

**Clackmannanshire  
Council**

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**Kilncraigs, Greenside Street, Alloa, FK10 1EB  
(Tel.01259-450000)**

## **PLANNING COMMITTEE**

**Thursday 30 October 2014 at 9.30 am**

**Venue: Council Chamber, Patons Building, Kilncraigs,  
Alloa, FK10 1EB**

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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.

**22 October 2014**

**A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 30 OCTOBER 2014 at 9.30 am.**

**ELAINE MCPHERSON**  
**Chief Executive**

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## PLANNING COMMITTEE – MEMBERS

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### 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, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 11 SEPTEMBER 2014 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 Tina Murphy  
Councillor Les Sharp  
Councillor Gary Womersley

**IN ATTENDANCE**

Ian Duguid, Development Quality Team Leader  
Grant Baxter, Principal Planner  
Alastair MacKenzie, Team Leader, Building Control  
Andrew Wyse, Legal Services Team Leader (Clerk to the Committee)

**PLA076            APOLOGIES**

None

**PLA077            DECLARATIONS OF INTEREST**

None

**PLA078            MINUTES OF MEETING: PLANNING COMMITTEE 12 JUNE 2014**

The minutes of the meeting of the Planning Committee held on 12 June 2014 were submitted for approval.

**Decision**

The minutes of the meeting of the Planning Committee held on 12 June 2014 were agreed as a correct record and signed by the Convenor.

**PLA079            PLANNING APPLICATION**

**Planning Application - Erection of 27 No. Houses with Associated Access, Footpaths and Parking - Development Site at Former Tullis Factory, Alloa Road, Tullibody, Clackmannanshire (ref 14/00160/FULL)**

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

was being reported for determination as it involved development on land recently sold by the Council to the applicant. The application site and adjoining land to the north together form the former Tullis tannery site, the remainder of which the Council retains ownership.

The Committee heard representation from :

- (1) Janette McGowan, Tullibody, Cambus and Glenochil Community Council - Objector
- (2) David Keith, Bracewell, Stirling (Agent)

### **Amendment**

The Development Quality Team Leader submitted a proposed amendment to Condition 5, (shown below in bold), which had been circulated previously to members.

"Before any works commence on site, exact details of the location, height, specification and finish of all boundary enclosures shall be submitted for the written approval of this Planning Authority. **The details shall include suitable fencing around the SUDS pond to deter or prevent access by children and adults until such time as the remainder of the former Tullis factory site to the north of the application site is developed.** Thereafter the development shall be carried out in accordance with such approved details."

### **Motion**

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

Moved by Councillor Alastair Campbell. Seconded by Councillor Gary Womersley.

### **Decision**

The Committee agreed unanimously to approve the application subject to the conditions set out in the report as amended.

### **Action**

Principal Planner

## **PLA080 REPORT OF HANDLING ON PLANNING APPLICATION**

### **Report of Handling on Planning Application - Erection of 12 No. Flats and 7 No. Houses with Associated Works at Former Fairfield School, Pompee Road, Sauchie, Clackmannanshire (ref 14/00181/FULL)**

The report of handling on the above planning application was submitted for approval by the Principal Planner. The application was being reported for determination as the Council is applicant and owner of the site.

### **Motion**

That the Committee approves the application for planning permission subject to the conditions set out in the report

Moved by Councillor Alastair Campbell. Seconded by Councillor Les Sharp.

### **Decision**

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

## **Action**

Principal Planner

### **PLA 081            STREET NAMING REPORT FOR DEVELOPMENT AT SITE OF FORMER HOSPITAL, ASHLEY TERRACE, ALLOA**

A report to decide the name of a new street was submitted by the Head of Development and Environment.

Councillor Womersley advised that as the application site is actually within Clackmannanshire Central Ward and not Clackmannanshire South and as such members in the Clackmannanshire Central is and should have been consulted.

## **Motion**

Subject to consultation with the members of Clackmannanshire Central Ward the Committee agrees the following name :-

Bryden Way

Moved by Councillor George Matchett   Seconded by Councillor Gary Womersley.

## **Decision**

The Committee agreed to Bryden Way subject to approval as necessary from the non-Committee members of Clackmannanshire Central.

Ends 10.48 am.

Subsequent to the meeting, the Clerk checked the Boundary's Commission maps and verified that the ward boundary had been changed in the 2007 Ward Review as a result of which the development site had been correctly identified within Clackmannanshire South ward and no further approvals were necessary.





**MINUTE OF MEETING of the LOCAL REVIEW BODY MEETING held within the Council Chamber, Patons Building, Kilncraigs, Alloa, on THURSDAY 9 OCTOBER 2014 at 1.30 pm**

**PRESENT**

Councillor Bobby McGill (Chair)  
Councillor Kenneth Earle  
Councillor Les Sharp

**IN ATTENDANCE**

Mark Easton, Solicitor (Clerk to the Local Review Body)  
Andrew Wyse (Planning Adviser to the Local Review Body)  
Gillian White (Business Support to the Local Review Body)  
Ian Duguid, Development Quality Team Leader  
Stuart Cullen, Roads Development Officer  
R T Hutton, Planning Consultant (Agent for the Applicant)  
Mrs Lindsay, Applicant

**LRB(14)01      PROCEDURAL MATTER**

The Clerk advised that the Convenor, Councillor Campbell is unable to take part in this Local Review Body as he is a Ward Member in the area where the planning permission subjects are situated. The Depute Convenor, Councillor Watt, is also unable to take part due to annual leave.

The three Local Review Members withdrew from the meeting to discuss which member would take the position of Chair. On their return, it was unanimously agreed that Councillor Bobby McGill would take the Chair for the meeting.

**LRB(14)02      APOLOGIES**

None.

**LRB(14)03      DECLARATIONS OF INTEREST**

None.

**LRB(14)04      APPLICATION FOR REVIEW - LAND ADJACENT TO GAIRLAW, YETTS OF MUCKHART**

Name of Applicant:	Mr and Mrs Hamish Lindsay
Site Address:	Land adjacent to Gairlaw, Yetts of Muckhart
Description of the Application:	Erection of one house
Planning Application Reference Number:	14/00062/FULL

**Purpose of Meeting**

The Clerk explained that this meeting was required to determine the procedural steps to be taken in determining the review. Having considered the review documents, together with procedural advice from the Clerk, the Local Review Body determined that the Review should proceed on the basis of an accompanied site visit and thereafter the review could be determined on the basis of the review documents. The Clerk, advised that no further submissions could be made as the review papers required to fully state the applicants case.

The Local Review Body agreed that an accompanied site visit would take place on Monday 20th October 2014 at 1.30 pm.

The Local Review Body also agreed that a further meeting of the Local Review Body will take place on Monday 20th October 2014 at 3.00 pm, following the site visit, to determine the review application.

**Action**

Clerk to the Local Review Body

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**Report to:** Planning Committee

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**Date of Meeting:** 30th October 2014

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**Subject:** Planning Application Ref No 14/00163/FULL - Erection of Supermarket With Associated Parking and Access, Including The Removal Of Protected Trees at Hilton Road, Clackmannan Road, Alloa

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**Report by:** Keith Johnstone, Principal Planner

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## **1.0 Purpose**

- 1.1. This is a report of handling on the above planning application and provides a recommendation to Members on the application.
- 1.2. The application is being reported to Committee for determination as the application site includes land which is owned by the Council.

## **2.0 Recommendations**

- 2.1. It is recommended that this application is **APPROVED**, subject to the conditions and reasons set out in Appendix 1 of the report,
- 2.2. Reasons for the Decision

1. The proposed development is considered to accord with the relevant policies in the Development Plan including those relating to retail development, environmental quality and sustainable transportation. In particular, the applicant has demonstrated to the satisfaction of the Service that there would be no suitable alternative more sequentially preferable site available and that the development would not have a significant adverse impact on the vitality and viability of Alloa Town Centre or other shopping centres in the area.

2. Subject to the proposed conditions, the proposed parking and pedestrian circulation arrangements for the supermarket and Football Club and the accessibility of the site to other modes of transport other than the private car, would accord with the relevant Council standards and policies. The development would not result in an adverse impact on road safety or parking provision.

3. The proposals would secure re development of underused brownfield land adjacent to one of the main approaches to Alloa. The proposed design,

layout and landscape setting would create a attractive frontage and compensate for the loss of trees within the site.

4. On balance, the proposed development would contribute to the policy principles which underpin sustainable development as set out in SPP, having regard to; the net economic benefit and challenges within Clackmannanshire; the design threshold; utilising underused brownfield land; the level of accessibility of the site; the absence of any drainage or flood risk concerns; the acceptable impact of the development on the amenity of the area.

<u>Plan Nos</u>	<u>Title</u>
OS (00) 01 Rev K	Proposed Site Plan
OS (00) 02 Rev G	Proposed Boundary Treatment Plan
OS (00) 03 Rev G	Proposed Surface Treatment Plan
OS (00) 06	Location Plan
OS (00) 12 Rev A	Proposed Trees to be Removed Plan
EX (00) 01 Rev A	Existing Site Plan
GA (00) 01 Rev D	Proposed Floor Plan
GA (00) 02 Rev C	Proposed Elevations 1 of 2
GA (00) 03 Rev B	Proposed Elevations 2 of 2

### **3.0 Background**

- 3.1. The planning application site comprises an approximate 0.6Ha area of land consisting of a car park with tree belts or landscaping on the east, west, south and north eastern boundaries which enclose the site. The land between the car park area and Clackmannan Road is owned by the Council and comprises a landscaped area which includes a hedgerow and trees planted as part of the Clackmannan Road Environmental Improvement Scheme.
- 3.2. The tree belts on the west and south boundaries are covered by a Tree Preservation Order. The car park is surfaced with blaes. The land is owned by Rubicon Land Investments Ltd, who are one of the applicants, but they have confirmed that Alloa Athletic Football Club, who formerly owned the land, are allowed to use the car park on match days. The Club have control of a small parking area on the west side of the ground and match day parking also takes place at Alloa Retail Park and surrounding streets.
- 3.3. The site forms part of a site which was the subject of an application for a supermarket (1,143 sqm gfs) and football ground improvements in 2001 (our ref 01/00313/FULL). The part of the application for the supermarket was refused permission as the development was considered to be contrary to the development plan at that time. The site, excluding the part owned by the Council, also forms part of an area which was granted Planning Permission in Principle (PPP) for development of land for a hotel, restaurant and associated car park. The site area also included most of the land between Hilton Road and the boundary wall of the football ground. The consent was initially granted on 25th November 2010 (our ref 10/00232/PPP) and the time period for submission of matters specified in conditions was extended for a further 3 years on 18th December 2013. A condition attached to the permission required details to be submitted on how the level of parking provision to serve the football club as part of the proposed development would not be less than

the number of spaces available within the existing car park. The application provides details of the marketing of the site undertaken since 2012 which did not result in any interest for a hotel or restaurant development. The agent considers that the market has been fully explored and that the site is unlikely to attract a hotel or restaurant company. A separate detailed permission was granted (ref 12/00007/FULL) for the KFC restaurant and drive-through on Hilton Road on 5th April 2012. This development, which has been implemented, included land which was within the site which has Planning Permission in Principle. The approval of the KFC permission did not discharge any of the conditions attached to the PPP.

3.4. The application proposals can be summarised as follows:

- The erection of a supermarket building which would comprise 1831 square metres of gross floor area and 1286 square metres of net sales area. The building would be rectangular in shape with a monopitch roof which would be 7.4m at its highest point facing the car park and reducing to 4.8m in height at the rear. The external walls would comprise aluminium cladding at upper level and rendered walls below. The elevation facing Clackmannan Road would include 3.3m high glazing units along almost its full length and the entrance would be located on the south west corner of the building. The service bay would be located on the north side of the building.
- The provision of a customer car park containing 67 spaces including dedicated disabled and parent and child spaces. Service access would be through the car park to the service bay. A new access from Hilton Road would be created roughly at the mid point of this site frontage and the existing access to the north would be closed.
- The site layout would include a hard landscaped level pedestrian access from the corner of Hilton Road/Clackmannan Road junction to the store entrance.
- The existing tree belts along the east, north and west boundaries of the site would have to be removed to accommodate the development. While the building and works would not encroach on to the land owned by the Council, the applicant has indicated that some trees would have to be removed on the Council land due to their proximity to the proposed building and works. The trees located on the west and south boundaries are protected by a Tree Preservation Order and in accordance with the relevant Regulations, the applicant also seeks formal approval from the Council to remove those protected trees which can be considered as part of the application process.
- The application includes a number of measures to improve the accessibility of the site consisting of; the provision of a "Toucan" pedestrian crossing on Clackmannan Road at the existing island crossing in front of the KFC restaurant; the provision of a footway on Hilton Road between the access to the car park and Clackmannan Road; covered cycle parking within the site; and the provision of "bus boarder" kerb features at the existing bus stops nearest to the site on Clackmannan Road.

- The applicant has stated that a car park would be provided on the vacant land on the west side of Hilton Road to the north of KFC which could accommodate 35 off street parking spaces for use by Alloa Athletic Football Club if permission is granted. The ownership of this land would be transferred to the Club.
- Landscaping around the site including a hedgerow with trees at 5m centres along Hilton Road to match the existing planting along the Clackmannan Road frontage. The applicant has also agreed in principle to fund further tree planting or tree works on land outwith the site to compensate for the loss of the protected and non protected trees. The precise scope and scale of these works have not been finalised yet but would be expected to relate to Council owned land. This could be regulated by a planning condition.

3.5 The applicants have also provided details of the proposed use of the existing Lidl building if permission is granted. Rubicon Land Investments would secure ownership of the Lidl premises and they have indicated that negotiations are well advanced to secure a national retail operator as a tenant which would sell a range of comparison and convenience goods. This scenario is intrinsically linked to the development of the Hilton Road site which they currently own. While not part of the planning application, this issue is discussed in paragraph 7.3 below.

## 4.0 Consultations

4.1. Roads and Transportation have no objections to the principle of the development and they advise that the content of the Transport Assessment (TA) submitted with the application is generally acceptable. They are satisfied with: the proposed access and customer parking provision; the safety and capacity of the Clackmannan Road/Hilton Road junction to accommodate the predicted traffic levels; the level of accessibility of the site in relation to modes of transport other than the private car; and the applicant's commitment to produce and implement a Travel Plan for the development. They have advised that if permission is granted, it should ensure the provision of the measures specified in the TA, namely, the provision of a signalised crossing on Clackmannan Road to the west of Hilton Road, the provision of "bus boarder" kerbs at the nearest bus stops which would serve the development, the inclusion of a direct pedestrian route to reflect the likely desire line near to the Clackmannan Road junction, and that the provision of replacement off-street parking for Alloa Athletic FC is investigated to replace the loss of overspill parking on the existing car park. *Comment. The applicant has submitted information which demonstrates that the parking, accessibility and road safety issues associated with the development at this location could be satisfactorily addressed subject to the proposed planning conditions. The Football Club have submitted a statement to advise that they carried out an analysis of parking provision requirements for the Club to ensure its requirements were safeguarded. Their assessment was that 26 off street parking spaces would be necessary, although this is significantly less than the capacity of the existing car park. The proposed car park would be large enough to accommodate up to 35 cars. A planning condition could be used to require the provision of the replacement car parking prior to the opening of the supermarket.*

- 4.2. Environmental Health have raised no objection to the application.
- 4.3. Network Rail has raised no objection to the development and requested that the developer liaise with it to ensure adequate safeguarding of the railway during the construction phase. *Comment. This advice can be included as an advisory note on the decision notice if approved.*
- 4.4. Land Services have raised no objection to the application and advise that adequate measures are taken to protect any trees to be retained on or adjacent to the site and a detailed landscaping specification is required for any new planting. *Comment. These requirements could be regulated using planning conditions. The development would require the removal of a large number of trees however, the existing landscaping on the south boundary of the site would be maintained. The Council's permission as land owner would have to be obtained to secure the removal of any trees on its land.*
- 4.5. The Health and Safety Executive do not advise, on safety grounds, against the development. *Comment. A risk assessment was required since the site lies within the consultation distance of the COMAH site which comprises the Carsebridge bonded warehouses.*
- 4.6. The Coal Authority do not object to the application and are now satisfied that there are no significant coal mining legacy issues within the site following the submission of a Coal Mining Risk Assessment by the applicant.
- 4.7. Scottish Water have not submitted comments in response to their consultation.
- 4.8. The Police Community Safety Officer has recommended measures to reduce the risk of crime. *Comment. These have been forwarded to the applicant.*
- 4.9. Alloa Business Improvement District (BID) was consulted but has not commented on the application.

## **5.0 Representations**

- 5.1 A total of 3 neighbours were notified of the application. There have been no objections but one representation has been received from Mr P Robertson, 25 Gean Road, Alloa who states that he neither objects nor supports the application. He has commented that he read in the newspaper that the developer will be supporting youth football at Alloa Athletic FC if they obtain permission but requests that any benefits should be shared amongst other clubs in the area, many of which have fewer resources than Alloa Wasps. *Comment. The benefits offered by the developer to support youth football would not be a material planning consideration since it would be unrelated to the planning merits of the proposed development and could not be regulated through the planning application process.*

## **6.0 Planning Considerations**

- 6.1 The application must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The key Development Plan policies are set out in the adopted Clackmannanshire Local Plan, 2004 and the approved Clackmannanshire and

Stirling Structure Plan, 2002. The site is within the settlement boundary of Alloa identified in the Local Plan. Policy T2 (Clackmannan Road Car Park) relates specifically to the application site and allocates the land for retention as a car park for the football ground.

- 6.3 The Structure Plan and Local Plan provide the policy context and framework for retail development. Structure Plan Policy S1 (Role and Function of Strategic Shopping Centres) identifies Alloa town centre as the main shopping centre for Clackmannanshire for convenience and other types of shopping. The policy states that its role will be protected and enhanced through; appropriate improvements to the town centre; the restriction of further out of centre shopping except for that specified in the Plan; restrictions on the range of goods which can be sold in out of centre household shopping centres; and requiring any development exceeding 2,500 square metres gross floorspace (gfs) to be accompanied by a retail impact assessment. The policy also identifies the retail park at Clackmannan Road as a strategic shopping centre and defines its role for out of centre household shopping. *Comment. The proposed supermarket would principally sell convenience goods at an out of centre location. The Structure Plan only identifies further out of centre shopping at the Sterling complex in Tillicoultry. The application would not accord with this Policy.*
- 6.4 Policy S4 (Supermarkets) supports the development of supermarkets, including extensions, where the development is commensurate in scale with the size of the local community to be served and will not undermine the vitality and viability of the Centre, and it satisfies the sequential approach. *Comment. The accompanying text in the Plan states that support is provided for sites in or adjacent to appropriate centres although proposals could accord with the Policy on an out of centre site if it can satisfy these criteria including the sequential approach. These issues are discussed in paragraph 6.5 below since it is considered that Policy S5 would be more applicable to the proposal but these criteria are also applied as part of this Policy.*
- 6.5 Policy S5 (Other Shopping Development) sets out criteria to consider against proposals which are not explicitly planned for within the policy framework in Policies S1 and S4. Such proposals will normally be permitted only where they can satisfy the criteria set out in the Policy. This is examined below,
- a. A sequential approach has been applied demonstrating that no suitable sequentially preferable site is available ie. first preference is for a town centre site, followed by an edge of centre site and only then by out of centre sites which is also easily accessible by a choice of means of transport. *Comment. A sequential assessment has been carried out by the applicant which considers a number of potential sequentially preferable sites and comments on whether they are suitable and available. This included sites within Alloa Town Centre (the existing Lidl site at Candleriggs, the vacant former Coop site at Primrose Street, the former health centre site at Mar Place and the area of open space to the east of the Leisure Bowl). No potential edge of centre site was identified. A site within Alloa Retail Park at Clackmannan Road was also considered. This Park is identified as a Household Shopping Centre by Structure Plan Policy S1 and is considered to comprise a shopping centre. The Service has carefully examined the assessment and reviewed the findings about the suitability and/or availability of the sites. Our assessment has also had*



*regard to the most recent national guidance on applying the sequential approach contained in Scottish Planning Policy, 2014, which is a material consideration. This requires consideration of locations in the following order; town centre; edge of town centre; other commercial centres in the Development Plan; then out of centre locations that are easily accessible. Planning authorities and developers should also be flexible and realistic in applying the sequential approach. The SPP also states that out of centre locations should only be considered where; all sequentially preferable sites have been assessed and discounted as unsuitable or unavailable; the scale of the development is appropriate and it has been shown that the proposal cannot be reasonably altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; the proposal will help meet qualitative or quantitative deficiencies; and there will be no significant adverse effect on the vitality and viability of existing town centres. While not afforded the same weight as the Development Plan policy position, it has informed the overall assessment of the sequential position. The applicant has also highlighted recent case law relating to the interpretation of whether an alternative site is available or not. Our key conclusions are that;*

- *the assessment has considered all other potential sequentially preferable sites. There are no suitable existing buildings.*
- *recent case law decisions indicate that when considering the suitability of alternative sites to the one proposed, the question to be asked should be whether the alternative site is suitable for the proposed development, not whether it can be altered or reduced to fit into the alternative site.*
- *in terms of suitability, relevant factors include the proposed size of the proposed development, the provision of a customer carpark, the servicing requirements, the distinct characteristics in terms of layout requirements for discount supermarkets which can distinguish them from other convenience and comparison retail development, and other potential constraints including environmental or built heritage/townscape issues and the likely viability of the development.*
- *weight should be attached to the evidence submitted by the applicant about the future viability of the existing Lidl. The store was one of the earliest Lidl opened in Scotland in 1994. The applicant has advised that it no longer meets its requirements and it has concern about its viability due to its small size, internal configuration and absence of dedicated parking, particularly in comparison with other supermarkets serving the town centre. This is supported by the evidence of recent developments by the applicant elsewhere.*
- *having regard to the site layout, servicing and design requirements to accommodate a supermarket development as proposed, the evidence provided and the relevant guidance, we are satisfied that there are no other alternative sequentially preferable sites which are suitable or available. As part of our analysis, we have concluded that the existing Lidl site is not suitable to accommodate the proposed development and that there are compelling factors as to why there are no other suitable*

*town centre, edge of centre of other commercial centre sites available. Our conclusion has also had regard to the evidence from the applicant about the unsuitability of its current supermarket to meet current market and business requirements in the event that an alternative site is not approved. The criterion has been complied with.*

- b. The applicant has demonstrated that the form, design and scale of the development could not be adapted to make it appropriate for town or edge of centre sites. Comment. *As discussed in the point above, we are satisfied that the applicant has demonstrated why the proposed development could not reasonably be adapted to be accommodated within one of the alternative sequentially preferable sites. This criterion has been complied with.*
- c. The development meets an identifiable deficiency in shopping provision. Comment. *The applicant has submitted a Retail Impact Assessment (RIA) although the proposed development is below the size threshold of 2,500 square metres gross floor space where one is required. The Assessment has been reviewed together with the findings of the Clackmannanshire Retail Capacity Study 2012, prepared on behalf of the Council. The proposed net increase in convenience turnover would be roughly equivalent to or below the range of predicted forecast spare convenience expenditure capacity up until 2022. Although the spare capacity is relatively modest, the proposal would therefore accord with this criterion.*
- d. The applicant has demonstrated that the development would not undermine the vitality and viability of existing town centres. Comment. *The applicant's RIA has addressed the potential impact on viability and vitality of other centres. This has considered the effects assuming no new retail use for the existing Lidl supermarket. The convenience turnover of the existing supermarket represents approximately 4% of the total convenience turnover in Alloa Town Centre. The proposed net increase from the larger store size would equate to about 2% of town centre turnover. The impact of relocating this turnover outwith the town centre is not considered to be significant. The RIA predicts that the percentage of trade diversion for the proposed store would be as follows; 67% from the existing Lidl store which closes, 9% from Tesco, 7% from Asda and 15% from the Morrisons superstore. The impact on these other retailers would be relatively small representing only 1%-2% of their turnover. There would be no significant impact on other town centres. This level of impact would not undermine the vitality or viability of Alloa Town Centre or Alloa Retail Park. The criterion has been complied with.*
- e. It is within the urban area and has effective links to the public transport network. Comment. *The proposal accords with this criterion.*
- f. Retail impact assessment is required for proposals above 2,500 square metres gross floor space. Comment. *An RIA has been submitted although the proposal falls below the policy threshold. This criterion is not relevant to the application.*

The assessment of compliance of these criteria is not a precise science and a degree of flexibility and realism is required as advised in the SPP. However,

our conclusion is that the applicant has demonstrated that the development would accord with this Policy and that while the out of centre location would not accord with the strategic policy framework, it would not have a significant adverse impact on the vitality or viability of Alloa town centre or other shopping centres within Clackmannanshire.

- 6.6 Local Plan Policy JOB6 (New Shopping Facilities). The policy directs new retail stores in excess of 1,000 square metres gross floor space to Alloa Town Centre. New shops outwith shopping centres which would detract from the vitality and viability of existing centres will not normally be permitted. *Comment. As discussed in paragraph 6.5 above, the development would satisfy the tests set out in Policy S5 including the impact on viability and vitality and it has been demonstrated that an exception to this Policy would be justified.*
- 6.7 Policy EN2 (Landscape and Ecology) requires development to retain existing landscape features including woodland; where possible include measures to protect and enhance these features; provide details of proposed landscaping and provide for establishment of plants. *Comment. The proposed size of supermarket could only be accommodated within the site if the existing tree belts on the north, east and west boundaries are removed. Although the previously approved permission in principle on the site anticipated the retention of more of the trees than currently proposed, we are satisfied that their removal, including a number of trees protected by a TPO would be justified and would not be contrary to this policy having regard to the following factors;*
- a. The footprint of the development could not reasonably be reduced to safeguard the trees and accommodate the size of store and related servicing and parking requirements. The sequential assessment of alternative sites has not identified a suitable available site.*
  - b. Although the trees on the west boundary are protected by a TPO, these comprise relatively young specimens which do not make a significant or special contribution to the amenity of the area and these factors contribute to the exceptional circumstances which would justify the removal of so many protected trees.*
  - c. The Landscaping Plan has been amended by the developer to incorporate boundary landscaping to match the pattern and species of the environmental enhancement scheme on Clackmannan Road which would help off set the impact from the removal of existing trees. This could be regulated by condition to ensure the specification would complement the established scheme.*
  - d. The planting along the Clackmannan Road frontage, which has a significant impact, would largely be retained. The planting is mainly on land owned by the Council.*
  - e. The applicant has agreed to undertake or fund landscaping measures outwith the site to help compensate for the number of trees that would have to be removed in recognition of the fact that there would be insufficient space within the site. This could be regulated by a planning condition.*

- 6.8 Policy EN4 (Water Resources) requires all development to be assessed for flood risk and surface water drainage should be managed using SUDS principles. *Comment. A Drainage and SUDS Report has been submitted and this demonstrates that the development would accord with this policy.*
- 6.9 Policy EN11 (Enhancing Environmental Quality) states that development should positively contribute to its surroundings through its design, layout, landscaping and protection of natural features. *Comment. The proposed design and siting of the building and the landscaping framework would respect and positively contribute to the existing character and amenity of the area. The Clackmannan Road elevation would incorporate glazing to provide design interest to this key elevation. The loss of the existing tree belts would be compensated by the new building design, landscape framework and mitigatory landscaping works. This Policy is complied with.*
- 6.10 EN14 (Contaminated Land) requires any potential ground stability or contamination issue to be satisfactorily addressed. *Comment. A Coal Mining Risk Assessment Report has been received which addresses the risks from historic mining at the site. The Coal Authority has advised that it is satisfied that the potential risks have been addressed. This Policy is complied with.*
- 6.11 Policy EN15 (Planning and Environmental Protection) requires any environmental protection matter to be fully evaluated so it does not adversely affect the neighbourhood. *Comment. Environmental Health has raised no objection. This Policy is complied with.*
- 6.12 Policy INF2 (Integration of Transport and Development Proposals) states that new development should be located where they are easily accessible by public transport, foot and cycle as well as private car. *Comment. Roads and Transportation have advised that the proposed location is well served by public transport and would be accessible for pedestrians and cyclists. A signalised pedestrian crossing on Clackmannan Road, a direct pedestrian/cycle route to the supermarket entrance and cycle parking would also be provided thereby helping to satisfy this policy.*
- 6.13 Policy INF4 (Development Standards) requires that development accords with the provisions of the Council's Development Roads Guidelines and Specification. *Comment. Roads and Transportation have raised no objection to the development and are satisfied that the parking, access and provision for sustainable transport modes meet with the relevant standards. The developer proposes to compensate for the loss of the football stadium parking owned by the applicant by providing a car park on the vacant land on the west side of Hilton Road which it also owns. The ownership of this land would be transferred to the Football Club. The proposed car park is annotated on the Revised Site Layout Plan. The car park would comprise a smaller area than exists at present. The Football Club indicate that the proposed capacity of the car park would be sufficient compensation and would form part of the arrangements to manage parking demand on match days. Informal advice from the Police is that the proposed car park alone may not accommodate the mix of bus and car parking displaced from the site, so the travel plan required by Condition 4 in Appendix 1 includes an examination of arrangements to replace this existing provision.*

- 6.14 Policy INF5 (Access For The Less Mobile) requires that new buildings open to the public should incorporate barrier free access to all users. *Comment. The development would provide level access to customers and the car park layout would include accessible parking provision. This Policy is complied with.*
- 6.15 Policy INF13 (Public Art) states that public art will be encouraged as an element of major private sector development. *Comment. The application does not include details for the provision of public art but the developer has acknowledged the policy requirements. A planning condition could be attached to require the submission of details for the approval of the Council. This would ensure compliance with this Policy.*
- 6.16 While the proposed out of centre location for the supermarket would not accord with the general objective of the Plan and retail hierarchy/ function to direct any supermarket development to Alloa Town Centre in the first instance, we have concluded on the basis of the information and analysis, that the developer has demonstrated that the proposed location and scale of development would be policy compliant based on the conclusions and robustness of the Sequential Assessment and Retail Impact Assessment. In addition to establishing the principle of retailing at this location, we are also satisfied that the proposals would also accord with other relevant policies of the Development Plan.

## **7.0 Other Material Considerations**

- 7.1 Material considerations in the form of the consultation responses and representation have been considered in Sections 4.0 and 5.0 above. These are characterised by an absence of objections or concerns about significant adverse impacts, subject to the proposed conditions. They do not provide grounds to withhold permission.
- 7.2 The consideration of the application has also had regard to relevant national guidance including Scottish Planning Policy (SPP), Designing Places, PAN78- Inclusive Design, and PAN77- Designing Safer Places. We are satisfied that the assessment undertaken and information available demonstrates that the development is acceptable and accords with relevant policy guidance, including the policy principles set out in paragraph 29 of SPP that would contribute to sustainable development.
- 7.3 The developer has provided details of its proposals for the use of the existing Lidl supermarket should permission be granted. Rubicon Land would acquire the premises and they have provided information which indicates that negotiations are well advanced to secure a retail tenant for the premises. This would be a national operator which sells comparison and a smaller proportion of convenience goods. This business is expected to create about 25 jobs and if implemented would have a positive net effect on the vitality and viability of the town centre and a positive qualitative effect by boosting comparison turnover. Although the approval of the current application would not guarantee this investment in the existing Lidl store, and would not comprise part of the application, the evidence provided, together with the applicant's interest in both sites, is considered sufficient to justify attaching some weight to this arrangement in support of the application.

- 7.4 The proposed development would sustain the existing employment at the Lidl supermarket and create an additional 10-15 jobs thereby contributing to the local economy.
- 7.5 The Council has approved the proposed Clackmannanshire Local Development Plan (LDP) and, as such, is a material consideration. The LDP allocates the application site as a business site (Proposal B06) which reflects the extant planning permission in principle for development of land for a hotel, restaurant and associated car park. However, the applicant has provided details of the results of the marketing of the site which has failed to identify any serious interest for these uses. The proposed development also largely addresses the development guidelines for the site as set out in the LDP. The LDP continues to support the viability of town centres and identifies Alloa Town Centre as the principal shopping centre where development of this scale would normally be directed. The Plan also identifies Alloa Retail Park as a Commercial Centre whose main role would be as a household shopping centre with a superstore but the text suggests there may be scope for commercial leisure issues. Policy EN14 (Retail Network Centre and Hierarchy) seeks to protect the role and function of the network of centres. Policy EP16 (New Retail and Commercial Leisure Development) sets out the framework and criteria against which individual proposals would be assessed. We are satisfied that the information provided by the applicant is sufficient to satisfy the criteria in these policies. Policy EP17 (Supermarket and Superstore Development) only supports extensions to existing supermarkets which do not exceed 10% of the original gross floor space. Although the proposal would not accord with this policy, the applicant has provided information which demonstrates that the proposed net increase in convenience turnover for the proposed development would not have a significant adverse impact on the vitality or viability of existing shopping centres. It is concluded that there would not be sufficient grounds to withhold permission on the basis of Policy EP17 of the LDP.
- 7.6 In summary, it is concluded that there are no adverse material considerations which would outweigh the Development Plan position and justify withholding permission but there are some material considerations which provide support for the development.

## **8.0 Sustainability Implications**

- 8.1 The development would utilise an underused area of brownfield land within the settlement boundary. The layout would be accessible by modes of transport other than the private car and would incorporate a drainage system based on SUDS principles. Although the existing tree belts highlighted in the report would be removed, compensatory landscaping measures would be provided within the site or nearby.

## **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	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

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

## 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".

Appendix 1 - Conditions and Reasons for Conditions

## 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 Development Plan; Proposed Clackmannanshire Local Development Plan; Scottish Planning Policy; Designing Places; Clackmannanshire Retail Capacity Study 2012.

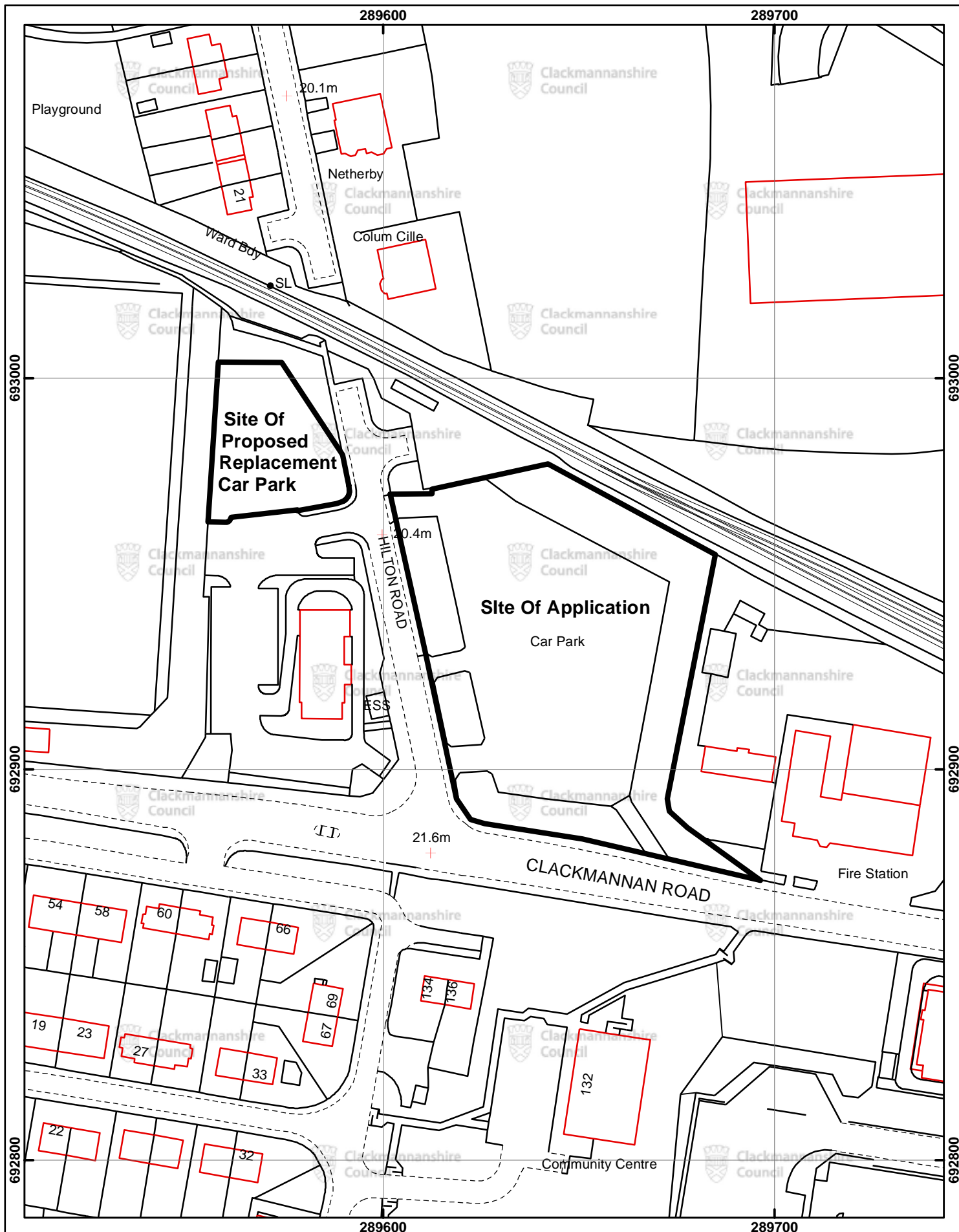
### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	01259 452614

### Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	
Gordon McNeil	Head of Development and Environment Services	







## APPENDIX 1 - CONDITIONS AND REASONS FOR CONDITIONS

1. Unless otherwise agreed in writing by the Council, as planning authority, no part of the supermarket development hereby approved shall be taken into use prior to;

(a) The submission for the consideration and approval by the Council of written details of the design, layout and management of the car parking area on the land generally as identified on the west side of Hilton Road on the Proposed Site Plan drawing (No OS (00) 01 K). This shall include details of the proposed surface finish, the proposed means of delineation of the parking spaces and circulation space, the means of boundary enclosure and landscaping, the proposed treatment of the boundary between the car park and the access link to the north east entrance to the football ground, and the arrangements for future management of the car park, and,

(b) The completion of the car park area in accordance with the details approved under (a) above.

2. Unless otherwise agreed in writing by the Council, as planning authority, no part of the supermarket development hereby approved shall be taken into use prior to the completion of the following measures to a standard adoptable by the Council;

(a) A signalised "Toucan" crossing on Clackmannan Road, generally in the vicinity of the existing island crossing immediately to the west of Hilton Road.

(b) The installation of "bus boarders" (elevated road kerb heights with an associated bus shelter platform area) at the two existing bus stops on the east and west bound carriageways on Clackmannan Road nearest to the site.

(c) The installation of dropped kerb pedestrian crossing points on either side of the Hilton Road/ Clackmannan Road junction.

3. Before any works commence on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority;

(a) Details of all external finishing materials on the building and the layout and material specification comprising the pedestrian access area between Hilton Road and the customer entrance.

(b) Details of the design, finish and colour of any means of enclosure within or around the site.

(c) Details of the location and design of any external lighting within the site.

(d) The proposed measures and arrangements for implementation of a scheme of tree planting and/ or landscape management works outwith the site area, commensurate with the number of trees removed to accommodate the development.

Thereafter, the development shall be carried out in accordance with the approved details.

4. Before any works commence on site, details of a Travel Plan shall be submitted for the approval of the Council. The Travel Plan shall accord with the Framework set out in the Transport Assessment by JMP Consultants dated June

2014 and shall include an examination of arrangements for managing and accommodating football supporter traffic (buses and cars) that will be displaced from the site, and the arrangements for a suitable annual monitoring and review report for a period of at least 10 years. The Plan shall be approved prior to the supermarket being taken into use. Thereafter, the development shall be implemented in accordance with the requirements of the approved Travel Plan.

5. Before any works commence on site, protective fencing shall have been erected around all trees and hedges to be retained on or adjacent to the site, all in accordance with BS5837 (Trees in Relation to Construction) (2005). The developer shall make arrangements for an officer of the Council to have inspected these measures prior to commencement of construction works, and once approved, such protection shall remain in place for the duration of the construction work.

6. The collection, treatment and discharge of surface and roof water on the site shall be implemented in accordance with the details contained in the SUDS and Drainage Strategy document produced by Fairhurst dated 7th October 2014, or as amended and the requirement of "Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland".

7. Before any works commence on site, detailed arrangements for the provision of public art within the site, or a commuted sum in lieu of such provision, generally in accordance with draft Supplementary Guidance (SG1 - Developer Contributions) of the Proposed Local Development Plan, 2013 shall be agreed in writing with the Council.

8. Before any works commence on site, finalised details of proposed ground levels and finished floor levels, including sectional drawings showing the relationship of the proposed development to adjacent land, including the landscaped area within the site owned by the Council, shall have been submitted to and approved in writing by the Council, as planning authority. Thereafter the development shall be carried out in accordance with the approved details.

9. Before any works commence on site, a detailed landscaping plan for the site shall have been submitted to and approved in writing by the Council, as planning authority. The plan shall include;

(a) A plan identifying the precise trees and hedgerow to be removed between the south elevation of the supermarket building and Clackmannan Road and the reason(s) for the removal. This shall include consideration of the scope to retain a longer length of hedgerow on the corner of Hilton Road and Clackmannan Road than shown on the Landscaping treatment Plan submitted by the applicant

(b) Details of the type, size, number, location, planting distances and means of protection of the proposed trees, hedgerow or other plants. This shall be designed to match the specification of the existing hedge and tree planting along the southern boundary of the application site.

(c) Further to (b) above, details of the proposed landscaping to replace the existing vehicular access to the site and the pedestrian access from Clackmannan

Road and the scope to screen the existing palisade fence adjacent to the north boundary of the site.

(d) A specification for the preparation of ground and soil conditions associated with the approved planting.

(e) A specification of the arrangements and measures for the implementation, establishment and future maintenance of the landscaping.

Thereafter, the developer shall implement the approved landscaping plan in accordance with the details under Condition 9 (e) above.

For the avoidance of doubt, the Proposed Landscaping Treatment Site Plan and Trees to be Removed Site plan relating to the land owned by the Council are not approved by this permission.

10. The access from Hilton Road, the parking spaces, cycle parking, footway and footpaths within the site and annotated on the approved Site Plan shall be completed prior to the commencement of the use of the building.

11. All construction work on site and the use of vehicles, plant and equipment shall only take place between the hours of 0800 to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, unless otherwise agreed in writing by the Council, as planning authority.

## REASONS

1. In order to ensure that measures are implemented to minimise the risk of displaced parking demand on the surrounding public road network due to the re development of the existing car park, in the interest of road and pedestrian safety, and in the interests of the visual amenity of the area.

2. In order to ensure the implementation of these works to encourage trips to the supermarket by more sustainable modes of transport than the private car and in the interests of pedestrian safety.

3. To consider these details yet to be submitted, in the interests of visual amenity and local environmental quality.

4. In order to maximise the use of sustainable modes of transport in trips to and from the site.

5. In the interests of visual amenity and to minimise the risk of damage to trees to be retained.

6. To ensure that surface water is managed in a sustainable manner.
7. To accord with the public art strategy set out in Policy INF 13 of the adopted Clackmannanshire Local Plan and draft Supplementary Guidance 1 of the Proposed Clackmannanshire Local Development Plan.
8. In order to consider these details yet to be submitted in the interests of visual amenity and local environmental quality.
9. These details have yet to be submitted and in the interests of visual amenity, local environmental quality having regard to the proximity of the site to one of the main routes to and through the town of Alloa.
10. In the interests of road safety and to encourage the use of sustainable modes of transport.
11. To minimise the risk of nuisance to nearby residents.

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**Report to:** Planning Committee

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**Date of Meeting:** 30th October 2014

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**Subject:** Change of Use of Land (Existing Carpark) to Garden Ground, Penny Cottage, 33 High Street, Dollar, FK14 7AZ (Ref No 14/00187/FULL)

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**Report by:** Mark Stoddart, Planner

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## **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 as the proposal involves Council land and there have been objections to the proposal.

## **2.0 Recommendations**

- 2.1. It is recommended that the application be **APPROVED**.

### **2.2. Reasons for Decision**

- 1. The change of use of the shrub bed and a 1 m strip of the carpark to the rear of No. 33 High Street, can be implemented without any loss of parking spaces.
- 2. The proposal meets the criteria of Policy RES 12, EN 6 & EN 10 of the Clackmannanshire Local Plan.
- 3. The proposal complies with guidance contained in Supplementary Advice Note 8 - House Extensions.
- 4. There are no other material considerations that outweigh the Development plan position.

### **2.3. Plans relating to the Decision**

- 1. Location Plan - DRG 001
- 2. Cross Sections - existing and Proposed - DRG 002.

### **3.0 Considerations**

- 3.1 The cottage is located within the Dollar Outstanding Conservation Area and is a 'C' listed building. The cottage is situated to the rear of the curtilage with a carpark to the rear. This carpark is higher than the property and there is a 1m high retaining wall, which marks the boundary. A 1.5m wide shrub bed separates the garden from the surfaced carpark.
- 3.2 Permission was originally sought to extend the rear garden of the cottage by taking in the shrub bed, retaining wall and 2.5m of the car park. A new retaining wall and railing would be erected on the new rear boundary. Following discussions with the Council's Roads Service, the applicant has amended the proposal, reducing the width of car park land within the site from 2.5m to 1m.
- 3.3 Planning permission has recently been granted for an extension to the front of the cottage. (14/00161/FULL).

### **3.4 Consultations.**

- 3.5 Roads and Transportation - are broadly in support of the proposal. They note that the carpark is unmarked and this means that it is used inefficiently. They consider that the amended proposal provides the opportunity to delineate parking spaces and avoid any loss of parking.
- 3.6 Land Services - have no objection to the removal of the shrub bed.
- 3.7 Dollar Community Council - have objected to the original application and the amended proposal, as it would not be in the public interest to lose parking.

### **4.0 Representations**

- 4.1 A total of 8 No. neighbouring properties were notified of the application and adverts placed in the local press and the Edinburgh Gazette. In response, representations have been received from the following parties:

- Alberto Condal, 19 Hillfoots Road, Dollar;
- Peter Lawry, 4 Hillfoots Road, Dollar;
- Ron Lamond, 21 Hillfoots Road, Dollar;
- Mike O'Sullivan, 23 Hillfoots Road, Dollar;
- Detlef Lorenz, 32 Dewar Street, Dollar;
- Crawford Dewar, Aikars, 11 Hillfoot Road, Dollar.

On the following grounds:

The notification of the application and public notice is deficient in the extent of notification and information given in the public notice. Comment. *The format of the notification and the displayed notice is prescribed in Government regulations and Council has complied with those regulations. A public notice was also included in the Alloa Advertiser and the Edinburgh Gazette for the wider public interest.*



The car park is heavily used in the summer time and weekends. Comment. *We agree that this tends to represent the peak periods.*

The amount of parking that is available in the area is insufficient to cope with the number of visitors to the area. Comment. *The amended proposal and subsequent improvements to the carpark to define the car parking spaces can avoid any loss of parking spaces.*

There is no on-street parking on Hillfoots Road. Comment *Noted.*

The alterations to and marking of the car park requires public money which benefits a private individual. Comment. *The maintenance and improvement of the car park forms part of the ongoing works that the Council carries out on annual basis. There will be no net cost to the Council arising from the proposal, and the re-construction of the retaining wall should ease the maintenance burden.*

- 4.2 Following the proposed amendment to the plan, the objectors, the Roads Service and Dollar Community Council were re-notified of the changes.

The following additional comments were received.

The reduction of / works to the carpark will adversely impact on the drainage in the area. Comment. *The Council's Roads Service will be involved in the design of the new retaining wall. The site boundary is not adjacent to the property to the west that sits at a lower level. This boundary is therefore unaffected by the development.*

As No. 31 is vacant, no applications should be decided until there is a new owner. Comment. *In line with Governmental requirements notification was sent to No. 31. It is issued to the owner and occupier of a property. The Council must proceed to determine the application.*

## **5.0 Development Plan Position**

- 5.1 The application must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 In this case, the key Development Plan provisions are as set out in the Clackmannanshire Local Plan, adopted 2004.
- 5.3 Policy RES 12 of the Local Plan deals with householder developments and requires that developments do not adversely impact on the amenity of the surrounding area. It is considered that the proposal will not adversely impact on the amenity of the area. Shrubs will be removed. A retaining wall will be rebuilt. A narrow segment of a carpark will be lost. There will be no direct effect on any adjoining property.
- 5.4 Policy EN 6 of the Local Plan deals with development affecting listed buildings. The enlargement of the rear garden of the listed building will enhance its setting, and provide increased private space between the building and the public space.
- 5.5 Policy EN 10 deals with developments in conservation areas and requires that developments do not have an adverse impact on the character and nature of

the conservation area. The change of use of part of the carpark and associated shrub bed to private garden ground will not have an adverse impact on the character of the Conservation Area.

- 5.6 Our assessment of this proposal takes account of the applicant's house, the position of, and alterations to, neighbouring properties, and any consequential predicted change to standards of amenity. On balance, we conclude that the proposal complies with the Development Plan.

## **6.0 Other Material Considerations**

- 6.1 The Council's Roads Service have assessed the proposal and concluded that by introducing the delineation of carparking spaces, no loss of carparking would materialise. The carpark is inefficiently used at the present time, due to the absence of any carparking spaces marked on the ground. The applicant has submitted an amended proposal which reduces the area of carpark within the site from 2.5m to 1m. The Council's Land Services department have confirmed that they have no objection to the removal of the small shrub bed to the rear of the house. Accordingly, while we understand the comments received from local residents and the Community Council regarding the value of this car park, we are re-assured that any loss of parking can be avoided.
- 6.2 In the event that planning permission is granted, the applicant would require to conclude the purchase of the land from the Council. Arrangements for the demarcation of carparking spaces, will be finalised as part of that arrangement and therefore implemented with the changes described in this application. This will ensure that we achieve the objective sought by the Roads Service.
- 6.3 The Clackmannanshire Local Development Plan - Proposed Plan, has been approved by Council and is currently before Ministers. As a material consideration the proposal needs to be assessed against Policies SC8 (Domestic Developments), EA 22 (Listed Buildings) & EA 23 (Conservation Areas). The proposal meets the criteria of those policies.
- 6.4 The issues raised by the representations have been considered and do not indicate that planning permission should be withheld.

## **7.0 Sustainability Implications**

- 7.1 None

## **8.0 Resource Implications**

### *8.1 Financial Details*

- 8.2 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 ☒
- 8.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

## 9.0 Exempt Reports

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

## 10.0 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	<input type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies**

Clackmannanshire Local Plan.

## 11.0 Equalities Impact

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

## 12.0 Legality

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

## 13.0 Appendices

13.1 None

## 14.0 Background Papers

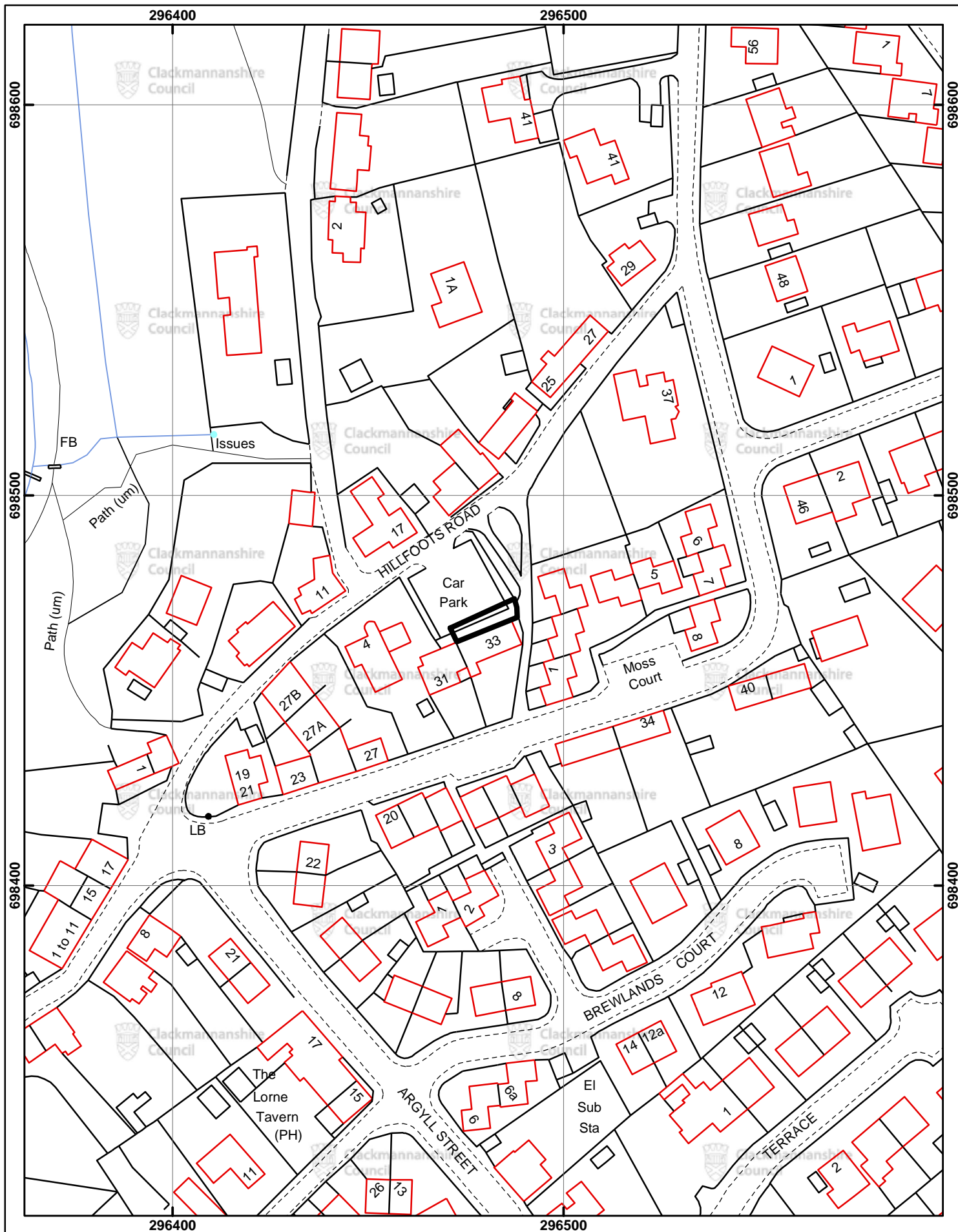
14.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes ☐ (please list the documents below) No ☒


**Author**

NAME	DESIGNATION	TEL NO / EXTENSION
M Stoddart	Planner	01259 452626

**Approved by**

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	
Gordon McNeil	Head of Development and Environment Services	






Date:  
06-Oct-2014

**14/00187/FULL - Penny Cottage, 33 High Street, Dollar**  
**Change Of Use Of Land (Existing Car Park) To Garden Ground**

**Ward: Clackmannanshire East**

**OS Grid Ref: NS 96 98 SW**

**Scale: 1:1,250**



**Clackmannanshire Council**  
[www.clacksweb.org.uk](http://www.clacksweb.org.uk)  
 Services to Communities  
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**Report to:** Planning Committee

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**Date of Meeting:** 30 October 2014

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**Subject:** Planning Application ref: 14/00191/FULL - Erection of 164 Houses and Flats With Associated Access Roads, Paths, Parking, Landscaping And Open Space at Development Site, The Shore, Alloa, Clackmannanshire

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**Report by:** Grant Baxter, Principal Planner

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## **1.0 Purpose**

- 1.1. This is a report of handling on the above planning application. The application is being reported to the Committee for determination as the proposed development falls in to the category developments classed as "major", namely a site exceeding 2Ha in area and a development of more than 50 houses.

## **2.0 Recommendations**

- 2.1. It is recommended that the planning application is **APPROVED**, subject to
- (i) the developer entering into a Legal Agreement in relation to the phased payment of financial contributions towards primary and secondary education provision required as a result of the proposed development, and
  - (ii) conditions and reasons on the following matters, the final terms of which to be finalised by the Appointed Officer:
    - Phasing Plan - to ensure delivery of community infrastructure on and off site, including access road upgrade, play space, riverside walkway and works on Bowhouse Road.
    - Certain elements of the layout are not approved - revised plans showing agreed layout proposals require to be submitted
    - Detailed landscape plan and arrangements for implementation, adoption and maintenance - identify those areas for Council adoption (Bowhouse Road frontage, riverside walkway, park, play facilities and bund).
    - Technical reports - SUDs scheme/ Noise & Odour Assessments/Contamination reports/TA update.
    - Details of imported material and land-raising.

- Finishing materials/surfacing/boundary treatments/bin storage areas.
- Public art.
- Construction management plan.
- Water resistant materials and internal electrics positioned as recommended in FRA.
- Archaeological Scheme of Investigation.

### **3.0 Considerations**

#### **3.1. Background**

- 3.2. The application relates to 3.84Ha of land at The Shore, Alloa, the site of the former Stirling Stone yard and adjoining former Scottish Enterprise property fronting Bowhouse Road. The site is level and broadly rectangular in shape, with a frontage to Bowhouse Road, opposite Alloa Academy. The southern part of the western edge of the site is onto the River Forth, whilst the northern portion adjoins Council owned land, including the remains of former industrial buildings and a small car park and amenity area overlooking the river.
- 3.3. The site is largely vacant and derelict, the only buildings being a vacant former training/enterprise building on Bowhouse Road. The riverside frontage is formed partly by the original stone dock walls, but also concrete blocks, which mark the entrance to the former Alloa Wet Dock which was infilled in the 1960s.
- 3.4. The site lies within the Old Alloa Conservation Area. The First Alteration to the Clackmannanshire Local Plan, adopted in October 2011 identifies the whole site (including adjoining Council land) as Housing Proposal H6, with development guidance referring to a mix of uses, including residential, retail, business and recreation. This is the current adopted Development Plan position.
- 3.5. The Clackmannanshire Local Development Plan, Proposed Plan (LDP) has been approved by the Council and is currently with Scottish Ministers for Examination. The LDP shows the site, and adjoining Council land, as Proposals M02 (Mixed Use Development), described as a residential opportunity to include an element of mixed use, leisure, recreation and business. There are no specific representations to the site's designation in the LDP Proposed Plan, being considered as part of the Examination.
- 3.6. The site, along with the Council owned land, was granted Outline Planning Permission in 2006 for residential, business, retail and restaurant development. A subsequent Reserved Matters application, including a masterplan was also approved by the Council in 2008. Further to that, an application to erect 132 houses and flats on the northern portion of the site, was submitted but eventually withdrawn. A planning application for 172 flats and houses was submitted by the current applicant in November 2013, but, that, too, was withdrawn as it did not contain an up to date flood risk assessment. There are therefore no current planning permissions on the site.



### 3.7. Proposals

- 3.8. The application proposes the erection of 164No. houses and flats, with associated roads, paths, parking, landscaping and open space. The layout proposes 81 No. mainly semi-detached and terraced two storey houses, including houses facing but set back from the frontage of Bowhouse Road by a landscaped belt. The flats would be contained in seven, 3 and 4 storey blocks, and positioned generally at the foot of Lime Tree Walk and on the river frontage.
- 3.9. The main access would off the Lime Tree Walk roundabout, with a secondary access off Forthbank Road at the site's eastern end. As well as the landscaped belt along Bowhouse Road, the proposals include a 3m high planted bund along the southern boundary, open space containing a play area, and a riverside walkway. The proposals also involve raising of ground levels across the site to ensure that the development is protected from flood risk. This will require the importation of sufficient quantities of material.

### 3.10. Consultations

- 3.11. Roads: No objections to the proposed arrangements for accessing the site, but comments on specific elements of the internal road layout and design, including junction design, layout of shared surface streets and parking. *Comment: As noted under paragraph 2.1 above, conditions are proposed that would deal with these detailed points, including that specific elements of the road design are not approved, and require re-design.*
- 3.12. Scottish Water: No response to the current application. On a previously withdrawn application (13.00256/FULL) they had no objections. Capacity exists in water and wastewater networks, although local water network enhancements may be required. SUDs will be required to deal with surface water. Comments were made regarding potential impacts of the nearby Waste Water Treatment Works (WWTW) on residents, eg visual impact, noise impact from mechanised equipment and odour impacts. Scottish Water recommend a study encompassing the necessary noise and odour site survey. *Comment: The current application proposes a 3m high bund, with trees planted on its crest to be formed along the site's southern edge, bounding the WWTW. In addition, it is proposed that any planning permission includes a condition requiring a detailed noise and odour assessment to be undertaken, in order to ensure appropriate measures are taken within the development to minimise the risk of nuisance to residents.*
- 3.13. Environmental Health: Comments on the potential for noise and odour from the WWTW to affect residents of the development. Conditions recommended for construction activity and hours of operation, a noise assessment, and further monitoring of groundwater and ground gas. *Comment: The site is identified as a residential opportunity in the proposed Clackmannanshire local Development Plan. It is proposed that any planning permission includes a condition requiring a detailed noise and odour assessment to be undertaken, in order to ensure appropriate measures are taken within the development to minimise the risk of nuisance to residents. The proposed contamination monitoring can be made a requirement of a planning condition.*

- 3.14. SEPA: No objections. SEPA are satisfied with recommendations set out in the Flood Risk Assessment (FRA) submitted by the applicant, proposing precise finished floor level for houses/flats above the estimated flood level, the use of flood resistant materials and position of electric cables and sockets in ground floor properties. A surface water flow path proposed along the site's southern boundary should be maintained at all times. SUDs, designed to be adopted by Scottish Water will be required, including care to avoid contamination of water. *Comment: The response to the FRA is noted. The additional issues can adequately be addressed in planning conditions.*
- 3.15. Education Service: The development will impact on the primary and secondary school estate, requiring additional accommodation at Park Primary School and Alloa Academy. A developer contribution of £282,000 will be required for additional and modified accommodation in both schools. *Comment: The process for securing and delivering such contributions will be the legal agreement described in Section 2 above.*
- 3.16. The Coal Authority: No objections on the basis of geotechnical documents that have been submitted with the application.
- 3.17. Regional Archaeologist, No objection but suspensive condition is recommended, requiring implementation of archaeological works in accordance with the scheme of investigation

### **3.18. Representations**

- 3.19. A total of 37 No. neighbouring properties were notified of the planning application. In addition, the application was advertised in the Alloa Advertiser and Edinburgh Gazette as Development in a Conservation Area. In response no representations have been received from third parties.

### **3.20. Planning Considerations**

- 3.21. The application must be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.22. The key Development Plan considerations are set out in the Clackmannanshire Local Plan adopted 2004, and the 1st Alteration to the Clackmannanshire Local Plan, adopted October 2011.
- 3.23. As noted above, the Clackmannanshire Local Plan First Alteration identifies the site and adjoining Council land as a housing proposal, and development guidelines refer to a possible mix of additional uses that includes leisure, retail, industrial, business and recreation. Notwithstanding the omission of these optional uses, which could potentially be included in the remaining portion of the site, the proposals reflect the Local Plan allocation.
- 3.24. Although the proposed density exceeds the Local Plan guidelines, it is very similar to the Bowhouse Gardens/Riverside View development to the east. In addition, the applicant has cited viability issues associated with high development costs as a significant contributor to the density, and in particular the installation of the higher density flatted development. The higher density has contributed to the difficulties in resolving the internal road design and access arrangements, but this will be resolved by discharge of conditions.

- 3.25. The proposals include recreational space and a riverside walkway which can be linked to potential future routes to the north and south, which are currently being considered as part of the Alloa Climate Change and Heritage Park Project. There remains the potential to develop other uses on the remaining portion of the Local Plan site.
- 3.26. Policy RES 2 of the adopted Local Plan supports new residential development on brownfield land, including vacant and derelict land within settlement boundaries. The application complies with this policy.
- 3.27. Policy RES 4 of the adopted Local Plan seeks to ensure the provision of affordable housing as a part of developments on sites with a capacity of 30No. units or more, with a target figure of 25% of the overall site capacity being affordable. The application does not propose any formal provision of affordable housing through a Housing Association or other RSL. Housing Services have indicated that whilst they would welcome the provision of affordable housing on this site, the development will add to the regeneration of the community and introduce a greater mix of tenure to this part of Alloa. In addition, the high proportion of 2 bedroomed units to be provided matches demographic trends showing a growing need for smaller houses.
- 3.28. It is proposed that the developer contributions from the development should be focussed on education provision, and as noted above, this would amount to around £282,000, and without the additional requirement for an affordable housing contribution. This position reflects the new Supplementary Guidance (SG) on Developer Contributions, which indicates that, in areas of insufficient educational capacity, the emphasis of contributions shall be towards addressing such capacity issues. In addition, this approach reflects the SG in taking account of abnormal costs associated with developing this site which the applicant has highlighted. This indicated that a requirement for both affordable housing and education contributions would threaten the viability of the development.
- 3.29. Policies RES 7 and RES 8 deal with the layout and form of development and amenity standards respectively. All proposed houses would have private garden ground, and communal open space is proposed in the curtilage of all flatted blocks. In addition, an open space area of around 2000m<sup>2</sup> with play park is proposed in the southern part of the site, as well as a waterfront walkway and landscaped belt fronting Bowhouse Road. The proposals therefore provide an adequate level of private and public amenity space.
- 3.30. Policy EN1 deals with sites of ecological importance. The site has a frontage onto the River Forth, and lies approximately 600m downstream of the Firth of Forth Special Protection Area (SPA). Policy EN2 requires that when considering applications for development, the Council will be guided by the Clackmannanshire Local Biodiversity Action Plan (LBAP). The LBAP makes reference to the issues around managing the habitats in and around the SPA, including mudflats, saline lagoons and saltmarsh areas. The proposed development is contained within the existing built-up area, and does not directly affect the river or any of these habitat areas. It also proposes residential development on a vacant and derelict brownfield site, which will not increase the presence of people within the marine environment. The application does not therefore conflict with this policy.

- 3.31. Policy EN10 deals with developments in Conservation Areas, and seeks to ensure that developments protect and enhance the character of the conservation area within which they are located. In this case, the site is presently derelict and detracts from the character of the area. The proposals will contribute positively to the conservation area. The provision of a landscaped belt along Bowhouse Road and a strong built frontage to the river, are key elements of the design solution.
- 3.32. In terms of layout and form of development, the Service has strongly advocated the incorporation of new placemaking design solutions into new residential developments, including this site. In this respect, there are elements of the design that perhaps do not fully integrate these principles, and this is largely as a result of the development density and the requirement to meet parking standards. However, the plans recommended for approval are the product of extensive negotiations with officers and represent a significant improvement on earlier versions. There are no substantive grounds for withholding planning permission. The Service will review design thresholds on implementation of the development as part of our continued drive towards improved standards of layout and design.
- 3.33. In summary, the proposals achieve partial compliance with the adopted development plan, acknowledging that certain policy provisions are no longer in line with various strands of government guidance. Crucially, the proposals will deliver housing development on a large and prominent brownfield site and contribute to the regeneration of this part of Alloa.
- 3.34. The material considerations for this application comprise:
- Consultations - the advice enables the Council to grant permission subject to conditions
  - Representations - no comments have been received by other 3rd parties
  - The Clackmannanshire Local Development Plan (see below)
- 3.35. The Council has approved the Local Development Plan, Proposed Plan (LDP), and as such is a material consideration to this application. The LDP continues to allocate the site, as part of a development proposal (Proposal M02), described as residential brownfield redevelopment opportunity to include an element of mixed use leisure, recreation and business. The proposals fulfil many of the development requirements set out in the LDP Proposal, such as access arrangements, crossings on Bowhouse Road, provision of open space and waterfront public realm.
- 3.36. As noted above, the application does not propose any works to the river itself. The site is 600m downstream of the Firth of Forth Special Protection Area with all built development set back from the existing sea wall. It is noted that SEPA, in their consultation response, advise that land raising adjacent to the River Forth may require further authorisation from SEPA or Marine Scotland. The applicant is aware of SEPA's advice in this regard, and should any proposed works require to impinge directly on the river, details of this would require to be submitted and considered by the relevant authorities before they could be approved.

- 3.37. The LDP continues to support residential developments on brownfield land. Policy SC5 of the LDP sets out design criteria for new developments, in line with the Government's Placemaking agenda. The layout and design of the proposed development, as noted above, has partially succeeded in incorporating these principles, particularly in relation to circulation, street frontage, pedestrian safety, play and open space provision and environmental safeguards. This site has a number of challenging constraints, and the proposals are a proportionate response to these circumstances and the LDP guidelines.

#### **4.0 Sustainability Implications**

- 4.1. The development would involve the redevelopment of a large vacant and derelict brownfield site in a prominent location in Alloa for residential development including recreational space, riverside walkway and high quality landscaping along Bowhouse Road.

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. 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 ☒

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report.

Yes ☐

##### *5.4. Staffing*

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

#### **7.0 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	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>

Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

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

**8.0 Equalities Impact**

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

Yes ☐ No ☒

**9.0 Legality**

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

**10.0 Appendices**

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

None

**11.0 Background Papers**



11.1 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)

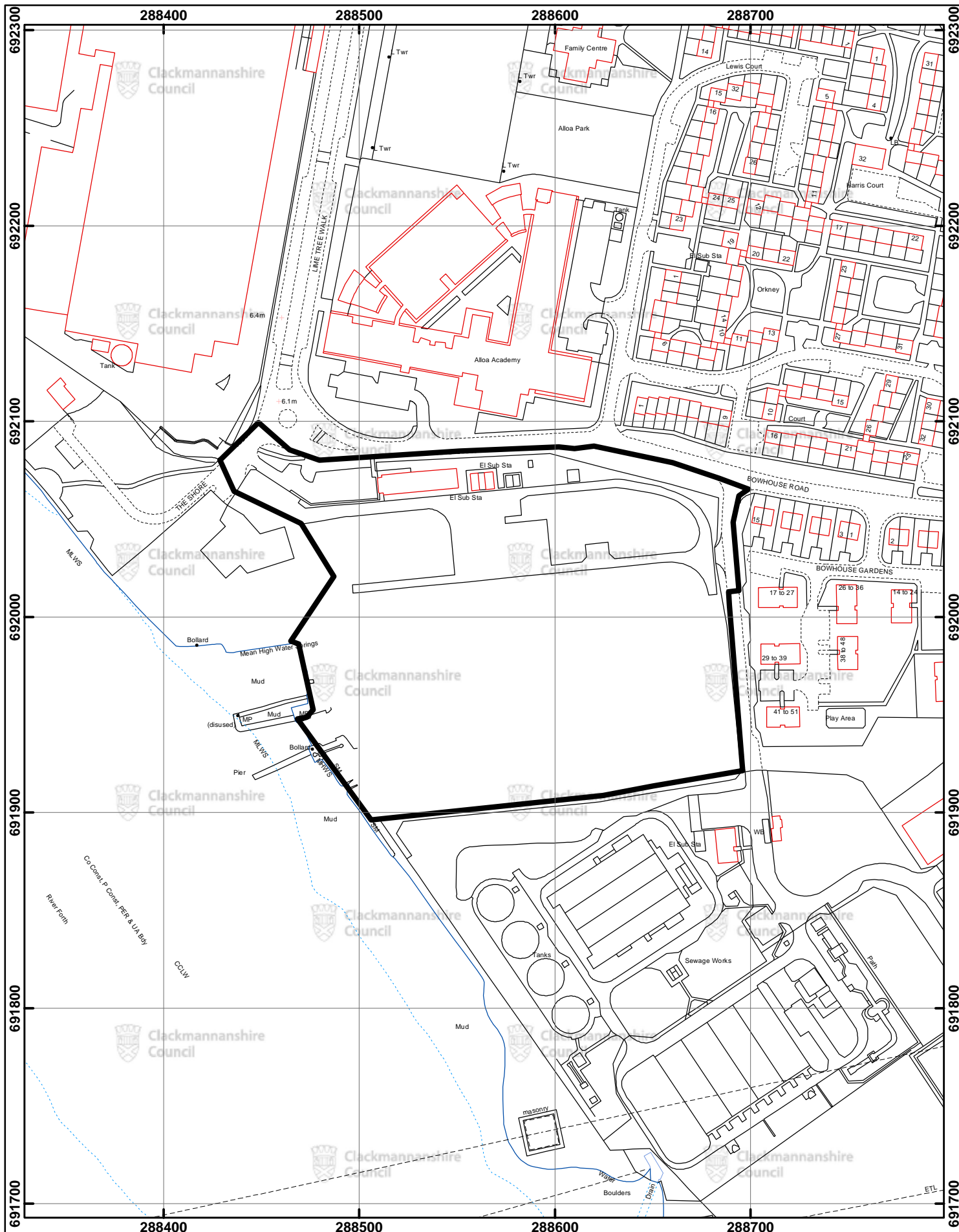
Yes ☐ (please list the documents below) No ☒


**Author(s)**

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Grant Baxter	Principal Planner	2615

**Approved by**

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	
Gordon McNeil	Head of Development and Environment Services	






Date:  
06-Oct-2014

**14/00191/FULL - Development Site, The Shore, Alloa**  
**Erection of 164 Dwellings (Houses and Flats) With Associated**  
**Access Roads, Paths, Parking, Landscaping And Open Space**

**Ward: Clackmannanshire South**      **OS Grid Ref: NS 89 SE**

0 25 50 75 100 Meters      Scale: 1:2,500



**Clackmannanshire Council**  
[www.clacksweb.org.uk](http://www.clacksweb.org.uk)  
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**Report to:** **Planning Committee**

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**Date of Meeting:** **30th October 2014**

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**Subject:** **Review of Planning Committee Decisions, Major Developments and Other Areas of Service Delivery**

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**Report by:** **Ian Duguid, Development Quality Team Leader**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to provide the Committee with an up to date position statement on previous Committee decisions on planning applications, other significant decisions approved under our Scheme of Delegation, and other key areas of Development Quality Service delivery between April - September 2014. The report is the latest of a series of regular reports prepared on a 6 month cycle.

## **2.0 Recommendations**

- 2.1. It is recommended that the Committee notes the progress on planned developments in Clackmannanshire, and other areas of work activity contributing to the Development and Environment Business Plan and the Clackmannanshire Local Development Plan.

## **3.0 Considerations**

- 3.1. The Development Quality Operational Plan for 2014/2015 includes the planned introduction of Committee reporting arrangements on the progress of the more significant planning applications and developments in Clackmannanshire during the period, plus other areas of work within Development Services. This report is the second in the series of such papers, following the initial report to Planning Committee in May of this year.
- 3.2. Having reviewed the feedback from the initial report, the format and content remains largely unchanged. There was, however, strong support for reporting progress on a wider range of developments, and we have therefore extended those reported to Committee this year, to include previous major development decisions and the more significant local developments that were decided under the Council's Scheme of Delegation during the period.

### 3.3. Progress On Previous Planning Committee Decisions

13/00016/FULL - Erection of 28 Houses at The Glen, Coalsnaughton. This was an amendment to a planning permission for development of a larger housing site that involved land to the north. The amendment was approved, and the site is now substantially complete.

13/00029/FULL - Erection of Primary School and Associated Works, Redwell Playing Field, Alloa. This application was approved in April 2013. Development was completed in August this year, in accordance with the approved plans, and the school is now in use.

12/00242/LIST - Conversion of Library to Form 3 Flats, 99 High Street, Tillicoultry. Following the grant of planning permission and listed building consent, the Council proceeded to implement the development. The flats were completed and occupied in August this year, in accordance with the approved plans.

11/00299/FULL - Extension to Burnfoot Hill Wind Farm (Six Additional Turbines and Access Road), Rhodders Farm, Tillicoultry. In January this year, a Reporter from the Department of Planning and Environmental Appeals granted planning permission for this development, subject to conditions. Suspensive conditions have largely been discharged, and work has started on implementing the planning permission. The turbines are likely to become operational in 2015. Notwithstanding the Reporter's decision not to require any developer contribution to offset the recreational impact of the development, officers have reached agreement with the developer on a voluntary contribution in line with contributions from the original wind farm development. Two other turbines which were approved by Perth and Kinross Council as a separate extension to the original 13 turbine windfarm have been installed.

13/00150/FULL - 32 Houses and 16 Flats, Former Alva Academy Site, Queen Street, Alva. This application was approved in 2013. Some planning conditions are yet to be discharged, but a recent public consultation event convened by Link Housing indicated that work was due to start on site in the next 2 - 3 weeks.

14/00059/PPP - Residential Development of Land, South of Woodhead Place, Coalsnaughton. This application was refused by Committee on 12 June this year. The applicants have lodged an appeal with Scottish Ministers, which is reported elsewhere in this report.

14/00160/FULL - Erection of 27 Houses, With Access Roads etc, at Former Tullis Factory Site, Tullibody. These proposals, which represent the initial phase of the larger Tullis factory site, were approved by Committee in September this year. There has been some preliminary work on discharging suspensive conditions but development has not yet started.

14/00181/FULL - Erection of 12 Flats and 7 Houses at Former Fairfield School, Pompee Road, Sauchie. This planning application was approved by Committee on 11 September this year, subject to conditions. There has been no further progress on discharging conditions. Accordingly, apart from the previous demolition of the school building itself, work has yet to start on site.

### 3.4 Pre-2014 Major Applications Update.

06/00283/OUT - New Village Development, Forestmill. The Council granted Planning Permission in Principle for this development in 2011. Permission was granted subject to conditions and there is a separate Section 75 Agreement. No detailed proposals have as yet been submitted to discharge the conditions of the planning permission. Informal discussions are ongoing, and it is anticipated that the first detailed submission for Forestmill will be with the Council before the end of 2014.

11/00219/PPP - Residential Development of Land at the Former Forth Valley Collage, Branshill Road, Sauchie. Planning Permission in Principle was granted in January 2012. As yet, no detailed proposals have been forthcoming. The permission will expire in January 2015 if no detailed proposals prescribed in conditions are submitted by that date.

11/00337/FULL - Erection of 97 Houses, etc at Former Alloa Academy, Claremont, Alloa. Planning permission for this development was granted in March 2012. All conditions have been discharged and the development is well advanced. Separate pre-application advice has been provided on proposals for development of the site of the former Claremont Primary School, access to which would be obtained via the existing development site.

13/00068/FULL - Extension to Outlet Shopping Centre, Sterling Mills, Devonvale, Tillicoultry. This planning permission was granted in June 2013. While other changes to the shopping centre have been implemented, this extension on the east side of the complex has not started.

10/00036/MSC - Erection of 74 Houses at Land to the East of Lower Mill Street, Tillicoultry. Following an earlier grant of outline planning permission, these details were approved in December 2010. We have subsequently extended the period for implementation of this development but it has not yet started.

13/00206/FULL - Erection of 39 Flats and 4 Shops With Car Parking, Primrose Street, Alloa. Planning permission for the re-development of this former Coop site was approved in January this year. Since then there has been no material progress towards the discharge of conditions and commencement on site.

09/00188/FULL - Erection of 45 Houses, Helipad and Hanger, Café and Museum etc at Former Solsgirth Mine, by Dollar. This planning permission was granted in May 2011, and amended an earlier proposal for a reduced number of houses. As no work has started on site, and the period for commencement has expired, there is no longer an extant planning permission for this site. We would however continue to support the principle of re-development of this brownfield site.

10/00153/PPP - Development of Land for Housing, School and Associated Open Space and Other Infrastructure at Land at Branshill, Sauchie. In November last year, the Committee indicated that it was minded to grant Planning Permission in Principle, subject to conditions and subject to a Section 75 Agreement. The draft Agreement was issued to the applicant earlier this year. Unfortunately, this has not been progressed by the applicant.

We therefore intend to put a final management plan in place to conclude the Agreement and report back to Committee with planning conditions. Meantime, the developer is finalising an Environmental Impact Assessment for related proposals which comprise ground consolidation and open cast coal extraction. Pre-application consultation has taken place but we have no final date for the submission of this application.

### 3.5 Key Applications Decided Under the Scheme of Delegation

12/00217/MSC - Erection of 22 Houses and Access Road, Land Adjoining Kelly Burn, Lovers Loan, Dollar. This application followed an earlier grant of outline planning permission and was approved in December 2012. Work on the construction of houses and the new access road has been progressing this year. Meantime, in accordance with a Section 75 Agreement, land within the site has been transferred to the Council for a new cemetery.

14/00023/FULL - Change of Use of Business Premises and Car Park to Primary and Secondary School at Alloa West Business Park, The Pavilions, Alloa. This application, and a subsequent planning permission, granted consent for the conversion of vacant business premises at Alloa West to a combined primary and secondary school. These permissions have now been implemented and both buildings are now in use for educational purposes.

13/00286/FULL - Erection of 22 Houses on Site of the Former Hospital, Ashley Terrace, Alloa. This planning permission was granted in April this year. Following the discharge of conditions, the applicant has proceeded to implement the permission.

14/00001/HH - High Hedge between 15 and 15A Glebe Terrace, Alloa. This application for service of a High Hedge Notice was the first received by the Council under the High Hedges (Scotland) Act 2013. The Service agreed to the request for a High Hedge Notice, and we are finalising its terms for service on the relevant parties.

- 3.6 Members are reminded that details of all planning applications are available on Clacksweb. The files contain the approved drawings, decision notice and report of handling. In addition to this, the Service issues a Bulletin to all Elected Members and other interested parties on a weekly basis, the first two sections comprising details of all applications received or decided during that week.

### 3.7 Local Review Body (LRB) Decisions

No decisions were issued by the Local Review Body during the period. One Appeal/Notice of Review has been received, following the decision by Appointed Officers to refuse planning permission for the erection of a house on land at Gairlaw, Yetts of Muckhart (reference number 14/00062/FULL)

### 3.8 Planning Appeals

An appeal has been submitted to the Department of Planning and Environmental Appeals, acting for Scottish Ministers, following the decision of the Council to refuse Planning Permission in Principle for the residential development of land south of Woodhead Place in Coalsnaughton. The

Service has responded to the grounds of appeal and a Reporter's decision is awaited.

### 3.9 Enforcement Activity

In the 6 months from April to September 2014, the Council received 35 enquiries from members of the public in relation to alleged unauthorised development, that being development that did not have planning permission or was not proceeding in accordance with such permission. These enquiries have been investigated and in the majority of cases, it was found that there was either no breach of planning control, or that where development had taken place without permission, the breach was relatively minor or would almost certainly be granted planning permission were an application to be submitted. In those collective circumstances, no formal enforcement action will have followed. We did receive a small number of retrospective applications seeking permission for work that had already been carried out and we will continue to offer such opportunities in appropriate circumstances.

Our enforcement enquiries did result in formal action in a small number of cases. These are summarised below.

1. Change of use of land and associated buildings from Class 5 (General Industry) to Waste Management Operations and the siting of associated portable buildings, the former Kilbagie Paper Mill, Kennet. A notice was served on Oran Environmental Solutions requiring the company to submit an application for planning permission for the unauthorised development described in the notice. No application for planning permission was forthcoming. Unlike other notices served under planning legislation, no offence is committed by failing to comply with this type of notice. However, the Service is now reviewing the need for formal enforcement action in accordance with our Enforcement Charter.

2. Engineering Operations, the Deposit of Material and Soil and Associated Draining Works on Land East of No 1 Marchglen, Tillicoultry. An Enforcement Notice was served requiring the cessation of engineering operations and remedial measures to reinstate this site. Subsequently, the recipient of the notice applied for planning permission for this and other development. A decision is due on this application shortly.

3. Failure to Comply with Conditions of Planning Permission Associated with the Conversion of a Farm Steading at Shannockhill, Coalsnaughton. A Breach of Condition Notice was served on the developer requiring the provision of visibility splays at the junction of the access road to this development and the B9140, together with the provision of improvements to the access road (resurfacing, surface water drainage and vehicle passing places) in accordance with Conditions 5 and 6 of the planning permission. Following this notice, the necessary steps were taken to comply with the planning permission.

### 3.10 Comments and Complaints

In the 6 month period between April and September this year, Development Services dealt with one complaint. The complaint was associated with a planning application, and came from a neighbouring objector who was

concerned that our assessment of the application had not taken full account of her objections nor our Supplementary Advice Note on house extensions.

The complaint was investigated, but not upheld.

There have been no complaints to the Local Government Ombudsman during the same period.

### 3.11 Planning Performance Framework (PPF)

The Service has submitted the Council's third Annual Report on its Planning Performance Framework to the Scottish Government for 2013/14. It is appended to this report, and follows the model developed by Heads of Planning Scotland as a means of evidencing quality of performance beyond the speed of planning application decision making and up to date Local Plan coverage.

Much of the PPF focuses on the Scottish Government feedback on our second annual report. This feedback report was largely positive, and in his covering letter, the Minister for Local Government in Planning indicated that the Council had demonstrated a strong commitment to efficient decision making on applications through effective early engagement and good communications. Some concerns were expressed about delayed progress in the Local Development Plan and a review of our Enforcement Charter. Members will be aware of the significant progress that has been made during the intervening period on the Clackmannanshire Local Development Plan, and we are nearing the completion of our review of the Charter. This progress is of course reflected in the latest PPF and represents an important response to the Government's Performance Marker's Report. A feedback report on the latest PPF will be issued by the Scottish Government later this year.

## 4.0 **Sustainability Implications**

4.1. None

## 5.0 **Resource Implications**

5.1. *Financial Details*

5.2. 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 ☒

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

Yes ☐

## 6.0 **Exempt Reports**

6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

## 7.0 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         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input type="checkbox"/>            |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input checked="" type="checkbox"/> |

### (2) Council Policies (Please detail)

Not Applicable

## 8.0 Equalities Impact

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

Yes ☐ No ☒

## 9.0 Legality

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

## 10.0 Appendices

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

Appendix 1 - Planning Performance Framework - 3rd Annual Report

## 11.0 Background Papers

11.1 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 ☐

Planning Performance Framework  
Clackmannanshire Local Development Plan  
Planning Enforcement Charter

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**Clackmannanshire  
Council**

**DEVELOPMENT SERVICES**

**PLANNING PERFORMANCE  
FRAMEWORK**

**ANNUAL REPORT 2013/2014**

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## **Introduction**

This is Clackmannanshire Council's third annual report on its Planning Performance Framework (PPF) for Development Services. Following our submission and publication of performance information for 2012/2013, and as part of its culture of continuous improvement, the Council has given consideration to the Scottish Government's feedback provided in November last year. Where appropriate, we have considered the scope to review practice and procedures, embed these within our planning process, and include changes in our new document. Particular focus has been given to the inclusion of evidence on Performance Markers which were identified as priority areas for improvement action.

This year saw the approval of the Council's Proposed Local Development Plan (LDP), prepared in accordance with the legislation and advice embraced within the Government's delivery of Planning Reform in Scotland, and replacing the Stirling and Clackmannanshire Structure Plan and the Clackmannanshire Local Plan. Following the initial publication of the Main Issues Report and the draft LDP, an intensive period of consultation took place, which then informed progress on the proposed plan. This work was intensively project managed and facilitated to enable onward submission to Scottish Ministers. In our drive towards continuous improvement, the revised timescales of the 2013 Development Plan Scheme were met, following the slippage of the previous year and the Proposed Local Development Plan was approved by Council later in 2014.

To assist with this exercise, and ensure that this major piece of work could be delivered on time within a relatively small Authority, we continued to deploy flexible and managed working arrangements within Development Management, drawing on practical work experience, and taking the opportunity to capitalise on a downturn in application casework. This enabled the completion of supplementary guidance and an Open Space Strategy.

This Annual Report represents a summary of the services provided by the Council on planning related matters. Measurement of performance has in the past focussed on speed of decision making on planning applications and time periods for up to date development plans. This latest Planning Performance Framework continues to broaden that profile, and presents an analysis of our performance in a wider context. It includes, for example, evidence of our procedures outwith the regulatory process, illustrates the proactive steps taken to engage with customers, and shows how the Service has made a difference in the quality of development approved or carried out in Clackmannanshire. It also showcases the contribution the Planning Service has made to a successful award of Customer Service Excellence.

## Part 1 - National Headline Indicators

### PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2012-2013

#### 1. National Headline Indicators (NHIs)

Key outcomes	2013-2014	2012-2013
<b>Development Planning:</b> <ul style="list-style-type: none"> <li>age of local/strategic development plan(s) (full years) <i>Requirement: less than 5 years</i></li> </ul>	Structure Plan - 12 years  Structure Plan 1st Alteration - 10 years  Structure Plan 2nd Alteration - 10 years  Structure Plan 3rd Alteration - 5 years  Local Plan - 10 years  Local Plan 1st Alteration - 3 years	<b>2</b>
<ul style="list-style-type: none"> <li>development plan scheme: on track? (Y/N)</li> </ul>	Y	Y
<b>Effective Land Supply and Delivery of Outputs</b> <ul style="list-style-type: none"> <li>effective housing land: years supply</li> <li>effective housing land supply</li> <li>housing approvals <sup>2</sup></li> <li>effective employment land supply <sup>1</sup></li> <li>employment land take-up</li> </ul>	5years 1657 units 143 units 109.26ha 2.96ha	<b>5 years</b> <b>1452 units</b> <b>185 units</b> <b>109.26ha</b> <b>10.20 ha</b>

<b>Development Management</b> <b>Project Planning</b> <ul style="list-style-type: none"> <li>percentage of applications subject to pre-application advice</li> <li>number of major applications subject to processing agreement or other project plan</li> <li>percentage planned timescales met</li> </ul> <b>Decision-making</b> <ul style="list-style-type: none"> <li>application approval rate</li> <li>delegation rate</li> </ul>	<b>27.9%</b> <b>1 of 2</b> <b>100%</b>  <b>97.9%</b> <b>96.6%</b>	<b>10%</b> <b>0</b> <b>n/a</b>  <b>94%</b> <b>91%</b>
<b>Decision-making timescales</b> Average number of weeks to decision: <ul style="list-style-type: none"> <li>major developments</li> <li>local developments (non-householder)</li> <li>householder developments</li> </ul>	<b>7.9 weeks</b> <b>8.3 weeks</b> <b>5.8 weeks</b>	<b>0</b> <b>10.2 weeks</b> <b>5.6 weeks</b>
<b>Enforcement</b> <ul style="list-style-type: none"> <li>time since enforcement charter published / reviewed (months) <i>Requirement: review every 2 years</i></li> <li>number of breaches identified / resolved</li> </ul>	<b>42 months</b>  <b>64/63</b>	<b>30 months</b>  <b>42/50</b>

#### Notes

1. Employment land supply is taken from the adopted Local Plan, and therefore remains unchanged
2. The indicator excludes the grant of Planning Permission in Principle for housing development

#### Development Planning

Progress with the Development Plan Scheme and approval of the Proposed Local Development Plan represent significant improvements in performance

#### Effective Land Supply and Delivery of Outputs

Effective Housing and Employment Land Supply remains high.

### Project Planning

The % figure represents a significant increase on the preceding year. The contributory factors will include the consultation we undertook with stakeholders, and the new advice format.

### Decision Making

The application approval rate has increased similarly, the percentage of applications determined under the Scheme of Delegation has increased, primarily as a result of a change in legislation and consequential amendments to the Scheme of Delegation.

The figures confirm that two major applications were decided during the year. Evidence indicates that developers are continuing to manage the application process to phase or sub-divide sites, keep applications under the threshold for major developments and therefore manoeuvre their way around the obligations for pre-application consultation. However, we did have one project plan which enabled an efficient decision making process.

### Decision Making Timescales

The figures record an improving trend on non-householder applications. Indeed the measure of improvement is quite significant. Contributing factors include increased pre-application advice, using the process plan to manage the process, and a downturn in the volume of casework. Performance on householder applications remains steady.

### Enforcement

The figures indicate quite an increase in the level of enforcement activity. We have explained elsewhere in this report the circumstances associated with progress on our Enforcement Charter review, including the relatively low workload. The increase in enquiries will assist with review work.

## **Part 2 - Defining and Measuring a High Quality Planning Service**

### **1. Open For Business**

The Development Quality Team is structured with a customer focus. The three case officers deal with: residential development; commercial development; and householder developments. This ensures that customers receive a consistent level of advice, and it helps to develop good working arrangements with developers, and those less familiar with planning procedures. For example, the planner dealing with householder developments has the skill set necessary to communicate with applicants and third parties who are typically unfamiliar with planning procedures. Similarly, the officer responsible for residential development can consistently apply knowledge and policy on Designing Streets and other design guidance. Indeed, this officer has taken a leading role on much of the residential policy guidance for the Local Development Plan, and produced supplementary advice on Layout and Design, Energy Efficiency, Open Space Provision and Developer Contributions. This work built on an earlier secondment to the Development Plan team. We see that continuity of customer focus in the Development Plan process as an important "golden thread" through the planning service.

Development Quality has no separate enforcement or monitoring officer. Each officer provides a "cradle to grave" service, from pre-application advice through to monitoring implementation of development. The National Headline Indicators report on the Council's Enforcement Charter. It was published in February 2011. The Planning etc (Scotland) Act 2006 requires the Council to update and re-publish it whenever we think it appropriate, but within two years. Monthly liaison meetings between Legal Services and Development Services has proven to be an effective method for keeping our procedures and standards under review. Additionally, representation of the Service on the Council's Corporate Complaints Review Group, and the subsequent publication of our Customer Charter, enabled a strong focus on wider standards of customer service. However, with a relatively low number of enforcement enquiries and formal notices, coupled with few if any public comments on the Charter, we were persuaded that a two year period was insufficient time to assemble a meaningful body of evidence. We have, therefore, taken an additional year to review and update. The exercise commenced in March 2014. Re-publication is imminent and will be reported in next year's Framework.

Free pre-application advice continues to be available to all prospective applicants. This message is set out on the Council's website and widely known to all regular agents. In previous reports we have investigated an apparent low take up in this advice service, and the opportunity to deliver a more structured service. We wanted to align our feedback to the needs of the

development industry, as the pre-application stage is seen as a vital opportunity to explain policy, procedures and key issues, and above all else, smooth the application process. It helps identify information that we may require, and, if it works well, should reduce the prospect of applications for planning permission being refused, with attendant appeals to Ministers and the Local Review Body. With this in mind, we consulted with a range of sector representatives (Appendix 1). Moderate feedback signalled the opportunity to develop a fresh approach, using a new advice template, enabling a consistent advice service. It appears to have been well received. We have no objective analysis of resultant application content or quality, but there is certainly heightened awareness of information requirements, policy issues and procedures. Equally, the NHI's confirm a significant upturn in the percentage of applications subject to pre-application advice. Our application approval rate remains high.

Appropriate internal consultation continues to take place at pre-application stage with Roads, Environmental Health, Land Services and others. This is recorded on our property management database, and allows officers to identify the proportionate request for information to accompany any planning application. The model is closely aligned to the call from the Director of Planning and Communities, Homes for Scotland, for planners and engineers to move away from defensive engagement, and become involved in the business of giving proactive positive advice. Crucially, providing advice on relevant information avoids delay at the planning application stage. For example, in circumstances where we have asked for information in advance, and it does not then accompany the subsequent application, we will not delay decision making to wait again for this information. This only leads to repeat publicity, uncertainty and confusion for third parties.

As a separate stream of information management, we record permitted development enquiries for householder and non-householder developments on our application database. Each receives its own unique reference number, and a target response date.

The approval of supplementary advice on Developer Contributions has facilitated a Developer Contributions Team. Led by the Development Services Manager, the group of representatives from Housing, Education, Corporate Services, Facilities Management, Roads and Planning meet to examine applications and enquiries for major and significant local developments. Decisions from the team will be taken forward by the relevant case officer, either in pre-application advice or before determination of the application. This working model, coupled with the supplementary advice, ensures consistent and informed decisions, and more effective cross service working.

LDP representation period was extended to 8 weeks as it fell over the Christmas and New Year period and the statutory 6 week period did not fit in well with some Community Council's meeting schedules. Dollar community were allowed until late February to make their representations to allow the results of a Community Masterplanning exercise organised by the Community



Council, which was ongoing during January/ February, to be considered and incorporated into responses. All other Community Councils were contacted to offer an extension if required.

## **2. High Quality Development on the Ground**

Development Quality provides a joint pre-application advice service to deliver the Government's objectives in Designing Streets to ensure a seamless transition through the planning and road construction consent regimes. In November, as part of the series of supplementary guides, a Placemaking SPG reinforced this joint approach and signalled the Council's commitment to the delivery of successful places. This inclusion of illustrative material, a Design Process Map, checklists and a design toolkit, all combine to convey a strong message to the development sector that the Council will resist mediocrity and drive forward high design thresholds. In doing so, however, we are mindful of the balance to be struck on the delivery of development, freeing up sites and taking a balanced approach to site constraints, developer contribution and fluctuating land values/development costs in a provincial area where the government's austerity measures and moderate financial sector confidence continued to prove repelling forces.

Design improvements secured through the planning process continue to be recorded on the planning application management system, captured against a series of criteria which include: changes to comply with Development Plan policy on amenity, design and road safety; securing of community benefit or developer contribution; and changes following pre-application advice.

Development guidelines are included in the schedule of sites in the adopted Local Plan. This guidance has provided planning officers and applicants alike with an indication of standards and design thresholds expected to be captured or achieved in development proposals. This has been refined into a more consistent format in the Local Development Plan, and priority sites have been identified for the production of development briefs. This will build on similar work already undertaken for former school sites in Alloa and Alva. The site in Alloa is underway, and the plans below illustrate the changes from the original proposal to the approved and built scheme. The plans for Alva are further evidence of our increasingly high design standards, and the value of pre-application work and design guidance. The notable qualities of these developments are:

- places with more distinctive qualities
- streets that have been designed for the pedestrian as well as the motorist
- high standards of road safety and personal safety, with good natural surveillance
- good connections within the site and to existing roads and footpaths and links to local amenities
- high quality spaces retaining existing trees and other natural features

# Alva Academy

Before



After





After



In order to maintain design knowledge and awareness, officers attended a Local Authority Urban Design Forum and attended a two day Design Skills Symposium convened by Architecture and Design Scotland



### **3. Certainty**

Almost all planning applications continue to be decided in accordance with the balance of Local Plan policies, or in accordance with allocations and the schedule of sites within the Clackmannanshire Local Plan. The formatting and content of the Schedule of Sites in the LDP has examined any inconsistencies in the adopted Local Plan, primarily to ensure that the user will be more certain of key parameters, densities, site constraints and developer contributions. In many respects, we have tried to simplify the content, reduce prescribed standards in favour of quality and focus on key issues to enable development.

A high proportion of planning applications are decided by the Council's Appointed Officers in accordance with its Scheme of Delegation for Local Developments. The Scheme of Delegation was originally approved by Scottish Ministers in 2009. In October this year, the Council reviewed the success of the Scheme and arrangements for "referral" of applications to Planning Committee for decision. The review took account of legislative change, but otherwise concluded that the Scheme had operated well, had achieved the Government's original objectives for decision making on local development, and should continue to operate in its current form. The opportunity was taken to prescribe defined and streamlined arrangement for a Member call-in of a planning application (Appendix 2). Reassuringly, this has affected less than 1% of all planning application decided, and is further evidence of a transparent and proportionate decision making process. As a matter of policy, all applications for major developments are referred to Committee for decision, irrespective of the circumstances. We also have a relatively low number of requests for Local review on planning application decisions, a further indicator of the success of this scheme, but a clue also on our drive to enable rather than regulate development. Our approval rate remains proportionately high, and is evidence of meeting the Planning Reform call for delivering development.

On a weekly basis, case officers will convene a case conference with the Development Quality Team Leader and Development Service Manager (the Appointed Officers) to discuss selected pre-application enquiries, key applications, and all applications with representations against the development. This provides early direction on the outcome of each application and ensures that proportionate levels of scrutiny are built in to the decision making process. Applicants and agents can then receive early notification of progress and probable outcome. However, this is only one of several milestones in the planning application process, and a process map has been developed to assist case officers in project managing each submission (Appendix 3).

The neighbour notification process is an essential part of decision making. We attach messages to the notification envelope to ensure that recipients open the contents and understand the significance. This helps to eliminate uncertainty regarding the execution of the process and the status of planning decisions that might otherwise be subject to challenge. Officers also check

the list of notifiable neighbours during site visits to verify the accuracy of our Corporate Address Gazetteer. This is recorded in reports of handling to bring added certainty on decision making, and reduce any risk of challenges or complaint. Reassuringly, in the period, we have no known record of any challenge against the Council regarding an administrative failure.

Reports of Handling include a list of all parties to have made representations on the associated planning application. The report then summarises the objection and provides a response on the relevance to the proposal and the planning merits. Third parties are not typically involved in the planning process. Reporting in the manner described offers a structured explanation of our decision making and reassurance on inclusion within the process.

All third parties receive written notification of Council decisions on applications. This includes the decision, any conditions and reasons, a summary of the objections and an explanation of our response that has contributed to the decision. Experience indicates that this feedback is well received, helping to explain how the Council has dealt with the objection and reached its decision, particularly if the decision was not necessarily in accordance with the third parties' hopes or expectations.

The Local Plan Housing Alteration is only 3 years old, however it is recognised that other parts of the Local Plan are out of date. The timing of the changes to the Planning System meant that no further Alterations to the Local Plan could be considered and work was therefore started, from scratch, on the new Local Development Plan. It is hoped this will be adopted around late Spring 2015 and will be updated as per the statutory requirement at least every 5 years. Work on the LDP during the period therefore signals improved performance in maintaining an up to date Development Plan.

The re-modelling of development guidelines in the proposed LDP indicates initial advice on developer contributions whenever possible. This means that interested parties can have a greater measure of confidence in formulating and assessing proposals at an earlier stage of the process.

#### **4. Communications, Engagement and Customer Service**

Our on-line planning information service continues to provide 24/7 advice to all those who engage in the planning application process. Information on applications, development advice and planning procedures have been enhanced this year with information on non-material variations and a range of frequently asked questions.

Following our Development Quality Customer Forum in March 2013, which was targetted at the development sector, we convened a separate event for Community representatives in September. This was an opportunity to remind representatives of the various strands of planning reform which have been embedded in our service, and explain how this benefits local people who engage with us. It was a further opportunity to remind those attending of their statutory role, and their contribution to decision making on the Local Development Plan and planning applications.

We have appended our analysis of the customer feedback (Appendix 4). This was largely positive, and the paper provides an indication of our response to comments or suggestions for change in service delivery. There were no calls for any radical change in our procedures, and a broad appreciation of our joint working arrangements.

Development Services recognises the different forms of communications available to customers to obtain information on the service we provide. In addition to the online planning information service which continues to reach a wide audience, customers can make direct telephone contact with planning officers. All incoming calls are answered by a planning officer or support staff. Where a planning officer is not available, the call will be returned later that day. A customer should never need to leave a recorded message with the Council. Through management of workload, officers are able to incorporate this level of service within their work schedules without detriment to wider service delivery.

To understand the regulatory process and help inform change, the Service prepared an organisational model of service delivery. This is illustrated in Appendix 5. This continues to be the benchmark for assessing any further change in service delivery.

Following a review of planning casework, and as a response to some challenges that arose in liaison with Dollar Community Council, a draft consultation protocol was produced. (Appendix 6). The ambition was to agree a clear and consistent approach on communication, that would ultimately bring mutual benefits of customer service. The Community Council response was a positive means to bring forward a finalised version that has the potential to be rolled out with all Community Councils in the area.



At the request of a local residents' association, Development Services were represented at an Information Day. This weekend event in November provided the opportunity for a number of local organisations to engage with members of the public and other representative groups. The Service displayed material on the Local Development Plan and major developments in Clackmannanshire. We were reassured by the level of public interest in the plans for the area.

The Council has launched a new 2 stage corporate complaints service. Development Services were represented on the working group and training has been provided to all staff. A key component of the new scheme is a focus on frontline resolution.

LDP mailing list comprised of 385 key agencies, national bodies, local groups and companies, companies and consultants, neighbouring authorities and those who had previously responded to the Main Issues Report, as well as 2635 occupiers and neighbours of proposal sites.

To advertise the LDP, consultation posters were displayed across the Council area along with press releases, inclusion in the Council's weekly Development Services Bulletin, the Council's staff newsletter 'Grapevine' and the autumn 2013 edition of the Council's newspaper "Clackmannanshire View", which is delivered to all households four times a year (Appendix 7)..

The LDP was also promoted online through the Council's website and inclusion in the Council's online 'Consultation Database'.

Opportunities to comment through the Council's website included through the Online Local Development Plan portal, the Council's "Citizen Space" consultation package and an online representation form which could be filled in and e-mail in electronically or by hand. All of these methods were used by parties to submit representations.

Although not a requirement at this stage of the LDP, two targeted meetings in the form of drop-in events were held, one in Alloa and one in the Hillfoots. These were publicised in Clackmannanshire View.

Groups were asked if they would like specific presentations on their own topic or geographical areas and this offer was taken up by The Disability Awareness Group, Alva Community Council, Tillicoultry and Coalsnaughton Community Council, Alloa Community Council and Sauchie and Fishcross Community Council.

Online LDP information is regularly updated.

## **5. Efficient and Effective Decision Making**

We have already referred to the customer focussed case officer structure, our model for pre-application advice, case conference arrangements for key applications and the review of the Council's Scheme of Delegation for Local Developments.

Case officers undertake site visits within 7 days of receipt of all planning applications. A photographic records is held on the application file. Officers are expected to have collated all information on the expiry of publicity periods, identified relevant policy considerations and agreed a likely decision or key issues within a four week period, in accordance with the application process map. Applicants or agents can expect first communication within that same time frame.

The Service has a robust committee decision making structure in place which is fit for purpose and designed to avoid any delay in decision making, and structured to give added certainty. The key features of this structure include:

- the release of confidential draft agendas to the Council's Management Team and Councillors as an early warning system;
- pre-Committee convenor briefings on Committee agenda items to identify any new information received and barriers to decision making;
- arrangements for site visits to be convened before the planned committee meeting;
- a scheme of oral representations which provides the opportunity for officer, applicant, objectors and community councils to address the committee;
- arrangements for decisions to be issued immediately after the committee meetings.

Planning Committee meetings have been re-scheduled on a 3 week/4 week cycle. Meetings of the Local Review Body are diarised on the same day of this cycle.

## **6. Effective Management Structures**

Development Planning and Development Management are co-located within Development Services, itself part of the wider Community & Regulatory Service which includes Roads and Transportation, Regulatory Services and Housing Services. A Community & Regulatory management meeting takes place every two weeks.

Additional management structures within the Service include:

1. Monthly team leaders meeting focussing on strategic cross cutting issues, applications and proposals
2. One to one manager and team leader meetings on a fortnightly basis, focussed on major applications, LDP progress, forthcoming items of committee business and significant enforcement case work.
3. Diarised one to one weekly meetings between team leaders and case officers with case conference meetings where key applications require management input.
4. Monthly enforcement liaison meetings are convened between the Council's Legal Service and the Development Quality Team Leader to review key enforcement cases. There is no enforcement or monitoring officer within the Service. Duties are shared by planning officers. Analysis of time management and enforcement performance revealed difficulties in prioritising enforcement enquiries. A monthly enforcement case conference is convened as an initial measure to help resolve this challenge. Other measures may follow.

Monthly performance reports are submitted to the Development Services Management Team which provide details of applications received and decided, performance information on those decisions, an analysis of the reasons that we have contributed to performance targets not being met, and an up to date record of fee income set against targetted figures.

The production of the Local Development Plan was carried out in a comprehensively managed way. GANNT charts were used to ensure work was carried out to time in areas which those directly contributing to the plan preparation were involved in. There were regular team meeting and sub-team meetings and co-ordinators were appointed to topic areas to ensure all the necessary input was achieved. Any slippage in timescales was generally due to circumstances outwith the control of the Development plan team, such as political requests for reporting to 4 Committees as well as Full Council, which was not a system that had previously been in place and added considerably to the time between completing the Proposed LDP and publishing it.

## **7. Financial Management and Local Governance**

The budget setting process is undertaken on an annual basis to identify expected expenditure and income for the coming year. This will include the outsourcing of any key projects, income from planning applications and other sources, and is set against Action Plans and Key Performance Indicators in the Community & Regulatory Services Business Plan for the period.

The Service continues to ensure that flexible resource management arrangements are in place to broaden skills, knowledge and experience and to react to fluctuating demand on resources from the Local Development Plan and Development Quality casework. This year, the staff resource was aligned to prioritise work on the proposed (and now approved) Local Development Plan, with associated Supplementary Planning Guidelines and Open Space Strategy. This adjustment was absorbed by the reduction in planning application casework.

## **8. Culture of Continuous Improvement**

All staff within the planning service undertake a performance review and development programme on an annual basis, with 6 monthly reviews. This exercise focuses on behavioural competences such as commitment to quality, developing people and excellence in customer service. This is embedded in the Council's drive towards continuous improvement and the delivery of the Clackmannanshire Improvement Model.

The Development Planning and Development Quality Teams have annual action plans which will inform the PRD process. This is monitored on a regular basis.

An essential component of the Customer Forum is a request for participants to identify a single area of service improvement that would improve their experience of the planning service. We took comfort from the positive remarks from Community Council representatives in Appendix 4.

Clackmannanshire Council has joined one of four benchmarking families to share good practice and stimulate improvements in service. The sharing of work on indicators and performance markers develops themes elsewhere in the PPF. We have agreed to host the next meeting of the Group.

We continue to use the Local Government Knowledge Hub for evidence of good practice, and whilst not yet contributing to the content, have found the Government's exemplars for Inspirational Design, a useful resource.

Police Scotland, based at Tulliallan College in Kincardine, have approached the Council to resurrect an offer to provide training to their trainee Architectural Liaison Officers. Our Development Quality Team Leader has agreed to offer his services and plans are in place for a training programme. This voluntary arrangement should heighten the awareness and value of personal safety issues and Government ambitions for placemaking and a safer Scotland.

## **Part 3 - Supporting Evidence**

Part 2 of this report was compiled, drawing on evidence from the following sources:

- 2013/2014 Community and Regulatory Service Business Plan
- Clackmannanshire Council Competency Framework
- Submission for Customer Service Excellence
- Clackswab - Planning & Building Standards
- Development Planning and Development Quality Service Improvement Plans
- Discussions with staff in the respective teams
- Supplementary Planning Guidelines
- Clackmannanshire Council Customer Charter

## **Part 4 - Service Improvements for 2014/2015**

(i) In the coming year we will:

- Coordinate final work for the proposed Local Development Plan, including Schedule 4 responses and resultant oral and written engagement with DPEA, all to facilitate early adoption of the Plan
- Conclude the review and update of our Enforcement Charter, and re-publish
- Prepare a pack of focussed development briefs for LDP priority sites, to meet Scottish Government placemaking objectives
- Finalise LDP Supplementary Guidance on agreed topic areas, including Domestic Developments, Minerals, Woodlands and Forestry
- Produce a suite of customer-focussed guidance on (i) business, (ii) industry and (iii) householder developments, with advice on procedures, policy, design, sustainability and other regulations
- Produce 6 monthly reports to Planning Committee with updates on process with major developments, enforcement notices, appeals, complaints, performance and development on the ground
- Review performance management information and publicity/reporting arrangement to integrate and rationalise public information, management reports, committee reporting, benchmarking group reports, National Headline Indicators and PPF official statistics and Scottish Government performance statistics
- Convene a Development Quality Customer Forum for the development sector and community representatives
- Finalise and implement the Dollar Community Council Planning Protocol
- Introduce a Development Quality Service Improvement Scheme, to harness opportunities and suggestions for change, with appropriate database recording arrangements
- Establish a project management framework to manage pre-application, application and monitoring of the planned village development at Forestmill

(ii) Delivery of Service Improvements: 2012/2013

Action	Completed?
<p>1 Review feedback from the 2012/2013 Customer Forum, identify and implement priorities for change</p> <p><b>The Customer Forum in March 2013 was well attended . It involved a local mix of local architects/agents and community representatives. Presentations on Planning reform and the Designing Streets agenda sustained interest and prompted a series of exchanges between participants. The analysis of participant feedback conveyed a positive reaction and good suggestions for future events.</b></p>	Yes
<p>2 Convene the 4th DQ Customer Forum and a separate Joint Community Council Forum</p> <p><b>A joint Community Council Forum was convened in September 2013. Subsequent proposals for a Developers Forum had to be cancelled due to an apparent lack of interest. We will be reviewing future plans for these events to try and maintain interest</b></p>	Yes
<p>3 Further review the content of Development Services website, anticipating changes and improvements in performance information, renewable technology for houses, planning application procedures and the enforcement register</p> <p><b>Although we continue to keep our website under review and up to date, these specific changes were not included in the exercise. The focus was on other supplementary planning guidance relating to Developer Contributions, Placemaking, Water, Affordable Housing, Onshore Wind Energy, Green Infrastructure and Energy Efficiency</b></p>	No
<p>4 Strive to meet Key Performance Indicators for major, local non-householder and householder planning applications</p> <p><b>The Council has maintained its level of performance throughout the year in all three categories of planning applications</b></p>	Yes



5	Identify priority sites for planning guidance and prepare development briefs	Yes
	<b>Priority sites have been identified. The timing of development briefs has been dictated by the LDP. These will be brought forward in 2014/15</b>	
6	Consult on and implement an improved pre-application advice service for householder, non-householder and permitted development enquiries	Yes
	<b>This was completed, and has been implemented</b>	
7	Prepare a site visit assessment tool for householder and non-householder planning applications	No
	<b>The need for this is under review. No similar techniques appear to be in use in other planning authorities. Alternative training work and joint officer site visits have replaced this objective</b>	
8	Examine improvements to planning application process management by offering process agreements for <u>all</u> major applications and significant local developments, and preparing a planning application process map with key milestones, diary entries and target periods	Yes
	<b>Process agreements are offered for all major and significant applications. The application process map is in use (Appendix 3)</b>	
9	Prepare a Planning Enforcement Improvement Plan and implement agreed actions, including review of our Enforcement Charter	Yes
	<b>The Improvement Plan was produced and has been implemented (Appendix 8)</b>	
10	Review the Scheme of Delegation for Local Developments, and amend Scheme in line with 2013 Regulations	Yes

**The Scheme of Delegation was reviewed, amended, approved and implemented**

- |    |  |     |
|----|--|-----|
| 11 | Add a Customer Service Satisfaction questionnaire online and with any correspondence for the Local Development Plan. | Yes |
|----|--|-----|

**The online questionnaire has been placed on our website and is due to run until 2015**

# PLANNING PERFORMANCE FRAMEWORK

## Part 5: Official Statistics

### A: Decision-making timescales

Category	Total number of decisions 2013-2014	Average timescale (weeks)	
		2013-2014	2012-2013
<b>Major developments</b>	<b>2</b>	<b>7.9 weeks</b>	<b>0</b>
<b>Local developments (non-householder)</b>	<b>77</b>	<b>8.3 weeks</b>	<b>10.2 weeks</b>
• Local: less than 2 months	89%	6.5 weeks	5.7 weeks
• Local: more than 2 months	10.4%	23.6 weeks	21.5 weeks
<b>Householder developments</b>	<b>120</b>	<b>5.8 weeks</b>	<b>5.6 weeks</b>
• Local: less than 2 months	94.2%	5.3 weeks	5.1 weeks
• Local: more than 2 months	5.8%	13.2 weeks	10.4 weeks
<b>Housing developments</b>			
<b>Major</b>	<b>0</b>		<b>0</b>
<b>Local housing developments</b>	<b>23</b>	<b>8.5 weeks</b>	<b>15.1 weeks</b>
• Local: less than 2 months	78.3%	6.8 weeks	6.2 weeks
• Local: more than 2 months	21.7%	14.6 weeks	29.1 weeks
<b>Business and industry</b>			
<b>Major</b>	<b>0</b>		<b>0</b>
<b>Local business and industry</b>	<b>29</b>	<b>6.3 weeks</b>	<b>8.6 weeks</b>
• Local: less than 2 months	(%)	6.2 weeks	6.2 weeks
• Local: more than 2 months	(%)	10.1 weeks	22.9 weeks
<b>EIA developments</b>	<b>0</b>		
<b>Other consents*</b>	<b>39</b>	<b>6.3 weeks</b>	<b>3.3. weeks</b>
<b>Planning/legal agreements**</b>	<b>0</b>		
<b>Local reviews</b>	<b>1</b>	<b>15.9 weeks</b>	<b>12.9 weeks</b>

\* Consents and certificates: Listed buildings and Conservation area consents, Control of Advertisement consents, Hazardous Substances consents, Established Use Certificates, certificates of lawfulness of existing use or development, notification on overhead electricity lines, notifications and directions under GPDO Parts 6 & 7 relating to agricultural and forestry development and applications for prior approval by Coal Authority or licensed operator under classes 60 & 62 of the GPDO.

\*\* Legal obligations associated with a planning permission; concluded under section 75 of the Town and Country Planning (Scotland) Act 1997 or section 69 of the Local Government (Scotland) Act 1973

## B: Decision-making: local reviews and appeals

Type	Total number of decisions	Original decision upheld			
		2013-2014		2012-2013	
		No.	%	No.	%
Local reviews	1	1	100%	0	0
Appeals to Scottish Ministers	1	0	0	1	100

## C: Enforcement activity

	2013-2014	2012-2013
Cases taken up	67	40
Breaches identified	64	42
Cases resolved	63	50
Notices served***	11	4
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

\*\*\* Enforcement notices; breach of condition notices; planning contravention notices; stop notices; temporary stop notices; fixed penalty notices, and Section 33 notices.

## D: Context

The notable trends and changes arising from the published statistics for this and the preceding year are as follows:

1. An overall improvement in levels of performance on application decision making.
2. A high percentage of non-householder applications decided in less than 2 months.

3. As a consequence of 2. above, a slight increase in the average timescales for decisions taking more than 2 months.
4. A significant improvement in the average number of weeks for decisions on local housing developments. In particular, previous resolution of a small number of legacy cases now translates into a lower average number of weeks for these applications exceeding 2 months. This observation applies equally to housing and business and industry decisions.

## Part 6: Workforce and Financial Information

*The information requested in this section is an integral part of providing the context for the information in parts 1-5. Staffing information should be a snapshot of the position on 31 March. Financial information should relate to the full financial year.*

	Tier 1	Tier 2	Tier 3	Tier 4
<b>Head of Planning Service</b>				1

*Note: Tier 1= Chief Executive, Tier 2= Directors, Tier 3= Heads of Service, Tier 4= Managers*

		DM	DP	Enforce- ment	Other
<b>Managers</b>	No. Posts	1	1	0	0
	Vacant				
<b>Main grade posts</b>	No. Posts	3	1.5	0	0
	Vacant				
<b>Technician</b>	No. Posts	0	0	0	0
	Vacant				
<b>Office Support/Clerical</b>	No. Posts	1	0	0	0
	Vacant				
<b>TOTAL</b>		<b>5</b>	<b>2.5</b>	<b>0</b>	<b>0</b>

*Note: Managers are those staff responsible for the operational management of a team/division. They are not necessarily line managers.*

Staff Age Profile	Number
Under 30	
30-39	
40-49	5
50 and over	3.5

<b>Committee &amp; Site Visits*</b>	<b>Number per year</b>
Full council meetings	7
Planning committees	5
Area committees (where relevant)	
Committee site visits	2
LRB**	2
LRB site visits	2

Notes:

*\*References to committees also include National Park Authority Boards. Number of site visits is those cases where visits were carried out by committees/boards.*

*\*\*this relates to the number of meetings of the LRB. The number of applications going to LRB are reported elsewhere.*

	<b>Total Budget</b>	<b>Costs</b>		<b>Income***</b>
		<b>Direct*</b>	<b>Indirect**</b>	
Development management	219,710	192,480	27,230	175,250
Development planning	147,390	72,780	24,610	-
Enforcement	-	-	-	-
Other	-	-	-	-
<b>TOTAL</b>	<b>367,100</b>	<b>265,260</b>	<b>51,840</b>	<b>175,250</b>

Notes:

*\* Direct staff costs covers gross pay (including overtime, national insurance and superannuation contribution). The appropriate proportion of the direct cost of any staff member within the planning authority spending 30% or more of their time on planning should be included in costs, irrespective of what department they are allocated to (for example, legal advice, administration, typing). Exclude staff spending less than 30% of their time on planning.*

*\*\*Indirect costs include all other costs attributable to the planning service. Examples (not exhaustive) include accommodation, IT, stationery, office equipment, telephone charges, printing, advertising, travel & subsistence, apportionment of support service costs.*

*\*\*\* Include fees from planning applications and deemed applications, and recharges for advertising costs etc. Exclude income from property and planning searches.*

