

From: [Jim Millar](#)
To: [Nicola Wotherspoon](#)
Subject: FW: Planning Application P/18/00384/PPP
Date: 05 July 2024 09:04:04
Attachments: [image001.png](#)
[Factor Estate Plan.pdf](#)

Jim Millar
Committee Officer
Democratic Services
01324 501927



From:
Sent: Tuesday, June 25, 2024 7:23 PM
To: Jim Millar <Jim.Millar@falkirk.gov.uk>
Subject: Planning Application P/18/00384/PPP

Good evening,

Many thanks for your recent letter confirming the updated planning proposal for the above application.

Having reviewed this, I have no concerns around the building of a dwelling upon this land; however, my concern now surrounds the proposal of public areas and a pathway connecting the estates.

We have had issues with people using this land as a throughway between the estates in the past and the building of a path directly behind my property and into a private, residents car park does raise security concerns given the increased foot traffic.

I am a young woman who lives on her own and my neighbours are both elderly. Myself and my neighbours have already built an additional fence in an attempt for more security given the foot traffic on this land with people coming through at all hours. In all honesty, we would hope the erection of a property would stop this from occurring.

I am unsure if you will have had access to this but I have also reviewed the attached plans provided by the factor of our estate and there appears to be a border and boundary (see red line) between the estate and the planner's land so the path would be unable to connect without traversing this land which the planner does not have

jurisdiction over.

To confirm, I have no issues with the erection of a dwelling and feel it would be beneficial to see the land used for something other than scrub, however, I am concerned about the proposed public areas due to this connecting into a private car park and security.

I appreciate your consideration in this matter and thank you for your time.

Best wishes,

Emily Barr

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From: [Robert and Sheena Barr](#)
To: [Jim Millar](#)
Subject: Re: PLANNING APPLICATION P/16/0:0384/PPP ; ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF 39 BRAEFOOT ROAD. BO"NESS
Date: 19 June 2024 21:26:35
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)
[shield-advisory.png](#)
[chevron-light.png](#)
[shield-advisory.png](#)
[chevron-light.png](#)

External email

First time sender

Contains topics of a financial nature

From:
Sent: 18 June 2024 16:36
To: jim.millar@falkkirk.gov.uk <jim.millar@falkkirk.gov.uk>
Subject: PLANNING APPLICATION P/16/0:0384/PPP ; ERECTION OF DWELLINGHOUSE ON LAND TO THE EAST OF 39 BRAEfoot road, bo'nwaa

I acknowledge receipt of your letter and enclosures re the above.

This correspondence regarding this has been going on for more than 8 years ever since Robertson Homes finished as a Company. The first person to buy this land and attempt to get permission to build a house was a local solicitor but after a site meeting with the late John Constable, the Scottish Office and local householders, the Scottish Office said that no building should be permitted.

When this firm in Bathgate got hold of it, there has been correspondence re this since 2016 at least. Drilling took place but 3 mine shafts were discovered and, according to a report, (which we saw online), it would cost at least £60,000 per shaft to cap them. This drilling etc was done with out Falkirk Council permission Since then, we have had occasional correspondence but nothing happened to the land and we assumed that the developer had given up due to the cost.

Robertson Homes used this land as a dumping ground for builders rubble. The last time this ground was bored it almost broke the boring machine as it was bouncing off broken slabs, pipes etc.

According to what we were told when we moved into our house in

1984, this land was to be a children's play area and that Robertson Homes had lodged a Bond with Falkirk Council for the ground to be kept tidy in perpetuity. Falkirk Council did keep the land tidy but nothing was done as it went up for sale after the pylons were removed.

I am disabled and would require this to be signposted in front of my garage either on the garage wall or painted on the road.

Why does this person keep applying when there are hundreds of houses being built in Bo'ness which are not selling. It would be much cheaper just to keep the ground tidy but that would result in a big loss to them.

Referring to the last meeting of your Planning Application Committee, when is this site visit likely to take place by the members so they can see the lie of the land? This land is NOT flat and the mess caused by lorries removing soil would be horrendous. Not only that, is the end of Braefoot Road wide enough to take lorries of the size to remove this soil etc.

I await your comments.

ROBERT R BARR

From: [Walter Lapsley](#)
To: [Jim Millar](#)
Subject: P/18/00384/PPP (Land East of Braefoot Road, Bo'ness)
Date: 19 June 2024 14:45:07
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)

External email

Dear Jim Millar

With regards to the proposed planning development I object for the following reasons:-

- There was never to be public access from Braefoot Road to Charles Snedden Avenue when Miller Homes built the development.
- The land you are proposing joining is factor land and we will never give permission for it to join onto a public pathway (Ross & Liddell, Edinburgh).
- The carpark is private by creating a pathway in will bring people, bikes etc through it which was never intended. It will also cause a safety issue for cars getting damaged.
- Creating a path way is going mean people are going to walk in front of my window/door and our paths were never created for that. (It's a slabbed pathway which was never intended for high pedestrian traffic)
- Creating a path way is also going to cause safety issue to our property.
- There is no street lighting at the car park boundary joining onto Braefoot Road land (it would impose a health and safety concern).
- There is no visibility when exiting the car park due to the high wall. We have said on many occasion it's an accident waiting to happen when children run out. A pathway would allow more children to access the area which would make the chances of an accident taking place higher.
- The applicant proposing this would never agree to a pathway in front of their property.
- The car park is private ground and we have a legal obligation to maintain it. You have no legal access to it.

Having reviewed the documentation we now have no objection to the original submitted plan. We also have no objection to the proposed house development in itself but greatly object to any public pathways that would be created with this development.

Regarding our conversation we feel that you have an obligation to contact every household within the area of this development for their opinions. We believe that each and every house should be notified and not just the ones that objected to this previously. There are three households in our area that we know of that did not receive a letter and they also object to these plans (numbers 25, 27 & 29 Charles Snedden Avenue. Some of these have since moved here and have no knowledge of the previous application)

We look forward to your response.

Kind regards
Moira & Walter Lapsley

Sent from my iPad

From: [smith duncan](#)
To: [Jim Millar](#)
Subject: RE: Planning Application P/18/00384/PPP , Erection of Dwellinghouse on Land to EAST OF Braefoot Road, Bo"ness
Date: 20 June 2024 15:53:00
Attachments: [image001.png](#)
[shield-advisory.png](#)
[chevron-light.png](#)

External email

Thank you for your timely reply ,
The only other point I would make is that the path that is proposed along my boundary will pass at a distance of 2 meters of my back door which will In my opinion impinge on my privacy.

On 20/06/2024 09:55 BST Jim Millar <jim.millar@falkirk.gov.uk> wrote:

Good morning Mr Smith,

Thank you for this submission, and I can confirm receipt before the 1 July deadline.

Once submissions are received from all parties, I will share your submission with the applicant as per the process outlined in my previous letter. The applicant will then have an opportunity to respond to your submission, although they are not obliged to do so. This will then bring the written submissions procedure to a close and the matter will be referred back to the Planning Review Committee.

Please don't hesitate to get back in contact if you have any further questions.

Kind regards,

Jim Millar

Committee Officer

Democratic Services

01324 501927



From:

Sent: Wednesday, June 19, 2024 2:45 PM

To: Jim Millar <Jim.Millar@falkirk.gov.uk>

Subject: Planning Application P/18/00384/PPP , Erection of Dwellinghouse on Land to EAST OF Braefoot Road, Bo'ness

With regard to the above Application, I have looked at the proposed plan and note that it includes a path that will run along the boundary line of my property at 28 Braefoot Road. At the moment people have for some time used a track from Charles Sneddon Avenue to Braefoot Road but it runs directly to Braefoot Road and not along my boundary .There has never been a path along my boundary.

The site is not flat and the lowest point is opposite my back door. The path would slope downwards from Braefoot Road and Charles Sneddon Avenue to the low point at my back door. In the past I put drainage at the low point to prevent possible flooding from the low point. My fears are that creating a path will risk possible

flooding due to the increased rainfall that is now occurring due to climate change unless adequate drainage is installed,

I have already had some flooding that occurred into my garden during the building of the properties at Charles Sneddon Avenue but it only affected the top part of my garden and only really caused damage to gardens adjoining my house.

Yours sincerely,

Duncan Smith

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30 June 2024

Planning Application P/18/00384/PPP

By email to jim.millar@falkirk.gov.uk

Dear Mr Millar

Thank you for your letter and the copy of the revised plans for this application.

This is the first time that I have seen the revised plans and application.

My house/garden is the closest and most affected by this proposed development and I have been engaged with this application process since it was first lodged.

On that basis I make the following points that I wish to be considered by the planning committee in its further deliberations about the application.

I note that the original “minded to grant” decision in 2022 contained a numbered (1 to 6) list of conditions that needed to be satisfied in addition to the payment of £43,470 compensatory payment calculated as per the statutory equation.

If further progress is to be approved related to this application I expect that each of these 6 conditions are actually fulfilled. The outcome of each is significant and material in respect of the possible impact to me, my family, our house and our garden. I look forward to knowing the outcome of the completion of each matter and I expect that this will be made available prior to any progress. Any decision to proceed would need to take each of these matters into account.

I note that there has been a revised plan for the development of the area submitted. Ref drawing PL03 appendix 1 to the document Local review board update, land to the east of Braefoot Road, Bo’ness dated June 2024 prepared by Hardie Associates Ltd.

The plan indicates a larger area noted as “build zone” than was indicated in the original plan. This does not align with the statement that the revised plan contains an offer to “gift some of the land to Falkirk Council to maintain public open space”. I would appreciate if you can obtain clarification of this misalignment.

The “offer” states a “willingness” to create two footpaths and create a biodiverse oasis. You will be aware that these paths already exist and have been in use for many years and the applicant would, in any event, be obliged to maintain or replace them. I do not

know what a biodiverse oasis actually is, but I can confirm that the area already contains a very wide range of naturally blooming flora and fauna. This will only be damaged and reduced by any development. The offer does not include any actual commitment to do anything in this respect.

This revised plan and “offer” seems to be suggested primarily so that the applicant can reduce the value of the statutory compensatory payment by almost half.

I note that the revised plan includes site access from Braefoot Road with a footpath on each side; one is the existing footpath and the other is indicated as the footpath (already in use) leading to the adjacent development. It is not conceivable that with 2 adequate formal safe footpaths in place, there is sufficient room for safe vehicular access to the site especially as it includes a 90 degree bend uphill. The plan, said to be 1:200 scale would indicate the full width as being 3.6 meters leaving 1.6 metre MAX for the road/drive. Note the current average width of a car in UK is 1.8 metres. If the application is to be successful this access proposal is clearly impossible. If this access is altered then the area available to be considered for “offer” to the council is reduced and therefore the applicant will be liable to pay an adjusted amount of compensation.

I look forward to knowing the outcome of the site visit and the consideration of these points in due course.

Yours sincerely

Jean McGlashan

From: [Jim Millar](#)
To: [Nicola Wotherspoon](#)
Subject: FW: Planning Application P/18/00384/PPP
Date: 05 July 2024 09:02:40
Attachments: [image001.png](#)

Jim Millar
Committee Officer
Democratic Services
01324 501927



From:
Sent: Sunday, June 30, 2024 7:49 PM
To: Jim Millar <Jim.Millar@falkirk.gov.uk>
Subject: Planning Application P/18/00384/PPP

Good Evening,

We have received an application for an erection of a dwelling on Braefoot Road, Bo'ness.

I would like to submit my refusal on this application.

There is many of factors that have contributed to my decision;

1. There are several wildlife birds that nest in these trees every year and this will destroy their homes etc.
2. Regarding the footpath, this will cause great unrest as this is a private car park (Charles Snedden Avenue) between the 7nr houses, and do not want people walking through, also there is no street lights in the car park so for an elderly person living in these houses this may cause some alarm with moire footfall.
3. We bought this house as it was the end of the estate and nobody was next to us or behind us.

Any issues please let me know.

Best Regards

Chris

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Planning Application P/18/0384/ PPP.

Response to Falkirk Council Planning Recent Submission

Please see below our comments in response to the latest submission from Falkirk Council. We have referenced the points numbering to match those of the Falkirk Council submission

1. Points of Clarity

1.1 Please note that this plan was submitted purely as a landscape discussion piece to look at alternative solutions and does not represent a replacement for the original submission. To be fair there was an error in the scale on the drawing.

It is also important to point out that this application is for PPP so the details of landscape and paths etc can easily be further assessed at the detailed planning stage.

1.2. This statement is not truly representative the situation we made repeated attempts to discuss the alternative land transfer proposal but were to some extent “fobbed off”. It was not appropriate to start a legal process at that point and we refute the assertion that the “agent made it clear the appellant was not willing to enter in to a legal agreement” We simply said that the applicant wanted to discuss the alternative prior to starting the process.

1.4 Again the drawing submitted was to agree a concept and any detailed information would need to be submitted with a future detailed application

2. Policy Assessment

We generally are in agreement the points of reference here in terms of accommodating the requirements of NPF4. Given the larger nature of the site we feel there is plenty of scope on the site to create a quality house which can meet the higher standards of sustainable development when it comes to a detailed application.

However we need to reiterate points defining the site as public open space were already addressed at the prior meeting of the Planning Review Committee , this is privately owned land not for public use. However our landscape/land transfer idea is a way to put some of this land back into the public domain for practical use and amenity.

2.22 . Again to reiterate, this is private land and any access across it is unauthorised and the land owner is entitled to fence that off at anytime.

2.23 This also seems to mislead , the whole concept of the land transfer would put the path into public ownership , so wrong to suggest that path would be on land in the applicants control.

2.25. The applicant would happily pay a reduced contribution if the land transfer was an acceptable alternative. It was suggested that Falkirk Council may not have the budget to form these areas initially and the applicant offered to fully form them to an agreed spec in lieu of contributions to ensure the works could be completed timeously for the surrounding residents.

2.27 As summarised here should the committee be inclined to not accept the alternative proposal the applicant would accept the full amount and instruct his solicitor to proceed.

To conclude we have simply offered an alternative to the simple cash contribution, where we feel this is a good compromise to ensure access to the path network, save some amenity space where none would exist if the whole site was developed as private garden.

Hardie Associates

Aug 24