL REVIEW BOARD SUBMISSION
LAND TO EAST OF BRAEFOOT ROAD,
BO'NESS

June 2019

BACKGROUND

An application was submitted in 2016 (P/16/0063/PPP) and subsequently withdrawn on the advice of the case officer. At that time, the site was presently on the town fringe and it was recommended that we re-submit after an application for the neighbouring major development (P/15/0364/FUL) was concluded, whereby this land would essentially become a gap site and therefore more appropriate for residential development.

PROPOSAL

In due course, we re-submitted our application (P/17/0060/PPP). This was again withdrawn on the advice of the case officer, who could not support the proposal as the Coal Mining Risk Assessment noted shallow underground workings. We were asked to demonstrate that the site could be safely developed and my client commissioned specialist reporting, to obtain confirmation that the site was safe to build on.

Once again, we submitted a third application (P/18/0384/FUL) with all the supporting information. This application was refused by Falkirk Council on the basis that it would constitute the loss of amenity open space. This fundamental issue had not been raised at any time, prior to being informed that it was being refused for this sole reason.

BASIS OF APPEAL

There are inconsistencies and inaccuracies in the handling of these applications.

The application site comprises a modest single house at the rear of a large plot. The build zone represents only 15% of the overall site and is indicated in line with the adjacent houses on Henry Street. This build zone is barely visible from Braefoot Road and does not adversely impact the open aspect from this approach. Similarly, the plot is located at the end of a private lane on Henry Street, where the neighbouring owner has substantial tree planting on his boundary.

With the 167 unit Miller Homes development under construction next to this, the impact of one further house is insignificant by comparison.

The site has never been a quality amenity site, as demonstrated by the historic photographs below. The designation as 'amenity open space' is refutable in any case, as the land has always been in private ownership and fenced off.

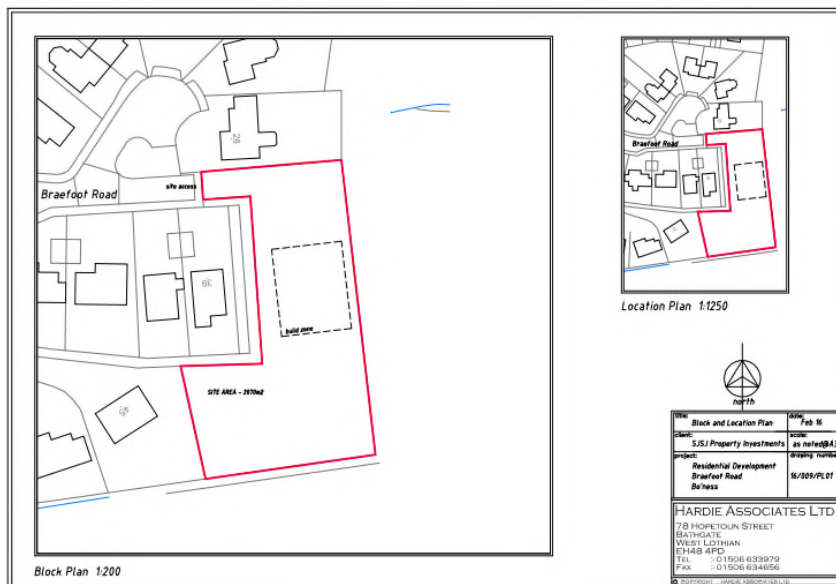


CONCLUSION

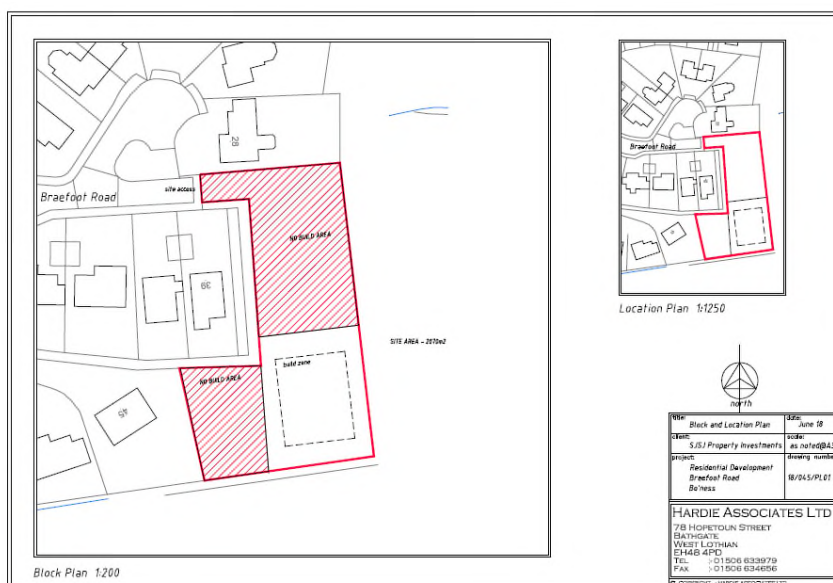
It is unreasonable to have refused our third application on an issue which was never raised during any of the prior applications. If 'amenity open space' was the overriding factor, this should have been indicated at the outset, in which case my client would not have incurred the financial cost of multiple application fees and environmental consultants.

Furthermore, we note that the site layout stamped as part of the refusal documents was a superseded version which did not even form part of that current application. The actual proposal has a far different layout which maintains the open aspect at Braefoot Road. The two are clearly different and the submitted plan shows a far reduced impact on the neighbouring properties, plus open aspect at the end of Braefoot Road. We would question whether the correct plans have been assessed and did Council members see the accurate layout when distributed on the Delegated List?

REFUSED PLAN



ACTUAL SUBMITTED PLAN





MM-EC Geoenvironmental Ltd
Langshiel
11 Westerhill
Perth
PH1 1DH

Email: david.moore@mm-ec.co.uk

Invoice To:
SJSJ Property Investments Ltd
PO Box 21
Bathgate
EH48 2HZ

INVOICE

DATE: July 18th, 2017
Payment terms are strictly 30No: days.

INVOICE: 01069

For:
Consultancy Services

Att: Mr Stewart Melrose
Email: stewart@scotwaste.com
Tel: 01506 656560

CC: Mr Colin Hardie (Hardie Associates Ltd)
Tel: 01506 633979
Email: chardie@hardie-associates.co.uk

DESCRIPTION	AMOUNT
Mineral Stability & Coal Mining Risk Assessment, Braefoot Road, Bo'ness EH51 9TX.	
CMRA Archive Review	£500.00
Provision of Public Utility / Service Plans	£125.00
Trial Pitting / Trenching Site Supervision	£360.00
Excavator Hire	£330.00
Reporting	£360.00
Sum Total	£1,675.00
VAT @20.0%	£335.00
TOTAL	£2,010.00

Bank Details
HSBC, 82-84 High Street, Perth, PH1 1DH
Sort Code: 40-22-64
Account No: 90049379

VAT No: 984 3518 85

Company registered in Scotland No: 371903

paid 24.7.17
cheque, 000053