



**Clackmannanshire
Council**

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Greenfield, Alloa, Scotland, FK10 2AD (Tel.01259-450000)

PLANNING COMMITTEE

Thursday 12 June 2014 at 9.30 am

Venue: Council Chamber, Greenfield, Alloa, FK10 2AD

For further information contact Finance and Corporate Services, Clackmannanshire Council, Greenfield, Alloa, FK10 2AD
Phone: 01259 452106/2004 Fax: 01259 452230 E-mail: customerservice@clacks.gov.uk www.clacksweb.org.uk

Date	Time
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Scheme of Delegation: Duties and Responsibilities Delegated to Committees

Planning Committee

Subject to paragraphs 3.28 and 11.4 of the Scheme of Delegation, the Planning Committee has responsibility for taking decisions on planning applications and enforcing planning laws, and;

Carrying out the local authority's function in relation to street naming under section 97 of the Civic Government (Scotland) Act 1982; and

Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Community and Regulatory Services related to Building Standards.

4 June 2014

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 12 JUNE 2014 at 9.30 am.

Signed: Andrew Wyse

ANDREW WYSE
Solicitor, Legal Services

B U S I N E S S

	Page No.
1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Meeting held on 8 May 2014 (Copy herewith)	07
4. Planning Application - Residential Development of Land, South of Woodhead Place, Coalsnaughton, Clackmannanshire (Ref No 14/00059/PPP) - report by the Principal Planner (Copy herewith)	09

PLANNING COMMITTEE – MEMBERS

Councillors

Wards

Councillor	Alastair Campbell	(Convenor)	5	Clackmannanshire East	CONS
Councillor	Graham Watt	(Vice Convenor)	3	Clackmannanshire Central	LAB
Councillor	George Matchett, QPM		1	Clackmannanshire West	LAB
Councillor	Tina Murphy		1	Clackmannanshire West	SNP
Councillor	Les Sharp		1	Clackmannanshire West	SNP
Councillor	Walter McAdam, MBE		2	Clackmannanshire North	SNP
Councillor	Bobby McGill		2	Clackmannanshire North	LAB
Councillor	Gary Womersley		3	Clackmannanshire Central	SNP
Councillor	Kenneth Earle		4	Clackmannanshire South	LAB
Councillor	Ellen Forson		4	Clackmannanshire South	SNP



MINUTES OF MEETING of the PLANNING COMMITTEE held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 8 MAY 2014 at 9.30 am.

PRESENT

Councillor Alastair Campbell, Convenor (In the Chair)
Councillor Graham Watt, Vice Convenor
Councillor Donald Balsillie (S)
Councillor Kenneth Earle
Councillor George Matchett, QPM
Councillor Bobby McGill
Councillor Tina Murphy
Councillor Les Sharp
Councillor Gary Womersley (From Item 4)

IN ATTENDANCE

Ian Duguid, Development Quality Team Leader
Julie Hamilton, Development Services Manager
Andrew Wyse, Solicitor, Legal Services (Clerk to the Committee)

PLA066 APOLOGIES

Apologies for absence were received from Councillor Walter McAdam MBE and Councillor Ellen Forson. Councillor Donald Balsillie attended as substitute for Councillor Forson.

PLA067 DECLARATIONS OF INTEREST

None

PLA068 MINUTES OF MEETING: LOCAL REVIEW BODY 12 NOVEMBER 2013

The minutes of the meeting of the Local Review Body held on 12 November 2013 were submitted for approval.

Decision

The minutes of the meeting of the Local Review Body held on 12 November 2013 were agreed as a correct record and signed by the Convenor.

PLA069 MINUTES OF MEETING: PLANNING COMMITTEE 28 NOVEMBER 2013

The minutes of the meeting of the Planning Committee held on 28 November 2013 were submitted for approval.

Decision

The minutes of the meeting of the Planning Committee held on 28 November 2013 were agreed as a correct record and signed by the Convenor.

PLA070 PLANNING APPLICATION

Planning Application - Conversion of Former Dance Studio to Form 5 Dwellings - Former Health Centre, Ann Street, Tillicoultry (Ref. 14/00066/FULL)

A report which comprised the Report of Handling on the above planning application and made recommendation to Committee was submitted by the Principal Planner.

The application was reported to Committee for determination as the applicant is a Member of the Council and there are objections to the application.

Motion

That Committee agrees to approve the application subject to the conditions set out in the report.

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

Decision

The Committee agreed unanimously to APPROVE the application subject to the conditions set out in the report.

Action

Development Services Manager

PLA071 REVIEW OF PLANNING COMMITTEE DECISIONS AND OTHER AREAS OF SERVICE DELIVERY

A report which provided the Committee with a position statement on previous Planning Committee decisions and other key areas of Development Quality Service delivery in 2013-2014 was submitted by the Development Quality Team Leader. The report was to be the first of a series of regular reports prepared on a 6 month cycle.

Motion

That Committee notes the progress on planned major developments in Clackmannanshire, and the other areas of work activity contributing to the Business Plan and Local Development Plan.

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

Decision

The Committee agreed unanimously to note the progress on planned major developments in Clackmannanshire, and the other areas of work activity contributing to the Business Plan and Local Development Plan.

Action

Development Services Manager

ENDS 10.12 am

Report to: Planning Committee

Date of Meeting: 12th June 2014

Subject: Planning Application ref: 14/00059/PPP - Residential Development of Land - South of Woodhead Place, Coalsnaughton, Clackmannanshire

Report by: Grant Baxter, Principal Planner

1.0 Purpose

- 1.1. This report comprises the Report of Handling on the above noted planning application and provides a recommendation to Members on the application.
- 1.2. The application is being reported to the Committee for determination following a request from a Member for the application to be referred to the Committee for a decision.

2.0 Recommendations

- 2.1. It is recommended that the application is REFUSED for the following reasons:

2.2. Reasons for Decision

1. The proposal is contrary to Policies EN18 (Development in the Countryside) and RES 2 (Brownfield Development) of the Clackmannanshire Local Plan, adopted 2004. These policies and supporting text, indicate that development outwith settlement boundaries will not normally be acceptable unless in exceptional circumstances. The policy is to direct development to appropriate brownfield sites that utilise vacant, derelict or underused land within such settlements. The proposal meets neither of these criteria, and no exceptional circumstances apply in this case.
2. The proposal is contrary to Policies SC 23 (Development in the Countryside - General Principles) and SC 24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan Proposed Plan 2013. The application has not demonstrated a need for a countryside location and the proposal is not connected to or integral with an existing countryside business or activity.
3. The proposal lies within a Development High Risk Area in relation to coal mining features and hazards and a Coal Mining Risk Assessment has not been submitted as part of the application. Therefore the Council has

insufficient information with regards to the risk to the proposed development posed by past coal mining activity.

4. The proposed development would constrain road alignment options for the B9140 (Coalsnaughton By-pass), identified as Policy T35 of the Clackmannanshire Local Plan, adopted 2004, and Proposal T25 of the Clackmannanshire Local Development Plan, Proposed Plan 2013. Accordingly, the proposed development is premature pending finalised development proposals for the by-pass road.

2.4 Plans Relating to the Decision

- Location Plan
- Revised Proposed Site Plan

3.0 Background to the Proposals

- 3.1. This is an application for Planning Permission in Principle (PPP) for residential development of agricultural land on the edge of Coalsnaughton. The site amounts to 0.65Ha of land to the south of Woodhead Place, Coalsnaughton, and adjoining woodland, farmland and a plant nursery. The site is gently sloping and a mix of grass and scrub, and lies outwith but bounded by the settlement boundary of Coalsnaughton, and in an area of countryside, as identified in the Clackmannanshire Local Plan, adopted 2004.
- 3.2. The land is deemed to be agricultural, but is not actively farmed. The application has been accompanied by an indicative layout showing seven houses. The proposed access would be through the adjoining nursery, owned by the applicant, and served off Woodhead Place.

4.0 Consultations

- 4.1. Roads: Vehicle access is within the urban area, however as the site is not allocated for development in the Local Development Plan, Roads would not favour residential development.
- 4.2. Scottish Water: No objections. A Development Impact Assessment will be required to be submitted by the developer to assess impact on water and drainage infrastructure. Tillicoultry WWTW has limited capacity, therefore the developer will require to discuss connection with Scottish Water. A SUDs scheme is required.
- 4.3. The Coal Authority: **Fundamental Concern.** Objection as the site falls within the defined Development High Risk Area, and a Coal Mining Risk Assessment (CMRA) is required, but has not been submitted with the application. *Comment: The Service made the applicant's agent aware of this objection, and the need for a CMRA, however, in doing so also indicated that as the application appeared to be contrary to the development plan and may not therefore be recommended for approval, that they may consider if they wished to have a CMRA commissioned at this stage. The applicant's agent decided not to prepare a CMRA to accompany the current application, and therefore in its absence, the objection by the Coal Authority remains in place.*

5.0 Representations

- 5.1 A total of 10 No. neighbouring proprietors were notified of the application and an advert placed in the local press on 12 March 2014. In response, no representations have been received.

6.0 Development Plan Position

- 6.1 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 In this case, the key Development Plan considerations are as set out in the Clackmannanshire Local Plan, adopted 2004.
- 6.3 Policy EN18 of the Local Plan deals with development in the countryside, and indicates that developments outwith settlement boundaries, such as this, will not normally be acceptable unless specific criteria can be met. These criteria cover the conversion of redundant traditional buildings to housing and where a house is required to serve a rural business. None of the criteria set out in the policy apply to the site or proposed development, and the application is therefore contrary to Policy EN18.
- 6.4 Policy EN2 deals with landscape and ecology and Policy EN11 with enhancing environmental quality. Both policies require that new developments, through design and landscaping, enhance the character of their site and surroundings. The site is relatively low lying compared to surrounding land, enclosed on two sides by buildings, and on one other by mature woodland. Whilst the application is in principle only, in this context, there is no reason to expect that the site could not be developed in a manner that complies with both of these policies.
- 6.5 Policy RES 2 of the Local Plan gives priority to development on brownfield land, such as by re-using existing vacant or underused properties, but only where these lie within settlements. The applicant's agent considers that the site is brownfield land, and this issue is discussed in Section 7.0, below. Notwithstanding this, the site is outwith the settlement boundary, and the policy does not support development on brownfield sites in such locations. The application is not therefore supported by Policy RES 2.
- 6.6 Policy RES 8 deals with amenity standards for residential developments. Although the application is in principle only, it is considered that a development that met the amenity standards set out in this policy could be achieved on the site. No policy conflict arises.
- 6.7 The Local Plan shows the site as affected by Infrastructure Policy T35 - Tullibody By-pass/B9140 (Safeguarding of route for Tullibody By-pass and B9140 for potential realignment/improvement). The proposed development would appear to threaten the safeguarding of the proposed realignment of the B9140 in this location, which would form part of a Coalsnaughton by-pass.
- 6.8 Taking account of the above considerations, the application is contrary the adopted development plan in so far as it proposes residential development in the countryside that is not justified by any of the criteria set out in Policy

EN18. In addition, the proposal would threaten the safeguarding in the Local Plan of the future realignment of the B9140.

7.0 Other Material Considerations

- 7.1 The emerging development plan, in the form of the Clackmannanshire Local Development Plan Proposed Plan (LDP PP), was approved by the Council in October 2013 and has completed a Period for Representations. The site continues to be shown as outwith the settlement boundary of Coalsnaughton and in an area of countryside. The LDP PP also sets out policies on development in the countryside, brownfield development, residential layout and design and transport infrastructure.
- 7.2 The site is not the subject of any representations on the LDP PP, however a representation has been made by a developer, seeking allocation of land to the west, south and east of the site, for residential use. This representation, along with others to the LDP PP will be considered by the Council on 26th June 2014.
- 7.3 Policies SC 23 and SC 24 of the LDP PP deal with development in the countryside (general principles) and residential development in the countryside respectively. Policy SC 23 indicates that new developments will normally be directed to existing settlements, and that proposals outwith settlements will only be supported where the criteria can be met. The first criterion, that the applicant can demonstrate the requirement for a countryside location, has not been fulfilled in this case. The site does however appear capable of meeting the other criteria of the policy, including the need for appropriate scale and design, enhancement of the character of the area and availability of adequate access and infrastructure. Where all criteria are met, Policy SC 23 indicates support for development on suitable sites adjacent to existing groups of buildings where new build could be sympathetically integrated within a cluster of existing buildings. The application site may be capable of complying with this supplementary consideration of Policy SC 23, however the lack of any demonstrable need for a countryside location means that the proposal would fail to comply with this policy. Similarly, there is no rural justification for the proposed housing in relation to the management of a rural business, so the proposals are also not supported by Policy SC 24.
- 7.4 Policy EA25 encourages development on brownfield land within settlements. The proposal therefore derives no support from this policy.
- 7.5 The applicant has made representations in respect of the Service's position that the site is greenfield and agricultural land. The agent contends that the previous use of the site for a plant nursery business confers both a brownfield and business status on the land. This position being supported by evidence of previous buildings on the site and waste material having been deposited, leaving it in a derelict condition.
- 7.6 The Service acknowledges that a horticultural enterprise has previously existed on the site, and that it contained buildings and structures commensurate with that use. There is now no evidence of these buildings on the site. Part of the site is of a somewhat scrubby condition, suggesting material such as soil may have been deposited there, however overall, the

site has the appearance and character of a small field rather than vacant or derelict land.

- 7.7 The applicant's agent describes the former use of the land as for horticulture, and the Council concurs with this interpretation. For the purposes of planning, horticulture falls within the same use class as agriculture. Indeed, previous buildings for the horticultural operation were authorised through the Agricultural Prior Notification procedure, therefore reinforcing the agricultural status of the land. The Service therefore concludes that the established land use of the site has been, and continues to be agricultural.
- 7.8 The glossary of the adopted Local Plan defines Brownfield Land as *"Land which has previously been developed. The term may encompass vacant or derelict land, infill sites, land occupied by redundant or unused buildings, and developed land within the settlement boundary where further intensification of use is considered acceptable"*. The Service considers that the site does not constitute brownfield land, particularly taking account of what is considered to be its previous and established use as agricultural land, and subsequent condition.
- 7.9 The LDP PP continues to identify the Coalsnaughton By-pass as a Transport Proposal (T25), with the Proposals Map showing an indicative line of this route along the southern edge of the site. The LDP PP states; *"A long term aspiration of the Council is to investigate the provision of a bypass to the south of Coalsnaughton to alleviate issues with the volume of through traffic. This is of particular concern in relation to the current alignment of the B9140 at Coalsnaughton. While there are currently no plans, or budget, for the implementation of this improvement, land to the south of Coalsnaughton will be safeguarded from any development which could jeopardise the line of such a bypass route. The route identified in the LDP is indicative only and may be subject to revision as plans progress. Developer contributions from potential longer term new development."*
- 7.10 Taking account of the above provisions, the proposed development would constrain road alignment options, and is therefore premature pending finalised development proposals for the by-pass road.
- 7.11 The objection of The Coal Authority to the absence of a Coal Mining Risk Assessment in this Development High Risk Area remains in place, and their advice is that planning permission should not be granted in the absence of such an assessment. The comments of the other consultees would not present reasons for refusal.

7.4 There are no other material considerations.

8.0 Sustainability Implications

8.1 The proposed development would re-use an existing vacant building for residential use.

9.0 Resource Implications

9.1 *Financial Details*

9.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

9.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

10.0 Exempt Reports

10.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

11.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

The area has a positive image and attracts people and businesses

Our communities are more cohesive and inclusive

People are better skilled, trained and ready for learning and employment

Our communities are safer

Vulnerable people and families are supported

Substance misuse and its effects are reduced

Health is improving and health inequalities are reducing

The environment is protected and enhanced for all

The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

None

12.0 Equalities Impact

12.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes No

13.0 Legality

13.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

14.0 Appendices

14.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

15.0 Background Papers

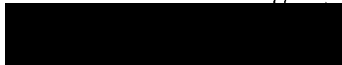
15.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Clackmannanshire Local Plan, 2004

Clackmannanshire Local Development Plan, Proposed Plan 2013

Author(s)

Name	Designation	Tel No
Grant Baxter	Principal Planner	452615
Approved by	Designation	Signature
Julie Hamilton	Development Services Manager	



**14/00059/PPP - Land South of Woodhead Place, Coalsnaughton
Residential Development of Land**

Clackmannanshire Council
www.clacksweb.org.uk

Services to Communities
Kilncraigs
Greenside Street
Alloa
FK10 1EB



Date:
04-Jun-2014

Ward: Clackmannanshire North
0 10 20 30 40
Meters

OS Grid Ref: NS 91 95 SE

Scale: 1:1,250

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Tel: 01259 450 000 Fax: 01259 727 452
development_services@clacks.gov.uk

