



**MINUTE OF MEETING of the PLANNING COMMITTEE held within the Council Chamber,  
Greenfield, Alloa, FK10 2AD, on THURSDAY 30 AUGUST 2012 at 9.30 am.**

**PRESENT**

Councillor Alastair Campbell, Convenor (In the Chair)  
Councillor Graham Watt, Vice Convenor  
Councillor Kenneth Earle  
Councillor Ellen Forson  
Councillor George Matchett, QPM  
Councillor Walter McAdam MBE  
Councillor Bobby McGill  
Provost Tina Murphy  
Councillor Les Sharp  
Councillor Gary Womersley

**IN ATTENDANCE**

Ian Duguid, Development Quality Team Leader  
Andrew Wyse, Solicitor (Clerk to the Committee)  
Julie Hamilton, Development Services Manager  
Ian Doctor, Service Manager  
Alastair MacKenzie, Team Leader Building Control

**PLA011          APOLOGIES**

None

**PLA012          DECLARATIONS OF INTEREST**

None

**PLA013          MINUTES OF MEETING: PLANNING COMMITTEE 7 JUNE 2012**

The minute of the meeting of the Planning Committee held on 7 June 2012 was submitted for approval.

**Decision**

The minute of the meeting of the Planning Committee held on 7 June 2012 was approved as a correct record of the proceedings and signed by the Convenor.

**PLA014          MINUTES OF MEETING: LOCAL REVIEW BODY 22 JUNE 2012**

The minute of the meeting of the Local Review Body held on 22 June March 2012 was submitted for approval.

**Decision**

The minute of the meeting of the Local Review Body held on 22 June 2012 was approved as a correct record of the proceedings and signed by the Vice Convenor.

**PLA015            APPLICATION FOR LICENCE FOR HOUSE IN MULTIPLE OWNERSHIP**

**Application for Licence for House in Multiple Occupation - 53 Marshall Way, Tullibody**

A Report was submitted by the Head of Community & Regulatory Services on an application for a licence to operate a House in Multiple Occupation (HMO) for five people at 53 Marshall Way, Tullibody.

The Regulatory Service Manager advised that the last line first bullet of paragraph 4.2 should read "more detail in paragraph 4.7.2"

Before proceeding to determine the application the Committee held a Hearing under the Housing (Scotland) Act 2006 (Schedule 4 paragraph 7) to hear oral representations on the application. Of those present at the Hearing James Dawson and Robert Mallet indicated an intention to address the Committee

The Committee then heard from:

- (1) Ian Doctor, Regulatory Service Manager
- (2) James Dawson (Objector) representing various residents of Marshall Way who had lodged written representations
- (3) Robert Mallet (Applicant)

Having heard those oral representations and obtained clarification, and there being no other relevant persons present wishing to address them, the Committee decided that the hearing was closed and that it could then proceed to determine the application.

The Committee then discussed the report, the written representations before them and the oral representations they had heard.

**Motion**

That the Committee refuse to grant an HMO licence for 53 Marshall Way, Tullibody for the following reasons:

The living accommodation proposed in the licence is not suitable for occupation as an HMO and cannot be made suitable by the inclusion of conditions, having regard to (a) the inappropriate location of the application property (b) the type and number of persons likely to occupy it, and (c) the possibility of undue public nuisance.

Moved by Councillor Alastair Campbell. Seconded by Councillor George Matchett, QPM.

**Decision**

The Committee unanimously refused to grant an HMO Licence for 53 Marshall Way, Tullibody for the following reasons:

The living accommodation proposed in the licence is not suitable for occupation as an HMO and cannot be made suitable by the inclusion of conditions, having regard to (a) the inappropriate location of the application property (b) the type and number of persons likely to occupy it, and (c) the possibility of undue public nuisance.

**Action**

Development Services Manager

**PLA016 PLANNING APPLICATION**

**Planning Application - Erection and Operation of 2 No Wind Turbines and Anemometry Mast with Associated Access Road, Hardstanding Areas and Control Building at Former Black Devon Landfill Site, Alloa (Ref 10/00288/FULL)**

The report of handling was submitted by the Development Quality Team Leader, which summarised a planning application and accompanying Environmental Statement and, having considered the relevant Development Plan policies, national policy advice, consultation response, representations from third parties and an assessment impact on the nearby designated Firth of Forth SPA and Ramsar site, makes a recommendation on the application to Committee.

Although the application is a local development, it has to be reported to the Planning Committee as the Council has an interest in the development, as owner of the site.

The Committee heard representation from:

- (1) Craig Mullen (Applicant)
- (2) Ian Chisnall (Dunmore Village Association - Objector)
- (3) Teresa McNally (Objector)
- (4) Roger Gooch (Objector)
- (5) Councillor Craig Holden (Local Member - Ward 4)

The officers recommendation was to approve the report subject to the conditions set out in Appendix 1.

**Motion**

That the Committee refuse the planning application for erection and operation of 2 No wind turbines and anemometry mast with associated access road, hardstanding areas and control building at former Black Devon Landfill Site, Alloa for the following reasons:

1. Notwithstanding the reduction in the number of Wind Turbines from the number originally proposed, the proposed development will have a materially adverse impact on the landscape and local environment, including Dunmore Village and Dunmore Conservation Area, not outweighed by the sustainability and renewable energy considerations favouring the development, and is therefore contrary to Clackmannanshire and Stirling Structure Plan Policies SD1 by detracting from rather than enhancing the local environment, ENV3, not involving an activity dependent upon a countryside location and failing to respect and preserve features contributing to local character and ENV6 and Clackmannanshire Local Plan Policy EN10 detracting from rather than preserving or enhancing the special character of a Conservation Area
2. Although the proposal involves re-use of a brownfield site, it involves coastal development in the countryside and it has not been demonstrated satisfactorily that there are no viable alternative sites to rebut the presumption against development in such a location. The proposal is therefore contrary to Clackmannanshire Local Plan Policies EN5 by failing to protect and enhance that coastal resource and its amenity and habitat value, EN18 not being an essential requirement of a rural activity and detracting from the character of the local countryside in terms of function siting and design, and INF9 significantly impacting adversely on the natural environment.

Moved by Councillor Alastair Campbell. Seconded by Councillor Graham Watt.

## **Voting**

The voting on the motion was as follows:

For the motion	9 votes
Against the motion	1 votes
Not voting	0 abstentions

## **Decision**

On the division of 9 votes to 1 with 0 abstentions, the Council agreed to refuse the planning application for the reasons set out above.

## **Action**

Development Services Manager

Councillor Matchett withdrew from the meeting prior to the next item of business.

## **PLA017 PLANNING APPLICATION**

**Application for Planning Permission - Development of Land for Housing, Cemetery and Playing Field etc. - Application to Vary Condition 7 of Planning Permission 07/00460/OUT, and allow for a Maximum of 22 No. Houses within the Development Site Land Adjoining Kelly Burn, Lover's Loan, Dollar (Ref 12/001190PPP)**

A report was submitted by the Development Quality Team Leader describing the background to the planning application, the reasons for the requirement to varying the condition of planning permission, the policy issues that arise and the other material considerations. The recommendation to approve the application has balanced the Development Plan position with the information by the applicant and the views expressed by third parties.

As the Council has an interest in the wider development to which this application relates, via a Section 75 Agreement, the application cannot be determined by the Appointed Officer(s) under the Scheme of Delegation for Local Developments.

## **Motion**

That the Committee grant permission for the variation in condition, which shall now read as follows:

7. A maximum of 22 no. houses within the development site are approved by this planning permission.

The reason for the condition remains unchanged.

The reasons for the decision are:

1. The number of house units would still represent low density development as prescribed in the First Alteration to the Clackmannanshire Local Plan.
2. No objections has been submitted by an third parties involved in the planning application process.
3. The increase in the maximum number of house units will not increase the total housing floorspace or development footprint within the site.

Moved by Councillor Alastair Campbell. Seconded by Provost Tina Murphy.

## **Decision**

The Committee agreed unanimously to vary condition 7 of Planning Permission 07/00460/OUT as follows:-

7. A maximum of 22 no. houses within the development site are approved by this planning permission .

## **Action**

Development Services Manager

## **PLA018 STREET NAMING**

### **Street Naming Report for Development at The Former Alloa Academy, Claremont, Alloa**

A report was submitted by the Team Leader Building Control to decide on the name of new streets which will soon be created in Clackmannanshire.

## **Motion**

That the Committee approves the following names of the new streets at the former Alloa Academy, Claremont, Alloa:

- Scholars Road
- Brodie Avenue
- Inch View

Moved by Councillor Alastair Campbell. Seconded by Councillor Ellen Forson.

## **Decision**

The Committee agreed unanimously to approve "Scholars Road", "Brodie Avenue" and "Inch View" as the names of the new streets at the former Alloa Academy, Claremont, Alloa.

## **Action**

Development Services Manager

## **PLA019 STREET NAMING**

### **Street Naming Report for Development at The Orchard, Tullibody**

A report was submitted by the Team Leader Building Control to decide on the name of new street for the development at The Orchard, Tullibody.

## **Motion 1**

That the Committee approves "The Maltings" as the name of the new street for the development at The Orchard, Tullibody:

Moved by Councillor Alastair Campbell. Seconded by Provost Tina Murphy.

## **Motion 2**

That the Committee approves "Cardhu" as the name of the new street for the development at The Orchard, Tullibody:

Moved by Councillor Kenneth Earle. Seconded by Councillor Bobby McGill.

## **Voting**

The voting on the motions was as follows:

For Motion 1	6 votes
For Motion 2	2 votes
Not voting	1 abstentions

## **Decision**

On a division of 6 votes to 2 with 1 abstention, the Committee agreed to approve "The Maltings" as the name of the new street at the development at The Orchard, Tullibody.

## **Action**

Development Services Manager

## **PLA020 STREET NAMING**

### **Street Naming Report for Development at The Dalmore Centre, Alva**

A report was submitted by the Team Leader Building Control to decide on the name of new street for the development at The Dalmore Centre, Alva.

## **Motion 1**

That the Committee approves "Old School Row" as the name of the new street for the development at The Dalmore Centre, Alva.

Moved by Councillor Alastair Campbell. Seconded by Provost Tina Murphy.

## **Motion 2**

That the Committee approves "Winnelburn Gardens" as the name of the new street for the development at The Dalmore Centre, Alva as this was a name suggested by a pupil from Alva Primary School.

Moved by Councillor Bobby McGill. Seconded by Councillor Kenneth Earle.

## **Voting**

The voting on the motions was as follows:

For Motion 1	2 votes
For Motion 2	6 votes
Not voting	1 abstention

**Decision**

The Committee agreed to accept and approve "Winnelburn Gardens" as the name of the new street for the development at The Dalmore Centre, Alva.

**Action**

Development Services Manager

