

**THIS PAPER RELATES
TO ITEM 3 (c)
ON THE AGENDA**

Refusal of Planning Permission

14/00260/FULL

CLACKMANNANSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
REFUSAL OF PLANNING PERMISSION

Applicant

Mr W Holley
24 Blairdenon Drive
Sauchie
Clackmannanshire
FK10 3JL

Agent

John Gordon Associates Ltd
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Erection Of First Floor Balcony To Rear Of House

24 Blairdenon Drive, Sauchie, Clackmannanshire, FK10 3JL,

in accordance with your application and plans Ref. No:- 14/00260/FULL dated 11th December 2014

For the following reasons:-

1. The proposed development does not accord with Policy RES 12 of the Clackmannanshire Local Plan, in that the height of the balcony above ground level, combined with the difference in ground levels between the applicant's property and those at Swinburne Drive to the rear, and the proximity of the balcony to the rear boundary of the property, will result in an unacceptable adverse impact on the privacy of neighbouring households to the rear.
2. The proposal, by virtue of its siting and scale, fails to comply with the criteria of Policy SC 8 of the Proposed Clackmannanshire Local Development Plan in that the combined height of the balcony above ground level, the differences in ground levels between properties and the proximity of the balcony to the rear boundary of the property, will significantly and adversely affect the privacy and residential amenity of the adjoining properties to the rear.

Dated: 18 February 2015

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DEVELOPMENT SERVICES

Plan Numbers Relating to the Decision

Plans WLH/1, WLH/2, WLH/CS.

Submit a Planning Application online at www.eplanning.scotland.gov.uk

View forms, drawings and comments at www.clacksweb.org.uk/eplanning/

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
 - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
 - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.
 - (i) If the decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review should be addressed to:-

Head of Legal Services
Clackmannanshire Council
Greenfield
Alloa FK10 2AD

The Notice of Review form is available to download on the Council website at www.clacksweb.org.uk. Alternatively, send an e-mail with your name and address to development_services@clacks.gov.uk and we will arrange to send a form to you.
 - (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal with the Directorate for Planning and Environmental Appeals (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our Clacksweb site, or you can request paper forms from:

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Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk, FK1 1XR
Telephone 01324 696400

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development

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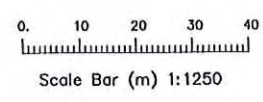
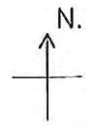
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which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

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Mr. & Mrs. Holley, 24 Blairdenon Drive, Alloa. FK10 3JL.	
Location Plan	
Scale: 1:1250	4/12/14
Ref: WLH/2	
	3 DEAN ACRES COMRIE FIFE KY12 9XS Tel/Fax: 01383 850 134 E-mail: gordonassociates @sky.com
JOHN GORDON ASSOCIATES LTD	
This is a true copy of the plan referred to in our application.	
Dated:	Signed: <i>John Gordon</i>
Copyright of this drawing, and all other associated drawings, is owned by John Gordon Associates Ltd at the above address.	

