



**Clackmannanshire
Council**

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

Planning Committee

Thursday 26 May 2016

Start 9.30 am

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

Contact Finance and Corporate Services, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB
Phone: 01259 452106/452004/2006 E-mail: customerservice@clacks.gov.uk Web: 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.

18 May 2016

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Patons Building, Kilncraigs, Alloa, FK10 1EB, on TUESDAY 26 MAY 2016 at 9.30 am.

**GARRY DALLAS
Executive Director**

B U S I N E S S

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1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minute of Meeting held on 19 April 2016 (Copy Herewith)	05
4. Planning Application (Ref No.15/00212/FULL) – Change of Use of Shop Unit to Hot Food Takeaway and Installation of Flue to Rear, Shop, 61 Main Street, Clackmannan, Clackmannanshire - report by the Principal Planner (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 TUESDAY 19 APRIL 2016 at 9.30 am.

PRESENT

Councillor Alastair Campbell, Convenor (In the Chair)
Councillor Kenneth Earle
Councillor Ellen Forson
Councillor Kathleen Martin
Councillor Walter McAdam
Councillor Bobby McGill
Councillor Tina Murphy
Councillor Les Sharp
Councillor Derek Stewart (S)

IN ATTENDANCE

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

PLA(16)01 APOLOGIES

Apologies for absence were received from Councillor George Matchett, QPM.

Councillor Derek Stewart attended as substitute for Councillor Matchett.

PLA(16)02 DECLARATIONS OF INTEREST

None

PLA(16)03 MINUTES OF MEETINGS

(a) Minutes Of Meeting: Local Review Body 19 November 2015

The minutes of the meeting of the Local Review Body held on 19 November 2015 were submitted for approval.

Moved by Councillor Bobby McGill. Seconded by Councillor Les Sharp.

Decision

The minutes of the meeting of the Local Review Body held on 19 November 2015 were agreed as a correct record and signed by the Convenor.

(b) Minutes Of Meeting: Local Review Body 1 December 2015

The minutes of the meeting of the Local Review Body held on 1 December 2015 were submitted for approval.

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

Decision

The minutes of the meeting of the Local Review Body held on 1 December 2015 were agreed as a correct record and signed by the Convenor.

(c) Minutes Of Meeting: Planning Committee 16 December 2015

The minutes of the meeting of the Planning Committee held on 16 December 2015 were submitted for approval.

Moved by Councillor Alastair Campbell. Seconded by Councillor Bobby McGill.

Decision

The minutes of the meeting of the Planning Committee held on 16 December 2015 were agreed as a correct record and signed by the Convenor.

PLA(16)04 PLANNING APPLICATION

Application for Planning Permission - Erection of 3 No. Houses on Land at 55 Ochil Road, Menstrie, Clackmannanshire (Ref. No. 15/00296/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 purpose of the report of handling was to provide an assessment of and recommendations on the development proposals for the erection of 3 no. houses on land at 55 Ochil Road, Menstrie.

The application was reported to Committee for determination following a request from a local member.

The Committee heard representation from the applicant and one objector and had opportunity to put questions to both.

Attending

Mr Paul Edney, Applicant
Mr Paul Sorowka, Objector

Motion

That the Committee approves the application for the reasons set out in the report.

Moved by Councillor Alastair Campbell. Seconded by Councillor Bobby McGill.

Decision

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

Action

Development Services Manager

Ends 1010 hrs

Report to: Planning Committee

Date of Meeting: 26th May 2016

Subject: Planning Application 15/00212/FULL - Change of Use of Shop Unit to Hot Food Takeaway and Installation of Flue to Rear, Shop, 61 Main Street, Clackmannan, Clackmannanshire

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. The 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 Committee following a request from a Local Member.

2.0 Recommendations

- 2.1. It is recommended that this application is APPROVED subject to; the prior conclusion of a Section 75 Obligation as described in 2.2 below; and to the conditions and reasons set out in 2.3 below.

2.2. Summary of Section 75 Obligation

- 2.3 In the event that planning permission is granted for the change of use of No 61, the permission could not be implemented until the Council has purchased or acquired the hot food premises at No 59, adjacent to the site.

2.3. Conditions and Reasons

Conditions

1. The details of the routing and termination point of the flue as submitted by the applicant is **NOT** approved by this permission. Before any works start on site, a specification of the proposed ventilation system, prepared by a suitably qualified and experienced ventilation engineer, shall be submitted to and approved in writing by the Council. The specification shall include details of:

- (a) the ventilation and filtration equipment
- (b) the location of fans, specific mounting points and installation
- (c) the routing, location, termination point in relation to neighbouring buildings and the method of support of the flue from where it leaves the building to its termination point. The flue should be routed as far as practicably possible to minimise any encroachment over the property at No 59 Main Street adjacent to the gable of No 61A.
- (d) the efflux velocity of the flue
- (e) confirmation that no cowl will be fitted
- (f) the colour and finish of any external elements of the system.

The ventilation system shall thereafter be installed in accordance with the approved details, before the hot food takeaway is brought into use.

2. Before any works start on site, a report prepared by a suitably qualified and experienced person demonstrating how noise and vibration from any fixed plant, machinery and equipment within or on the building shall be mitigated to avoid nuisance to neighbours and so that the noise shall not exceed a noise rating curve NR20 at any of the standard octave bands 31.5Hz to 8Khz when measured within a habitable room of any noise sensitive property shall have been submitted to and approved in writing by the Council.

The plant, machinery and equipment shall be installed and thereafter maintained in accordance with the details approved in the report, unless otherwise agreed in writing by the Council.

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

- (a) details of any proposals to re-paint the exterior of the shop front or fascia signboard,
- (b) details of the proposed arrangements to store waste materials at the premises prior to collection.

Thereafter, the approved works shall be completed before the hot food shop is brought into use, unless otherwise agreed in writing by the Council.

Reasons for Conditions

1. In the interests of residential amenity and environmental quality, having regard to the relationship of the site to the first floor flat and in the interests of visual amenity and the character of this part of the Clackmannan Conservation Area.

2. To consider these details yet to be submitted, in the interests of residential amenity of neighbouring properties.

3. In the interests of visual amenity, the character of the Clackmannan Conservation Area and environmental quality.

Approved Plans

1. 23072 - Location Plan
2. Site Plan
3. 23072/2 - Existing Floor Plan
4. 23072/3A - Proposed Floor Plan
5. 23072/4A - Existing Rear Elevation

2.5 Reasons for Decision

1. Subject to the proposed planning obligation and conditions, the proposal is considered to accord with the relevant provisions of the Clackmannanshire Local Development Plan, including Policies EP15, EP18, EA11, EA23 and SC12.
2. Subject to the proposed planning obligation and planning conditions, the concerns raised by the Community Council, individual objectors and the signatories to the petition are not considered to result in any unacceptable impacts on the existing standards of amenity, environmental quality, road safety or town centre vitality which would justify withholding planning permission.
3. The proposed development would satisfy the advice from Roads and Transportation and Environmental Health, subject to the proposed conditions.
4. There are no other material considerations which would outweigh the development plan position and justify withholding permission.

3.0 Considerations

3.1 Background

3.2 Planning permission is sought to change the use of the vacant former post office shop unit to a hot food takeaway on Main Street, Clackmannan. The application includes the installation of an external flue to ventilate the cooking odours and gases from the kitchen area.

3.3 The original proposal was to route the flue up through the flat roof of the shop and up the north facing elevation of the building at first floor level. The proposal was amended in order to re-align the flue so that it would emerge from the proposed takeaway at ground floor level towards the rear and with 2 changes in alignment, rise above the adjacent premises at No 59 Main Street, to terminate at a height and approximate location similar to the existing flue which is attached to the gable of No 61A which serves the takeaway at No 59. The precise route of the flue near to the gable has still to be agreed so that it could accommodate any future re development of the shop at No 59 but it would be close to that shown on the amended drawing. The applicant owns

the hot food shop at No 59 and has agreed to enter into an Section 75 Obligation with the Council which would prevent the development being implemented until the Council had acquired No 59. This would effectively mean that only one of the properties would be in use as a hot food takeaway at any one time. There would only be a requirement for one ventilation flue.

3.4 The Council, in consultation with other interested parties, including the applicant, has been examining ways to secure the re-development of the vacant, unsightly or derelict buildings to the west and north of the application site to help regenerate this part of the village centre and Conservation Area and deliver investment in residential and possibly commercial development. The applicant has indicated that he would sell his takeaway building at No 59 to the Council to help secure a more comprehensive re-development but is seeking an alternative premises to relocate the existing takeaway business.

3.5 The proposed opening hours would be 0800 to 2300.

3.6 The premises comprises a vacant ground floor shop unit which was last occupied by the post office. The original 2 storey building has been extended at the rear by a flat roofed extension. The roof of the extension is used as a garden terrace and access to the flat located above the shop and the adjoining hot food shop at No 63.

3.7 **Consultations**

3.8 Roads and Transportation have advised that they have no objection to the proposed change of use on the basis that the site is located within a town centre area where on street parking is common place and parking currently takes place on the north side of Main Street fronting the site.

3.9 Environmental Health raised concern about the original proposed location and design of the external ventilation flue and the potential risk of noise and odour nuisance due to its proximity to and relationship with the rear elevation of the first floor flat. They have commented that the proposed amended design, and the termination point on the west gable of No 61A should address these concerns but would wish to agree in advance the detailed specification. *Comment - subject to the planning obligation and conditions, we are satisfied that the amended proposal would be likely to satisfy the advice from Environmental Health. The planning obligation would address the concerns raised about the potential cumulative environmental impacts on neighbours from the proposed takeaway with the existing takeaways at Nos 59 and 63.*

3.10 Clackmannan Community Council has objected to the application. They endorse the concerns raised by other objectors relating to; potential odour nuisance to neighbours; parking issues; litter; increased anti social behaviour; general disturbance and advise that the development would not accord with the vision for the village set out in the Community Action Plan. *Comment - these issues are discussed in the next Section below.*

3.11 **Representations**

3.12 24 neighbouring proprietors were notified of the application and the application was publicised in the Alloa Advertiser and Edinburgh Gazette as Development in the Conservation Area. In response, 11 objections have been received from the following parties;

- James Norval, Valhalla, Linn Mill, Clackmannan who owns the flat above the shop.

- Alberto Rossi, who owns the hot food shop at 63 Main Street, Clackmannan
- Helen White, 3 Kennet Village, Clackmannan
- Kathryn Clark, 17 Brucefield Crescent, Clackmannan
- Gary Blues, 56 Main Street, Clackmannan
- Mrs L Cairns, 61A Main Street, Clackmannan - this is the occupier of the flat above the shop.
- Monica Wilson, 2 Kirk Brae, Clackmannan
- Graham Roy, 40 Cattlemarket, Clackmannan
- John Scott, 62 Main Street, Clackmannan
- Mr Nicola Del Giudice, 63 Main Street, Clackmannan

3.13 A 320 signature petition against the provision of another hot food shop in Clackmannan was also received from Mr. A Rossi.

3.14 The main issues received in the objections can be summarised as follows;

(1) there are already 2 takeaways on either side of the building. There is no need for another takeaway. Rather, the village needs more diversity of shops or a coffee shop. Comment - *the issue of need would not be a material planning consideration. The proposal could have resulted in 3 hot food shops in a row on Main Street. However, the applicant owns the premises at No 59 Main Street and has stated that the proposed shop would not open as a hot food takeaway until the Council had acquired the premises at No 59 from him, thereby enabling the Council to ensure there would be no net increase in the number of hot food shops if the application was to be approved. We are satisfied that a Section 75 planning obligation could be used to prevent the change of use taking place until the cessation of the use of the existing hot food shop at No 59 which is under the control of the applicant. If approved, the Decision Notice would not be issued until the Council was satisfied that a suitable obligation had been concluded. The recommendation in Section 2 above has been drafted accordingly.*

(2) there would be inadequate parking available for the development and it would exacerbate the existing parking problems on Main Street near to the site including parking on footways and blocking access to other properties. Comment - *Roads and Transportation have not objected to the application. Furthermore, the planning obligation would mean that, if approved, the on street parking demand and nature would not significantly change from the existing situation in the locality as the number of hot food shops would not increase. The site is also located on the main commercial street in the village where demand for short term parking would be expected during trading hours. The enforcement of illegal parking is a Police matter. Consequently, it is concluded that there would not be sufficient grounds to withhold permission for these reasons.*

(3) there has been problems with people hanging around the existing takeaways resulting in issues of anti social behaviour and this would exacerbate these impacts. Comment - *the planning obligation would mean any impacts are unlikely to be exacerbated as the number of hot food shops would not increase if permission was granted.*

(4) the impact on the residential amenity of the flat above the shop from; the odour from the ventilation flue; the cumulative impact in addition to the

ventilation flues on either gable of the building associated with the existing hot food shops; the impact on the flue on enjoyment of the roof terrace garden which serves the flat and its visual impact from within and outside the flat; the potential hazard to children; and the potential impact from vibration. Comment - *The flat is located above a vacant shop and hot food shop and within the main commercial street in the village and the general standard of amenity would reflect this mixed use character. The Service agreed that the original proposed ventilation design and location would have had an unacceptable impact on the residential and visual amenity of the occupier of the flat from visual, noise and odour impacts due to; the route up through the flat roof which forms part of the roof terrace garden of the flat; the proximity to the garden area, entrance door and window opening of the flat; and the suitability of the termination point to disperse odours. However, the applicant has submitted an amended design and location for the flue as described in paragraph 3.3 above. Based on this amended design and subject to the proposed planning obligation to prevent an increase in the number of takeaways in close proximity and to the condition requiring the approval of a specification for the amended flue design, it is considered that the above concerns could be satisfactorily addressed or would not result in a significant adverse impact on the existing standard of amenity enjoyed by the residents in the flat. The design and location of the flue would have to be capable of being integrated with the layout and design of any re-development of the property at No 59 and adjacent buildings to help achieve the objectives of Proposal H27 in the Local Development Plan as discussed in paragraph 3.18.*

(5) the odour from the existing 2 hot food shops can impact on neighbouring houses and the development would exacerbate this impact. Comment - *the development as proposed would not exacerbate odour impact as the terms of the planning obligation would mean that the planning authority could ensure that there was not more than 2 hot food shops operating at any one time.*

(6) no information about where waste would be stored. Comment - *the applicant has stated that waste would be stored within the building before being collected. The details of the arrangements could be effectively regulated by a planning condition.*

(7) the drawings do not accurately show the rear elevation of the first floor flat. Comment - *the applicant has since submitted amended drawings which have addressed this point.*

(8) the installation of the flue up through the terrace and onto the building would need the agreement of other owners of the building. Comment - *this would be a legal issue which would have to be resolved between any interested parties. However, the amended proposals would not involve installing the flue through the floor of the roof terrace.*

(9) the drains which serve the building already have problems with flooding and the development would exacerbate this issue. Comment - *the proposal is for a change of use of an existing shop unit and this issue would not provided grounds to withhold permission.*

(10) the Council should be acting to address the vacant and unsightly shop unit to the west of the site rather than allowing this proposal. Comment - *the application has to be determined on its individual planning merits. However, the Council is also actively trying to secure the redevelopment of the vacant*

buildings to the west and north of the site and incorporate the existing hot food shop premises at No 59 and the vacant unit at No 57 within any scheme to maximise the wider benefits to the area. The proposed development would, subject to the proposed planning obligation, therefore contribute to addressing the point raised and help secure the re development of the vacant and unsightly buildings.

3.15 **Planning Assessment**

3.16 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site is located within the town centre area of Clackmannan as defined by the Clackmannanshire LDP. The site is within part of the Clackmannan Conservation Area.

3.17 The most relevant policies in the LDP are considered to be;

- EP15 (Promoting Town Centre Regeneration) - the policy provides support for development which could contribute to town centre regeneration including by; supporting a variety of commercial uses which would enhance the vitality of the town centre; seeking to ensure that new developments contribute to the implementation of town centre strategies and development briefs promoted by the Council. Comment - *as discussed in paragraph 3.18 below, and subject to the proposed obligation, the development would enable the opportunity to sustain an existing town centre business and help secure the land assembly to re development of the vacant and derelict buildings adjacent to the site which would help regenerate the town centre. The policy is considered to lend support to the development.*
- EP18 (Food and Drink) - the policy states that proposals for hot food shops will normally be directed to town centre locations and, in all cases, the applicant must demonstrate that development would satisfy the 3 criteria in the policy. These require that there would be no significant impacts on; residential amenity; road or pedestrian safety; or levels of environmental pollution. Applicants are expected to submit a report in relation to noise or odour impacts, to demonstrate that there would be no adverse environmental impacts on neighbours. Comment - *the premises are in a town centre location. Subject to the conclusion of the proposed planning obligation, which would ensure there would be no net increase in the number of hot food shops in the vicinity of neighbouring residential properties, and the proposed conditions, it is concluded that the amended development would satisfy the requirements of the Policy. The proposed flue would replace the existing flue which is attached to the west gable of the property at No 61/61A. Based on these circumstances, it is concluded that the development would not result an unacceptable impact on the standard of amenity currently enjoyed by neighbours.*
- EA11 (Environmental Quality) – the policy states that where development could negatively impact on the environment it will only be acceptable where the developer has demonstrated that all reasonable measures have been taken to minimise the impacts and any unavoidable impacts can be mitigated. Comment – *having regard to the advice from Environmental Health, the nature of the amended proposals, and*

evidence from the operation of the existing flue, it is considered that the environmental impacts of the development would not exceed that associated with the operation of the existing 2 hot food shops next to the site. The development would not be contrary to this policy.

- EA23 (Conservation Areas) - the policy states that development should contribute to the preservation or enhancement of the Conservation Area. Comment - *the development would bring a vacant premises into use. The external flue would replace one on the building which is already visible from Main Street. The flue may be less prominent if the adjacent property at No 59 is redeveloped. The development is not contrary to the policy.*
- SC12 (Access and Transportation Requirements) – the policy states that development should be safely and conveniently access by a range of travel modes. Comment – *Roads and Transportation have no objections to the proposal. The development would be safely and conveniently accessed. It is considered that the development would not result in any unacceptable increase in risk to road safety and would accord with this policy.*

3.18 The site is adjacent to Proposal Site H27 contained in the LDP which includes the derelict former printworks. H27 is allocated for residential re-development. The Council has been in discussion with the owners of the printworks as well as the owners of the premises at 57 and 59 Main Street in connection with a land assembly scheme to deliver a suitable re development of all of these properties. The applicant owns the shop at No 59. The proposed planning obligation will facilitate assembly of the LDP site.

3.19 On balance, the proposal is not considered to be contrary to the relevant policy guidance in the LDP.

3.20 **Other Material Considerations**

3.21 There has been an objection from the Community Council as well as 10 objections to the application and a petition containing 320 signatures. The concerns have been discussed in paragraph 3.14 above. However, it is concluded that, subject to the proposed obligation and conditions, these concerns and the weight of opinion expressed in the petition would not provide sufficient grounds to outweigh the Development Plan position and justify withholding permission. The fact that the proposal would not result in an increase in the number of hot food shops currently operating at this location and the scope to satisfactorily mitigate any environmental impacts on neighbours has informed this conclusion.

3.22 The advice from Roads and Environmental Health has been considered in paras 3.9 and 3.10 above. The proposals would accord with their advice.

3.23 The development would bring a vacant commercial town centre property back into use thereby improving the vitality of the town centre. By enabling the existing hot food shop business to vacate their premises to allow its redevelopment as part of a scheme including adjacent buildings, it would also complement the objectives of Proposal H27 of the LDP to redevelop derelict and underused buildings and land which have a negative impact on the village centre and Clackmannan Conservation Area

- 3.24 The proposed development would not have a negative impact on the existing character or appearance of this part of Clackmannan Conservation Area.
- 3.25 In conclusion, on balance, it is concluded that there would not be other material considerations which would outweigh the Development Plan position and justify withholding permission.

4.0 Sustainability Implications

- 4.1. Subject to the proposed obligation, the development would have a positive impact on the regeneration of the town centre and the enhancement of the character of this part of the Clackmannan Conservation Area.

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".

Location Plan

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)

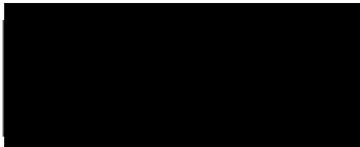
Yes (please list the documents below) No

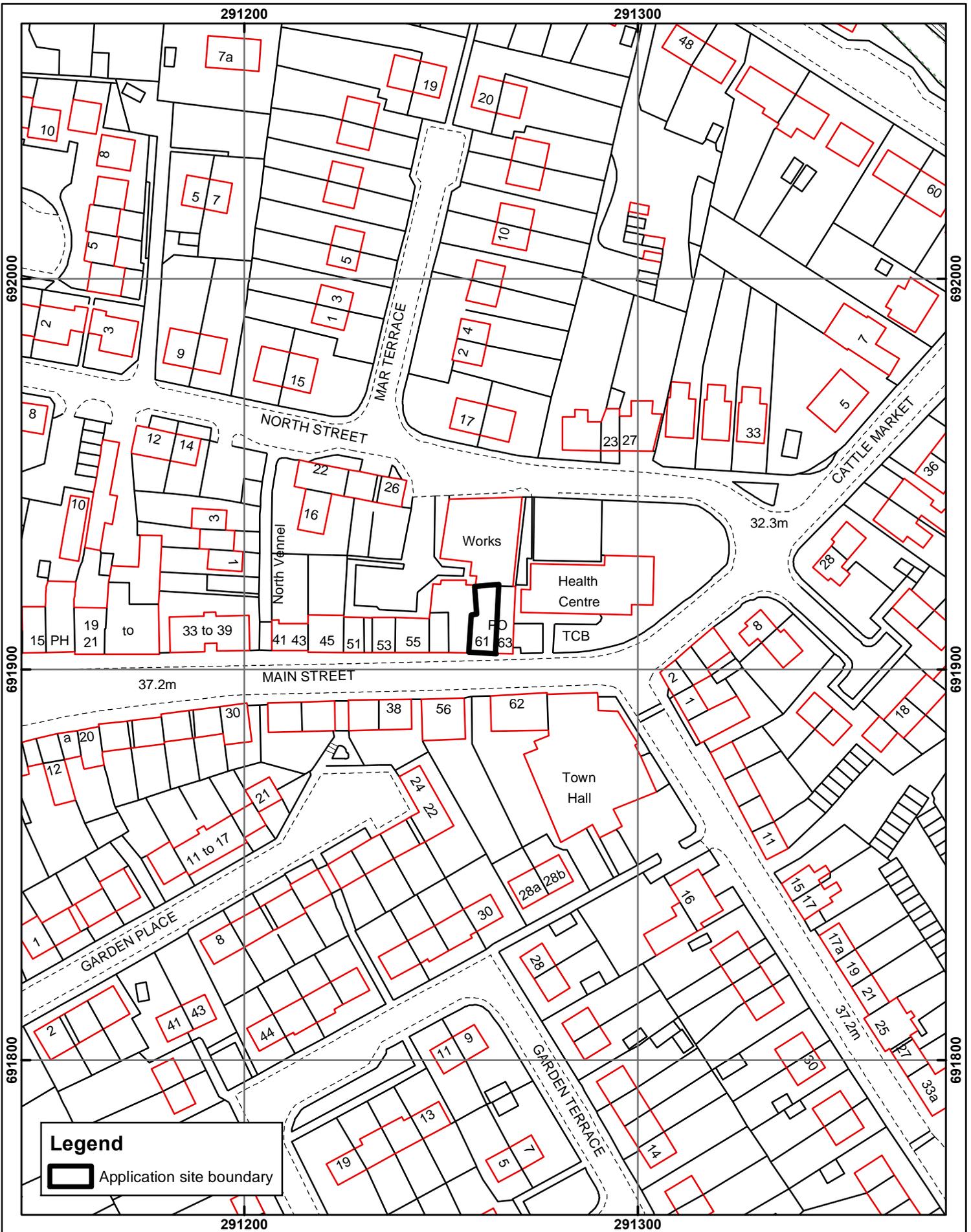
- Clackmannanshire Local Development Plan

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

Approved by

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





Date:
10-May-2016

15/00212/FULL – Shop, 61 Main Street, Clackmannannishire East
Change of Use of Shop Unit to Hot Food Takeaway and Installation of Flue to Rear.

Ward: Clackmannannishire East OS Grid Ref: NS 91 91 NW

0 10 20 30 40 Meters Scale: 1:1,250



Clackmannannishire Council
www.clacksweb.org.uk
 Development & Environment
 Kilncraigs
 Greenside Street
 Alloa
 FK10 1EB
 Tel: 01259 450 000
planning@clacks.gov.uk

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Report to: Planning Committee

Date of Meeting: 26th May 2016

Subject: Planning Application 16/00063/FULL - Installation of 15m Telecommunication Streetpole, Antennas and 3 Cabinets at Land East of Junction of Windsor Gardens and Fairyburn Road, Tullibody Road, Alloa, Clackmannanshire

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. The purpose of this report is to provide an assessment of and recommendations on the development proposals for the installation of a telecommunication streetpole with 3 antennas and 3 cabinets on the grass verge at the above location. It summarises the proposal, consultation responses, representations and key planning policy issues before providing 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 Council has an interest in the site as the owner of the land and there has been a representation on the proposal.

2.0 Recommendations

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

Conditions

1. Before any works start on site, details of the external colour and finish of the streetpole, shroud, antennas and cabinets shall have been submitted to and approved in writing by the Council, as planning authority. Thereafter, the development shall be implemented in accordance with the approved details.
2. The Proposed Site Plan (dwg no 200) is NOT approved by this permission. Before any works start on site, an amended Proposed Site Plan shall have been submitted to and approved in writing by the Council, which shows no part of the streetpole, cabinets or any other

structure within 3.0 metres from the edge of the kerbline on the carriageway/ bus layby on Tullibody Road. Thereafter, the development shall be implemented in accordance with the approved details.

3. In the event that the equipment becomes obsolete or redundant, it must be removed and the site reinstated to its original condition to the satisfaction of the Council, as planning authority within 3 months from the date of removal.

Reasons for Conditions

1. In the interests of visual amenity.
2. To ensure that the development does not impede the planned provision of a cycle path adjacent to Tullibody Road.
3. To minimise the level of visual intrusion and to ensure the reinstatement of the site to a satisfactory standard.

2.3 Approved Plans

1. 100 - Location Plan
2. 200 - Proposed Site Plan
3. 300 - Proposed Elevation

2.4 Reasons for Decision

- 2.5 The proposed development is considered to accord with the relevant objectives and policies in the Clackmannanshire Local Development Plan, including Policies EP7 and EP8.
- 2.6 The proposed siting and design of the development is not considered to have an unacceptable impact on the visual amenity of the area, the residential amenity of the nearest residential properties or on the setting of the nearest listed buildings at Inglewood House or West Lodge, Inglewood.
- 2.7 Subject to the proposed conditions, the development would satisfy the advice from Roads and Transportation.
- 2.8 There are no other material considerations which would outweigh the development plan position and justify withholding permission.

3.0 Considerations

3.1. Background

- 3.2. Planning permission is sought to install a telecommunication streetpole with 3 antennas on top enclosed by a GRP cylindrical shroud, 2 small dishes attached to the pole and 3 cabinets at the location shown on the attached Location Plan. The development would be sited approximately 4.0m to the

north west of the bus shelter to the rear of the footway on the grassed strip of land that separates Tullibody Road and Fairyburn Road.

- 3.3. The height of the streetpole and antennas would measure 15.0m above ground level, the upper 2.5m comprising the shroud. The cabinets would measure approximately 1.3m in height by 1.4m in length by 0.7m in depth.
- 3.4. The site is approximately 23m from the nearest house on Fairyburn Road and 50.0m from West Lodge which would be the nearest property on the east side of Tullibody Road. The site is next to a bus stop and layby. There are mature trees on the opposite side of Tullibody Road which define the edge of former policies of Inglewood House. These are protected by a Tree Preservation Order.
- 3.5. A certificate declaring that the radio frequency emissions from the proposed equipment would comply with the ICNIRP Guidelines for Public Exposure to Radio Frequency Waves has been submitted with the application.

3.6. **Consultations**

- 3.7. Roads and Transportation has no objection in principle but highlight that it is proposed to install a cycle route along this part of Tullibody Road and the apparatus should be sited at least 3.0m back from the carriageway edge to accommodate these works. There could also be a risk that maintenance vehicles could park on Tullibody Road which would not be ideal. *Comment - the applicant has no objection to installing the works further back from the carriageway edge to ensure there would be space to create a 3.0m wide path. This could be regulated by a planning condition. This change is not considered to result in any material change to the other impacts of the proposed development. The applicant has advised that the engineers would visit the site by foot and would not need to park their vehicle next to the apparatus in the lay by or on Tullibody Road and would park on Fairyburn Road.*
- 3.8. Alloa Community Council received the Development and Environment Bulletin but has not asked to be consulted or submitted comments on the application.

3.9. **Representations**

- 3.10. Four neighbouring residents were notified of the application and the application was publicised in the Alloa Advertiser for neighbour notification reasons. One letter of representation has been received from the occupier of 15 Fairyburn Road, Alloa in response to this publicity. It seeks further information about the design and location of the development, its purpose, and whether it could have been located on the opposite side of the road rather than in front of residential properties. *Comment - in response, the Service provided further information about the design, location and purpose of the development. No further communication has been received at the time of compiling this Report. In terms of the consideration of alternative sites, the application has to be determined on its individual merits. However, the applicant has responded to the comment about the possible siting of the streetpole on the other side of Tullibody Road. They have advised that closer proximity to the tall trees along the road would affect the signal and it would require a taller mast to extend above the tree line. It would also bring the*

development closer to the grounds of Inglewood House. As discussed in paragraph 3.13(a) below, we are satisfied that the development would not have an unacceptable impact on the visual and residential amenity enjoyed by residents. On balance, we agree with the applicant's comments that the proposed site would have less overall visual and environmental impact than a location nearby on the opposite side of Tullibody Road.

3.11. Planning Assessment

3.12. The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site is located within the settlement boundary of Alloa as defined by the Clackmannanshire LDP.

3.13. The most relevant policies in the LDP are considered to be;

(a) EP7 (Telecommunication Development Criteria) - the policy states that development will normally be approved where it satisfies the 5 criteria set out in the policy. These are summarised below,

- for a new mast, there is evidence that it is not possible to install apparatus on an existing mast. Comment - *we are satisfied that there is no existing mast which would be suitable for a site share to provide the network coverage of the area required by the applicant. This covers the area between Lornshill Academy and Greenfield. The nearest masts are at Mar Place (approx 1km to the south east) and Craigleith View, Tullibody (approx 1.5km to the north west). The applicant has also examined the option of placing the antennas on a building but has been unable to identify any suitable or available building within the area of search.*
- the development would not unacceptably impact on the visual amenity, character or appearance of the surrounding area. Comment - *the existing area is characterised by the large mature trees on the north east side of Tullibody Road (which extend to around 12.0m in height) behind which lies the former policies of Inglewood House, the wide straight section of carriageway comprising Tullibody Road along which the 10.0m high lighting columns form a notable feature, the grassed verge and the 2 storey houses set back on Fairyburn Road. The site is on the opposite side of the road from Inglewood House and would not have an adverse impact on the protected trees or setting of Inglewood House. The streetpole would be approximately 5.0m higher than the streetlighting columns on Tullibody Road and would be roughly at the midpoint between the columns on this side of the carriageway. There is a column almost directly opposite the site. The introduction of the streetpole on this side of the road would be clearly visible from the adjoining roads although it would be screened from Inglewood House by the trees. Having regard to the following factors, it is considered that the development would not result in an unacceptable impact on the amenity of the area;*

(i) the proposed streetpole design would help integrate the development with the surrounding area by reason of its, form, design, and finish in relation to the existing lighting columns on Tullibody Road which are a notable feature along this section of road.

(ii) the development would not be directly in front of any of the nearest residential properties on Fairyburn Road or Tullibody Road and would be set an approximate angle of 45 degrees from the front elevation of the nearest house at 16 Fairyburn Road. It would also be viewed from the houses on the south west side of Tullibody Road against the backdrop of the mature trees at Inglewood House which would help mitigate its visual impact.

(iii) the existence of other street furniture in the area including lighting columns, a bus shelter and road signs

(iv) the practicable difficulties in siting the streetpole on the opposite side of the road given the presence of protected trees and the limited width of the footway to accommodate the apparatus.

(v) the Service's conclusion that, on balance, the site and design are likely to ensure that the impacts of installing a telecommunication mast in the area have been kept to the minimum.

- the apparatus is the smallest size required to meet operational requirements. Comment - *the applicant has confirmed that the proposed height and design of the streetpole is the lowest practicable to deliver the network coverage required for this area.*
- the development would not have a significant adverse impact on any areas designated for their interest such as listed buildings or areas of ecological interest. Comment - *we are satisfied that the proposed siting and design would not affect the setting of the nearest listed buildings at Inglewood House, West Lodge and the Coach House Theatre and would accord with this criteria.*

*(b) EP8 (Telecommunication Development - Additional Information) - the policy sets out the scope of information which applicant's would be expected to submit in support of their application. This includes details of; how the development would fit into the network; a description of alternatives that were considered and why they were dismissed; an assessment of any potential cumulative impacts with existing apparatus; information on visual impact; and a declaration on ICNIRP compliance. Comment - *the applicant has submitted additional information to address the requirements of this policy. The surrounding area receives no or very poor coverage and has no 4G coverage at present. Due to the surrounding topography, the delivery of effective 3G and 4G services in this area would require the provision of an additional base station rather than from any existing base station site. The applicant did consider 8 other potential sites but none of these were considered suitable by them due to the likely environmental impact, the lack of cooperation of the landowner, the proximity to residential properties, or the level of coverage that would be provided. It is considered that adequate information has been submitted to determine the application.**

3.14 On balance, the development is not considered to be contrary to the above policies and the objectives of the LDP.

3.15 **Other Material Considerations**

- 3.16 As discussed in paragraph 3.7 above, the advice from Roads and Transportation has been satisfactorily addressed.
- 3.17 No objections have been received in response to the publicity of the application. The representation from one of the notifiable neighbours has been discussed in paragraph 3.10 above. It is concluded that the issues raised would not justify withholding permission.
- 3.18 The development would accord with the relevant guidance on digital infrastructure in Scottish Planning Policy 3 which states that;
- planning should support, development which helps deliver the Scottish Government's commitment to world-class digital connectivity and the need for networks to respond to technology improvements.
 - development should keep environmental impacts to a minimum.
 - planning authorities should not question the need for the service to be provided.
 - emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.
- 3.19 In conclusion, it is not considered that there would be any other material considerations which would outweigh the development plan support for the development or would justify withholding permission.

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

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)

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

- Location Plan

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

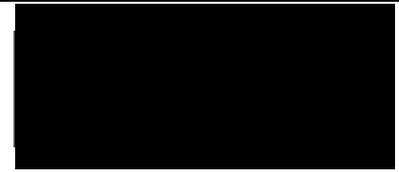
- Clackmannanshire Local Development Plan
- SPP 3

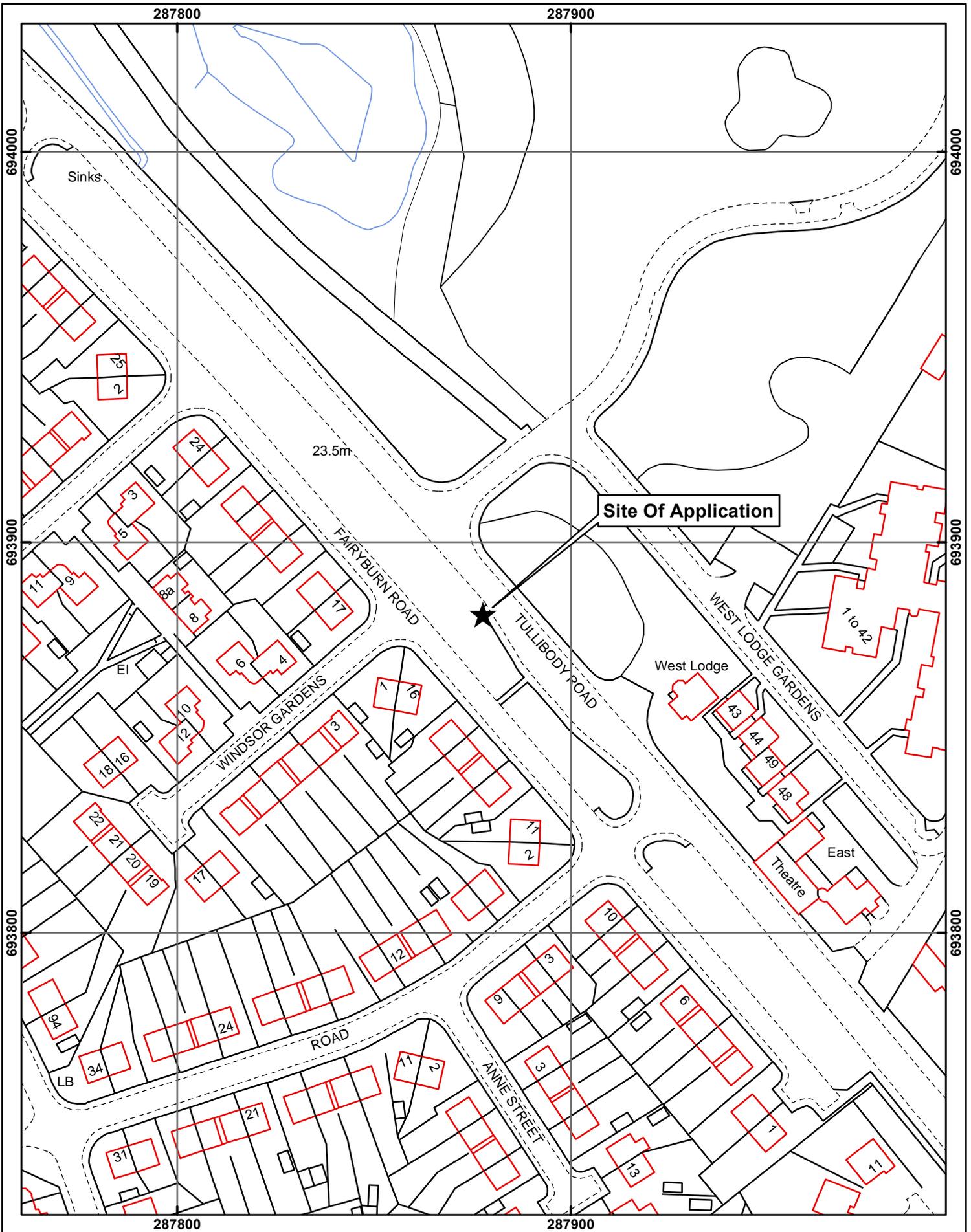
- Planning Advice Note 62 - Radio Telecommunications

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

Approved by

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





Date:
10-May-2016

16/00063/FULL – Land East Of Junction Of Windsor Gardens And Tullibody Road, Alloa
Installation of 15m Streetpole, Antennas And Ground Based Apparatus.

Ward: Clackmannanshire South OS Grid Ref: NS 87 93 NE

0 10 20 30 40 Meters Scale: 1:1,250



Clackmannanshire Council
www.clacksweb.org.uk
 Development & Environment
 Kilncraigs
 Greenside Street
 Alloa
 FK10 1EB
 Tel: 01259 450 000
planning@clacks.gov.uk

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Report to: Planning Committee

Date of Meeting: 26th May 2016

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

Report by: Ian Duguid, Development Quality Team Leader

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 October 2015 - March 2016. 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 use and monitoring of the adopted Clackmannanshire Local Development Plan.

3.0 Considerations

- 3.1. The Development Quality Operational Plan for 2014/2015 included 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 latest in the series of such papers following the most recent update in November last year.

3.2. Progress On Previous Planning Committee Decisions

11/00299/FULL - Extension to Burnfoot Hill Wind Farm (Six Additional Turbines and Access Road), Rhodders Farm, Tillicoultry. Following an appeal decision by a Reporter from the Department of Planning and Environmental Appeals to grant planning permission for this development, the windfarm is now operational. Two other turbines which were approved by Perth and Kinross Council as a separate extension to the original 13 turbine windfarm have also been installed. The Windfarm therefore comprises a total of 21 turbines, generating approximately 42MW of electricity. We calculate this to be the equivalent of the entire electricity demand of households in Clackmannanshire.

13/00150/FULL - 32 Houses and 16 Flats, Former Alva Academy Site, Queen Street, Alva. This application was approved in 2013. Planning conditions have been discharged, and work has started.

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 last year. The development is complete, and will be integrated with proposals coming forward for "Phase 2" to the north at Stirling Road.

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 last year, subject to conditions. The school building has been demolished, and work on the construction of houses is well advanced.

14/00163/FULL - Erection of Supermarket and Land East of Hilton Road, Clackmannan Road, Alloa. This application was approved. Since the decision in October last year, the applicant, Lidl UK, has developed a new store concept. An amended planning application for a new store design and change to the site layout was approved in March this year under the Scheme of Delegation. We have no date for commencement of work on site.

14/00191/FULL - Residential Development at The Shore, Alloa. This detailed application was approved, and the development is now well underway with a number of houses occupied, making a valuable contribution to the regeneration of the riverside. Discussions are proceeding with an interested party in relation to the residual part of the site identified in the Local Development Plan.

14/00248/FULL - Erection of 71 Houses at Burnside, Riccarton, Clackmannan. Following approval of this development in March last year, the land is being advertised for sale again. We have had informal contact with a prospective developer, but no indication of any revised proposals as yet, or a start on site.

14/00267/FULL - Erection of Single Wind Turbine, Land at Meadowhill, Forestmill. In April last year, this planning application was refused due to the visual impact of the development in close proximity to the Kincardine to Kinross Road, and resulting conflict with Local Development Plan policy. The applicant appealed to Scottish Ministers, and the appeal was upheld. The decision letter was disappointingly light on its assessment of visual amenity, the Reporter apparently content that the visual impact would be of little consequence. We await the implementation of the development to judge the impact from the road and other locations.

15/00062/FULL - Demolition of Claremont Primary School and Erection of 29 Houses, Carse Terrace, Alloa - This effectively represents a further phase of the former Alloa Academy site development, which is nearing completion. Work on this further phase is likely to start later this year.

15/00052/FULL - Erection of House and Caravan Pavillion and restoration of Japanese Garden, near Dollar - planning permission for this development was granted in July this year. There has been no specific progress on discharging the conditions of that decision, nor therefore on the erection of the house and pavilion, although we understand that the owners

have been restoring the historic garden and hope to have it fully open to the public next year.

15/00154/FULL - Change of Use of Public Open Space and Footpath to Garden Ground, 8 Kirkton Gardens, Tillicoultry - The Planning Committee decided to refuse planning permission for this development. The applicant appealed to Scottish Ministers. See paragraph 3.8 of this report for further details.

15/00252/FULL - Conversion of Former St John's Primary school to Houses and Offices, and Erection of 12 No Houses, Grange Road, Alloa - Planning permission was granted in December last year. The condition regarding the need for revised proposals has been discharged. It is understood that work is due to start on site very soon.

15/00204/FULL - Engineering Operations to Form Playing Field and Cemetery, Lover's Loan, Dollar - These works were approved in November last year and following the completion of the associated houses, both the cemetery and playing field are nearing completion. Arrangements are in place to secure associated developer contributions towards the provision of changing facilities that formed part of a Section 75 Agreement with the applicant and landowner.

3.4 Pre-2014 Major Applications Update.

06/00283/OUT - New Village Development, Forestmill. The Council granted Planning Permission in Principle for the Forestmill Village project in 2011. Permission was granted subject to conditions and there is a separate Section 75 Agreement. An application has been submitted for the first two phases of development together with information for the entire masterplan area. We are targeting a report to Planning Committee on 30th June.

11/00219/PPP - Residential Development of Land at the Former Forth Valley College, Branshill Road, Sauchie. Planning Permission in Principle was granted in January 2012. The permission expired in January 2015, but was renewed that same month. No detailed proposals have been forthcoming as yet.

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, and preliminary site servicing work has taken place, primarily intended to ensure the permission remains live.

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. However, the Council has now secured ownership of the entire site, and is working to bring forward a package of proposals. Indicative proposals for a mixed use development have been prepared for pre-application advice.

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 housebuilding 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 the site (it is allocated in part for housing and in part for business in the Local Development Plan), and informal enquiries have been received from a prospective developer/new owner.

10/00153/PPP - Development of Land for Housing, School and Associated Open Space and Other Infrastructure at Land at Branshill, Sauchie. In November 2013, the Committee indicated that it was minded to grant Planning Permission in Principle, subject to conditions and subject to a Section 75 Agreement. A draft agreement has been finalised. However, related proposals for opencast coal extraction have been withdrawn following the recent closure of Longannet Power Station. The applicant has prepared an amended masterplan for a reduced scale of development that takes account of below ground constraints. The proposal and the related legal agreement will be reported back to committee as soon as possible.

It will be clear from the foregoing list that development is progressing on a number of these and other sites. Development Services has set up an internal planning and property liaison group which meets regularly to monitor the progress of sites in the Local Development Plan. We will ensure that prospective developers have enough information to take sites forward to the planning stage, and identify/help remove any barriers to implementation.

3.5 Key Applications Decided Under the Scheme of Delegation

13/00286/FULL - Erection of 22 Houses on Site of the Former County Hospital, Ashley Terrace, Alloa. This planning permission was granted in April 2014. Following the discharge of conditions, the applicant has proceeded to implement the permission. The development is nearing completion.

15/00018/FULL - Erection of 22 No Houses, Stirling Road, Tullibody (adjacent to by-pass). Planning permission for flats was originally approved for this site. The amended proposals were approved last year, and the developer is now on site.

15/00037/FULL - Change of Use of Offices to a Hotel and Health Spa, Inglewood House, Alloa. Detailed permission has been granted for this conversion. The development is largely complete, with the hotel and spa now open for business.

15/00141/MSC - Demolition of House and Erection of Business Units, Clackmannan Road, Alloa. This is the detailed proposal for new business accommodation on land east of Alloa Fire Station on Clackmannan Road. It follows the grant of planning permission in principle reported previously. An associated proposal for business accommodation within the same site has recently been implemented.

15/00176/FULL - Erection of Four Houses, Junction of Pitfairn Road and Burnee, Fishcross. This site comprises underused land within the village boundary. The proposals will represent a sympathetic scale of infill housing development making use of the existing site infrastructure.

15/00200/FULL & 15/00257/FULL - Combined proposals for 9 Holiday Lodges at Woods Caravan Park, Fishcross. Two applications approved for

the latest additions to the self-catering holiday accommodation at this holiday park.

15/00276/FULL - Demolition of Warehouse and The Erection of 16 Flats, King Street, Alloa. The site comprises a portion of car park land sold by the Council for re-development of otherwise underused property and land in Alloa town centre. Conditions have been discharged and a site start has been made to bring forward a frontage development to King Street at the station roundabout.

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

There were no decisions by the LRB during this 6 month period.

3.8 Planning Appeals

(i) **15/00154/FULL - Change of Use of Public Open Space to Garden Ground, 8 Kirkton Gardens, Tillicoultry**

The Planning Committee refused this planning application for reasons relating to road and pedestrian safety; landscape quality; loss of open space; visual impact of proposed fencing; conflict with feu conditions; and loss of buffer zone between the road and footpath. The applicant appealed to Scottish Ministers. The Reporter decided that the enclosure of the open space would be very visible and at odds with the open plan layout of the estate. It would not reflect the character of the area. While he did not think issues of landscape quality and visibility for drivers or pedestrians were grounds for refusing planning permission, the policy requirements relating to residential amenity and domestic development were not fulfilled so the appeal was dismissed. Separately, the Reporter made a partial award of expenses against the Council.

(ii) **15/00002/HH - High Hedge at Boundary of Burnside Farm House, Alva**

The Council received an application from the owner of a neighbouring house to serve a High Hedge Notice. Following consultation, a site visit and assessment to the impact of the hedge on the amenity of the applicant's house, we decided to serve a High Hedge Notice. It was served on the owner of the hedge, and sets out the initial action and preventative action to be taken. A copy of the Notice was given to the applicant. The applicant has lodged an appeal, on the basis that the Notice does not go far enough, and excludes a specimen tree between sections of the hedge. A decision on the appeal is awaited.

This is the third High Hedge Notice served by the Council. The two previous Notices were also the subject of appeals. Both Notices were confirmed, and action was ultimately taken to comply with the requirements of each Notice by the respective owners.

3.9 Enforcement Activity

In the 6 months from October to March, the Council received 16 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. As a consequence, we did receive a small number of retrospective applications seeking permission for work that had already been carried out. One enforcement notice was served, in relation to unauthorised engineering operations and deposit of material at Brandyhill Wood, by Fishcross. The period for compliance expires on 6th June.

3.10 Comments and Complaints

One complaint was received during the six month period. It related to the standard of service provided conjointly by the Environmental health and Planning Sections, and centred around the use of business premises at The Whins, Alloa. The complainant had initially made enquiries regarding noise from the premises and the lawful use of warehousing. These were investigated by the respective Services. The same Services in turn responded to a Stage 1 and Stage 2 complaint. The complainant has now referred the matter to the Scottish Public Services Ombudsman, and we have provided additional information to assist the Ombudsman Office in bringing their investigation to a close.

3.11 Planning Performance Framework (PPF 4)

We have previously reported on our 4th Annual Report on the Planning Performance Framework and the positive feedback from the Scottish Government against 15 of the Key Performance Markers. In summary, and based upon a Red, Amber, Green scoring system, the number of red categories has fallen from 5 in 2012-2013 to 2 in 2014-2015. For the same periods, green outcomes have risen from 5 to 10. These combined figures represent a positive improvement in service delivery, as measured against a broad range of performance markers.

Last year's document was subject to peer group review through our Benchmarking Group. We will be using this analysis to inform our submission for 2015-16, which will be submitted to Scottish Ministers in July this year. The Planning Performance Framework is published on Clacksweb.

4.0 Sustainability Implications

- 4.1. The Planning etc (Scotland) Act 2006 requires planning authorities to carry out the planning functions in a manner that contributes to sustainable economic development. The decisions and service activity summarised in the report comply with this obligation.

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

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)

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".

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)

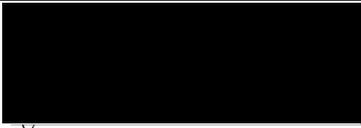
Yes (please list the documents below) No

Planning Performance Framework
Clackmannanshire Local Development Plan
Planning Enforcement Charter

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Ian Duguid	Development Quality Team Leader	2621

Approved by

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