



**MINUTES OF MEETING of the LOCAL REVIEW BODY held within the Council Chamber,
Patons Building, Kilncraigs, Alloa, on TUESDAY 1 DECEMBER 2015 at 10.30AM.**

PRESENT

Councillor Alastair Campbell (Convenor)
Councillor Tina Murphy
Councillor Les Sharp

IN ATTENDANCE

Ian Duguid, Development Quality Team Leader, Clackmannanshire Council
Stuart McQueen, 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

Mr John Marshall, Applicant
Miss Alexandra Croll, Bobby Halliday Architects (Agent for the Applicant)
Mr Bobby Halliday, Bobby Halliday Architects (Agent for the Applicant)

LRB(15)10 APOLOGIES

None.

LRB(15)11 DECLARATIONS OF INTEREST

None.

**LRB(15)12 APPLICATION FOR REVIEW - BALQUHARN STABLES, BACK ROAD,
ALVA, FK12 5LH**

Name of Applicant:	Mr John Marshall
Site Address:	Balquharn Stables, Back Road, Alva, FK12 5LH
Description of the Application:	Proposed demolition of existing stables building and proposed erection of new build dwelling house and associated driveway and ground works.
Planning Application Reference Number:	15/00159/FULL

At their meeting on 19 November 2015, the Local Review Body had agreed that the Order of Proceedings and specified matters for consideration at the Hearing were:

1. A site visit would be undertaken at 9.30am on 1st December 2015.
2. The Local Review Body would convene a Hearing following the site visit to determine the Review Application on the full basis of the applicant's Notice of Review, together with any comments on the Report of Handling of the planning authority and the contents of all reports lodged with the LRB.
3. For the above the LRB would allow the applicant and the Planning Officer to speak to their hearing statement in the following order:

- a. Statement by Applicant;
- b. Questions from Planning Officer;
- c. Questions from Board Members;
- d. Statement by Planning Officer;
- e. Questions from Applicant;
- f. Questions from Board Members;
- g. Statement by Interested Parties;
- h. Questions from Applicant;
- i. Questions from Board Members;
- j. Final submission by Planning Officer;
- k. Final submission by Applicant.

4. Determination of Review Application.

Following the accompanied site visit at 9.30 am on Tuesday 1 December 2015, the LRB considered a Notice of Review submitted by the Applicant's agent seeking a review of the decision by the Appointed Officer of the Council to refuse planning permission for the demolition of existing stables building and erection of a new build dwelling house and associated driveway and ground works at Balquharn Stables, Back Road, Alva, FK12 5LH("the review site").

The LRB heard representations from the applicant and his agent and from the Planning Officer and had the opportunity to put questions to all parties.

The Convenor confirmed with the applicant that they were satisfied that they had had a fair and proper hearing.

The meeting of the Local Review Body adjourned at 11.05 am to consider the application. The meeting re-convened at 11.20 am.

Decision

Having determined that the Local Review Body had sufficient information before it to proceed to decide the matter and having considered the notice of review, the site visit, the representations and the information before it, in terms of section 43A(15) of the Town and Country Planning (Scotland) Act 1997, the Local Review Body unanimously agreed to reverse the decision of the appointed officer made pursuant to section 43A(8) of the 1997 Act and granted the application for planning permission (reference 15/00159/FULL) subject to the conditions advised, and to be confirmed, by the Planning Offer, for the following reasons :

- 1 Although not satisfied that the requirements of Local Development Plan Policy EA4 and EA8 had been fully met, and that the applicant had failed to fully satisfy the tests set out in policies SC23 and SC24 of the Local Development Plan that a countryside location was essential for the proposed development the Local Review Body considered that in this case, there were other material considerations which outweighed the extent to which the proposed development failed to comply with Development Plan policies.
2. The material considerations were that:
 - a. The newly adopted Local Development Plan identifies an area to the west of Alva for further expansion (Site H42) to provide new residential development of the existing fields which sit in front of the review site. The proposed single storey house will be located towards the front (lower) section of a sloping site and visually in distant views will be at least partially obscured by the development of site H42 and be read as part of the settlement rather than isolated countryside development.

- b. The review site adjoins the existing settlement boundary to the east which is established housing and particularly when considered with the identified development of site H42 represents a "rounding off" of the settlement boundary rather than an isolated projecting extension of that settlement boundary.
 - c. The review site comprises an area of low grade sloping land currently used for the grazing of horses and ponies without any established woodland planting and therefore makes no significant contribution to and has limited impact upon the amenity of the Greenbelt or Special Landscape Area. The applicant suggested that the review site was outwith the Special Landscape Area and it was accepted that the small scale of the plan used in the Local Development Plan documentation could create this impression. The Planning Officer clarified that the review site was within the Special Landscape Area. This however further demonstrates the limited impact of the review site on the Special Landscape Area.
 - d. The review site has a substantial existing permanent structure in the form of stables which will be demolished and the footprint of the new house albeit very significantly greater as a result of the requirement for single storey accommodation will take in the existing footprint of the stables building.
 - e. The applicant manages an existing business at nearby Balquharn Farm and albeit that it has not been demonstrated that a nearby countryside location is essential to the operation of that business, such proximity to the business is desirable for its smooth operation. Additionally, for personal reasons, the applicant's current accommodation having a steep sloping driveway and numerous steps and levels both inside and outside the property is no longer suitable for the applicant and his wife. The applicant requires a level access property in close proximity to the existing countryside business.
3. Planning Permission is granted subject to appropriate conditions for development of this type imposed by the planning authority including conditions advised by the Planning Officer relating to the details of (i) the building materials to be used (ii) the landscaping proposed for the garden ground; (iii) the retention of the boundary wall; (iv) construction management arrangements particularly around access to the Diamond Jubilee Way; and (v) the developer contribution to either secondary education or public art, the applicant agreed that the decision notice to be issued would include reasonable conditions the details of which would be further confirmed by the Planning Officer.

The Clerk advised that a formal Decision Notice incorporating appropriate planning conditions would follow in due course.

Action

Clerk to the Local Review Body

