



Clackmannanshire Council

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

PLANNING COMMITTEE

Thursday 8 October 2015 at 9.30 am

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

For further information contact Strategy and Customer Services, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB
Phone: 01259 452106/2004 E-mail: customerservice@clacks.gov.uk www.clacksweb.org.uk

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

Planning Committee

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

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

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

30 September 2015

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 8 OCTOBER 2015 at 9.30 am.

**GARRY DALLAS
Executive Director**

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2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Meeting held on 27 August 2015 (Copy herewith)	07
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PLANNING COMMITTEE – MEMBERS

Councillors

Wards

Councillor	Alastair Campbell (Convenor)	5	Clackmannanshire East	CONS
Councillor	George Matchett, QPM (Vice Convenor)	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
Councillor	Kathleen Martin	5	Clackmannanshire East	LAB



**MINUTES OF MEETING of the PLANNING COMMITTEE held within the Council
Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on THURSDAY 27 AUGUST
2015 at 9.30 am**

PRESENT

Councillor Alastair Campbell, Convenor (In the Chair)
Councillor George Matchett, QPM (Vice Convenor)
Councillor Kenneth Earle
Councillor Bobby McGill
Councillor Les Sharp

IN ATTENDANCE

Julie Hamilton, Development Services Manager
Alastair MacKenzie, Team Leader, Building Standards and Licensing
Andrew Wyse, Legal Services Team Leader (Clerk to the Committee)

PLA111 APOLOGIES

Apologies for absence were received from Councillor Ellen Forson, Councillor Kathleen Martin and Councillor Tina Murphy.

PLA112 DECLARATIONS OF INTEREST

None

PLA113 MINUTES OF MEETING: PLANNING COMMITTEE 2 JULY 2015

The minutes of the meeting of the Planning Committee held on 2 July 2015 were submitted for approval.

Decision

The minutes of the meeting of the Planning Committee held on 2 July 2015 were agreed as a correct record and signed by the Convenor.

**PLA114 STREET NAMING REPORT FOR DEVELOPMENT AT THE SHORE,
BOWHOUSE ROAD, ALLOA**

A report which invited the Committee to decide on the names of four new streets for the development at The Shore, Bowhouse Road, Alloa, was submitted by the Head of Development and Environment Services. The report set out the results of the consultation exercise seeking suggested names for the streets at The Shore development.

A paper entitled "Alloa Harbour - Possible Street Names" was made available by Councillor Donald Balsillie. In terms of Standing Order 9.21, Councillor Balsillie attended throughout the meeting

Motion

That this matter be deferred to the next meeting of the Planning Committee to allow full and proper consultation to take place given the historic importance of the development and that the suggestions from Councillor Balsillie be included in the consultation exercise.

Moved by Councillor Les Sharp. Seconded by Councillor George Matchett, QPM.

Decision

The Committee agreed unanimously that this matter be deferred to the next meeting of the Planning Committee (8 October 2015) to allow full and proper consultation to take place given the historic importance of the development and that the suggestions from Councillor Balsillie be included in the consultation exercise.

Councillor Matchett asked that it be recorded in the minutes that the Committee's decision to defer this matter in no way implied any criticism of Officers; deferral related solely to a timing issue affecting the consultation period.

Action

Head of Development and Environment

Ends 0945 hrs

Report to: Planning Committee

Date of Meeting: 8th October 2015

Subject: Application for Planning Permission Ref No 15/00154/FULL - Change Of Use Of Public Open Space, Including Footpath, To Private Garden Ground, And Erection of Boundary Wall And Fence at 8 Kirkton Gardens, Tillicoultry

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. This report comprises the Report of Handling on the above application for planning permission. It summarises the proposal, consultation responses, representations against the proposal, key planning policy issues and a recommended decision.
- 1.2. The proposal is for a Local Development, which would normally be determined by Appointed Officers. However, in accordance with the Council's Scheme of Delegation for such applications, this application requires to be determined by the Planning Committee, as the presence of a section of adopted footpath within the site means that the Council has an interest and there have been representations against the proposal.

2.0 Recommendations

- 2.1. It is recommended that this application is APPROVED subject to the undernoted conditions and reasons.
- 2.2. Conditions and Reasons

Conditions

1. Before any work starts on site to implement this permission, a specification or samples of the location, design, heights, materials and finishes of the means of enclosure annotated on the approved Proposed Layout Plan, shall have been submitted to and approved in writing by the Council, as planning authority. This shall include the provision of a splay on the corner of the wall and fence where it returns at the south east corner of the site. Thereafter, the development shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Council.

2. Any hard surface or driveway within the site shall be designed and constructed so that no water or loose material is discharged onto the public road.

3. The proposed footway annotated on the approved Proposed Layout Drawing (AA/SK/03/A) between Points A and B shall be constructed and completed to a standard adoptable by the Council as Roads Authority prior to the alteration of any part of the existing footpath within the site, unless otherwise agreed in writing by the Council.

Reasons for Conditions

1. In the interests of visual amenity and road safety.

2. In the interests of road safety.

3. In the interests of pedestrian and road safety.

Approved Plans

1. AA/SK/04 - Location Plan

2. Image Showing Design of Proposed Section of Wall and Fence

3. Image Showing Design of Proposes Section of Wall and Wrought Iron Railing

4. AA/SK/01A - Cross Section of Existing and Proposed Footpath Specification

5. AA/SK/02A - Existing Layout

6. AA/SK/03A - Proposed Layout

7. AA/SK/05 - Existing Elevations

8. AA/SK/06 - Proposed Elevations

2.3. Reasons for Decision

1. The proposal accords with the provisions of the adopted Clackmannanshire Local Development Plan, and in particular, the requirements of Policies SC8, SC14 and EA4.

2. The change of use of this area of open space would not result in any unacceptable adverse impact on road and pedestrian safety, visual or residential amenity or pedestrian accessibility within Kirkton Gardens.

3. There are no other material considerations, including the objections and consultation responses, which would outweigh the development plan position or justify withholding planning permission.

3.0 Considerations

- 3.1. No 8 Kirkton Gardens is a one and a half storey high detached house located within a cul-de-sac development which serves 26 houses in Tillicoultry. The house is located close to an approximate right angled turn in the road. Between the east boundary of the house and the road, there is a section of adopted footpath maintained by the Council and an area of public open space. The footpath runs along the side of the garden boundaries of Nos 8 and 10. The area of public open space next to the footpath extends to approximately 120m² and of this, approximately 110m² is owned by the applicant, which together with the section of footpath, is the subject of this application. The public open space was maintained by the Council until June 2015 when responsibility was returned to the respective landowners. Since then, the trees which were growing at either end of the area have been removed by the owners.
- 3.2. The applicant proposes to change the use of the public open space and footpath to private garden ground and realign the footpath. The means of enclosure around the boundary of the extended garden would reduce in height from the back to the front comprising three sections; a 850mm brick wall with 940mm high timber fence above, then a 850mm wall with 600mm wrought iron railing above, and then an approximate 260mm wall with 250mm wrought iron railing above. A 2m wide footway would be constructed to an adoptable standard around the outside of the extended garden between the enclosures and the carriageway to maintain a continuous pedestrian route to the rest of Kirkton Gardens.
- 3.3. The drawings submitted by the applicant include an annotation for a car port structure on part of the site adjacent to the side wall of the garage building, however, it does not form part of the planning application. The planning merits of these works would have to be considered through the submission of a further planning application if the current application is approved.
- 3.4. An application for planning permission to change the use of the application site to private garden ground was previously submitted in 2014 (Ref No 14/00222/FULL) but the application was withdrawn by the applicant before the application had been determined. The application site area has not changed but the current application contains the following differences:
 - The provision of an adoptable footway within the site to maintain a continuous pedestrian link on the west side of Kirkton Gardens. The original application removed the section of existing footpath only.
 - The means of enclosure would be set back 2m from the edge of the carriageway to accommodate the new section of adoptable footway and maintain an adequate standard of forward visibility.
 - The height and design of the enclosure next to Kirkton Gardens has been altered to reduce the height and incorporate sections with railings towards the front of the site.
 - The enclosure would return around the front of the proposed extended garden ground.

- The existing trees that existed within the open space have been removed by the owners.

4.0 Consultations

- 4.1. Roads & Transportation do not object to the proposed development. They are satisfied that the proposed layout and design would not result in any unacceptable adverse impact on road or pedestrian safety. The proposed height, design and location of the means of enclosure would maintain an adequate standard of visibility for drivers using the carriageway and on-street parking spaces at Kirkton Gardens. Roads have also considered the road safety concerns raised by objectors and their advice is also referred to in Section 5.0 below. The proposed works to realign the pedestrian route would require a Minor Roadworks Consent (MRC) from Roads. *Comment: The applicant has submitted a layout which Roads advise has satisfactorily addressed concerns they raised in relation to the previous application (Ref No 14/00222/FULL) in relation to pedestrian safety, visibility and vehicle access arrangements.*
- 4.2. Land Services advise that they have no objections to the proposal.
- 4.3. Tillicoultry Community Council object to the application unless the level of safety and sight lines for drivers and pedestrians is no worse than exists at present and/or this level of safety can be guaranteed over time. They highlight that Kirkton Gardens is characterised by its open aspect and that the proposed means of enclosure may compromise safety at the road bend next to the site. *Comment: The issues raised are discussed in 4.1 above and Section 5 below. Roads & Transportation has advised that the development would not increase road or pedestrian safety risk and the standard of visibility would be adequate. The footpath would be adopted by the Council. These factors would satisfy the road safety issues raised by the Community Council.*
- 4.4. Police Scotland do not object to the application subject to the development not adversely affecting the sight lines for drivers on Kirkton Gardens. *Comment: Roads & Transportation has advised that the development would not increase road or pedestrian safety risk and the standard of visibility would be adequate. This would address their comments.*

5.0 Representations

- 5.1 Sixteen neighbours were notified of the planning application. It was also published in the Alloa Advertiser for neighbour notification reasons. As a result of this publicity, one or more objections have been received from 16 individual parties as follows:
- Gordon Gunn, 11 Kirkton Gardens
 - Graham Drysdale, 10 Kirkton Gardens
 - Brian and Irene McKeand, 15 Kirkton Gardens
 - Frederick and Irene Clark, 19 Kirkton Gardens

- Duncan Watson, 17 Kirkton Gardens
- Julie Watson, 17 Kirkton Gardens
- Dr David Greenwood, 29 Kirkton Gardens
- Dr Robert and Margaret Salmond, 27 Kirkton Gardens
- John Dick, 18 Kirkton Gardens
- John Gillanders, 23 Kirkton Gardens
- Robert Cook, 31 Kirkton Gardens
- Robert Crawford, 13 Kirkton Gardens
- Ralph Maxwell, 25 Kirkton Gardens
- Mrs Zubida Manzoor, 21 Kirkton Gardens
- Barry Yorwerth, 9 Kirkton Gardens
- Councillor Archie Drummond, Clackmannanshire North Ward

5.2 The objections raised a number of issues mainly relating to road and pedestrian safety and visual amenity. These have been summarised below:

- The proposed enclosures around the garden would have an adverse impact on the standard of visibility for drivers driving round the corner to the east of No 8 or if reversing out from the visitor parking spaces to the south of the site, to the detriment of road and pedestrian safety. *Comment: The concerns relate to two main issues; the impact of the 1.79 metre high wall and fence which would enclose the southern part of the extended garden, on the standard of visibility of drivers who may be reversing out of the on-street parking bays, located some 4 metres to the south, onto Kirkton Gardens; and the impact of the enclosures, or any vehicles parked on the hardstanding area, at the front end of the extended garden ground on the forward visibility of drivers travelling around the bend on the road. Roads advise that the proposed boundary walls/fencing and revised alignment of the pedestrian route would not pose any increased road or pedestrian safety risk for the use of the on-street parking bays, and an adequate standard of visibility would be available from the bays. They also highlighted that until their recent removal, the two mature trees and shrubs to the south of the application site also affected visibility. Similarly, Roads advise that the proposed design and layout at the northern end of the site adjacent to the corner would not result in any increased road safety risk at this location. The forward visibility envelope that would be available at this location would be adequate and would not be adversely affected by the proposed boundary enclosure or use of the garden ground.*
- If the existing driveway is extended to the east it would result in vehicles exiting close to the corner. *Comment: There is no proposal to*

extend the footway crossing. Any subsequent change would be regulated under an MRC.

- The proposed footway alignment would adversely affect pedestrian safety, particularly for children, due to the incorporation of the right angled bends where it follows the garden boundary and by being closer to the carriageway edge. The footway should be moved further from the carriageway edge. Comment: *The proposed alignment is considered to be comparable with other sections of footway serving Kirkton Gardens and not untypical of the layout found in many residential areas. Roads are satisfied that the proposed footway alignment would not pose an increased or unacceptable pedestrian or road safety risk in the area. Consequently, there would not be reasonable grounds in relation to road safety to require any change to the alignment of the footway.*
- The proposed footway alignment, including two right angled bends would introduce personal safety issues due to the blind corner and the inadequacy of the lighting. Comment: *Police Scotland have not objected to the application. It is proposed to include a small splay on the outside corner of the boundary wall fence to reduce the "blind corner" effect. This would be regulated using a planning condition. Roads advise that the pedestrian safety risk associated with the current street lighting system would not be any greater than the current layout.*
- Who would ensure that the new section of footway would be maintained? Comment: *Condition No 3 would ensure that the footway would be constructed to a standard suitable for adoption by the Council as Roads Authority. Following adoption, the Council would be responsible for the future maintenance of the footway as it is with the existing footpath.*
- The proposed additional parking space within the enlarged garden area would be unnecessary as there is adequate provision at present. Comment: *The need for the parking space is not material to the determination of the planning merits of the proposals.*
- The realignment of the existing footpath may conflict with the provisions of the Roads (Scotland) Act 1984 as it relates to Interference and Damage and Obstruction of View. Comment: *Roads have not raised any objections to the proposed development and they are satisfied with the adequacy of the proposed development in relation to visibility and pedestrian safety.*
- The proposals would adversely effect the amenity of the area. The open space is an integral part of the original estate design and enhances the amenity for all residents. The recent removal of trees within the open space has already diminished its value. Comment: *Having regard to;*

(a) The size, appearance and function of the site and the appearance of the existing screen fencing enclosing part of the eastern boundaries of Nos 8 and 10 Kirkton Gardens,

(b) *The intervening distance between the development and the frontages of the nearest neighbouring houses and the carriageway,*

(c) *The standard of the design and appearance of the proposed means of enclosure around the curtilage,*

(d) *The scale of any change on the established character of the cul-de-sac*

It is considered that the development would not result in an unacceptable adverse impact on the standard of amenity; the character of the area or the quality of open space provision within the locality, to an extent that would conflict with policy and justify refusal of planning permission.

- The development would have an adverse impact on the standards of privacy, daylight and comfort of neighbouring properties. *Comment: It is considered that the proposed change of use and means of enclosure of the land would not result in any unacceptable adverse impact on such standards of residential amenity enjoyed by neighbours.*
- The development would not accord with national and local planning guidance in relation to the provision of public open space, its adequacy and its contribution to creating attractive places to live. *Comment: Our assessment of the value of the existing area of open space in respect of its potential social, environmental, visual amenity, road safety and recreational role has concluded that its loss would not result in any unacceptable adverse impact having regard to the guidance in LDP Policy EA4 and PAN No 65 (Planning and Open Space). The land is not identified as part of the Clackmannanshire Green Network in the LDP.*
- Why should one individual benefit by enclosing the land to the detriment of others. *Comment: We have concluded that the change of use and enclosure of the land would not result in an unacceptable impact on the amenity of the area.*
- The proposals would result in over development of the plot. *Comment: The proposed development would enlarge the curtilage of the house and would not therefore result in over development.*
- The proposed variation in the design and materials of the means of enclosure would not meet adequate standards. *Comment: The proposed materials would reflect these already present at the property and elsewhere within the estate, and would be commensurate with design standards elsewhere within the estate.*
- The original feu details indicate that the area should remain as public open space irrespective of land ownership. There may be a right of way over the existing section of footpath. *Comment: The application must be determined on its planning merits and the existence of any legal restrictions on the use of the land would not provide grounds to withhold planning permission. The proposal would comprise the*

realignment of an existing footpath to an adoptable standard thereby maintaining any asserted right of way.

- The construction phase could impact on residential amenity or impede access to neighbouring houses. *Comment: The scale and nature of the development would not justify regulating construction hours or activity. If access to properties was impeded, this would be a police matter to regulate.*
- The drawings are not accurate. *Comment: The standard and content of the drawings and supporting information are considered to be sufficient to determine the planning merits of the proposals.*
- The development would have an adverse impact on property values. *Comment: This issue is not a material planning consideration.*
- The future use of this land has dragged on long enough. *Comment: The planning authority is obliged to register and determine the application. A previous application relating to the site was withdrawn in 2014.*

6.0 Development Plan Position

- 6.1 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 Policy SC8 (Domestic Developments) sets out criteria against which proposals will be assessed, including; whether the development would adversely affect the residential amenity of neighbours, whether it would detrimentally affect the character of the site and area, or would result in over-development of the plot. As discussed in Section 5.0 above, it is considered that the development would not result in any unacceptable adverse impact on the residential amenity of neighbours, the overall character of the area or result in over development of the house. It is concluded that the proposal would accord with this policy.
- 6.3 Policy SC14 (Development Proposals - Access and Transport Requirements) sets out to ensure that new development meets sustainable transport objectives. The development would not adversely affect the level of accessibility within Kirktoon Gardens, pedestrian or road safety or increase conflict between motor vehicles and pedestrian or cyclist traffic. Roads have no objections. The development would accord with this policy.
- 6.5 Policy EA4 (Landscape Quality) states that all development proposals should be informed by and be sympathetic to the distinctive landscape character of the area. The proposed development would not result in the loss of any significant landscape features and would not have an unacceptable impact on the visual amenity or character of the area having regard to the modest size of the site, its appearance and contribution to the overall visual amenity and character of the site and surrounding area. On balance, the development would not be contrary to this policy.

6.6 The proposals are not considered to be contrary to the relevant policy guidance contained in the LDP.

7.0 Other Material Considerations

7.1 The advice from consultees is summarised in Section 4.0 above. Notably, Roads and Transportation have no objections to the proposals and they are satisfied that the layout and design now proposed by the applicant would not have a detrimental impact or result in an increase in risk to road and pedestrian safety at this location. The proposed footpath and access arrangements to the plot would satisfy the relevant development standards. This advice would satisfactorily address the comments raised by objectors, Tillicoultry Community Council and Police Scotland in relation to road safety issues.

7.2 The objections to the application have been carefully examined and these have been summarised and discussed in Section 5.0 above. The application has attracted a significant number of objections, including one from the local Councillor. However, the weight to be attached to the number of objections would not, on its own, be sufficient or reasonable grounds to withhold planning permission. Our assessment has concluded that in terms of the concerns relating to potential impacts of the development on:

- Road and pedestrian safety
- Visual and residential amenity and
- Pedestrian accessibility

the development would not result in any adverse impacts of a scale or nature that would justify, either individually or collectively, withholding planning permission.

7.3 The development would not be contrary to the guidance contained in the Council's Supplementary Guidance No 6 - Green Infrastructure or the objectives of the Council's Open Space Strategy given the size, function and nature of the site. The site is not identified in the LDP or part of the Clackmannanshire Green Network.

7.4 In conclusion, there would not be other material considerations which would outweigh the Development Plan support for the development.

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 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 checked="" 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)

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

Location Plan

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

Clackmannanshire Local Development Plan

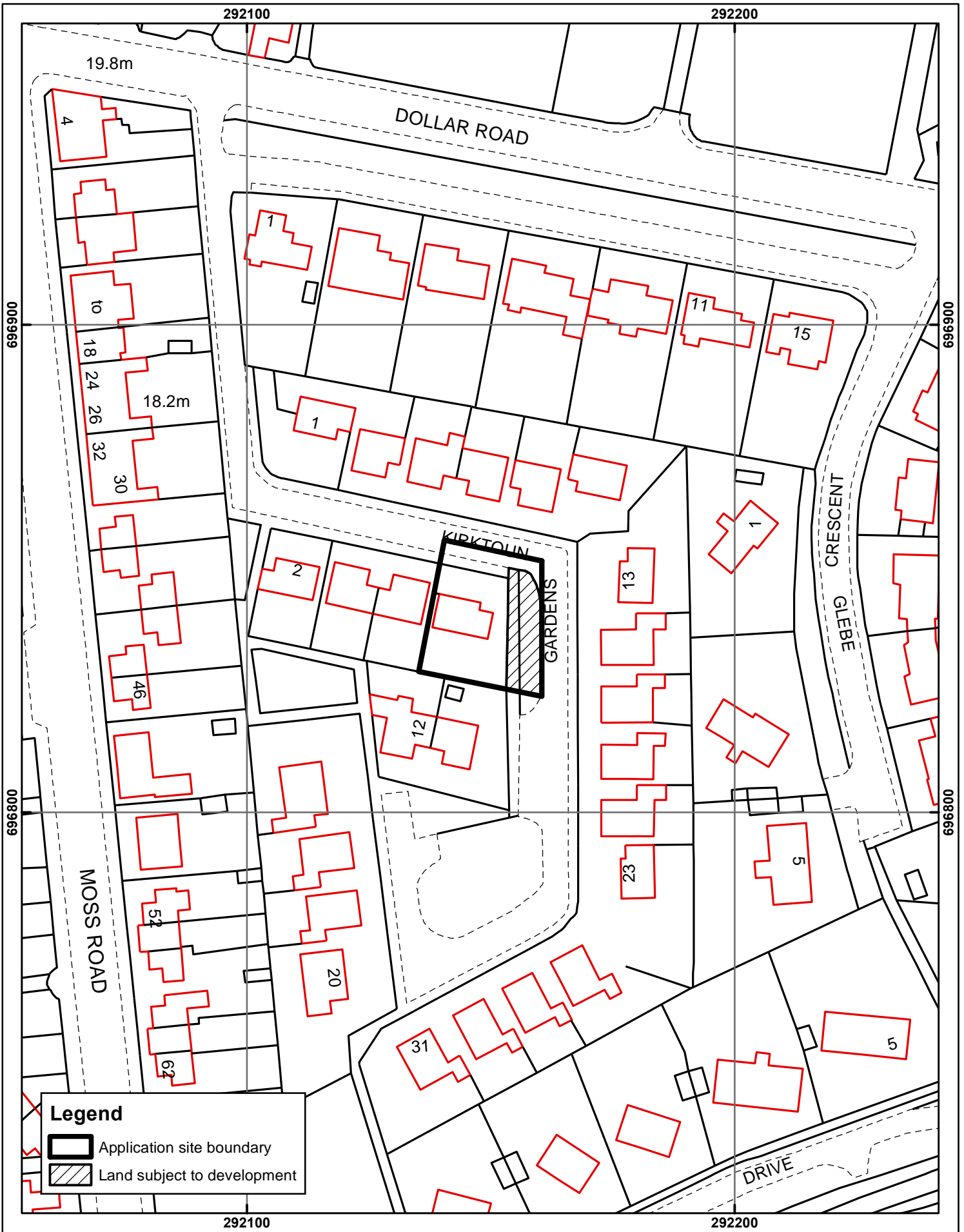
PAN 65 - Planning and Open Space
Clackmannanshire Open Space Strategy 2014
Supplementary Guidance No 6 - Green Infrastructure

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	Signed: J Hamilton
Gordon McNeil	Head of Development and Environment Services	Signed: G McNeil



N

Date:
29-Sep-2015

15/00154/FULL – 8 Kirkton Gardens, Tillicoultry
Change Of Use Of Public Open Space, Including Footpath, To Private
Garden Ground, And Erection of Boundary Wall And Fence

Ward: Clackmannanshire North OS Grid Ref: NS 92 96 NW

0 10 20 30 40 Meters Scale: 1:1,000

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Report to: **Planning Committee**

Date of Meeting: **8th October 2015**

Subject: **Application for Planning Permission and Listed Building Consent Ref No's 15/00180/FULL & 15/00182/LIST - Installation of Replacement Windows - 52 Bridge Street, Dollar, FK14 7LJ.**

Report by: **Mark Stoddart, Planner**

1.0 Purpose

1.1. This is a report of handling on the above applications. The applications are being reported to the Committee for determination for three collective reasons.

1. The development is contrary to relevant policies of the Local Development Plan.
2. The applications are retrospective; the windows have been installed.
3. If the applications had been determined and refused by Appointed Officers, the applicant would have to have pursued two different appeal procedures, the Local Review Body and Scottish Ministers. A Committee decision avoids this scenario and therefore benefits the applicant.

2.0 Recommendations

2.1. It is recommended that the applications for planning permission and Listed Building Consent are REFUSED for the following reasons:-

1. By virtue of the UPVC material, dimensions and profile of the outer and sash frames, and method of opening for ventilation, the replacement windows are contrary to Policies SC 8, EA 22 & EA 23, of the Clackmannanshire Local Development Plan in that they will neither enhance nor safeguard the character of this listed building nor Dollar Conservation Area.
2. The replacement window alterations do not accord with local and national guidance on alterations to traditional buildings of this nature, and in particular the Council's Supplementary Advice Note No.5, 'Windows and Doors in Traditional Buildings' and Historic Scotland's guidance 'Managing Change in the Historic Environment - Windows'.

3. The approval of these applications would set a precedent for inappropriate alterations to listed buildings and traditional buildings occupying a prominent location within conservation areas.

2.2. Plans Relating to the Application

Plan 1 - Location Plan.

Photographs 1- 4 Installed windows and replaced windows.

3.0 Considerations

3.1. Background

3.1.1 The property comprises the residential part of a building which occupies a prominent corner position within the Dollar Conservation Area. It is a Category 'C' listed building. Four windows have been replaced on the front elevation facing Bridge Street, a fifth window faces Cairnpark Street.

3.1.2 The applications are a result of an investigation of alleged unauthorised alterations to the property. This concerned the replacement of the previous sliding windows with UPVC tilt and turn windows. The replacement of windows within the conservation area requires planning permission. Listed Building Consent is also required. The owner has submitted these retrospective applications to gain permission for the changes following correspondence from this service advising that the alterations were unlawful.

3.2. History of Site

3.2.1 An application to replace timber sash and case windows with UPVC sash and case windows was approved by the Council's Environmental Services Committee in 1983 (Ref No. C/83/203). This was against the objections of The Scottish Georgian Society and the concerns of the Scottish Developments Department, Historic Buildings Branch (HBB). The window size, frame size, proportions, and method of opening all remained unchanged. The window frame material changed from timber to UPVC. The formal response from HBB confirmed that although the application was not to be referred for decision making, they had real concerns about the replacement of traditional timber windows. They asked the Council to re-consider the matter. The file indicates that the windows were then approved. The windows were installed in accordance with this permission.

3.3. Details of Proposals

3.3.1 The applications are for the retrospective approval of the windows that have been recently installed. These are UPVC framed, with a tilt and turn mechanism for ventilation and cleaning and plant-on astragals. In summary therefore, the development changes the dimensions and profile of the outer and sash frames, and the method of opening.

3.4. Consultations

3.4.1 Dollar Community Council objects to the applications and consider that :-

- Modern windows are not appropriate to a listed building or unlisted building within conservation area.
- The dimensions of the frames (being thicker), the profile, the method of opening are all non-traditional and do not match the windows that they replaced.
- the new windows detract from the appearance of the building. The glazing looks modern and detracts from the character of the building and conservation area.
- The application does not comply with policy.
- Granting of the applications would set a clear precedent with far-reaching consequences.
- The opportunity to reinstate the windows to timber sash and case will be lost if the applications are granted.

3.5. Representations

3.5.1 Approximately 20 neighbours were notified of the planning application. Both applications were notified in the local paper. No representations have been received.

3.6. Planning Assessment

3.6.1 The relevant Development Plan Policies are Policies SC 8 (Domestic Developments), EA 22 (Listed Buildings) & EA 23 (Conservation Areas).

3.6.2 Clackmannanshire's Development Local Plan policy SC 8 states that the Council will normally approve alterations to houses provided that the development, by virtue of its siting, design, scale or massing does not detrimentally affect the character or appearance of the building, site or surrounding area. It is considered that the replacement windows in terms of the materials combined with the width of the frames (calculated from dimensions provided by the applicant to be approximately 25% of the entire window opening), the use of plant-on astragals, the profile and the method of opening, do not enhance the building but adversely affect it's character and appearance

3.6.3 Policy EA 22 states - the Council will only support applications which affect a listed building where they ensure the preservation of the building, its setting, and its features of architectural or historic interest. Proposals will be expected to protect and enhance the existing architectural and historic character of the building. The characteristics of the windows facing the respective road frontages do not safeguard or enhance the character of the building. The materials, design and method of opening all differ from the traditional format. In this respect, we have taken account of guidance provided by Historic Scotland - see paragraph 3.7 below. This policy test is not fulfilled.

3.6.4 Policy EA 23 states - development proposals should contribute to the preservation or enhancement of the character and visual amenity of the area. The change to the appearance of the building which is on the main road

through Dollar (Bridge Street) and has a frontage to Cairnpark Street will adversely impact on the character of the conservation area. The Council has acted to preserve the character of the buildings within the conservation area through consistent decision making on proposals of this nature. No windows of this specification have previously been approved for any building of this character in Dollar Conservation Area.

- 3.6.5 Given the weight to be attributed to these specific policies for a development of this nature and location, the proposals are deemed not to accord with the Local Development Plan.
- 3.6.6 A window survey of both sides of Bridge Street, between McNabb Street and West Burnside has been carried out. The properties are a mixture of residential and residential at first floor with commercial below. This includes a mixture of flats and houses. The material and type of windows are described in Appendix 1. In summary, there are only four examples of UPVC framed windows in domestic upper floor properties between No's 12-60 (even) and 11-53 (odd) in Bridge Street. One is very similar to the applicant's previously approved windows; a second was the subject of an enforcement notice and comprises hotel accommodation, and the third is not a listed building. More importantly however, the vast majority of the domestic properties on Bridge Street including many listed buildings have traditional, timber framed, sash and case windows that safeguard the character of these respective buildings and the street in general. Equally, there is no example of a window design with similar characteristics for those proposed by the applicant for No. 52 Bridge Street, within the survey area.
- 3.6.7 The original approval of the applicant's previous replacement windows in 1983 is noted. However, those windows were designed to match the existing, in terms of proportions, profile and method of opening and the approval required that a central spar (missing in the original proposal) was included in the final approved design. In our judgement, the design and construction characteristics of the proposed windows adversely affect the character of the building and to a significantly greater degree than might have been attributed to the approved version.

3.7 Other Material Considerations.

- 3.7.1 The Historic Scotland publication - 'Managing change in the Historic Environment - Windows' offers the following guidance.
- The windows of a historic building form an important element in defining it's character and the character of the street.
 - The size, shape and proportion of a window... the pattern of design, the materials and details of construction, the method of opening, the finish, and associated features all contribute to the character.
 - Where a window is beyond repair, replacements must match the original window design as closely as possible.

This guidance does not conflict with the Council's policy position, and generally reflects our own supplementary advice on replacement windows for

traditional buildings and is in line with the conclusions reached within the report.

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 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)

None

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 Appendix 1 - Survey of Windows in Domestic Properties, Bridge Street (East), Dollar

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)

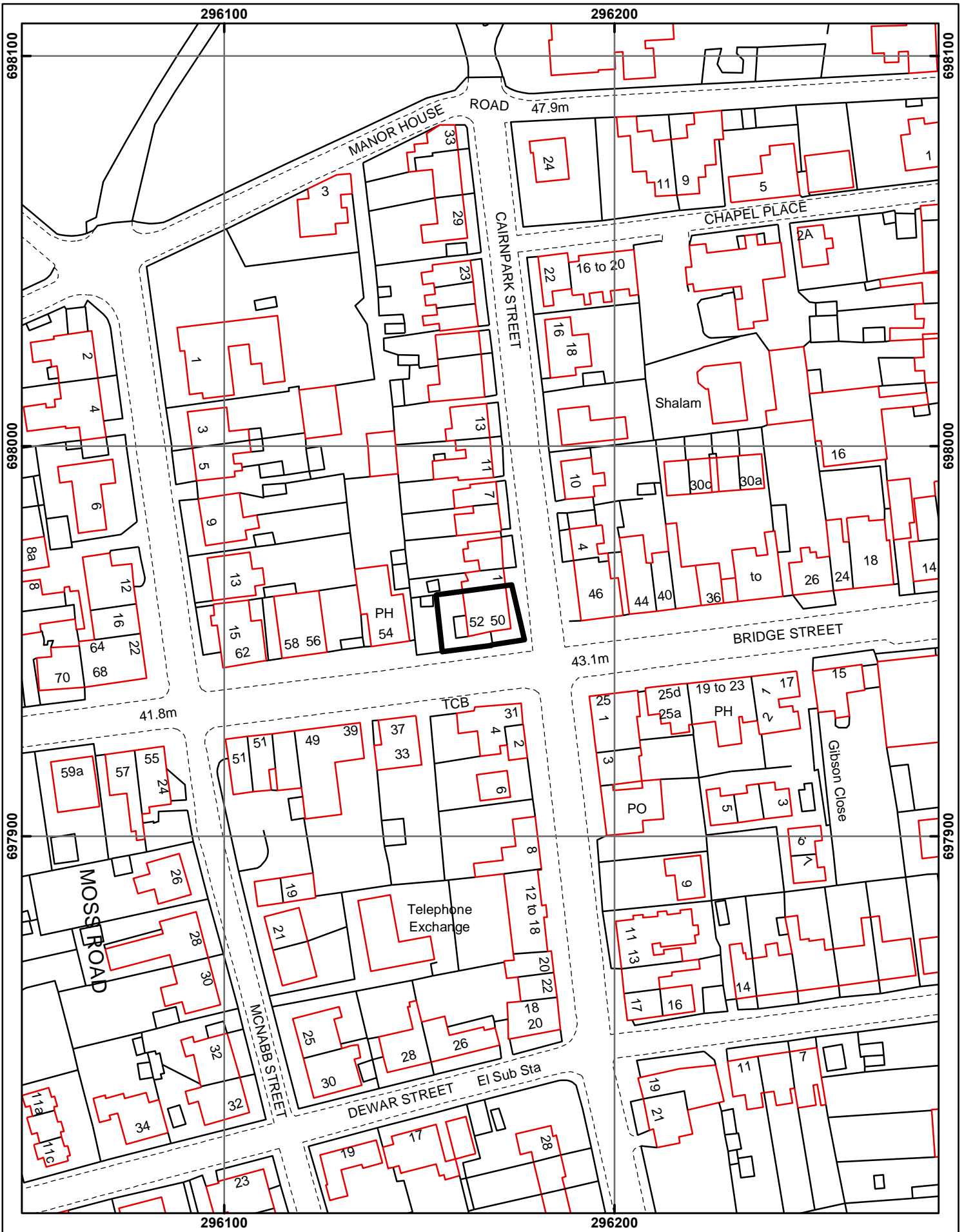
Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Mark Stoddart	Planner	01259 452626

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	Signed: J Hamilton
Gordon McNeil	Head of Development and Environment Services	Signed: G McNeil



**15/00180/FULL & 15/00182/LIST – 52 Bridge Street, Dollar
Installation Of Replacement Windows**



Development & Environment
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Tel: 01259 450 000
planning@clacks.gov.uk



Date:
28-Sep-2015

Ward: Clackmannanshire East
0 10 20 30 40
Meters

OS Grid Ref: NS 96 97 NW

Scale: 1:1,250

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Appendix 1
Domestic property
window survey
 Bridge Street (east), Dollar



Legend

- Application site
- Window frame materials**
- Timber sash and case
- Timber other
- PVC

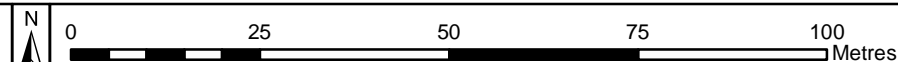
Scale : 1:1,000
 Paper Size : A4

Date: 28 September 2015

Clackmannanshire Council
www.clacksweb.org.uk

Services to Communities
 Kinlraigs
 Greenside Street
 Alloa
 FK10 1EB

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



Report to Planning Committee

Date of Meeting: 8th October 2015

Subject: Street Naming Report for Development at The Shore, Bowhouse Road, Alloa

Report by: Head of Development and Environment Services

1.0 Purpose

- 1.1. To decide on the names of new streets for the development at The Shore, Bowhouse Road, Alloa.
- 1.2. In order to assist the decision process, the report sets out the results of the consultation exercise seeking suggested names for streets at The Shore development.
- 1.3. This development consists of the erection of 164 dwellings, the layout of which would accommodate 4 new streets. A location plan, Appendix 1 and a site layout plan, Appendix 2 are enclosed for ease of reference.

2.0 Recommendations

It is recommended that the Committee consider the suggestions included in Appendix 3 and approve 4 new street names.

3.0 Considerations

- 3.1. The Planning Committee of the 27th August deferred discussion on the naming of the new streets to extend the consultation given the historic importance of the development site.
- 3.2. Research has been carried out and further consultation undertaken in order to identify suitable names for new streets at The Shore development, Bowhouse Road, Alloa.
- 3.3. The consultation and research process involved contacting the Ward Councillors, the Community Council, local schools and known heritage groups and other interested parties. A full list of the consultees' responses is enclosed at Appendix 3.
- 3.4. The Council is committed, via a Tri-Council agreement (Clackmannanshire, Falkirk and Stirling) to adopting particular street naming and numbering

conventions and must therefore consider these prior to approving a street name or number. Guidance within that convention states that consideration should be given to ensure names are distinctive... *"no repeating or similar sounding names within the same scheme, development, or area. The practice of using the same name for several streets, differentiated by suffixes such as 'street', or 'road', etc, perhaps within a larger multi-street development, is not acceptable. This is to minimise any potential confusion that may arise in delivering services, particularly emergency service response, in areas with similar sounding street names"*.

- 3.5. Accordingly, the "officer comments" column in Appendix 3 identify proposals that are not considered suitable relative to the guidance included within the Tri-Council Conventions.
- 3.6. The Royal Mail Address Development Centre will still require to be consulted on any names chosen by the Committee to ensure they are acceptable to them.

4.0 Sustainability Implications

- 4.1. The recommendation does not have any significant implication. The consultation and research procedure ensures that community participation has been undertaken.

5.0 Resource Implications

- 5.1. There are no financial implications with regard to this report.
- 5.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 5.3. There are no staffing implications with regard to this report.

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
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced

- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

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

Tri-Council Naming and Numbering Conventions.

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 Appendix 1 - Location Plan
 Appendix 2 - Site Layout
 Appendix 3 - Consultee Returns

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)

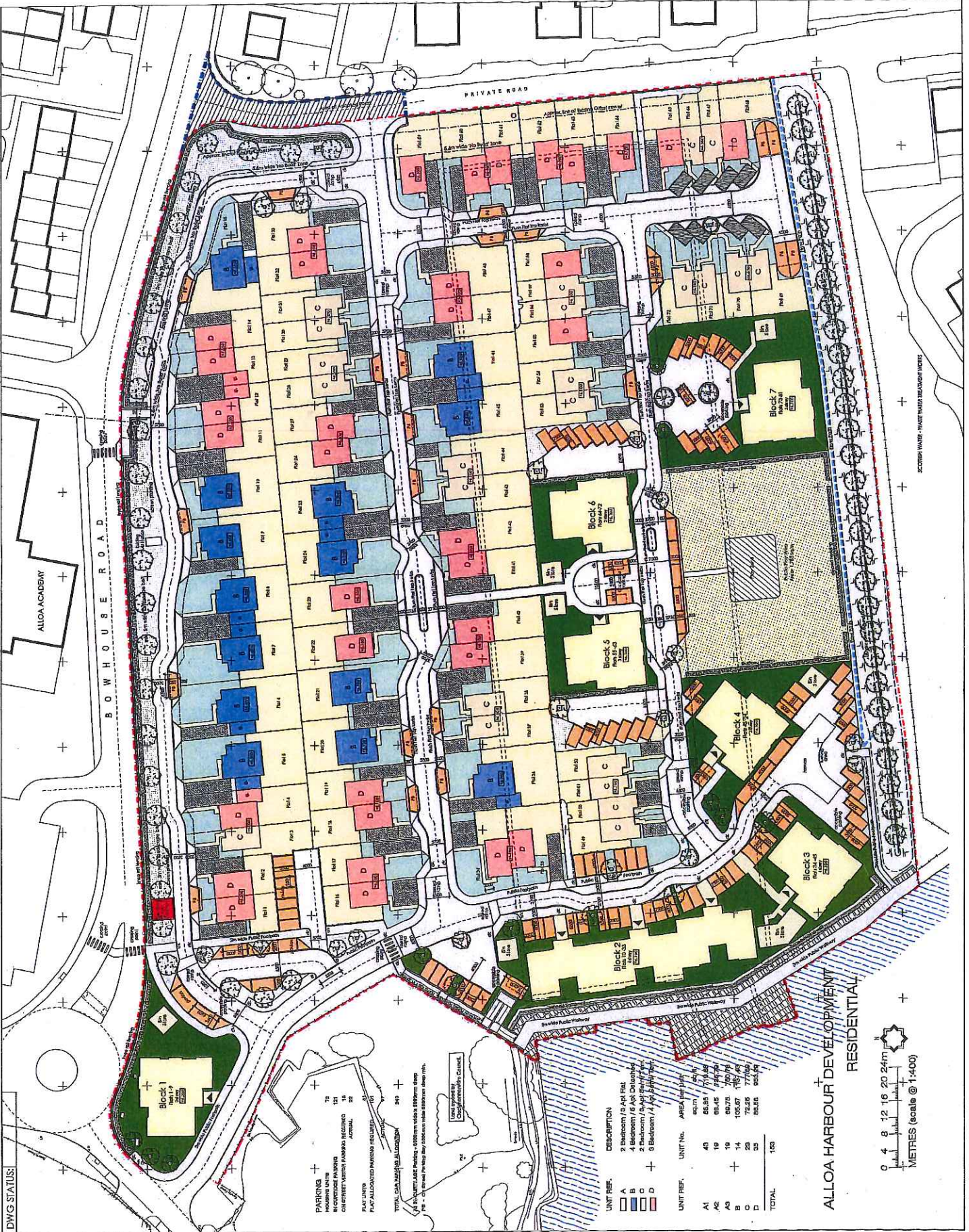
NAME	DESIGNATION	TEL NO / EXTENSION
Alastair Mackenzie	Building Standards & Licensing Team Leader	2554

Approved by

NAME	DESIGNATION	SIGNATURE
Ian Doctor	Regulatory Service Manager	Signed: I Doctor
Gordon McNeil	Head of Development and Environment Services	Signed: G McNeil

APPENDIX 2

DWG STATUS:



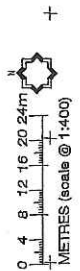
PARKING	72
IN-COURT YARD PARKING	121
CHANGEMASTER PARKING	18
CHANGEMASTER PARKING	22
PLANT UNITS	101
PLANT UNITS	101
TOTAL GROSS AREA ALLOCATED	240

48 2-BEDROOM UNITS, 48 ROOMS WITH 3-BEDROOM UNITS
 18 2-BEDROOM UNITS, 18 ROOMS WITH 3-BEDROOM UNITS
 18 2-BEDROOM UNITS, 18 ROOMS WITH 3-BEDROOM UNITS

Units approved by
 Changemaster's Council

UNIT REF.	DESCRIPTION	UNIT No.	AREA (sqm)
A	2 Bedroom / 3 Apt Hall	48	65.85
B	4 Bedroom / 6 Apt Balcony	18	85.45
C	2 Bedroom / 6 Apt Balcony	18	67.75
D	3 Bedroom / 7 Apt Balcony	14	105.67
		25	32.20
		22	28.28
TOTAL		153	

ALLOA HARBOUR DEVELOPMENT RESIDENTIAL



APPENDIX 3

CONSULTEE	SUGGESTION	SUPPORTING COMMENTS	OFFICER'S COMMENTS
Councillor Earle	(1) Lapwing (2) Plover (3) Kestrel (4) Finch (5) Capercaillie (6) De Havilland	(1-5) Inspired from the Black Devon wetlands. (6) Area associated with the construction of the aircraft during WW2.	(1-5) No conflict (6) No conflict
Reference Librarian	(1) Ferry Pier (2) Seafield (3) Glasgow Wharf (4) Saw Mill (5) Brick & Tile Works (6) Forth	(1-6) Old names and some of the industry from the area.	(1-5) No conflict (6) Similar name already in existence in the same postcode (FK10) is: Forth Street

Councillor Balsillie	(1) Brigantines	(1-2) Ships importing timber, wine, tea and luxury goods had Alloa registered as their home.	(1-2) No conflict
	(2) Sloops		
	(3) Griffen	(3) Left Alloa in 1720 with 3373lbs of tobacco for Bergen in Norway. " Griffen Moorings" could reflect the crest of Alloa as well as the export heritage.	(3) No conflict
	(4) Isabella	(4) The ship Isabella of Alloa is recorded as the first importing tea to any port on the east coast of Scotland. On her outward voyage she is recorded as carrying wine and spirits from an Edinburgh customer of the Alloa Glass Works. It is reasonable to assume they were bottles produces in Alloa. A William Mitchell is recorded as a ship owner and director of Alloa Glass who went on to provide ships for the "Ben Line" operating out of Alloa and Leith e.g. Ship Bencleuch 1.	(4) No conflict
	(5) Charlotte	(5-7) Ships that exported coal to America.	(5) Similar name in existence albeit in a different postcode (FK13), however, there may still be a possibility of confusion: Charlotte Place
	(6) Nelly		
	(7) Katy		(6-7) No conflict
	(8) David Allan	(8) Scottish artist and harbour masters son is perhaps the most significant person focused names, possibly David Allan Place	(8) No conflict

Clackmannanshire Field Studies Society	(1) McLeod	(1) Local shipyard	(1) No conflict
	(2) David Allan	(2) Artist born in local cottage	(2) No conflict
	(3) Waggonway	(3) Terminated at harbour	(3) Similar name already in existence in the same postcode (FK10) is: Waggon Way
	(4) Black Shed	(4) Associated with gambling	(4) No conflict, however, may not be appropriate
	(5) Shore	(5) Geographical significance	(5) Similar name already in existence in the same postcode (FK10) is: The Shore
	(6) Westwood	(6) Local contractor	(6) No conflict. History not known.
	(7) Grosset	(7) Customs Officer	(7) No conflict, however, a search of the name detailed that he was once accused of corruption.
	(8) Jeffreys	(8) Workshop	(8) No conflict. Local shipbuilder.
	(9) Old Ship	(9) Local public house	(9) No conflict
	(10) Harbour	(10) Geographical significance	(10) No conflict
	(11) Calder	(11) Shore Brewery	(11) No conflict
	(12) Fisherman	(12) Geographical/historical significance	(12) No conflict

