

List of Enclosures – Agenda Item 3

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NOTICE OF REVIEW



UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY 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 2008

Falkirk Council

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 that the guidance notes are issued by the Scottish Government. They apply to planning authorities generally and not specifically to Falkirk Council

In terms of the Act and regulations referred to above, Falkirk Council's Planning Review Committee sits as the "local review body".

Please use BLOCK CAPITALS if completing by hand.

Applicant(s)

Name	DAVID DONALDSON
Address	5 DENFORD COURT DENFORD AVENUE ST ANNES ON SEA
Postcode	FY8 1ES
Tel	
Mobile	
Fax	
e-mail *	

Agent

Name	GRAHAM JINKS
Address	23 ERISKAY AVENUE HAMILTON
Postcode	ML3 8QR
Tel	[REDACTED]
Mobile	[REDACTED]
Fax	
e-mail *	[REDACTED]

Mark this box to confirm all contact should be through your agent or representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority's application reference number

P/11/0465/PPR

Site address

Description of proposed development

RUMAH, SHIELDHILL ROAD, REDDINGMURHEAD, FALKIRK
SUBDIVISION OF PLOT & ERECTION OF
NEW DWELLINGHOUSE

Date planning application declared
valid by Planning Authority

18.7.11

Date of Decision (Leave blank if
appeal against non-determination)

16.9.11

Note. This notice must be served on the planning authority within **three months** of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. 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) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Planning Review Committee 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 consider that the review should be conducted by a combination of procedures. Please note, however, that the final decision as to procedure will rest with the Planning Review Committee.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

☐
☒
☒
☐

If you have marked box 1 or 2, 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 are necessary:

TO ALLOW FULL DISCUSSION OF PLANNING & ROADS ISSUES

Site inspection

In the event that the Planning Review Committee decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If there are reasons why you think the Planning Review Committee would be unable to undertake an unaccompanied site inspection, please explain here:

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. 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 Planning Review Committee to consider as part of your review.

If the Planning Review Committee issues a notice requesting further information from any other person or body, copies of any such information received will be sent to you and 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 in the space provided 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.

Are you submitting a statement of reasons for review in a separate document?

Yes
☒

No
☐

Reasons for Notice of Review

SEE ACCOMPANYING PLANNING STATEMENT
AND TRAFFIC REPORT

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

Yes
☒

No
☐

Are you submitting additional documentation?

☒

☐

If you answer yes to either or both of the above questions, you should explain in the box below, why you are raising new material and/or introducing additional documentation, why it was not raised with or made available to the appointed officer before your application was determined and why you think it should now be considered in your review. Please note that it will be for the Planning Review Committee to decide whether or not all or any of the new material/additional documentation will be considered in the review.

TRAFFIC REPORT PROVIDES A COMPREHENSIVE RESPONSE
TO CONCERNS RAISED BY ROADS DEPARTMENT

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 and intend to rely on in support of your review.

1.	PLANNING STATEMENT
2.	TRAFFIC REPORT
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

23. 11. 11

This form and other documents should be returned to:

The Development Manager,
Development Services,
Abbotsford House,
Davids Loan,
Falkirk FK2 7YZ

PLANNING REVIEW COMMITTEE

PLANNING STATEMENT

APPLICATION P/11/0465/PPP

SUB-DIVISION OF PLOT AND ERECTION OF NEW DWELLING HOUSE

RUMAH, SHIELDHILL ROAD, REDDINGMUIRHEAD, FALKIRK

BACKGROUND

Planning application P/11/0465/PPP was registered on 18th July 2011 and refused under delegated powers on 16th September 2011.

This statement sets out reasons why the planning policies, which formed the basis for refusal as shown in the decision notice, are flawed in respect of this application and that conditional planning consent should be granted. The statement is accompanied by a Traffic Report, prepared by a Chartered Civil Engineer, which focuses on the concerns surrounding the application as detailed in the Council Roads department memo of 8th September 2011.

PLANNING POLICY

The application was refused on road safety grounds, and as such was contrary to the terms of Policies SC2 and SC8 of the Falkirk Council Local Plan.

Policy SC2 Windfall Housing Development within the Urban/Village Limit lists a range of six criteria which justify windfall housing development. Five of these can be achieved by the applicant. Council concern relates to points (4) and (5) i.e. whether roads, in this case Shieldhill Road, have the capacity to accommodate the proposal.

More importantly, SC8 Infill Developments and Sub-Division of Plots sets out guidance against which proposals for infill developments/sub-division of plots are assessed. Six criteria relate to scale, density, garden ground, privacy, character and amenity – these can be complied with/achieved by the applicant. Only (5) is at issue – the proposed vehicle access and other infrastructure should be of adequate standard. This matter is addressed in the Traffic Report.

It is therefore clear that the various planning criteria contained in these policies are achievable with the possible exception of road safety related matters.

TRAFFIC REPORT

The points of concern raised by the Council Roads department have been carefully assessed by an independent Civil Engineer, whose attached study examines

1. visibility to the east of the site
2. safety record
3. traffic survey data

It is concluded that the proposal meets the latest access and visibility standards. Furthermore, accident records used by the Council should be reviewed and it is argued that options are available to improve the existing

speed and accident situation. In respect of the final point, the applicant is prepared to make an appropriate financial contribution.

CONCLUSION

It is submitted that the Planning Review Committee should reconsider the refusal decision, ideally on the basis of this report together with a site visit. The 'planning' guidelines contained in Policies SC2 and SC8 can be met. Furthermore, the 'roads' basis for refusal should be reassessed in line with the findings of the Traffic Report. For these reasons conditional consent should be granted.

Appendix 1



Foreword

Scotland's best streets provide some of the most valuable social spaces that we possess. The process of street design offers an opportunity to deliver far more to our society than simply transport corridors. Well-designed streets can be a vital resource in social, economic and cultural terms; they can be the main component of our public realm and a core element of local and national identity. Well-designed streets can also be crucial components in Scotland's drive towards sustainable development and responding to climate change. Attractive and well-connected street networks encourage more people to walk and cycle to local destinations, improving their health while reducing motor traffic, energy use and pollution.

Historically, Scotland has produced a wealth of unique and distinctive streets, squares, mews and lanes, and I believe that there is a great deal that can be learned from our past successes in this regard. *Designing Streets* is now positioned at the heart of planning, transport and architecture policy. This document underpins Scottish Ministers' resolve to move away from a prescriptive, standards-based approach in order to return to one which better enables designers and local authorities to unlock the full potential of our streets to become vibrant, safe and attractive places.

I welcome *Designing Streets* as a new policy document which puts place and people before the movement of motor vehicles. The Scottish Government is committed to an agenda of sustainable development that focuses on the creation of quality places and Scottish Ministers believe that good street design is of critical importance in this effort. This policy statement represents a step change in established practices and, given the direct influence that streets can have on our lives and environment, I believe it to be an essential change.

John Swinney MSP
Cabinet Secretary for Finance and Sustainable Growth

place
before movement

Stopping sight distance

The stopping sight distance (SSD) is the distance within which drivers need to be able to see ahead and stop from a given speed.

The SSD values used in *Designing Streets* are based on research into deceleration rates, driver perception-reaction times and speed. These SSD values are appropriate for residential and lightly trafficked streets. The table below shows the effect of speed on SSD. These values are independent of traffic flow or type of road. It is recommended that they are used on all streets with 85th percentile wet weather speeds up to 60kph.

Below around 20 mph, shorter SSDs themselves may not achieve low vehicle speeds: the design of the whole street and how this will influence speed needs to be considered at the start of the process; e.g. the positioning of buildings and the presence of on-street parking.

Further information on SSDs, including details of the calculation formula, and also the relationship between visibility and speed is available in *TRL Report No. 332*¹¹ and *TRL Report No. 661*¹².

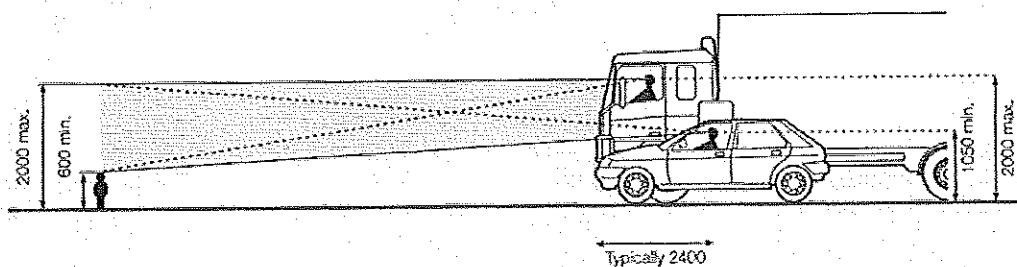
Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
	SSD (metres)	9	12	15	16	20	22	31	36	40	43	56
	SSD adjusted for bonnet length	11	14	17	18	23	25	33	39	43	45	59

Visibility requirements

Visibility should be checked at junctions and along the street. Visibility is measured horizontally and vertically.

Using plan views of proposed layouts, checks for visibility in the horizontal plane ensure that views are not obstructed by vertical obstructions.

Checking visibility in the vertical plane is then carried out to ensure that views in the horizontal plane are not compromised by obstructions such as the crest of a hill, or a bridge at a dip in the road ahead. It also takes into account the variation in driver eye height and the height range of obstructions. Eye height is assumed to range from 1.05 m (for car drivers) to 2 m (for lorry drivers). Drivers need to be able to see obstructions 2 m high down to a point 600 mm above the carriageway.



Visibility splays at junctions

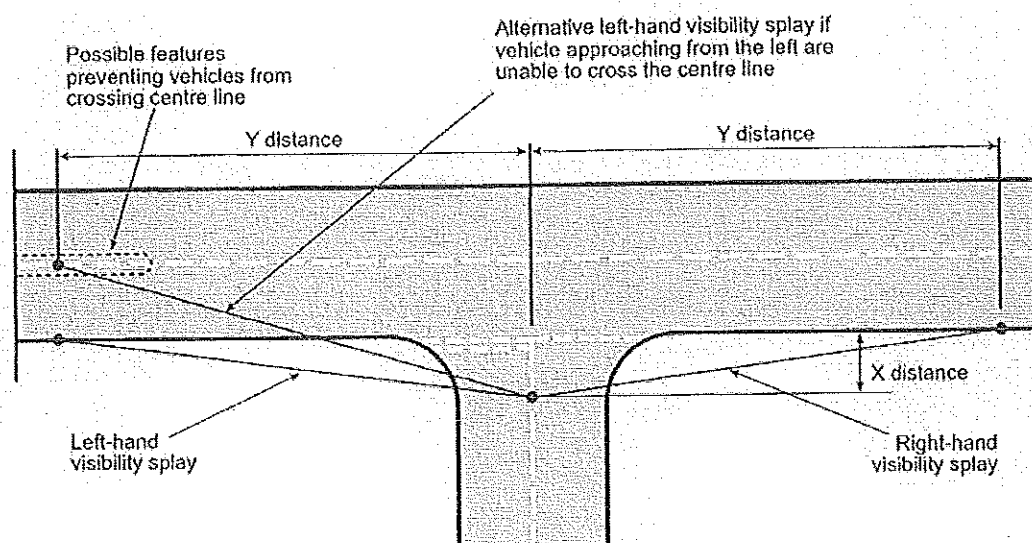
The visibility splay at a junction ensures there is adequate inter-visibility between vehicles on the major and minor arms.

The distance back along the minor arm from which visibility is measured is known as the X distance. It is generally measured back from the 'give way' line (or an imaginary 'give way' line if no such markings are provided). This distance is normally measured along the centreline of the minor arm for simplicity, but in some circumstances (for example where there is a wide splitter island on the minor arm) it will be more appropriate to measure it from the actual position of the driver.

The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment. For simplicity, it is measured along the nearside kerb line of the main arm, although vehicles will normally be travelling a distance from the kerb line. The measurement is taken from the point where this line intersects the centreline of the minor arm (unless, as above there is a splitter island in the minor arm).

When the main alignment is curved and the minor arm joins on the outside of a bend, another check is necessary to make sure that an approaching vehicle on the main arm is visible over the whole of the Y distance. This is done by drawing an additional sight line which meets the nearest wheel track at a tangent.

Some circumstances make it unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm – opposing flows may be physically segregated at that point, for example. If so, the visibility splay to the left can be measured to the centreline of the main arm.



X and Y distances

An X distance of 2.4 m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.

Using an X distance in excess of 2.4 m is not generally required in built-up areas.

The Y distance should be based on values for SSD.



Quadrant kerbside areas used instead of large road at junctions reduce the dominance of the overgrowth and respond to pedestrian desire lines. This is reinforced by the placement and form of the adjacent buildings.

Spacing of junctions

The spacing of junctions should be determined by the type and size of urban blocks appropriate for the development. Block size should be based on the need for permeability and, generally, tends to become smaller as density and pedestrian activity increases.

Smaller blocks create the need for more frequent junctions. This improves permeability for pedestrians and cyclists, and the impact of motor traffic is dispersed over a wider area. Junctions do not always need to cater for all types of traffic. Some of the arms of a junction may be limited to pedestrian and cycle movement only.

Turning areas

Connected street networks will generally eliminate the need for vehicles to turn around.

Where it is necessary to provide for vehicles turning (e.g. in a cul-de-sac or court), a tracking assessment should be made to indicate the types of vehicles that may be making this manoeuvre and how they can be accommodated. The turning space provided should relate to its environment, not specifically to vehicle movement, as this can result in a space with no use other than for turning vehicles. To be effective and usable, the turning space must be kept clear of parked vehicles. It is essential, therefore, that adequate parking is provided for residents in suitable locations.

Overrun areas

Overrun areas should generally be avoided in residential and mixed-use streets. They can:

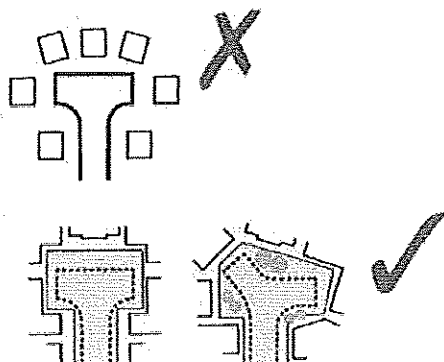
- ❑ be visually intrusive;
- ❑ interfere with pedestrian desire lines; and
- ❑ pose a hazard for cyclists.

Overrun areas can, however, help to overcome problems with regular or high volume access for larger vehicles.

Frontage access

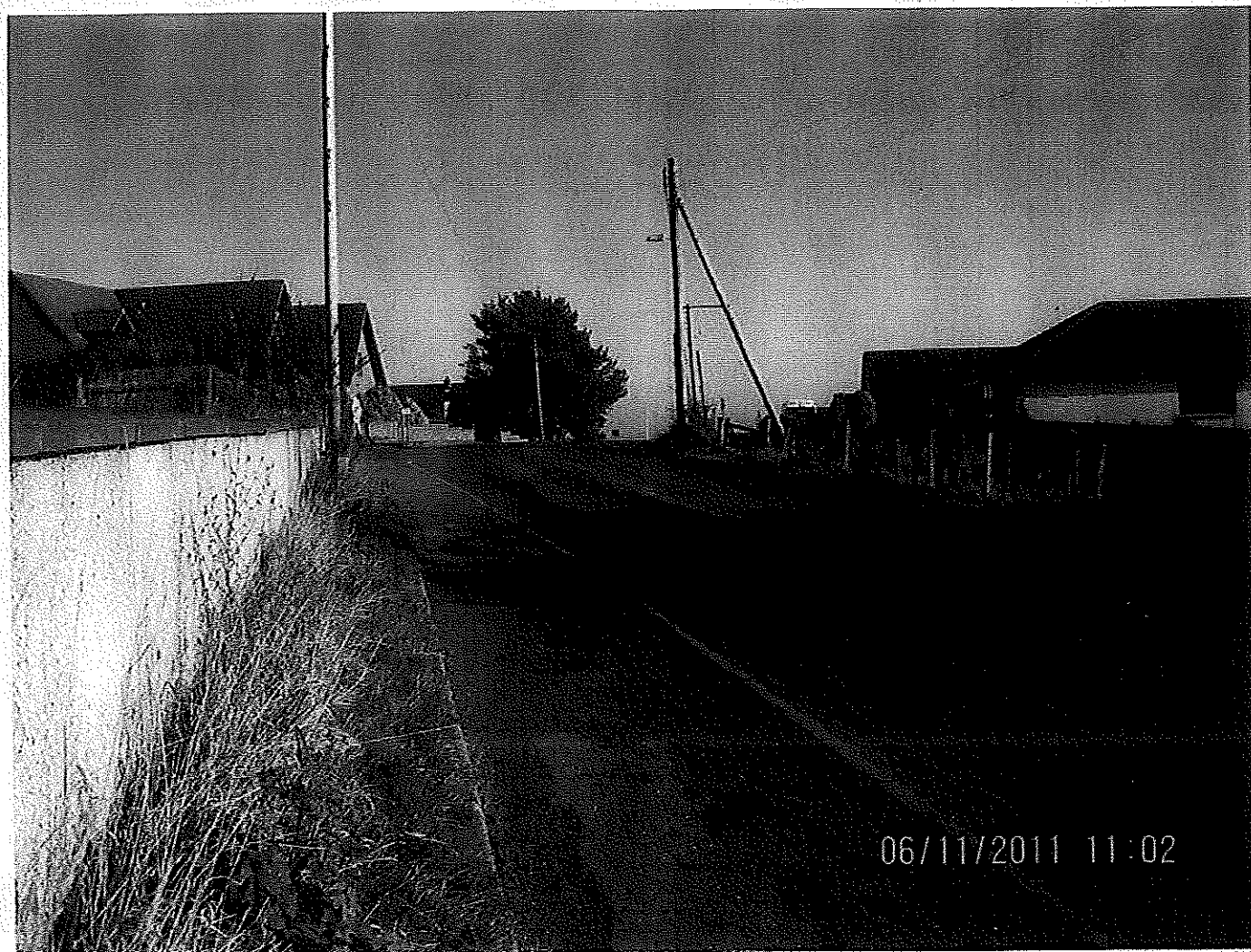
One of the key differences between streets with a 30 mph speed restriction or below and roads is that streets normally provide direct access to buildings and public spaces. This helps to generate activity and a positive relationship between the street and its surroundings. Providing direct access to buildings is also efficient in land-use terms.

It is recommended that direct access on roads with a 30 mph speed restriction is acceptable with flows of up to 10,000 vehicles per day.



Appendix 2





Appendix 3





Appendix 4

