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**Report to:** Planning Committee

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**Date of Meeting:** 26th January 2017

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

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**Report by:** Ian Duguid, Planning And Building Standards Team Leader

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## **1.0 Purpose**

- 1.1. The purpose of this report is to provide the Committee with an up to date position statement on previous Committee decisions on planning applications, other significant decisions approved under our Scheme of Delegation, and other key areas of Development Quality Service delivery between April 2016 – September 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 from 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.

### **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.** This extended windfarm is now operational, and 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. An enquiry has recently been received regarding scope for further development, and an application for planning permission is expected later in 2017.

**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 is well advanced and expected to be completed in 2017. This development is part of the Scottish Government's Greener Homes Innovation Scheme, and using modern off-site construction methods facilitates the use of new technologies for reducing carbon emissions. The project has developed into a showpiece for sustainable building in Scotland.

**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 2015. The development is complete, and will be integrated with proposals from Kingdom Housing Association for "Phase 2" to the north at Stirling Road which were approved in November 2016, and expected to commence in 2017.

**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 2015. The school building was demolished, and the development is now complete. Salvaged decorative stonework has been incorporated in the external works as public art.

**14/00163/FULL - Erection of Supermarket and Land East of Hilton Road, Clackmannan Road, Alloa.** Since the decision in October 2015 to approve this proposal, 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 2016. Work is expected to commence in 2017.

**14/00191/FULL - Residential Development at The Shore, Alloa.** This application for 164 houses was approved in 2015, 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 on proposals for the residual part of the site to the west identified in the Local Development Plan and which is owned by the Council.

**14/00248/FULL - Erection of 71 Houses at Burnside, Riccarton, Clackmannan.** Following approval of this development in March 2015, a revised application for an amended site layout has been submitted. We are confident that this signals a positive step towards the commencement of development later that year.

**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 continue to await the implementation of the development to judge the impact from the road and other locations. In the meantime however a turbine has been installed on land to the east of Forestmill at Gibsley Farm; approximately 2 miles south east of this site. The planning application was approved in June 2015 (Ref No 14/00207/FULL).

**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 now complete. This additional phase is well underway.

**15/00052/FULL - Erection of House and Garden Pavillion and restoration of Japanese Garden, near Dollar** - planning permission for this development was granted in July 2016. There has been no specific progress on discharging the conditions of that decision, nor therefore on the erection of the house and pavilion, although the owners have been restoring the historic garden and hope to have it open to the public on a managed basis some time in 2017.

**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 2015. The extension to the original school building has been demolished, returning the school building to its original form. We are awaiting progress on the conversion and associated new houses.

**15/00204/FULL - Engineering Operations to Form Playing Field and Cemetery, Lover's Loan, Dollar** - These works were approved in November 2015 and following the completion of the associated houses, both the cemetery and playing field are nearing completion. We have now secured associated developer contributions towards the provision of changing facilities that formed part of a Section 75 Agreement with the applicant and landowner, and plans are underway to provide temporary changing accommodation on land close to the playing pitch. The cemetery is expected to be available for use in 2018.

**15/00212/FULL – Change of Use To Hot Foot Takeaway, 61 Main Street, Clackmannan** – This application was approved subject to a section 75 obligation on revocation of the lawful use of the neighbouring premises. The obligation has not yet been agreed. Negotiations are ongoing on the purchase of the neighbouring property at 59 Main Street that includes the former print works in North Street, and as part of a land assembly exercise to facilitate re-development of a site identified in the Local Development Plan.

**16/00063/FULL – Installation Of Telecommunications Streetpole at Tullibody Road, Alloa** – This application was approved but has not yet been implemented.

**16/00068/FULL – Conversion Of Building to 42 Sheltered Housing Flats and Erection of 6 Flats, Greenfield House, Tullibody Road, Alloa** – This planning application, and a related application for listed building consent were both approved. No work has taken place on any aspect of these permissions, and there are suspensive conditions that are yet to be discharged.

**16/00089/FULL – Erection of 30 Houses At The Glen, Coalsnaughton** – This application was approved, subject to a number of conditions. The conditions have been discharged, and work has now started on development of what is effectively the third and final phase of a site identified for housing in the Local Development Plan.

#### 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. Detailed proposals have now been approved for the first two phases of housing development, but there are no firm indications yet from the developer on plans to commence construction work.

**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, but we understand that the land has recently been sold to a developer and detailed proposals are expected to be forthcoming in the next 6 months.

**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 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. However, there is no sign of any substantive start on the development.

**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 will be working to bring forward a package of proposals.

**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 were withdrawn following the closure of Longannet Power Station. There was then extensive correspondence on alternative development options. The proposal and the position regarding the legal agreement will be reported back to committee in early 2017.

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 a new developer (Kingdom Housing Association) 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. An application for accommodation within the grounds is awaiting a decision.

**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 the development is now well advanced.

**16/00154/FULL, 16/00198/FULL and 16/00201/FULL – Three separate applications for an Industrial Storage Building, a Bus Servicing and MOT Station, and an Extension to a Storage And Distribution Yard on different units at Dumyat Business Park in Tullibody.** These separate developments signal sustained investment in this key site within the Clackmannan Business Park portfolio. The proposals are all approved, and at varying stages of commissioning, implementation and completion.

**15/00185/FULL – Erection of 29 Houses (Amendment to Planning Permission 05/00420/FULL) Site 7, South East Alloa.** This is the latest site to be constructed within the long term expansion area at South East Alloa/Alloa Park. Work is well underway, although there are other portions of the site yet to be developed.

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

(i) **Change Of Use of Part of Retail Unit to Create Ground Floor Flat, 101 Main Street, Sauchie (Ref No. 16/00070/FULL)**

This planning application had been refused by Appointed Officers as residents of the proposed flat would suffer an unacceptably low standard of residential amenity due to an adjacent hot food take away and rear service yard. Equally, the proposal would not contribute to the vitality of Sauchie Town Centre. The LRB met in August last year to consider the request to review the decision. Having examined the evidence, the LRB decided to REFUSE planning permission for the same reasons as the officer's original decision.

(ii) **Erection Of House At Fearn's Farm, Forestmill (Ref No. 16/00049/PPP)**

This application for planning permission in principle had been refused by officers, as it comprised residential development that did not require a

countryside location, was isolated from the farm, and unrelated to the separate masterplan proposals for development of a village at Forestmill. The LRB met in September, heard evidence on behalf of the applicant, and having considered the Notice of Review, decided that the application should be REFUSED for the reasons given by officers in their original decision.

### 3.8 Planning Appeals

There were no planning appeal decisions during the period, and there are no planning appeals awaiting a decision.

### 3.9 Enforcement Activity

In the 6 months from April to September, the Council received 20 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. That is an increase of 4 from the preceding 6 month period. 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. No enforcement notices were served during the period.

### 3.10 Comments and Complaints

One complaint was received during the six month period. It followed the submission of planning applications by a householder, two for garden decking (which itself was retrospective) and a third application for an extension to the house. The complainant was a neighbour. She had initially contacted the Council regarding the alleged unauthorised development, then again following notification of the first planning application. Her complaint was that 1), the Council had not taken her initial comments into account, despite the fact that she had not lodged an objection to the second application for decking (the first application had been refused), 2) we had not acted impartially by ultimately approving both the second and third applications, and 3) the change in circumstances associated with the decking and house extension had a significant impact on her privacy.

Following our investigation, the complaint was not upheld, although we did acknowledge an unintended mistake in the electronic document file, failing to add an amended drawing to the public file. That said, it is clear that the assessment of the planning applications was accurate and proportionate to the circumstances, and took account of relevant planning policy and guidance on privacy. We have not received any subsequent enquiry from the local government Ombudsman.

### 3.11 Planning Performance Framework (PPF 4)

The Council submitted its 5<sup>th</sup> Annual Report on its Planning Performance Framework to the Scottish Government in July last year. In previous years, the Government has examined the report against 15 High Level Performance Markers. At the time of writing, we have not received this feedback; it is understood to have been delayed due to resources being redirected towards

the Review of the Planning System in Scotland. We plan to publish the findings in a future edition of our weekly Information Bulletin. 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         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input type="checkbox"/>            |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input checked="" type="checkbox"/> |

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

Not Applicable

#### 8.0 Equalities Impact

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

Yes

No

## 9.0 Legality

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

## 10.0 Appendices

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

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)

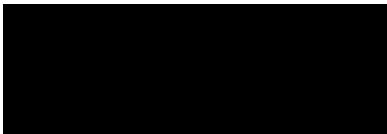
Yes  (please list the documents below) No

Planning Performance Framework  
Clackmannanshire Local Development Plan  
Planning Enforcement Charter

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