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**Report to Planning Committee**

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**Date of Meeting: 1<sup>st</sup> April 2021**

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**Subject: Planning Application ref: 19/00018/PPP - Mixed Use Development With Supporting Infrastructure Comprising Residential, Retail (Convenience) With Associated Parking, Open Space, Landscaping, Drainage, and Accesses from the A91 (Muckhart Road) on Land To South And East Of Dollar, Clackmannanshire**

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**Report by: Grant Baxter, Principal Planner**

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**1.0 Purpose**

- 1.1. The purpose of this report is :
- 1.2. To update Members on the assessment of this planning application, since the Pre-determination Hearing (PDH) on 27<sup>th</sup> October 2020.
- 1.3. To provide a summary assessment of the application and any outstanding matters.
- 1.4. To provide a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicant and the Council should Planning Permission in Principle be approved.  
  
To seek approval from Committee:
- 1.5. For a “minded to approve” recommendation in respect of the planning application in principle, subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions.
- 1.6. For officers to engage in further consultation with community representatives and the applicant on outstanding matters.
- 1.7. For officers to report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters Specified in Conditions for consideration and approval.

**2.0 The Application**

- 2.1 The application is for Planning Permission in Principle (PPP) for the development described above. The application site covers 34.20Ha of land to the south and east of Dollar, encompassing the following parcels:

- Agricultural land to the east and west of the former railway embankment, south of Lover’s Loan and Gowanlea. (approx. 18.5Ha)
  - Agricultural land and woodland east of Gowanlea and the new Dollar cemetery, and adjoining the A91 east of Dollar. (approx. 12.5Ha)
  - Agricultural land north of the A91, east of Dollar (Approx 2.4Ha)
- 2.2 The land is largely in agricultural use, and includes areas of woodland; notably tree belts alongside the A91 and Kelly Burn, and the site boundary also extends eastwards by an additional 100m along the A91, to encompass a proposed new roundabout.
- 2.3 The land south of Lover’s Loan and Gowanlea is proposed as passive open space with no built development.
- 2.4 The land east of Gowanlea, and the new Dollar cemetery and north of the A91 are both proposed for housing development (circa 170 – 190 houses), and also includes a proposed retail site on the south side of the A91, adjoining the existing settlement.
- 2.5 An area of land on the south side of the A91, adjoining the eastern part of the application site is indicatively shown as a tourist hub on plans, however this does **not** form part of the current planning application, it adjoins the location of a new roundabout of the A91, serving the application site.
- 2.6 As a Major development, the application was subject to a pre-application consultation process in the local community, and this is summarised in a Pre-application consultation (PAC) report that accompanies the application. The application is also accompanied by an Indicative Masterplan, Design and Access Statement and a number of professional reports covering matters such as drainage, flood risk, ecology, archaeology, ground conditions and transport.
- 2.7 The application was also the subject of an Environmental Impact (EIA) Screening Opinion by the Council which concluded that an EIA was not required, but that the application would require to be accompanied by a number of detailed reports and assessments, which as noted above, have been provided.
- 2.8 The application is one of two PPP applications for expansion of Dollar that are currently under consideration, with the other, for Dollar South also reported to this Planning Committee. Both applications were the subject of a Pre-determination Hearing (PDH) before the Planning Committee held over two sessions on 1<sup>st</sup> and 27<sup>th</sup> October 2020. This allowed the views of applicants and representatives from Dollar Community Council and Dollar Community Development Trust to be heard before the planning applications would be subsequently presented to Planning Committee for determination.

### **3.0 Background to the Site**

- 3.1 Much of the site is included in Proposals H47 of the Clackmannanshire Local Development Plan, adopted 2015 – “Dollar Settlement Expansion – 33.66Ha (350 units) “ *settlement expansion to the south and east of Dollar to provide a*

*mix of residential, community facilities, leisure and recreation provision and employment opportunities*". This allocation extends round the southern and eastern sides of Dollar. This application site boundary generally encompasses the southern portion of the LDP allocation, and also includes additional land south of the settlement boundary, and identified as Green Belt in the LDP.

- 3.2 In May 2014 Dollar Community Council produced a Community Masterplan, in response to the allocation of land for expansion of the village through the Local Development Plan. This document sets out the Community Council's vision for how the town should grow over the next 20 years. The document does not form part of the Local Development Plan or Supplementary Guidance.

#### **Update on proposals since Pre-determination Hearing**

- A Community Infrastructure Plan has been submitted by the applicant indicating environmental and infrastructure enhancements that are anticipated to be provided by this development.

#### **4.0 Consultations**

##### 4.1 Regional Archaeologist:

- Agree with archaeological assessment and recommends a planning condition requiring a programme of archaeological works in advance of construction commencing.

##### 4.2 The Coal Authority:

- Holding Response. The site falls partly in the Coal Mining High Risk Area and the northern part is likely to have unrecorded mine workings, however satisfied that proposals involve intrusive investigations to locate unrecorded mine workings, and recommend a planning condition requiring intrusive investigations to be undertaken in advance of development.

##### 4.3 Dollar Community Council:

- Sympathetic to the need for new housing in Dollar provided this brings community benefit. The developments cumulatively would result in 500 houses, whereas the LDP proposes 360 houses. The developments collectively are over-development.
- This application on its own is supported subject to payments to Dollar Community Development Trust fund and contributions to infrastructure upgrades, including Strathdevon Primary School and Dollar Health Centre. Consideration should be given to a road linking both developments together.

##### 4.4 Dollar Community Development Trust:

- Support the need for new housing in the community and feel the scale and proposed mix of housing proposed is suitable.
- The proposed retail unit will be an enhancement to the village.

- The proposal offers new and enhanced green spaces, sustainable transport and renewable energy enhancements.

In respect of potential community benefits, the Trust can only support this development.

#### 4.5 Education:

- Developer contributions will be required to mitigate the impacts of the developments on education provision.
- Position as at 2019 in respect of both developments together: NURSERY: No capacity in nursery, and contributions required to serve 60 nursery pupils. PRIMARY: Space for 10 additional pupil at Strathdevon PS. Estimated 190 pupils from developments. SECONDARY: Current requirement for 22 pupils at Alva Academy (All figures are subject to review based on details of house numbers and mix).
- The Council commissioned a design brief for an expanded Strathdevon PS in 2013. The Council then agreed that the two applicants undertake an update of this brief in 2019. This was subsequently prepared by architects appointed by the developers and set out options for expansion of the school, but is yet to be costed. The options show potential shortfall in outdoor space.
- Subsequent to this, it was agreed that the Council would be prepared to have further joint options appraisal undertaken with NHS Forth Valley that also considered redevelopment of the Dollar Health Centre and school site together and creation of a new community campus, with possible retention of The Hive.
- The Council has engaged with Dollar Community Development Trust in respect of the future of The Hive and wider community facilities in Dollar. The Council has now commissioned an Options Appraisal in respect of Strathdevon Primary School, building on the work done in 2019 by consultants, and looking at expansion options that include a new community wing or retention of The Hive in situ. The outcome of this exercise will inform decision making on expansion of the school, provision of community facilities and the level of developer contribution towards these facilities.

#### 4.6 Historic Environment Scotland:

- No objections.
- More details may be required, or planning conditions used, to ensure appropriate treatment of the Schedule Ancient Monument (Kelly Bridge Palisaded Enclosure) within the development site.

#### 4.7 NHS Forth Valley:

- Dollar Health Centre does not currently have capacity to accommodate the additional patients from the proposed number of houses.
- The development may impinge on Dollar Health Centre.

- NHS Forth Valley fully support and recognise the importance of Developer Contributions in such circumstances. This will be a fundamental requirement to ensure that an efficient delivery of Primary Care Services is maintained within Dollar.
- NHS Forth Valley will work in collaboration with Clackmannanshire Council and other stakeholders to identify the level of financial payments and/or additional infrastructure provisions that will be required to maintain the delivery of this service.

#### 4.8 Roads:

- Concern that the Transport Assessment may under estimate travel impacts around Dollar.
- There should be a connecting road through both developments linking the A91 at the east of Dollar with B913, however this has not been proposed by the developer.
- The development must deliver enhanced active travel links with the existing settlement in order to reduce the need for car borne short journeys, including enhancement of sub-standard section of the Devon Way.
- Gateway roundabout at east of Dollar welcomed but considered to be too far out of the urban area, and will need to be accompanied by proposals to create urban environment west of it.
- Junction improvements are required at Devon Road/Bridge Street junction and to enhance the A977/B913 (Ramshorn junction).
- Contributions required towards improved public transport infrastructure in Dollar.
- The street environment in Bridge Street requires to be enhanced to facilitate and encourage non-car movement generated by the development, particularly as scope to provide additional town centre parking is very limited.
- Detailed comments given in relation to flood risk and surface water drainage.
- Provision of surface water drainage infrastructure provides opportunity to address existing drainage problems in Dollar.
- Connecting road still preferred and scope to retain future opportunity for this should be designed into development. Active travel measures have potential to deliver appropriate range and quality of routes. Discussions on this amongst the relevant parties is on going

#### 4.9 Scottish Water:

- No objections, however, water and foul drainage capacity cannot be confirmed and will require the developer to submit a Pre-development enquiry, should planning consent be granted.
- The Turret Water Treatment Works currently has capacity for 480-500 houses.
- Further assessment of the water distribution network in Dollar will be required. A flow and pressure test will be required to determine impact on existing infrastructure, including the service reservoir and pumping station at Dollarbank.
- Any required mitigation will be at the developer's expense.
- Dollar Waste Water Treatment Works (WWTW) does not have capacity to serve demand from 480-500 houses and a growth project will be required to provide additional capacity.
- Scottish Water is funded to instigate growth projects and provide additional capacity where 5 Growth Criteria are met, which include the grant of planning permission.
- Initial phases of development will be able to connect to the existing WWTW . A Strategic Drainage Impact Assessment is planned for Dollar, the outputs of which will be shared with the Council and applicants.
- The applicant must identify any conflicts with Scottish Water assets.
- Surface water discharge will not normally be accepted to combined sewers.
- A capability treatment process assessment of the WWTW has now been carried out to assess the impact of projected growth in the catchment associated with the Dollar South masterplan proposals. The outcome of the assessment was that the WWTW has adequate capacity to accommodate the proposed development. A potential population increase allowance of 875 was included as part of the assessment.

#### 4.10 Scottish Natural Heritage:

- The two proposed developments could cumulatively overwhelm and dominate the town, its landscape setting and character.
- Development in this area should be carried out in such a way that is sensitive to and respects the town's character. The site should be developed in accordance with a masterplan and development briefs.
- The indicative layout fits well with the Dollar Community Masterplan.
- It is noted that areas of existing woodland adjacent to the A91 is not to be retained.

- Green infrastructure should be used to deliver benefits to people and nature. The proposed avenue of trees at the eastern approach is not considered appropriate, and there is opportunity to provide a new eastern gateway to the town.
- No impact on Damhead Wood SSSI, to the south of the River Devon, is anticipated.

#### 4.11 SEPA:

- Initial objection on flood risk grounds.
- Further clarification required on a number of technical points.
- Objection withdrawn based on clarification of technical points and on basis of de-culverting of Westertoun Burn.
- Subsequent to recent flooding events in the area, Dollar Community Council commissioned a report by a flooding consultant raising technical questions about SEPA's assessment of the information submitted with this application. SEPA retain their "no objection" position and do not require to revise their consultation response. The Council must rely on the advice of statutory consultees in this regard, however, will maintain ongoing dialogue on flooding and drainage matters with all parties.

#### 4.12 Sportscotland:

- No comments to make on this application.

### 5.0 Publicity & Representations

5.1 A total of 30 No. neighbouring properties were notified of the application. The application was also advertised in the local press. In response there have been 13 separate contributors to the application, with 7 of these objecting to the application, 4 representations and 2 in support.

- The development should support a community growth fund.
- Concern about increased parking and congestion in town centre/not realistic about people not using cars for short journeys.
- Inadequate public transport to serve development/better public transport services required.
- Are SUDs proposals adequate? Will they be maintained properly?
- Both applications must be considered at same time.
- The proposals better reflect the community aspirations in terms of number and type of houses proposed, including housing for older people and affordable homes.

- Proposals need to ensure they support improved community infrastructure, including at Strathdevon Primary School, Dollar Health Centre, and retention of The Hive Community Centre
- Concerns about flood risk.
- The Devon Way should be lit and maintained eg winter gritting, and better active travel routes are required.
- The combined total number of houses, in both developments will be 500 units, with only 360 proposed in the LDP.
- Impact of this number of houses over a short time period will affect character of Dollar and put a strain on existing infrastructure/services
- Drainage system can't cope and will need upgraded.
- Concerns about flood risk to proposed and existing houses following recent flood events.
- Proposed sustainability and renewable energy elements welcomed.
- New retail unit will take pressure of Bridge Street.
- New retail unit may affect trade/viability of shops on Bridge Street.
- Community park and events field are welcomed.
- Community park and events field are located too far from homes and may not be useable due to drainage issues. How will these be maintained?
- The application includes areas of land outwith the settlement boundary.

## **6.0 Clackmannanshire Local Development Plan**

- 6.1 The application must be determined in accordance with the Clackmannanshire Local Development Plan, adopted 2015. The strategic objectives of the plan include an objective to create sensitively and well designed places and enhance local distinctiveness and identity and the Spatial Strategy includes an aim to grow Dollar sustainably.
- 6.2 The site comprises land to the south and east of Dollar, most of which is part of the Dollar Settlement Expansion, identified as Proposal H47 in the LDP. The H47 Proposal encompasses the large part of both current planning applications, and shows an indicative figure of 350 housing units and is described as providing “a mix of residential, community facilities, leisure and recreation provision and employment opportunities”.
- 6.3. As noted, this application proposes a mixed use development comprising residential, retail (convenience) with associated parking, open space, landscaping, drainage, and accesses from the A91. As such, it generally complies with the provisions of Proposal H47.
- 6.4 The southern and eastern edges the development include land outwith the Dollar settlement boundary and in areas of Green Belt. The southern part of



the site comprises informal open space/parkland and community growing. The eastern edge contains some built development, however in discussion with the Planning Service, the extent of this has been pulled back and the eastern edge of the development reinforced by additional structure planting, giving the settlement edge of the expanded settlement a more defined green boundary. Whilst LDP policies in respect of development in the countryside (Policy SC23) and Green Belt (Policy EA8) apply to this part of the proposed development, the proposals have adequately addressed policy issues in respect of those areas that encroach on countryside and Green Belt, through appropriate land uses to the south and enhanced structure planting to the east. These approaches are considered compatible with an agricultural or natural setting.

- 6.6 Policy SC2 of the LDP supports the delivery of affordable housing, and expects new developments of over 20 No. houses to provide a proportion of affordable housing or a commuted sum towards provision elsewhere. In this case, the applicant has advised that they expect to comply with this policy through provision of 25% affordable housing on site.
- 6.7 Policy SC5 of the LDP sets out layout and design principles in accordance with the place-led approach of the Scottish Government's Designing Places policies and is supported by Supplementary Guidance SC5. As noted, the application is supported by assessments of landscape and townscape character and a design and access statement sets out the design process and suggested approach to the development. As this is a PPP application no details of house types, street design or layouts are considered for determination. The indicative proposals do however, derive from appropriate assessment of the site context and seek to respond appropriately to this. Details of all phases of development will be subject to assessment via MSC applications, should PPP be granted. It would be intended that a detailed design brief and design code are developed to fully inform all phases of development to ensure development design meets the aspirations of the Council and community.
- 6.8 Policy SC7 sets out the Council's expectations in respect of energy efficiency in new developments. The details of this policy have been partly superseded by the updating of Building Standards legislation. The applicants have set out ambitious proposals for energy efficiency including the potential to utilise ground source heating from abandoned mine workings in the area. The application's proposals will require more time to be researched for their feasibility, and the confidence that a "minded to approve" decision will provide may assist in bringing these to fruition, and which may also be applicable to the adjoining proposals. These proposals would be supported by Policy SC13 on de-centralised energy and are matters that can be subject to more detailed consideration post-decision and as requirement of MSCs, if PPP is granted.
- 6.9 Policy SC9 sets out how the Council will ensure new developments respond appropriately to infrastructure requirements arising from their proposals. These matters are addressed in accordance with Supplementary Guidance SG1. Through negotiations with officers, the applicants have set out a set of matters that the development will provide for or contribute to. These include affordable housing, education provision, traffic and streetscape enhancements in Dollar and improvements to active travel provision, including lighting of the Devon Way in the town and public art provision.

- 6.10 Policy SC11 and SC12 set out how new developments should provide for improvements in transport networks and development layouts that promote cycling and walking. As noted above, the package of developer contributions includes provision for enhanced transport infrastructure both to serve the new development and the wider community. Further design work will be required as part of the MSC stages to detail transport infrastructure enhancements, such as the improvements to the junction of Bridge Street and Devon Road and the access network around Newfield and Strathdevon Primary School. A new east gateway to Dollar is to be formed, marked by a roundabout and associated hard and soft landscaping. There is a strong emphasis on ensuring that active travel choices are prioritised and promoted within the development and its connections to the wider community and transport networks.
- 6.11 Policy SC20 deals with drainage infrastructure, Policy EA9 deals with flood risk and Policy EA12 deals with the water environment. As set out in their consultation response, Scottish Water have no objection to the application and works and studies are underway to ensure that the foul sewerage network is ready to accommodate the development, if approved. SEPA have also indicated no objections in respect of flood risk, and have made it a requirement that a small watercourse is uncovered in the eastern part of the site, which the applicant has agreed to. The management of surface water in the development will require to conform to Policy EA12 and ensure that the water environment is protected and where possible enhanced.
- 6.12 Dollar Community Council engaged the services of a flooding consultant to raise questions in respect of methodology and assumptions used by SEPA in assessing the flood risk assessments for the proposals. SEPA have responded to these enquiries and their response as statutory flood risk consultee on this application remains unchanged. Whilst further queries have been raised by the consultant on behalf of DCC, further to SEPA's response, the Council, as Planning Authority must proceed with decision making on the basis of advice from its statutory consultees in respect of flood risk.
- 6.13 Policy EA2 deals with habitat networks and biodiversity and Policy EA12 deals with the water environment. SNH have raised no objections in respect of the biodiversity impacts of the development. There will be an MSC requirement that recommendations from Ecology report in respect of mitigation and compensatory measures are undertaken.
- 6.14 Policy EA4 deals with the landscape impact of planning proposals. The application has been accompanied by a detailed Landscape and Visual Appraisal which assesses the visual impact of the development in the wider landscape from near and more distant viewpoints. The layout of the development has been adjusted in response to landscape impact concerns on the eastern edge of the settlement, to ensure a strong landscape setting is given to the new urban edge. The proposals incorporate large and small areas of open space including a new parkland to the south of the settlement and significant areas of new trees and hedging.
- 6.15 Policy EA7 deals with trees and hedging in respect of new developments. The development proposals do involve removal of trees along the southern edge of the A91, east of Dollar, however have indicated and will require to deliver high quality trees, hedges and soft landscaping to enhance amenity

and biodiversity, in accordance with this policy. The proposed east boundary woodland belt has potential to be a substantial new area of structure planting on the edge of the settlement.

- 6.16 Policy EP3 deals with business and employment uses outwith existing existing or allocated business sites and Policy EP16 deals with new retail developments. As already noted, the plans show a potential new visitor development at the east end of Dollar, served off the proposed new roundabout, but this does not form part of the current application, and is not therefore assessed. The planning application does however show a convenience retail use on Muckhart Road, close to the existing settlement edge. Whilst this is outwith the town centre area identified in the LDP, it is in close proximity to a number of existing and proposed houses on the east side of Dollar, and can be well served by potential active travel connections to the rest of the town. It is acknowledged that the existing convenience store in Bridge Street (Co-op) is small and contributes to congestion in the town centre. An appropriately sized convenience store on this edge of settlement location may well provide a viable and sustainable addition to the retail offer in the town without detrimentally affecting the vitality and viability of the main commercial core.
- 6.17 Policy EA19 addresses developments that may affect Scheduled Ancient Monuments (SAM). As noted above, the development has been designed to protect the site and setting of the SAM that lies within the application site boundary and HES and SNH have raised no objections in this regard.
- 6.18 The application for PPP largely accords with the provisions of the adopted LDP, however the application only deals with principles of the development and detailed matters will require further assessment. As noted, there are matters that require further consideration and discussion between the Council, applications and community representatives, in advance of final determination of this PPP application. Thereafter, detailed MSC states will follow and which will set out the detail of the proposals, and will be subject to the normal publicity and consultation procedures.

## **7.0 Summary**

- 7.1 This provides a summary of the planning application assessment and recommends a “minded to approve” decision as set out in Section 1 of the report. In respect of seeking approval for officers to engage in further consultation with community representatives and the applicant on outstanding matters, these matters would comprise (not exclusively):
- The provision of education and other community facilities including Strathdevon Primary School and The Hive;
  - The management of traffic and active travel arising from the developments;
  - The details of flood risk management and water and drainage arrangements;
  - Arrangements for investment in streetscape enhancements in Dollar;

- House numbers;
- Other Section 75 Agreement matters.

## 8.0 Resource Implications

### 8.01 Financial Details

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 X

Finance have been consulted and have agreed the financial implications as set out in the report. Yes

## 9.0 Exempt Reports

9.01 Is this report exempt? Yes  (please detail the reasons for exemption below) No X

## 10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish X

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

## 11.0 Equalities Impact

11.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes  No X

## 12.0 Legality

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

### 13.0 Appendices

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

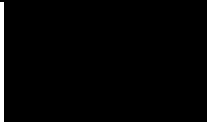
None

### 14.0 Background Papers

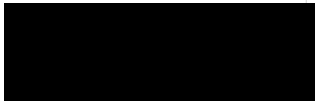
14.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

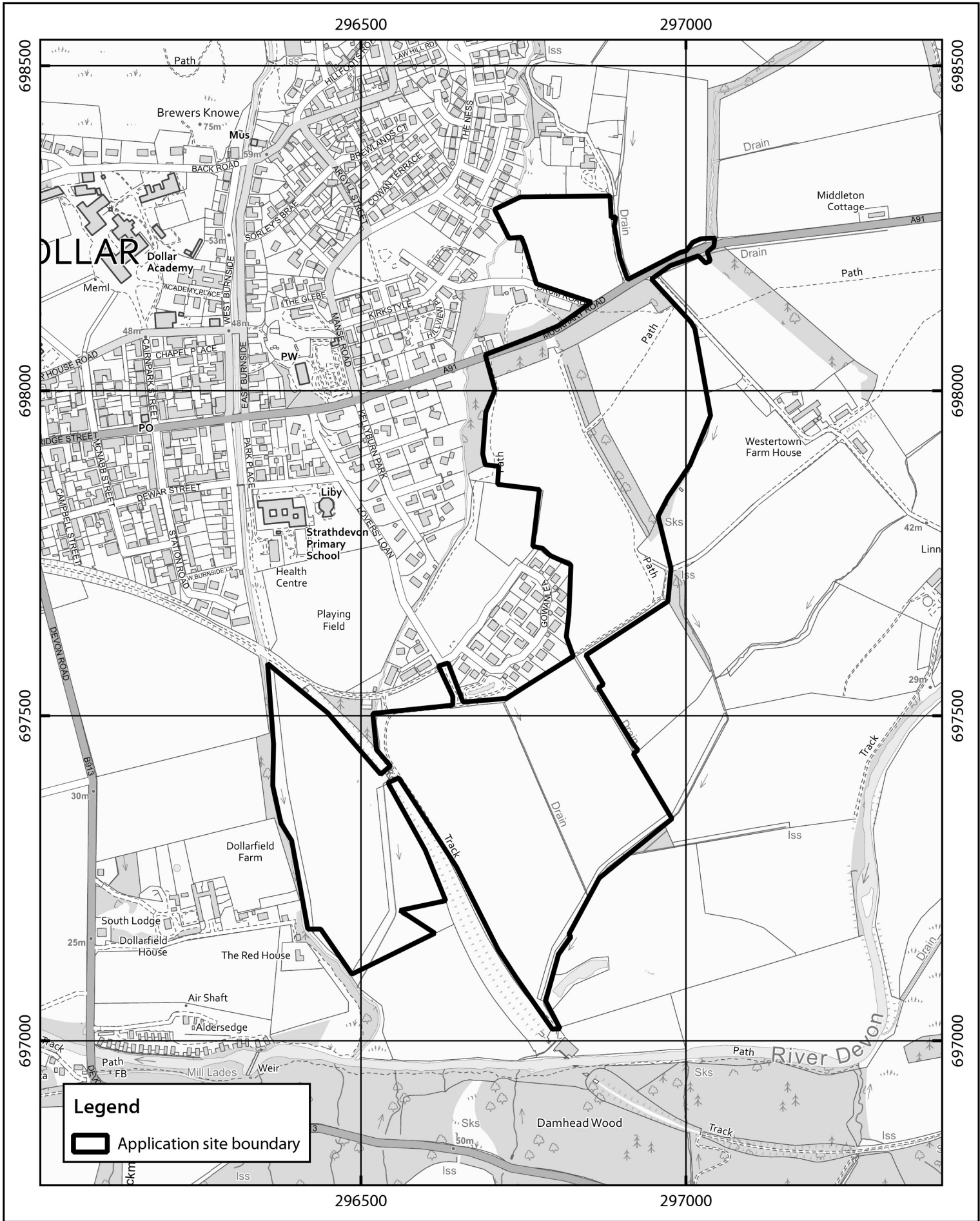
Yes  (please list the documents below) No X

#### Author(s)

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Planning and Building Standards Team Leader	

#### Approved by

NAME	DESIGNATION	SIGNATURE
Emma Fyvie	Senior Manager (Development)	



**19/00018/PPP – Land To South And East Of Dollar, Dollar**

Mixed Use Development With Supporting Infrastructure Comprising Residential, Retail With Associated Parking, Open Space, Landscaping, Drainage, and Accesses from the A91

Ward: Clackmannanshire East  
 0 50 100 150 200 250 metres

OS Grid Ref: NS967976

Scale: 1:7,500

Date: 17 Sep 2020

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