



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

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

# **Planning Committee**

**Thursday 4 May 2023 at 9.30 pm**

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

Date	Time
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## **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 Development and Environment Services related to Building Standards.

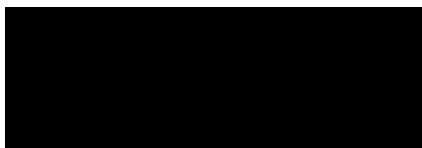
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**25 April 2023**

**A MEETING of the PLANNING COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on TUESDAY 4 MAY 2023 at 9.30 AM**



**PETE LEONARD  
Strategic Director (Place)**

**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 Minutes of Meetings (Copies herewith):	
a. Planning Committee held on 3 November 2022	07
b. Local Review Body held on 15 November 2022	11
c. Local Review Body held on 13 December 2022	13
d. Local Review Body held on 7 February 2023	15
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4. Sauchie West Planning Appeal ref 10/00153/PPP Update - Report by Grant Baxter, Principal Placemaking Officer (Copy herewith)	19
5. Planning Application ref 21/00069/PPP – Proposed Mixed Use Development Including Residential (Class 9), Business (Classes 4, 5 and 6), Education (Class 10) and Other Ancillary Uses Together With Associated Access and Infrastructure and Landscaping Works on Former Carsebridge Distillery and Warehouse Site at Carsebridge Bond, Carsebridge Road, Sauchie – report by Keith Johnstone, Principal Planner (Copy herewith)	31

6. Planning Application ref 22/00187/FULL – Residential Development Of 244 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage, Open Space And Associated Works at Land North And South Of A91 To The West Of Alva, Alva, Clackmannanshire – report by David Paterson, Principal Planner (Copy herewith) 67

## Planning Committee – Committee Members (Membership 10 – Quorum 4)

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### Councillors

### Wards

Councillor	Denis Coyne (Chair)	5	Clackmannanshire East	CONSERVATIVE
Councillor	William Keogh (Vice Chair)	2	Clackmannanshire North	LABOUR
Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Mark McLuckie	1	Clackmannanshire West	LABOUR
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONSERVATIVE
Councillor	Fiona Law	2	Clackmannanshire North	SNP
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP
Councillor	Bryan Quinn	4	Clackmannanshire South	SCOTTISH GREEN
Councillor	Kenneth Earle	4	Clackmannanshire South	LABOUR





**MINUTES OF MEETING of the PLANNING COMMITTEE held via VIDEO CONFERENCE  
(MS TEAMS), on THURSDAY 3 NOVEMBER 2022 at 9.30 AM**

**PRESENT**

Councillor Denis Coyne (Convener)  
Councillor William Keogh (Vice Convener)  
Councillor Donald Balsillie  
Councillor Kenneth Earle  
Councillor Fiona Law  
Councillor Mark McLuckie  
Councillor Jane McTaggart  
Councillor Bryan Quinn

**IN ATTENDANCE**

Pete Leonard, Strategic Director (Place) - check  
Emma Fyvie, Senior Manager, Development (Place) - check  
Allan Finlayson, Team Leader, Planning and Building Standards  
Grant Baxter, Principal Placemaking Officer  
Keith Johnstone, Principal Placemaking Officer  
Lee Robertson, Senior Manager, Legal and Governance (Clerk to the Committee)  
Melanie Moore, Committee Services, Legal and Governance

**PLA(22)05 APOLOGIES**

Apologies for absence were received from Councillor Martha Benny and Councillor Phil Fairlie.

**PLA(22)06 DECLARATIONS OF INTEREST**

None.

**PLA(22)07 CONFIRM MINUTES OF MEETING HELD ON 8 SEPTEMBER 2022**

The minutes of the Planning Committee held on Thursday 8 September 2022 were submitted for approval.

**Decision**

The minutes of the Planning Committee held on Thursday 8 September 2022 were agreed as a correct record and signed by the Convenor.

**PLA(22)08 PLANNING APPLICATION**

**Planning Application ref: 22/00012/FULL – Erection of Air Separation Plant and Associated Infrastructure at OI Manufacturing Ltd, Glasshouse Loan, Alloa, Clackmannanshire, FK10 1PD**

The report, submitted by Keith Johnstone, Principal Placemaking Officer, provided an assessment of and made a recommendation on the above planning application. The application considered the provisions of the Local Development Plan and other material

considerations including advice from consultees and representatives received from third parties.

### **Attending**

Edward Bright, SLR Consulting Ltd (for the Agent)  
Ian Brass, Air Products (BR) Ltd (for the Agent)  
Stephen Bradley, Air Products (BR) Ltd  
Michelle Dawson, SLR Consulting Ltd  
Gary Robertson, Objector  
Allan Ritchie, Objector  
Ricky Watson, Objector  
William Stevenson, Objector  
Jamie Rankine, OI (Supporter)

The report was introduced by Keith Johnstone, Principal Placemaking Officer. Members of the Planning Committee had the opportunity to put questions to Mr Johnstone.

The Committee then heard representation from Mr Edward Bright, SLR Consulting Ltd (Agent for the Applicant. Members of the Planning Committee had the opportunity to put questions to Mr Bright and there are other specialists/speakers were in attendance to answer.

The Committee also heard representation from the objectors of the application. Members of the Planning Committee had the opportunity to put questions to the objectors.

*The Convenor adjourned the meeting at 11.25 am for a comfort break. The meeting resumed at 11.35 am with 8 members present.*

### **Motion**

That Committee approves the application subject to the conditions and reasons set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor William Keogh.

### **Amendment**

To add an additional condition to require a developer contribution to public art in accordance with Local Development Plan policy.

Moved by Councillor Donald Balsillie. Seconded by Councillor Jane McTaggart.

### **Voting on the Amendment**

7 votes

### **Voting on the Motion**

7 votes

### **Decision**

The Committee agreed the amendment which was an additional planning condition which will require the developer to contribute to public art in accordance with the Council's Local Development Plan policy.

### **Action**

Principal Placemaking Officer



**PLA(22)09      10 GANNEL HILL VIEW, DEVON VILLAGE, FK10 3GN – FURTHER  
UPDATE REPORT**

The report, submitted by Grant Baxter, Principal Placemaking Officer, updated the Committee on matters in relation to both the incomplete house and residential caravan at 10 Gannel Hill View, Devon Village (“Property”), following the last report to Committee on this matter, on 4th November 2021.

**Motion**

That the Committee agrees the recommendations set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Jane McTaggart.

**Voting**

For the motion Option 3 - Compulsory Purchase Order (CPO) – 7 votes.

**Decision**

The Committee agreed to:

1. note the contents of this report in relation to the Completion Notice;
2. note the options available to the Planning Committee contained in paragraph 3.12; and
3. agree and delegate to the Senior Manager for Development along side the Senior Manager of Legal & Governance to explore legal options and report back to the Committee on the option of using the Council's CPO powers to acquire the property as detailed in paragraph 3.12.3 of the Report.

Ends: 12.32 pm





**MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held via VIDEO  
CONFERENCE on TUESDAY 15 NOVEMBER 2022 at 9.30 am.**

**PRESENT**

Councillor Denis Coyne (Convener) (Chair)  
Councillor Jane McTaggart  
Councillor Mark McLuckie

**IN ATTENDANCE**

Lee Robertson, Clerk to the LRB  
Keith Johnstone, Planning Adviser to the LRB  
Gillian White, Committee Services

**LRB(22)01 APOLOGIES**

None.

**LRB(22)02 DECLARATIONS OF INTERESTS**

None.

**LRB(19)03 NOTICE OF REVIEW – 16 SUNNYSIDE COURT, ALLOA**

Name of Applicant:	Ms Olivia Gilles
Site Address:	16 Sunnyside Court, ALLOA, FK10 2AH
Description of the Application:	Proposed Fence Alterations and Creation of Parking to Front of House
Planning Application Ref No:	21/00261/FULL

The Clerk advised the Local Review Body (LRB) that they should consider whether they had sufficient information before them to decide the application or if they required further information by way of further written representations from the applicant or any objectors; or by way of a hearing, where both the applicant and the objectors would be able to make oral representation. The Clerk also advised the LRB that they had the option to undertake a site visit, however was aware that members of the LRB had independently visited the site or were familiar with the site prior to the meeting. If the LRB decided that they had enough information, the Clerk advised that the LRB could proceed to make a decision.

At the request of the Convener, the Planning Adviser set out the information contained in the application for review, along with correspondence from the applicant and the objectors along with the original decision taken by the Planning Authority. The Local Review Body then had the opportunity to ask questions of the Planning Adviser.

The Local Review Body unanimously decided that they had sufficient information before them to proceed to decide the matter.

### **Motion**

Having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity to ask questions of the Planning Adviser, that the Local Review Body agree to uphold the decision of the appointed officer and to refuse planning permission for the proposed fence alterations and creation of parking to front of house at 16 Sunnyside Court, Alloa for the following reason:

1. The proposed car parking space to the front of the property is insufficiently safe.

Moved by Councillor Denis Coyne. Seconded by Councillor Jane McTaggart.

### **Decision**

Having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity to ask questions of the Planning Adviser, that the Local Review Body unanimously agreed to uphold the decision of the appointed officer and refused planning permission for the proposed fence alterations and creation of parking to front of house at 16 Sunnyside Court, Alloa for the following reason:

1. The proposed car parking space to the front of the property is insufficiently safe.

The Convener suggested that the applicant should engage with the Planning Services and develop an acceptable new application.

A decision notice will be issued to confirm the outcome of the Local Review Body meeting.

### **Action**

Clerk to the Local Review Body

Ends 10:00 hours



**MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held via VIDEO CONFERENCE (MS Teams) on TUESDAY 13 DECEMBER 2022 at 9:00 AM.**

**PRESENT**

Councillor Denis Coyne (Convener) (Chair)  
Councillor Kenneth Earle  
Councillor Jane McTaggart

**IN ATTENDANCE**

Lee Robertson, Clerk to the LRB  
David Paterson, Planning Adviser to the LRB  
Melanie Moore, Committee Services

**LRB(22)04 APOLOGIES**

None.

**LRB(22)05 DECLARATIONS OF INTERESTS**

None.

**LRB(19)06 NOTICE OF REVIEW – 49 OCHIL ROAD, MENSTRIE, FK11 7BP**

Name of Applicant:	Mr Paul Aldred and Mrs Helen Aldred
Site Address:	49 Ochil Road, Menstrie, FK11 7BP
Description of the Application:	Change of Use Agricultural Land to Garden Ground.
Planning Application Ref No:	22/00155/FULL

The Clerk advised the Local Review Body (LRB) that they should consider whether they had sufficient information before them to decide the application or if they required further information by way of further written representations from the applicant or any objectors; or by way of a hearing, where both the applicant and the objectors would be able to make oral representation. If the LRB decided that they had enough information, the Clerk advised that the LRB could proceed to make a decision.

At the request of the Convener, the Planning Adviser set out the information contained in the application for review, along with correspondence from the applicant and the objectors along with the original decision taken by the Planning Authority. The Local Review Body then had the opportunity to ask questions of the Planning Adviser.

The Local Review Body unanimously decided that they had sufficient information before them to proceed to decide the matter.

**Motion**

Having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity to ask questions of the Planning Adviser, that the Local Review Body agree to uphold the decision of the appointed officer and to refuse planning permission for the Change of Use of Agricultural Land to Garden Ground at 49 Ochil Road, Menstrie, FK11 7BP for the following reasons:

1. The proposal does not meet the criteria of Policy SC 23 & EA 4 of the Clackmannanshire Local Development Plan.
2. There are no other material considerations that outweigh the Development plan position.

Moved by Councillor Denis Coyne. Seconded by Councillor Jane McTaggart.

### **Voting**

<b>To uphold the decision of the appointed officer</b>	<b>2 votes</b>
<b>To overturn the decision of the appointed officer</b>	<b>1 vote</b>

### **Decision**

Having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity to ask questions of the Planning Adviser, on a division of two votes to one, the Local Review Body agreed to uphold the decision of the appointed officer and refused planning permission for the Change of use of agricultural land to garden ground at 49 Ochil Road, Menstrie, FK11 7BP for the following reasons:

1. The proposal does not meet the criteria of Policy SC 23 & EA 4 of the Clackmannanshire Local Development Plan.
2. There are no other material considerations that outweigh the Development plan position.

A decision notice will be issued to confirm the outcome of the Local Review Body meeting.

### **Action**

Clerk to the Local Review Body

Ends 0948 hours



**MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held via VIDEO  
CONFERENCE (MS Teams) on TUESDAY 7 FEBRUARY 2023 at 9:30 AM.**

**PRESENT**

Councillor Denis Coyne (Convener) (Chair)  
Councillor Jane McTaggart  
Councillor Martha Benny

**IN ATTENDANCE**

Lee Robertson, Clerk to the LRB  
Grant Baxter, Planning Adviser to the LRB  
Gillian White, Committee Services

**LRB(23)01      APOLOGIES**

Councillor William Keogh, had been due to form part of the LRB but had submitted his apologies as he was unable to attend. Councillor Benny attended as substitute.

Following discussion, the Chair, Councillor Coyne advised that as Councillor Keogh had been unable to attend the meeting at short notice, and Councillor Benny had stepped in as substitute on the morning of the meeting, there had been little opportunity for Councillor Benny to review the meeting Agenda and papers. The Chair advised that as this could affect the decision making process, that he would postpone the meeting of the Local Review Body until such time as all members had the opportunity to fully review the papers.

The Chair apologised to the applicant and all parties involved and advised that the meeting would be re-convened in early course.

**Action**

Clerk to the Local Review Body

Ends 0948 hours







**MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held via VIDEO CONFERENCE (MS Teams) on THURSDAY 16 MARCH 2023 at 9:30 AM.**

**PRESENT**

Councillor Denis Coyne (Convener) (Chair)  
Councillor William Keogh  
Councillor Martha Benny

**IN ATTENDANCE**

Lee Robertson, Clerk to the LRB  
Grant Baxter, Planning Adviser to the LRB  
Gillian White, Committee Services

**LRB(23)02 APOLOGIES**

None.

**LRB(23)03 DECLARATIONS OF INTERESTS**

None.

**LRB(19)03 NOTICE OF REVIEW – HILLFOOTS ROAD (A91), EAST OF BLAIRLOGIE HOUSE, BLAIRLOGIE AND WEST OF REDCARR LODGE, MENSTRIE**

Name of Applicant:	Mr Christopher Gowans
Site Address:	Site located on Hillfoots Road(A91). East of Blairlogie house, Blairlogie and West of Redcarr Lodge, Menstrie
Description of the Application:	Construction of a vehicular and pedestrian access to a single dwelling house on the A91 Hillfoots Road.
Planning Application Ref No:	22/00076/FULL

**Attending**

Mr Christopher Gowans, Applicant  
Mr Stuart Cullen, Transportation Team Leader, Clackmannanshire Council

The Convener confirmed with the Local Review Body that they had been able to access all papers for the meeting. This was duly confirmed by all members present.

The Clerk advised the Local Review Body (LRB) that under the Scheme of Delegation, the LRB were responsible for considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development. The LRB should consider whether they had sufficient information before them to decide the application or if they required further information by way of further written representations from the applicant or any objectors; or by way of a hearing, where both the applicant and the objectors would be able to make oral representation. The Clerk also advised the LRB that they had the option to undertake a site visit, If the LRB decided that they had enough information, the Clerk advised that the LRB could proceed to make a decision.

At the request of the Convener, the Planning Adviser set out the information contained in the application for review, along with correspondence from the applicant and interested parties; and the original decision taken by the Planning Authority. The Local Review Body then had the opportunity to ask questions of the Planning Adviser.

Having raised a number of questions around the road safety and the speed limits around the proposed access site, the Convener asked the Clerk for advice in terms of being able to ask questions of the Transportation Team Leader, who was present on the call. The Clerk asked if the Convener could adjourn the meeting for a brief period to allow her to check the necessary regulations.

The Convener agreed to adjourn the meeting at 10.05 am. When the meeting resumed at 10.10 am, all attendees remained present.

The Clerk advised that she had reviewed the Planning Circular 5.2.13 on the Scheme of Delegation for Local Reviews and at Paragraph 31 noted that “the Planning Authority will want to ensure that the Local Review Body are supported by the appropriate administrative and legal advice to ensure that members are guided on the review process. Where a Local Review Body consider it necessary to take further advice before reaching a decision on a review, it will be for the Planning Authority to arrange for such advice.” The Clerk’s view was that the Transportation Team Leader, was on the call and that questions could be asked of the officer.

The Local Review Body then had the opportunity to ask questions of the Transportation Team Leader, whose responses reiterated the consultation responses set out by the Roads Authority within the Report of Handling.

The Convener received a unanimous response from the Local Review Body in that they decided that they had sufficient information before them to proceed to decide the matter.

### **Decision**

Having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity to ask questions of the Planning Adviser and the Transportation Team Leader, that the Local Review Body unanimously agreed to uphold the decision of the appointed officer and refused planning permission for the proposed construction of a vehicular and pedestrian access to a single dwelling house on the A91 Hillfoots Road for the following reason:

1. The LRB agreed with the position of the Roads Authority and agreed that in the interests of road safety they would uphold the decision of the appointed officer.

A decision notice will be issued to confirm the outcome of the Local Review Body meeting.

### **Action**

Clerk to the Local Review Body

Ends 10:35 am

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**Report to Planning Committee 4<sup>th</sup> May 2023**

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**Date of Meeting: 4<sup>th</sup> May 2023**

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**Subject: Sauchie West Planning Appeal (10/00153/PPP) Update**

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**Report by: Grant Baxter, Principal Placemaking Officer**

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**1.0 Purpose**

- 1.1. The purpose of this report is to update Members on the planning appeal for a proposed housing development at Sauchie West, and in particular, the second Notice of Intention issued by the Reporter on 1st February 2023.
- 1.2. The Report is for noting only.

**2.0 Recommendations**

- 2.1. That Members note the contents of the Report in respect of the Reporter's conclusions on matters in relation to education and affordable housing contributions and next steps in relation to concluding the Section 75 Agreement and on assessing affordable housing needs and demand.

**3.0 Considerations**

- 3.1. In January 2021, Clackmannanshire Council Planning Committee refused planning application 10/00153/PPP (Development of Land for Houses, School and Associated Pitches, Open Space, Play Provision, Landscaping, Roads, Paths and Other Infrastructure at Land At Branshill, Branshill Road, Sauchie).
- 3.2. The decision to refuse planning permission was made in agreement with the recommendations of officers. The reasons for refusal were as follows:
  1. *The application is contrary to Policy SC9 – Developer Contributions, of the Clackmannanshire Local Development Plan, adopted 2015 in that the proposals would fail to mitigate the impacts of the proposed development on the education estate, nor adequately provide for the educational needs of residents of the proposed new development. The application proposals do not involve a new primary school on the site but an extension of Craighbank Primary School, the scale and nature of which is considered inadequate and which does not reasonably relate to the scale and nature of the development, nor its impact on the primary school estate. There is insufficient capacity in the existing primary educational estate to*

*accommodate the proposed development , and the applicant has failed neither to provide adequate educational infrastructure commensurate with the scale of the proposed development nor to address deficiencies which would be a consequence of the development taking place.*

*2. The application is contrary to Policy SC9 – Developer Contributions, of the Clackmannanshire Local Development Plan, adopted 2015 in that the proposals would fail to mitigate the impacts of the proposed development on the education estate, nor adequately provide for the educational needs of residents of the proposed new development. There is insufficient capacity in the existing secondary educational estate to accommodate the proposed development , and the applicant has failed to provide for adequate secondary educational infrastructure commensurate with the scale of the proposed development, nor to address deficiencies which would be a consequence of the development taking place.*

*3. The application is contrary to Policy SC9 – Developer Contributions, of the Clackmannanshire Local Development Plan, adopted 2015 in that the applicant’s proposals involve development of a minimum of 1000 houses on a site allocated for 774 houses in the Local Development Plan. The number of houses proposed would significantly exceed those envisaged by Proposal H16 of the Local Development Plan and do not make adequate provision of educational infrastructure in order to serve this number of houses.*

### **3.3. Appeal Against Refusal of Planning Permission**

3.4. In March 2021 the applicant, Allanwater Homes, appealed the decision to refuse planning permission to Scottish Government Directorate of Planning and Environmental Appeals (DPEA). A Reporter was appointed and over the following months evidence was exchanged which resulted in a Hearing session, held over two days in October 2021. The Hearing focussed primarily on evidence in respect of education impact mitigation and affordable housing provision. Following this Hearing, the Reporter considered all evidence provided.

3.5. On 15th June 2022 the Reporter issued a “Notice of Intention” letter indicating that she intended to sustain the appeal and grant planning permission for a maximum of 1000 houses following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, covering matters set out in her notice. The Reporter set a period of 16 weeks for this, at the end of which, she would consider whether planning permission should be refused or granted without a planning obligation if no agreement has been reached.

3.6. The Notice of Intention was subject of a previous briefing to Planning Committee members as it raised two significant concerns:

- The Reporter’s conclusion that there was no requirement for affordable housing within the development.
- The Reporter’s conclusion that education impacts of the development could be accommodated by a four classroom and gym hall (with ancillary facilities) extension of Craighbank Primary School, and therefore that the

developer's contribution to education infrastructure should be based on that.

- 3.7. Following the issuing of this first Notice of Intention, the Council made further submissions to the Reporter on the need for an affordable housing contribution and on the required education contribution. As a result, the Reporter delayed the 16 weeks period for concluding the Section 75 Agreement, and through the issuing of several Procedure Notices, allowed the Council and appellant to make further representations on these specific matters.
- 3.8. On 8 November 2022 the revised draft of the Fourth National Planning Framework (NPF4) was laid in Parliament to continue its parliamentary process. As this was the settled view of Scottish Ministers and a material consideration which the Reporter required to take account of in reaching her decision, she did not wish the council or the appellant to be prejudiced by not asking for views on it, and therefore issued a further Procedure Notice on 14<sup>th</sup> November 2022 seeking views from both parties on which provisions of the NPF4 each party considered relevant and to what effect. The NPF4 was subsequently approved (without amendment) by the Scottish Parliament on 11 January 2023, and now forms part of the statutory Development Plan. All planning decisions, including those at appeal, have to be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.9. The following paragraphs summarise how affordable housing and education matters have been considered by the Reporter following further submission by the Council and appellant, in light of NPF4.

### **3.10. Reporter's Conclusions on Education Matters**

- 3.11. The Council's reasons for refusal of the planning application included that the proposals would fail to mitigate the impacts of the proposed development on the education estate, and would not adequately provide for the educational needs of residents of the proposed new development. In this respect, the proposals did not involve a new primary school on the site but, instead that Craigbank Primary School was extended to accommodate the projected pupil numbers arising from the development. The Council's position was that there was insufficient capacity at Craigbank Primary School to accommodate the proposed development, and that the applicant had failed to provide adequate educational infrastructure commensurate with the scale of the proposed development. The Council also refused the application on the basis of there being no provision of any mitigation in respect of secondary school impacts arising from the development.
- 3.12. Nevertheless, the Reporter concluded that a new primary school on the development site was not necessary to accommodate the needs of the development, and that pupils could be accommodated in an extended Craigbank Primary School, with the extension comprising four classrooms, a gym hall and ancillary accommodation. The Reporter also considered that there was no demonstrable need for the developer to mitigate any impacts on the secondary school estate.

- 3.13. In response to these conclusions set out in the Reporter's first Notice of Intention, the Council made submissions, based on input from the Education Service, that if the additional pupils from the development were to be accommodated at Craigbank Primary School, the extension would need to be at least of five classrooms and a gym hall plus ancillary spaces.
- 3.14. In the Reporter's most recent Notice of Intention, she has accepted this point, and varied her conclusions on the level of education mitigation to reflect that it should be based on the larger extension to Craigbank Primary School, as argued by the Council. The Reporter has also made provision for the Council to pursue other options to provide education estate expansion to accommodate the development, including on land at the application site. In respect of this option, however, the Reporter has concluded that Council would require to pay the appellant full market (residential) value for such land, should it determine that this is the preferred option.
- 3.15. Whilst the Reporter has stated that the level of education contribution required from the developer shall be based on the actual costs of extending Craigbank Primary School, rather than on generic costs, the Council's original concerns about the challenges of extending this school, given site topography and size, age and configuration of the existing building, constrained access still remain. As do concerns about the ability to provide a suitable education environment during construction works. These matters, along with any other options the Council has to accommodate the educational needs of the development will require ongoing consideration as part of the Learning Estate Strategy work.

### **3.16. Reporter's Conclusions of Affordable Housing Matters**

- 3.17. The Council's Housing Service had previously contributed to submissions in respect of the need for the development to provide for affordable housing, however as noted above, despite these submissions, the Reporter had concluded that no affordable housing was required, as she did not consider that there was an identified local need that would not being met by the provision on other sites within the local housing market area.
- 3.18. The Reporter's decision at that time, appeared to be contrary to established local and national affordable housing policy, and meant the Council would need to rely on others sites without planning permission, to meet affordable housing need. This appeared to the Council to leave a large degree of uncertainty on the delivery of affordable housing. In addition, the potential impacts of the Reporter's view was that future planning applicants could seek to argue that they also did not need to provide affordable housing on the same basis as the Reporter had in this case. Indeed, there is already evidence of developers adopting this position in relation to other sites in Clackmannanshire.
- 3.19. In responding to the Reporter's request for the Council's views on the relevance of NPF4, further information was prepared by the Housing service, to demonstrate the need for the development to provide for affordable housing. In submitting this, the Council also drew the Reporter's attention to Policy 16 "Quality Homes" of NPF4, which states that:

- *“Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:*

*i. meeting local housing requirements, including affordable homes;*

*ii. providing or enhancing local infrastructure, facilities and services; and*

*iii. improving the residential amenity of the surrounding area.”*

And

- *“Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.....The contribution is to be provided in accordance with local policy or guidance”.*

3.20. In considering the Council’s further submissions on affordable housing and the provisions of NPF4, the Reporter, however, did not deviate from her earlier conclusion that affordable housing need was already being addressed and therefore she remained of the view that no affordable housing contribution was required. In respect of Policy 16 of NPF4, the Reporter concluded that her view was based on there being no identified up to date local need, however did note that *“it is not inconceivable that a future housing need and demand assessment (HNDA) could demonstrate that there is a need for affordable homes which are not being met by actual and anticipated future completions”*. The Reporter stated that she considered that her position *“would not be at odds with Policy 16”* of NPF4.

3.21. In respect of the provision of Policy 16 that developments of 50 or more houses should be accompanied by a Statement of Community Benefit, the Reporter concluded that as the documentation already submitted by the appellant sets out how the site would contribute to local housing requirements, what local infrastructure would be provided or enhanced, and how the residential amenity of the surrounding area would be improved, she do not consider that a statement of community benefit was necessary.

**3.22. Action by officers since 2<sup>nd</sup> Notice of Intention issued**

3.23. The Reporter has deferred determination of this appeal to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, within 12 weeks of her letter, which was dated 1<sup>st</sup> February 2023.

3.24. A working group of Planning, Education, Legal and Housing officers (including Senior Managers and Strategic Director of Place) was reconvened to discuss the implications of the Notice of Intention, agree

actions and progress matters relating to the negotiation and recording of a Section 75 agreement.

- 3.25. In respect of education, the group considered that the Reporter's conclusions on education matters had increased the level of contribution that the Council would, gave the Council a suitable degree of control over timings and options as to how the contributions could be used and the sum would reflect the actual cost of extending Craigbank Primary School, rather than being based on more generic costs which the appellant had argued for. As such, there was no reason to delay agreeing this part of the planning obligations.
- 3.26. With regards to affordable housing, the group was concerned that Reporter's conclusion that there was no requirement may not have taken full or proper account of the provisions of the Local Development Plan and in particular of NPF4 in how they had been arrived at. This raised a question over whether the Council should seek to challenge the Reporter's conclusions at this time, i.e. before a formal decision on the appeal has been issued, and also whether, the Council should participate in negotiating to conclude the Section 75 Agreement in the meantime, if it was challenging, or intending to challenge, the Reporter's conclusions on affordable housing now or at a later date.
- 3.27. On this final point, external lawyers Addleshaw Goddard, who are already acting for the Council in respect of the Section 75 Agreement, advised that, due to the relative complexity of the question, the opinion of a Senior Counsel should be sought as a matter of urgency before proceeding further. The lawyers recommended seeking the Opinion of Malcom Thomson KC, as a particular expert in this field.
- 3.28. The Senior Counsel Opinion of Malcolm Thomson KC has now been received and is summarised below (questions posed to him are in *italics*, and summary of Senior Counsel Opinion follows):

*Q1: Whether the Council should engage on the S75, and, if they do so, whether this may compromise any potential legal challenge? Could entering into the S75, which omits affordable housing, be viewed as a tacit acceptance of the Reporter's decision in relation to affordable housing?*

**Summary of Senior Counsel Opinion on Q1** : The Reporter has expressed the intention to allow the appeal and to grant planning permission in principle subject to a planning obligation – either by agreement or unilaterally. As the Reporter has not found an affordable housing contribution to be necessary, no such planning obligation is required from the Appellants. As such, the Council is not being asked to agree anything about affordable housing and the current draft agreement does not mention the subject.

The Senior Counsel considers that the Council would not be prejudiced by entering into an agreement under in relation to matters other than affordable housing, and that there is nothing inconsistent in the Council accepting undertakings from the Appellant in a Section 75 agreement and then appealing against the Reporter's refusal to require an affordable housing contribution. The appeal would be against the grant of planning



permission in principle without such a condition or requirement for a planning obligation, and would seek to quash the grant of permission.

*Q2: An initial indication of whether you believe there are grounds for challenge. In particular is there a further ground of challenge based on NPF4 and its approach to affordable housing?*

**Summary of Senior Counsel Opinion on Q2** : There is no basis for a statutory appeal in respect of the Reporter’s treatment of affordable housing. In this respect, her interpretation of policy – either SC2 of the LDP or Policy 16 of NPF4 is not considered to be wrong. There is also not considered to be any error in fact, such as arithmetical calculation. Whilst the Reporter declined to attach much weight to the model output which the Council had used to inform its representations on the draft NPF4, the Senior Counsel considered that the Reporter was entitled to do so. That was an exercise of her planning judgement which could only be challenged on the basis of being so unreasonable that no reporter would have done it. The Senior Counsel considered the Reporter had good reason for attaching little weight to it as a material consideration, as it had not been adopted by the Council, had not been subjected to any consultation process and it had not been open to any scrutiny by the Scottish Ministers, as would have been the case for a new Housing Needs and Demand Assessment (HNDA). Whilst the Senior Counsel considers it unfortunate that the Reporter was not prepared to attach any significant weight to it, she was faced with a clear policy – SC2 – which appears to be consistent with NPF4, Policy 16 and no reason for there not being a new HNDA since 2016.

*Q3: The Senior Counsel also considered whether the Reporter ought to have been influenced by the requirement of section 1 of the Equality Act 2010. Section 1 provides inter alia:*

*‘1. Public Sector Duty regarding Socio-Economic Inequalities.*

*(1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce inequalities of outcome which result from socio economic disadvantage.*

*(2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued in accordance with subsection (2A).*

**Summary of Senior Counsel Opinion on Q3** :Guidance under section 1(2) has been issued in the form of The Fairer Scotland Duty: Guidance for public bodies and that duty applies to both the Council and to the Scottish Ministers. The guidance makes clear the strategic nature of the decisions to which it applies and it is clear, in the Senior Counsel’s Opinion, this would not apply to a single appeal decision, although it would apply to the terms of a local Development Plan and to the related need for an up-to-date HNDA.

### **3.29. Conclusions Based on Senior Counsel Opinion**

3.30. The Senior Counsel's Opinion is that there are not sufficient grounds to successfully challenge the Reporter's conclusions in respect of affordable housing, as she does not appear to have acted unreasonably. Crucially, the Senior Counsel considers that NPF 4 still requires demonstration of local need, where affordable housing is being sought. The Council's HNDA from 2016 is out of date, and appears to show that local need was at the time of its publication, being met. Up to date information presented by the Council's Housing Service, whilst showing that this is no longer the case, had no formal status, and therefore the Reporter was not obliged to take it into account.

### **3.31. Current and proposed actions following Senior Counsel Opinion**

3.32. Council officers have instructed lawyers to engage with the appellant's solicitors to conclude the Section 75 Agreement in the timescale set by the Reporter, in order to avoid a Unilateral Obligation being imposed. The Agreement will thereafter be registered and be binding on the land, and this process is ongoing.

3.33. The Council now requires to embark on preparing an up to date Housing Needs and Demand Assessment (HNDA), in order to provide an up to date and robust analysis of affordable housing need, to ensure the delivery of affordable housing to meet local needs in future planning decisions.

3.34. Alongside this, officers are also seeking urgent meetings with Scottish Government Housing (More Homes) and Planning Divisions, to discuss concerns about the conclusions of the Reporter in respect of affordable housing, particularly in light of the provisions of the newly adopted NPF4. These concerns are both in respect of how the Reporter has interpreted NPF4 with reference to this appeal, but also the implications the decision has for current and future planning applications, where affordable housing is or may be sought.

3.35. This is one of the first appeals on a major housing development to be considered in light of the adoption of NPF4 and the Reporter's conclusion that the provisions of NPF4 did not alter her view that there was no affordable housing required, in a development of up to 1000 houses, is one that may have far reaching implications for this and other Councils in seeking to deliver affordable housing through the planning process.

## **4.0 Planning Assessment**

None

## **5.0 Sustainability Implications**

None

## **6.0 Resource Implications**

### *6.1 Financial Details*

6.2 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

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

## 7.0 Exempt Reports

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

## 8.0 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

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

N/A

## 9.0 Equalities Impact

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

## 10.0 Legality

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

## 11.0 Appendices

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

None

## 12.0 Background Papers


12.1 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)

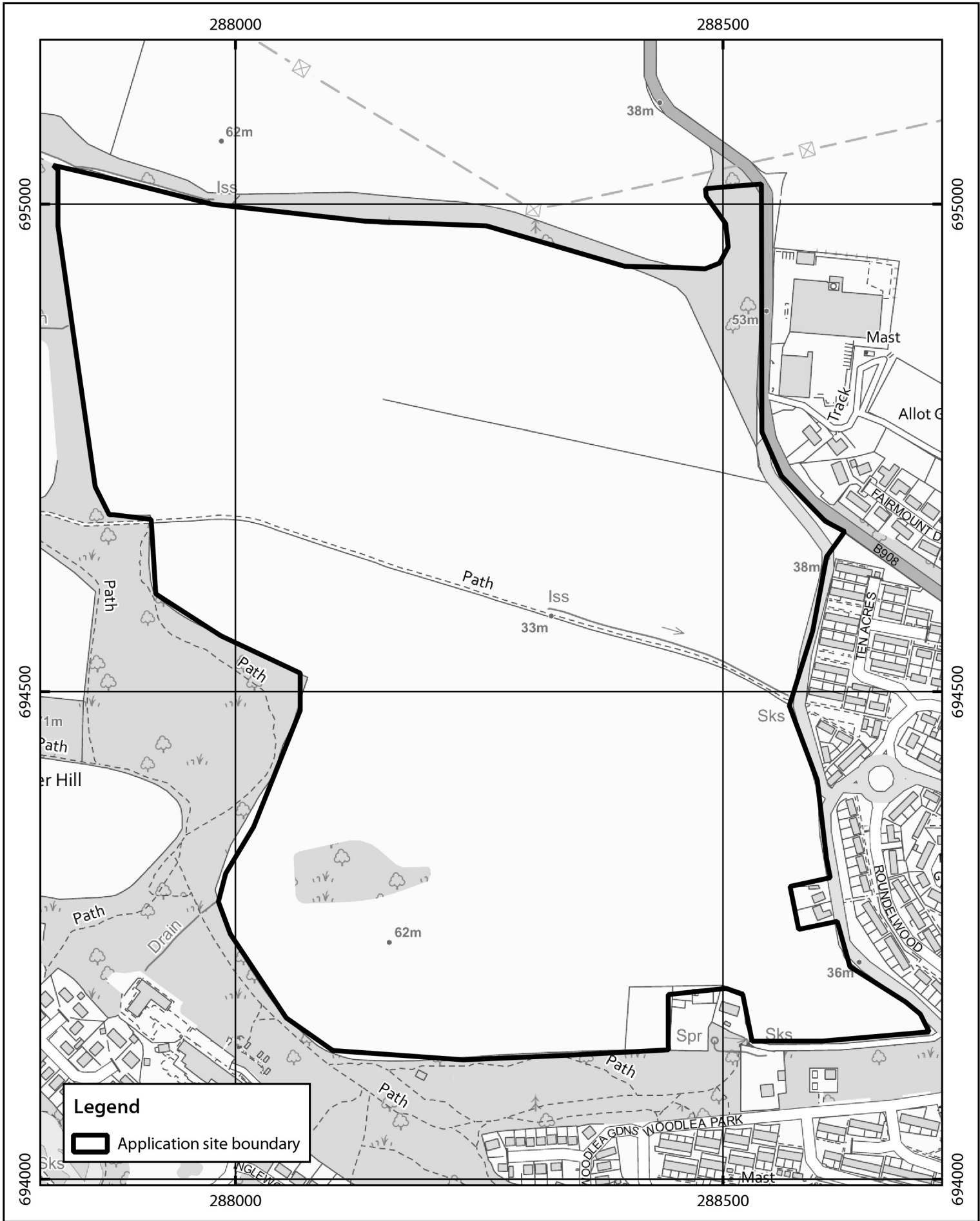
Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Placemaking Officer	2615

### Approved by

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Team Leader Planning & Building Standards	
Emma Fyvie	Senior Manager (Development)	



**10/00153/PPP – Land At Branshill, Branshill Road, Sauchie**

Development of Land for Houses, School and Associated Pitches, Open Space, Play Provision, Landscaping, Roads, Paths and Other Infrastructure

 **Clackmannanshire Council**  
www.clacks.gov.uk

Comhairle Siorrachd Chlach Mhanann

Development & Environment  
Tel: 01259 450 000  
planning@clacks.gov.uk



Date:  
14 Apr 2023

Ward: Clackmannanshire Central  
0 50 100 150 200 250 metres

OS Grid Ref: NS882945

Scale: 1:5,000

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**Report to Planning Committee**

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**Date of Meeting: 4<sup>th</sup> May 2023**

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**Subject: 21/00069/PPP - Proposed Mixed Use Development Including Residential (Class 9), Business (Classes 4, 5 and 6), Education (Class 10) and Other Ancillary Uses Together With Associated Access and Infrastructure and Landscaping Works On Former Carsebridge Distillery and Warehouse Site at Carsebridge Bond, Carsebridge Road, Sauchie**

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**Report by: Keith Johnstone, Principal Planner**

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**1.0 Purpose**

- 1.1. The purpose of the report is;
- 1.2. To provide a summary of the assessment of this application, including consultation responses and representations, for planning permission in principle for development of land comprising the former Carsebridge Distillery and warehousing to the south east of Sauchie for housing, business use and education with associated open space, play provision, landscaping, enclosures and infrastructure including roads, footpaths and drainage. This application requires to be determined by the Planning Committee since the application falls into the “Major” category of developments.
- 1.3. To provide a summary of Heads of Terms of a Section 75 Obligation between the applicant and the Council should planning permission in principle (PPP) be approved.
- 1.4. To provide a summary of the matters which would be covered by conditions if PPP is approved.
- 1.5 To seek approval from Committee;
- 1.5.1 For a “minded to approve” recommendation in respect of the planning application in principle, subject to officers concluding; a Section 75 Obligation between the applicant and the Council generally as set out in the draft summary of Heads of Terms in Appendix 1 to this report; and a set of appropriately worded detailed Matters Specified in Conditions (MSC) planning conditions which respond to the issues raised by consultees, in representations and other relevant planning matters identified in the report, including the headings in Appendix 2 to this report,

1.5.2 That should the finalised Heads of Terms or MSCs details vary significantly or materially from the terms and scope which Committee are minded to approve, the application will be referred back to Committee to determine the application.

1.6 A location plan of the site is provided within this report.

## **2.0 Considerations**

2.1. The Application

2.2. The application is for planning permission in principle (PPP) for the development described above. This comprises mainly residential use but also business (Classes 4, 5 or 6) and education use (Class 10). Although it is a PPP, the applicant has submitted an Illustrative Masterplan Framework and supporting information to show how the site could be developed and integrated with the surrounding area. The principle elements of the proposals are summarised below but this is still only indicative as this is only a PPP application;

- i) Phased residential development of circa 490 units on the land to the north and south of the B909 and north of Carsebridge Road.
- ii) Conversion of the 2 traditional stone former office buildings on Carsebridge Road for business/ learning use.
- iii) Safeguarding of an area of land closest to Carsebridge Roundabout which could accommodate a primary school, pending the outcome of an Options Appraisal for Deerpark School being undertaken by Education Services. If land is not required for education, it would be used for residential development.
- iv) Provision of areas of open space including a full size football pitch and a play area as well as landscaping and community growing.
- v) Deculverting the Brothie Burn within the site and recreating a naturalised river channel with landscaping and public access.
- vi) Provision of Sustainable Urban Drainage (SUDs) designed to provide amenity and biodiversity benefits as well as manage the quality and quantity of water.
- vii) A suite of active travel routes through the site and the improvement or provision of links outwith the site to connect to the surrounding communities, amenities and public transport routes. This includes safeguarding land in the south west corner of the site next to the railway line which could accommodate a future pedestrian bridge between the site and Hilton Road south of the railway line. The application does not propose the installation of a bridge and this would be subject to a separate application to consider its planning merits. It is expected the opportunity would only arise if proposals came forward to electrify the railway line and existing access arrangements could be reviewed.



- viii) Vehicular access to the site would be provided from the B909 and Carsebridge Road with a link road through the central part of the site connecting these roads.
- ix) Retaining the listed buildings on the northern part of the site pending arrangements being finalised for their restoration and re-use.

2.3 The site comprises mainly brownfield land located to south east of Sauchie which was used in the past for the distillation of whisky, the storage and maturation of whisky in bonded warehousing, offices, workshop and cooperage. Most of the buildings have been demolished and materials crushed on site pending the determination of the application. The site extends to approximately 33 ha and falls into 3 distinct areas;

- i) land to the north of Carsebridge Road which included the former distillery buildings, now demolished, as well as Carsebridge House and its walled garden and a stables building. The remaining land is largely grassed with groups and individual trees including an avenue of trees along the access road from Carsebridge Road to Carsebridge House. The avenue and trees along the north and southern edges are protected by a Tree Preservation Order. The vacant Carsebridge House and adjacent walled garden are Category B listed. Adjacent to the House is a Doric stone pillar which is also Category B listed. This pillar probably dates from the Roman occupation of Egypt and appears to have been gifted to a previous owner of the House. There is also a brick stables building which is unlisted. The ground levels generally fall from north to south. The Sauchie Burn runs through the south eastern part, most of it culverted including under Carsebridge Road. This part of the site is accessed from Carsebridge Road, which is a public road up to the existing access point to Carsebridge House. It becomes a private road thereafter and serves some house and Jellyholm Farm to the east. The road is part of a Core Path. This area bounds agricultural land to the north, houses at Millers Lade Avenue, an area of disused ground and Cooperage Way Business Park to the west and houses and a paddock accessed from Jellyholm Road to the east.
- ii) land between Carsebridge Road to the north and the B909 to the south. This area mainly contained bonded warehousing buildings but also included 2 stone office buildings, some ancillary buildings and a weigh house and an agricultural field. It is currently accessed from Carsebridge Road. The buildings have all been demolished apart from the 2 office buildings, known as Ochil House and Harvey House. These buildings and their curtilage are currently occupied by Resonate Together. The Brothie Burn roughly bisects this part of the site running east to west and is culverted for most of its length. To the east of this part of the site there is a private track which is a Core Path beyond which there is agricultural land and to the west it abuts the rear boundaries of houses on the south side of Carsebridge Road.
- iii) land to the south of the B909 and east of Hilton Road. This area contains a vacant modern warehouse building with access from the B909, a grassed area to the west of the building which included a playing field which is believed to be its last use and a grassed field to the east which includes a pond and an area of marshy grassland. This

part abuts houses on Hilton Road and Hilton Crescent to the west, the railway line to the south and a wooded area to the south east.

- 2.4 The application has been accompanied by a number of technical reports and assessments prepared by a number of professionals including; Design and Access Statement, Transport Assessment and Active Travel Package, Extended Phase 1 Ecology Report, Tree Survey Report, Flood Risk Assessment, Engineering and Drainage Report, Archaeology Report, Acoustic Report, Air Quality Impact Assessment, Education Impact Report, Affordable Housing Report and Supplementary Note and Alloa Business Development Land Review, Site Investigation and Coal Mining Risk Assessment Report.
- 2.5 Background to the Site
- 2.6 The applicant has purchased the site following its disposal by Diageo when all operations ceased at the site. It had latterly been used for storage for the maturation of spirit and a cooperage.
- 2.7 The site is within the settlement boundary defined in the adopted Clackmannanshire Local development Plan (LDP) and is divided into 3 Proposal Sites comprising the areas of land described in paragraph 2.3 above. These comprise;
- Housing Proposal Site H03 (Carsebridge Road North) – this extends to around 7.44Ha and comprises the land to the north of Carsebridge Road which was occupied by the former distillery. The associated Development Guideline identifies the site for residential use and shows an indicative figure of 90 units. It highlights a number of issues to be considered including the relationship to the listed buildings and Tree Preservation Order on site, transportation, play provision, flood risk, deculverting of watercourses, landscaping and consideration of possible contributions towards affordable housing, education capacity, public art and improved access to Gartmorn Dam and Devon Way. A Masterplan should be provided.
  - Housing Proposal Site H04 (Carsebridge) – this extends to around 17.3 Ha and comprises the land between Carsebridge Road in the north and the B909 in the south. Much of this land was occupied by bonded warehousing, now demolished. The Development Guideline also identifies the land for residential development with an indicative figure of 300 units. The Guideline identifies a number of issues including the safeguarding of a site for a new school, flood risk and consideration of possible contributions towards affordable housing, education capacity, public art and improved access to Gartmorn Dam and Devon Way including provision of some parking for visitors. A Masterplan should be provided.
  - Business Proposal Site B03 (Carsebridge South) – this extends to around 6.0Ha and comprises the land between the B909 and the railway line and the rear of some properties on Hilton Road. Part of this site was used for bonded warehousing but includes a former playing field and a pond and grassland. The Guideline states the site is suitable for business, industrial and storage or distribution uses (Classes 4, 5 or

6). It highlights a number of issues including, transportation, possible relocation of playing field on part of the site, HSE consultation zones may affect the site, possible noise mitigation measures to develop near to the railway line, the need for an ecological appraisal of the wetland area within the site to inform the approach to safeguard biodiversity, flood risk and consideration of possible contributions towards public art and transport depending on transport assessment.

- 2.8 The LDP also identifies Carsebridge as a Social Infrastructure Opportunity Site S02 (Carsebridge – safeguarding of land for new school). The respective Guideline does not identify a specific location for a school on the land but states that the Carsebridge site is a suitable site for a new school should one be required and the Council will pursue the safeguarding of a site in discussion with the owners of Sites H03, H04 and B03. It states that any provision will be dependent on the outcome of further consideration by Education Services and Facilities Management.
- 2.9 The LDP Proposals Map also contains 3 Transport Proposal sites which either pass through or are close to the site and would be relevant in any application process. These comprise;
- Proposal Site T04 (Clackmannan NCN76 to Alloa) which includes the section of the B909 within the site. The Guideline refers to provision of cycle infrastructure.
  - Proposal Site T01 – (A908 Corridor) – the Guideline highlights provision of junction and capacity improvements between Alloa and Sauchie with developer contributions required from developments which would impact on this corridor. The Council will determine the order any improvements are carried out based on need and funding available.
  - Proposal Site T13 (Carsebridge Area) – the Guidelines refer to improved access to Gartmorn Dam for active travel trips.
- 2.10 The application description seeks permission for a mix of uses comprising residential but also business and education uses, however the applicant has advised that their proposals are for almost wholly residential use apart from the 2 former office buildings and the land it has identified on the Framework document as being safeguarded for a school pending the outcome of the Council's Options Appraisal for the future of Deerpark Primary School. The proposed residential use includes the land allocated in the LDP as Business Proposal Site B03. The applicant has submitted information to justify this use. This is discussed in Section 5.0 below in relation to LDP Policy EP4.
- 2.11 The listed buildings and Ochil House and Harvey House have been placed on the Buildings at Risk Register for Scotland. Carsebridge House has been listed as being at high risk, the Walled Garden as moderate and the Pillar as low. The register is maintained by Historic Environment Scotland and highlights properties of architectural or historic merit that are considered to be at risk.

### 3.0 Consultations

3.1 Roads and Transportation has advised that they do not object to the application. In relation to road capacity issues, they consider that the development is likely to result in an adverse impact on nearby roads and junctions including Carsebridge Roundabout, A908, Shillinghill Roundabout and Parkmill Roundabout. They consider that during peak periods traffic generated by the development would impact on traffic efficiency and road safety. They are concerned that the Transport Assessment (TA) has not accurately assessed the impact. They have noted in an earlier response that the Transport Assessment has been undertaken without any agreed review of the impact increased traffic volumes associated with the development would have on junction nodes. Transportation also highlight the potential travel impacts associated with education provision given the existing road access to Deerpark Primary School and the fact the applicant is seeking a greater number of houses than allocated in the LDP. Transportation support the package of active travel measures to improve and create safe attractive routes including a new link to Gartmorn Road if Deerpark Primary School is the catchment school. These have been produced by the applicant's transport consultant and are designed to help mitigate the impact on the road network as well as promote sustainable travel. Transportation advise that while they would be effective, they are not likely to fully offset the likely increase in vehicle trips. The package of 10 measures are summarised in Transportation's most recent consultation response.

In relation to flood risk, the Flooding Officer acknowledges that while parts of the site are affected by fluvial flood risk, there is also potential to improve the management of flood risk and the water environment including the deculverting of the Brothie Burn. He would not support any measures to protect development from design storm events if it relies on critical maintenance to be undertaken. In relation to SEPA's reference to the risk posed by flooding from Gartmorn Reservoir, development should be permitted if it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to safeguard safety. Comment – *The TA submitted with the application was revised to address the potential impact on the road network and it concluded that the road network would function within operational capacity and continue to operate satisfactorily with the introduction of the additional traffic associated with the development proposals. The assessment process also had regard to the effects of Covid 19 and changes in travel behaviour in discussing the methodology to be followed. The concerns raised by Transportation have been examined but it is concluded that these would not justify withholding permission having regard to the following factors;*

- i) *The land is allocated for development in the LDP*
- ii) *The applicant's transport consultants concluded that there were physical constraints at the main junctions which would limit the potential to effectively increase capacity and deliver any significant mitigation in a cost effective way.*
- iii) *The applicant has offered to undertake a further TA on the occupation of the 390th house which would review the impacts and allow consideration of mitigation if justified. The figure reflects the number of houses identified in the LDP Guidelines for Sites H03 and H04. This is considered to be a useful mechanism. Transportation has suggested*

*the review is undertaken earlier and this could inform further discussions with the applicant as part of the MSCs.*

- iv) *The proposals include a significant and extensive package of measures focussed on active travel rather than the private car to mitigate the traffic impacts as well as encourage sustainable travel and support wellbeing. This would include provision of safe routes to school depending on the outcome of the Options Appraisal, a segregated link via Argyll Street to link to Alloa Town Centre and railway station and improvements to existing routes leading to Sauchie and the Community Health Centre, the Clackmannan Road Retail Park and Gartmorn Dam Country Park. The potential benefits from these measures and relative cost have to be balanced against the other transportation impacts.*

*The MSCs would also address other advice from Transportation including; the provision of electric car charging ports and cycle parking; a Residents Travel Plan; the potential for a mobility hub; and design and layout to reduce vehicle speeds including along the B909. It is concluded that the flooding issues have been satisfactorily addressed to allow PPP to be approved as discussed in the comments on SEPA's consultation advice below and in Section 5.0 below. Further assessment of flood risk will be required to inform the detailed design and layout. This could be addressed via MSCs.*

- 3.2 Environmental Health advised that there are potential risks from railway noise and road noise to residents in the site and highlight that Network Rail advise the line is still operational and may carry freight traffic in the future. They highlight that the applicant's Noise Assessment indicates that houses closest to the railway and B909 may require background ventilation as window units facing the road and railway may need to be closed to mitigate noise. Given the detailed layout is not known at this stage, when applications are submitted for the detailed layout and designs, these should be accompanied by a revised Noise Impact Assessment which should consider the impacts on the development from rail and road noise, any new commercial uses on the site, any service infrastructure installed and noise from existing uses on adjoining land. Similarly, the Air Quality Impact Assessment should be updated once details of the likely heating systems for the houses are known. Comment – *these matters can be addressed as part of the MSCs.*
- 3.3 Contaminated Land Section has no objection and have advised that a condition be attached based on the wording they have provided which would require the investigation of any risks from potential contamination issues and the provision of a suitable remediation strategy and verification report to mitigate any risks identified. Comment – *a condition has been attached using the wording suggested as part of the MSCs.*
- 3.4 Land Services has no objections and advise that the proposed open space provision is satisfactory in principle. The provision should include a full size football pitch and a play area with a minimum Fields in Trust Play Value Assessment Score of 30. The final design would need to be agreed and the multi play area annotated on the Masterplan drawing may not be large enough to accommodate the pitch and buffer area and play area together. The play area could be provided at another suitable location within the site. Comment - *the Masterplan has been amended to include a football pitch in a central location. The final detailed design, specification and location of the*

*play facilities and open space, and the arrangements for future maintenance, would be regulated in the MSCs. The scope of the provision has been agreed by the applicant.*

3.5 Education advice has been provided based on the original estimate of house numbers contained in the applicant's Education Report of around 650 units. The applicant has since advised that the maximum number is likely to be closer to 490 units which would affect the impact on education capacity. They have assessed the impact on secondary, primary and nursery provision. They advise that;

- i) the impact on secondary education is unlikely to require mitigation.
- ii) in relation to non denominational primary capacity, the development would increase the roll by 105 pupils over the existing critical capacity for Deerpark Primary School and mitigation would be required. However, an Options Appraisal would be required to determine the most appropriate form of mitigation and provide estimated costs for each. One option could be increasing capacity at Deerpark comprising 5 class bases to increase capacity to 367. A rough cost indication for this work would be £5,710 per dwelling (based on 650 units). These figures do not include costs for any abnormalities, furniture and fittings and fees which would be clarified as part of the Options Appraisal process. Another option could be the provision of a new school including an option of a location within the application site. The maximum land required is expected to be circa 4000 m<sup>2</sup> but this would be clarified as part of the Appraisal. The applicant has shown an area within the site safeguarded for a possible school site pending the completion of the Options Appraisal. Education advise that the Options Appraisal process has still to be commenced at the time of compiling this report.
- iii) There is sufficient denominational secondary and primary capacity available and no contribution would be required.
- iv) The development would generate demand for approximately 65 nursery places and existing provision would have to be increased to support this. A contribution would be required but an Options Appraisal would need to be undertaken to determine the most appropriate form of mitigation and clarify estimated costs. The appraisal process has still to be commenced.

*Comment – the applicant has confirmed that they accept in principle a financial contribution towards education facilities as per the consultation advice from Education Services. In advance of the Options Appraisal, the applicant has included provision of 4000m<sup>2</sup> of safeguarded land to allow for the development of a primary school as part of the masterplan proposals. If PPP is granted, a Section 75 Obligation would be required to secure the appropriate contribution based on the outcome of the option appraisals, the final house numbers and the arrangements for phasing, safeguarding of land and timing of any payments.*

3.6 Housing Services advised that there is a need for affordable housing within the Alloa market sub area as evidenced by the Council's Housing Need and Demand Assessment (HNDA). At the time of submitting their response, this was estimated at 130 new houses up until 2026. Housing support the provision of affordable housing based on 25% of the total number of units. These could be social housing or other types of provision. They advise there was funding available to contribute to the provision of affordable housing on

the site. They also note that there is a requirement to provide suitable accommodation for households with particular housing needs and a small number of wheelchair suitable units could be considered. *Comment – the applicant has submitted information which concludes that based on the Council's Housing Needs and Demand Assessment, there is no longer any identifiable need for affordable housing in the Alloa Housing Market Area and the appropriate level would be significantly below 25% and following the conclusions of the recent appeal for development at Sauchie West, that contribution should be zero. Our response to Housing's advice is discussed in paragraphs 5.10 and 5.11 below in relation to the relevant policy guidance.*

- 3.7 SEPA originally submitted a holding objection to the application but following the submission of additional flood risk information they have removed their objection. SEPA is satisfied that a sufficiently robust analysis of flood risk has now been provided, including suitable modelling of potential culvert blockage scenarios within the site. They have advised that further more detailed assessment will be required to inform the detailed design stages which should be based on the criteria outlined in their response. SEPA support the principle of deculverting the section of Brothie Burn which passes through the site to create a more natural river within a morphologically functional river corridor. This could deliver environmental and amenity benefits and help to improve water quality. While the ecologist's assessment of the Firestation Pond concludes that the wetland plant communities are species poor consideration should be given to retention of the pond. SEPA advise it is for the local authority to form a view as to sustainability and appropriateness of the development related to flood risk from Gartmorn Dam. *Comment – flood risk has been carefully considered in consultation with the Council's Flooding Officer and SEPA. This has resulted in the Flood Risk Assessment being revised on 3 occasions. The applicant has now satisfactorily addressed a number of issues relating to the modelling undertaken, the identification of the functional flood plain and its relationship to areas of raised land within the site, the interaction of the flow path of flood waters on land to the east of the site during design storm conditions on the proposed development site and properties downstream of the site, and the management and mitigation of risk to the development from surface water flows from the old lade located to the north of the site, and evidence that the development would not increase the risk of flooding downstream of the site. The flood risks associated with a failure of Gartmorn Dam are not considered to justify withholding planning permission for development on the site. The dam structure is regulated by SEPA under the Reservoirs (Scotland) Act 2011 which requires an inspection and maintenance regime based on the risk of failure. SEPA has indicated that the risk designation for the reservoir would not change if the development went ahead as it has already been designated as High. SEPA has produced Position Statements relating to reservoir inundation maps which states that; the inundation maps are not considered to be appropriate to usefully inform flood risk advice for land use planning purposes; and the probability of failure of a reservoir structure managed under the 2011 Act is considered to be so low that it is beyond the scope of likely probabilities considered in the planning flood risk framework. SEPA advise it is for the local authority to form a view to the long term appropriateness of the development at this location and to do so the Council's Emergency Planning Officer and Flooding Officer should be consulted. This consultation has been undertaken and it has not resulted in*

*advice that permission should be withheld based on the issue of reservoir flood risk.*

- 3.8 Scottish Water has no objections and advise there is capacity to connect to its public water supply and waste water infrastructure. The developer will have to submit a formal connection application when permission has been granted when the availability of capacity will be reviewed. Some additional off site works may be required to meet water demands for the site and this would be agreed between Scottish Water and the developer. No surface water can be discharged to the existing foul or combined sewer network. The developer is responsible for protecting or diverting any existing infrastructure affected by the development.
- 3.9 Coal Authority confirm the site is within an areas identified by them as being at higher risk form legacy mining. The records indicate that there are 3 recoded mine entries within the site and the site is in an area of recorded and unrecorded coal workings at shallow depth. They support the conclusions of the Report on Site Investigations submitted on behalf of the applicant which concludes that a programme of grouting works will be necessary to stabilise the shallow workings where these may pose a risk to surface stability and further investigation works will be required to identify the exact location of the 3 mine entries and to inform the detailed layout and any stand off between them and any new buildings. If the application is approved, they have provided details of the wording of conditions which should be attached to regulate; the identification of the recorded mine entry locations and any no build zones, the implementation of any remediation works to address land instability issues; and verification that the remediation/ mitigation necessary to address legacy mining risks have been completed. Comment – *these issues could be addressed through the MSCs.*
- 3.10 Regional Archaeologist does not object to the application. He has advised that if the application is recommended for approval, a planning condition be attached which would require a programme of archaeological works to be undertaken in accordance with an agreed scheme of investigation. This is likely to include a photographic record of site conditions, 5% ground breaking evaluation of previously undeveloped portions of the development area and 5% ground breaking evaluation of the site of Carsebridge Distillery, Hilton Fireclay Works and Nether Carsebridge. Comment - *this could be addressed through the MSCs.*
- 3.11 Historic Environment Scotland (HES) are not a statutory consultee for the application but they provided advice relating to the preservation of the listed buildings on the site. They would normally expect any financial deficit in the costs of repairing and reusing the listed building(s) to be covered by the wider redevelopment. The Council is encouraged to consider attaching conditions to ensure that repairs to listed buildings are carried out at a specific stage of the development. They also asked their buildings at risk team to assess the buildings. Comment – *this can be regulated through the terns of the proposed Section 75 obligation and MSCs.*
- 3.12 Health and Safety Executive (HSE) were consulted using its Planning Advice Web App as part of the site lies within the Consultation Distance that relates to the storage of spirit within the former bonded warehousing on the site.



Although no spirit had been stored in the buildings for several years and the warehouse buildings have recently been demolished, the Consultation Zone still remained live as the related hazardous substances consent had not been formally revoked. As the application proposed houses within the Inner Consultation Zone, the HSE advice was to advise against the development taking place. Comment – *Since the advice was received, the revocation process has recently been successfully completed which required the agreement of Scottish Ministers and the HSE was informed. There is now no extant hazardous substances consent affecting the site. The HSE has confirmed that they have now removed the Land Use Planning Consultation Zone for the Carsebridge Bonded Warehousing site. They confirm there is no longer a need to consult them and their previous advice to advise against the development has been withdrawn and HSE now has no comment on the application.*

- 3.13 Sportscotland were consulted as a statutory consultee as part of the site comprised land which was last used as a football pitch. Sportscotland has to be consulted where a proposal may result in the loss of land or prevent the use of land which was last used as an outdoor sports facility being used for that purpose. Sportscotland provided a holding response pending further information from the applicant. The applicant has submitted an amended Masterplan which shows the provision of a full sized football pitch on a different part of the site, as part of the proposed open space provision. Sportscotland has been invited to comment on these details. Comment – *at the time of compiling the Report Sportscotland have still to conclude their review and this will have to be agreed before any PPP can be issued. However, it is considered that the proposed inclusion of a full sized football pitch within the site will satisfy the requirements of Sportscotland as well as LDP Policy SC10.*
- 3.14 Network Rail does not object to the principle of the development subject to the planning conditions contained in their response being attached to any permission. These relate to; the provision of a trespass proof fence adjacent to the boundary with the railway line; details of drainage and the exclusion of any SUDs scheme within 10 metres from the railway boundary; details of landscaping proposals near to the railway boundary which shall accord with their advice on suitable species and distances; and no buildings or structures shall be situated 3m or less from the railway boundary. Network Rail also advise that the railway may still be used for freight movements and a noise assessment may be appropriate to demonstrate that rail noise would not impact on residential amenity. They also have provided advice for the applicant about; minimising any risks associated with lighting within the site; requiring a risk assessment of vehicle incursion; and consultation about management of construction activities. Comment – *these matters can be addressed via MSCs.*
- 3.15 Alloa Community Council, Sauchie Community Group, Sauchie and Fishcross Community Council and Clackmannan Community Council were consulted but they have not submitted comments on the application
- 3.16 NHS Forth Valley was consulted but it has not submitted comments on the application.

## 4.0 Publicity and Representations

4.1 As the application constitutes a Major Development the applicant was required to undertake statutory pre-application community consultation. The process is summarised in the Pre-Application Consultation (PAC) Report prepared by the agent and submitted as part of the application. This process had to be undertaken online due to the restrictions associated with Covid 19. The consultation provided details of the proposed development, sources of information and channels of communication, and included the following;

- i) An advert placed in the Alloa Advertiser advertising the online consultation event.
- ii) Notification of a number of parties or bodies including local ward councillors, Alloa, Clackmannan and Sauchie Community Councils, Sauchie Community Group and Gartmorn Dam Country Park Development Trust and offering to present the proposal to the organisation. An online briefing was subsequently held with Alloa Community Council.
- iii) The provision of a website containing information about the applicant, the development and offering the opportunity for people to provide feedback or ask questions of the project team. This operated from 11th November to 4th December 2020. The statistics available to the applicant indicate the website attracted 586 unique visitors with a total of 803 page views. Of the 586 visitors, 2 completed online questionnaire forms while 8 questions were submitted to the project team which were responded to. Direct written responses were received from Clackmannanshire Field Society and the local Scottish Wildlife Group.
- iv) An online virtual consultation event on 19<sup>th</sup> November 2020. 12 people accessed the event.
- v) The applicant has provided a summary of the responses to the event and questionnaire responses in the PAC Consultation Report. Issues raised related to; what type of housing would be provided and would it include social housing; clarification about the information on the Masterplan; what proposals there would be to improve the surface of Carsebridge Road or upgrade it and where access to the site would be taken; the potential impact on education and local leisure facilities including the retention of the football pitch behind Hilton Road; satisfaction that areas of mature trees next to existing houses would be retained; the retention of Carsebridge House creating green spaces and mix of housing and business were liked; the development could be improved by a larger business area and additional leisure facilities; and no response stating the development would have a negative impact on the area.
- vi) The PAC Report includes the applicant's responses to the issues raised. They acknowledge that; any potential impacts on education capacity due to the development would need to be mitigated; a transport assessment has been submitted to address impacts on the

road network; detailed assessment of flood risk and drainage have been undertaken; the precise housing mix would be determined at the detailed stage and an Affordable Housing Assessment has been submitted; the Masterplan includes a number of active travel links to connect with the surrounding community; landscaping and ecology assessments have been undertaken to inform the development;

4.2 A total of 78 neighbouring properties were notified of the application. The application was also publicised in the Alloa Advertiser and the Edinburgh Gazette for neighbour notification reasons and affecting the setting of a listed building. In response there have been 10 separate contributors to the application with 6 objecting to the application and 4 neighbours neither objecting nor supporting the application from the following parties;

#### 4.3 Objections

- Mary McGroarty, 7 Fairfield, Sauchie
- Margaret Docherty, 6B Hilton Crescent, Alloa
- Architectural Heritage Society of Scotland
- Anthea Coulter, on behalf of Alloa Community Enterprise, The Hub, Whins Road, Alloa
- Clackmannanshire Heritage Trust
- Clackmannanshire Field Studies Society

4.4 On the following grounds;

- i) Concern that the development would result in increased traffic levels in the surrounding area leading from Alloa and Clackmannan and on Fairfield. It could make it more difficult and risky to enter and egress from the Hub premises on Hallpark which could affect custom and the business. There is also existing parking demand associated with the mosque on Whins Road. Infrastructure would be required to take traffic away from the current roads if the development is to proceed.  
Comment – *it is concluded that the impacts of the development on traffic levels in the surrounding area would not be sufficiently adverse to justify withholding permission in principle.*
- ii) There is a discrepancy between the applicant's documents stating that listed buildings will be retained and respected and actions by the applicant to delist the House. This raises concerns about the applicant's intentions. Comment - *although the applicant submitted an application to HES to seek the delisting of Carsebridge House in 2020, HES has advised them that they consider that they consider the building still worthy of listing and the application to delist has not been successful. The applicant has advised that while they did investigate delisting in 2020, HES advised them that they would not be supportive of this and this informed the subsequent formulation of the Masterplan which shows the retention of the listed buildings and they accept the need to safeguard their preservation and setting.*

- iii) The listed buildings and parkland setting create an important heritage value to the area and the removal of any would undermine this value. Carsebridge is one of few surviving designed landscapes in Clackmannanshire dating from around the 18<sup>th</sup> century which retains its buildings and the landscape has not been significantly affected by subsequent development or land management. The proposals would adversely affect the setting by introducing development close to the House and new roads to the west of the avenue. The parkland should be retained. *Comment – it is not clear that there was a designed landscape around Carsebridge House and the current layout and character of the land to the south of the House is considered to be of local rather than national significance. The House had a walled garden on land to the west which has survived although the garden house no longer exists. The House dates from the late 18<sup>th</sup> Century with Victorian alterations. The land in front of the House contains an open area of grass with some specimen trees beyond which were a mix of distillery buildings which have been demolished. There is an avenue of trees beside the access road to Carsebridge Road and denser wooded areas to the west. It is evident that historically there have been buildings to the south of the House which would have interrupted views from Carsebridge Road but that a landscaped buffer appears to have been maintained to the south and south east of the House. The House is also situated on the highest part of the site which also enhances its degree of visibility in views to the northern part of the site. It is not considered that there is sufficient grounds to justify withholding permission for any development on the land to the south of the House given buildings were present before and the potential to provide landscaping and restrict proximity of buildings to mitigate the impact. Although the Masterplan drawing is only illustrative, it is considered that the areas annotated for development on it would require further mitigation to satisfactorily protect the setting of Carsebridge House. Possible solutions could include increasing the separation between the nearest new development and the House and curtilage, providing more landscaping to help screen the new development, and enhancing the visibility of the House from viewpoints to the south through sensitive design, layout, orientation and heights of the new housing so that they are subordinate to and respect the setting of the House and other listed buildings. It is therefore proposed that a Historic Building and Landscape Assessment is undertaken by a suitably qualified person, to inform the detailed layout and design for development on the north side of Carsebridge Road to ensure the development which is brought forward would safeguard the setting of the listed buildings and the landscape within which they sit. This would enable a review of; the buffer and intervening use of land between the listed buildings and new housing; the merits of relocating the existing avenue of trees between the House and Carsebridge Road; and the adequacy of the layout design to maintain vistas towards the House. A requirement for this assessment would be a MSC matter. This approach is considered consistent with the guidance contained in the HES publication Managing Change on the setting of historic assets. It is acknowledged that any impacts have to be balanced against other considerations, including the viability of the redevelopment of the site, the delivery of*

*housing and the opportunity to secure the restoration and positive use of the listed buildings on the site.*

- iv) The redevelopment of the site provides an opportunity for the conservation and reoccupation of the House and the conversion of the unlisted stables. Economic arguments against restoration on a development of this scale are inaccurate. It is not considered that the condition or structural stability of the House would justify demolition of the building as being beyond repair and a scheme of repairs and restoration would preserve the building. The building has been neglected for several years by its previous owners. Without suitable restoration and conservation of the listed buildings the development should not be permitted to proceed. Any proposal for delisting and demolition should be rejected. Comment – *although the listed buildings have recently been added to the Buildings at Risk Register for Scotland it is not considered that there is evidence which would demonstrate that their condition was so poor that they could not be repaired and reused. The applicant undertook a survey of Carsebridge House in 2020 which did not identify any fundamental issues with the building at that time. It is agreed that the development of the site is of a scale and magnitude that should be capable of delivering the restoration of the listed buildings and built heritage interest of the site and which contribute to the character and history of the site. Consequently, a decision to approve the application would be conditional on arrangements and funding being presented and secured to restore the listed buildings for a positive use. This could be regulated as one of the Heads of Terms of the Section 75 Obligation.*

#### 4.5 Neither object nor support

- Scottish Wildlife Trust Stirling and Clackmannanshire Planning Group. They originally objected but removed the objection following the applicant's submission of ecological survey report. They have highlighted a number of concerns about some aspects of the proposal.
- Dr Randolph Richards, Hillside, Jellyholm Road, Sauchie
- William Wilson, 9a Carsebridge Road, Alloa
- Marion Crews, Netherpark West, Jellyholm Road, Sauchie

#### 4.6 On the following grounds;

- i) Support for the recommendations in the ecologist's report relating to safeguarding bats and their original concerns regarding other protected species have been addressed. A number of issues have been highlighted relating to; the ecologist's reference to the Brothie Burn being polluted and the merits of deculverting it and making it a landscape feature; the riparian habitat upstream of the site should be extended through the new channel of the Brothie Burn using a mix of native trees and shrubs and herbaceous plants; enhancing connectivity north along the Sauchie Burn; the loss of Firestation Pond and adjacent wetland area which is an established habitat recognised in the Scottish and local biodiversity action plan even though no protected species have been identified using the pond; if the pond is lost then significant mitigation should be provided by enhancement of other biodiversity

aspects of the site, create opportunities for biodiverse habitats within the site including neutral grassland; SUDS should be designed to maximise biodiversity value; the felling of mature parkland trees would impact on amenity and biodiversity and compensatory planting should be provided if trees are removed; the landscaping should maintain or improve connectivity across the site for wildlife and comprise native species and wildflower areas; safeguard any protected species or their nests from disturbance during the construction period and employ an ecological clerk of works; install nest boxes within the development for bird species; provide gaps in fencing for hedgehogs to pass; and any landscape management plan should consider enhancing biodiversity value. Comment – *these matters could be addressed at the MSC stages. Mitigation would be required to compensate for the loss of the pond and any trees or habitat.*

- ii) Demolition works that have taken place on the site have impacted on wildlife while the removal of trees could also have an impact. Comment – *the works on site did not require planning permission. However, we are satisfied that appropriate measures were taken to minimise any risks to wildlife when the works took place.*
- iii) Will the former football pitch next to Hilton Road be used for business or a leisure complex as this could adversely impact on the residential amenity of neighbours. Comment – *the applicant is proposing residential use on this part of the site.*
- iv) What measures would be put in place to safeguard road and pedestrian safety on the B909 to control vehicle speeds such as traffic calming or traffic lights. Planting trees along the B909 may impact on visibility for drivers. Comment – *the infrastructure on the B909 would be designed to maintain safety for drivers and pedestrians. There would be pedestrian crossing points provided on the B909 to enable pedestrians to cross safely. The proposed layout would introduce buildings facing the road to create a more urban character and help to reduce vehicle speeds.*
- v) It is understood this is the first stage of the planning application process and further details of the buildings have still to be submitted. Comment – *this is an application for PPP and the detailed design and layout would be submitted in future applications for MSCs if permission is granted.*
- vi) As owner of the field abutting the north east boundary, measures should be put in place by the developer to maintain a secure boundary and provide suitable screening as horses are kept in the field. Comment – *the Masterplan shows a landscaped buffer would be provided between the site and the neighbouring field. It would be up to the landowners to maintain fencing.*
- vii) The possible flood risk to the site associated with the disused mill lade which runs parallel to the north boundary of the site should be considered. Comment – *this issue has been considered as part of the flood risk assessment and it is proposed that the detailed layout and*

*drainage would include measures to manage potential flood waters to minimise the risk to the proposed homes. This should not prejudice any existing neighbours.*

- viii) Would the development increase the use of the section of Jellyholm Road which provides a route to Gartmorn Dam? Would the road surface of Carsebridge Road and Jellyholm Road be upgraded as they have had to be repaired on a regular basis over the past few years and what new roads are planned. Comment – *Jellyholm Road is a private road and outwith the control of the applicant. There is no proposal to upgrade this section of road as part of the development. Jellyholm Road is a Core Path and the development of housing at Carsebridge is likely to result in increased active travel trips along this route. There is no proposal for vehicular traffic from the development using this road. A contribution is being sought from the applicant to improve active travel links to Gartmorn Dam east of the site.*

## **5.0 Planning Assessment**

### **5.1. Clackmannanshire Development Plan**

5.2 The application must be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. The DP comprises the adopted Clackmannanshire Local Development Plan (2015) (LDP) including its Associated Supplementary Guidance (SG) and the National Planning Framework 4 (NPF4) which was adopted in February 2023.

5.3 Following adoption of NPF4, Scottish Planning Policy 2014 is superseded. A review of the Clackmannanshire LDP is underway and will be informed by the policies in the NPF4. In the meantime, planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and adopted LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire LDP and NPF4, the provisions of NPF4 will prevail.

5.4 The LDP sets out a number of Strategic Objectives and the following are considered relevant to the application;

- A Framework for Positive Change – by focussing development in areas which will support environmental and social objectives, deliver high environmental standards and protect environmental assets.
- Sustainable Economic Growth – which through promotion of a growth strategy can increase demand for services and generate employment opportunities.
- Environmental Sustainability - including development which would deliver a more sustainable pattern of development, promoting sustainable flood management techniques.

- Meeting the Need for New Homes - by allocating a range of site, making provision for a range of tenure and ensuring development is can access public transport, the active travel network and open space.
- Community Regeneration – including supporting development which would provide employment and training opportunities, improve access to the countryside, provide sites for community growing and protecting opportunities for sport and recreation.
- Natural Environment – which supports measures to protect and enhance natural heritage and biodiversity.
- Built Environment – which supports the principle of giving priority to the re use of vacant brown field sites over green field sites, encouraging the remediation of contaminated land and conserving built heritage.

5.5 Similarly NPF4 contains 6 overarching spatial principles to inform development and the ones most relevant to the development are listed below;

- Conserving and recycling assets – supports the productive use of existing buildings and places to minimise waste and carbon emissions.
- Local Living – by ensuring people can easily access services, greenspace, work and leisure locally.
- Compact urban growth – limit urban expansion to optimise the use of land and provide flood risk management and blue and green infrastructure and biodiversity.

5.6 Our assessment of the application considers that the principle of the proposed redevelopment of the site would be consistent with the above objectives and principles subject to the proposed conditions and contributions.

5.7 The application seeks permission for a mix of uses comprising mainly residential but also business and education uses and generally accords with the provisions of the above allocations with the exception of Business Proposal Site B03. The applicant proposes residential development instead of business development on the land and they have submitted information to justify this use including an assessment of how the proposed development would impact on the demand and supply of land for business use in Alloa. This is discussed in paragraph 5.21 below which relates to LDP Policy EP4.

5.8 LDP Policy SC1 seeks to ensure a robust and deliverable housing land supply is maintained. Approval of development for the land allocated for housing would assist with this aim. Policy 16 of NPF4 requires LDPs to identify a Local Housing Land requirement and this will form part of the preparation of the replacement LDP and eventually supersede the current LDP position. The application is not considered to be contrary to Policy SC1.

5.9 LDP Policy SC2 (Affordable Housing) and the associated Supplementary Guidance (SG) No 5, supports the delivery of affordable housing as well as a range of house types and tenures as part of developments of 20 or more homes. The policy states that the nature of on site provision is to be



determined according to identified need and local circumstances and will contribute to meeting the housing need in Clackmannanshire based upon the Council's current Housing Need and Demand Assessment (HNDA). The level of affordable housing requirement should generally be no more than 25% of the total number of units. NPF4 Policy 16 states that proposals for new market homes will only be supported where the contribution towards affordable homes will be at least 25% of the number of homes, unless the LDP sets out circumstances where this percentage can be reduced or increased. Both Policies state that the percentage could be lower where the developer can demonstrate this is justified based on criteria set out in the LDP. The overall viability of the development is one factor which could alter the contribution required.

- 5.10 The applicant has submitted an assessment of affordable housing in support of its position. This is contained in the Affordable Housing Note dated Feb 2023 produced by Geddes Consulting. This argues;
- i) The latest published HNDA is dated 2016 and is the only Assessment that can be adopted for the purposes of applying Policy SC2.
  - ii) The recent appeal decision for residential development at Sauchie West (appeal decision PPA-150-2010) is material to the consideration of affordable housing provision at Carsebridge given the conclusions the Reporter reached about affordable housing provision at Sauchie West. This was that no affordable housing contribution was required.
  - iii) The Reporter concluded that given the terms and wording of Policy SC2 which refers to the current HNDA, she was not persuaded to depart from the findings of the current published HNDA when assessing the need for an affordable housing contribution. Given the number of affordable homes completed in the Alloa Housing Market Area already significantly exceeds the figure in the Assessment, there is no identified need for further affordable housing which could be required under the terms of Policy SC2.
  - iv) The wording of NPF4 Policy 16 which relates to affordable housing provision states that a contribution lower than the minimum figure of 25% can be justified if the circumstances are set out in the LDP. At present the LDP comprises the adopted Clackmannanshire LDP and as discussed in the preceding paragraph, the wording in Policy SC2 is considered to accord with the comparable provisions in Policy 16.
  - v) The Reporter also considered the impact of NPF4 Policy 16 and noted that the policy text states that the contribution is to be provided in accordance with local policy or guidance. Given her conclusion there was no identified need under Policy SC2 and given the similarities between this LDP Policy and NPF4 Policy 16, the conclusion that a contribution would not be required would not be at odds with NPF4 Policy 16 e).
  - vi) The available evidence confirms that the appropriate level of on site affordable housing should be significantly below the stated 25% provision and when tested at appeal, that contribution should be zero.
- 5.11 The context and implications of the planning appeal decision at Sauchie West in relation to affordable housing provision is the subject of a separate Briefing Paper to be presented to Members of the Planning Committee. Having regard to the circumstances and the policy position, we have reached the following conclusions;

- i) While Housing Services had provided information to the Reporter to update the assessment in the 2016 HNDA, to demonstrate there was a current need for affordable housing in addition to the figures in the 2016 document, the Reporter did not attached significant weight to these figures, relying on the 2016 HNDA given the information had not be subject to consultation or third party scrutiny. It is a reasonable assumption that the same approach could be adopted if the current application was subject to an appeal over affordable housing provision.
- ii) To ensure the delivery of affordable housing to meet local needs, an up to date HNDA needs to be approved to provide an up to date and robust assessment to support planning application recommendations and decisions.
- iii) The absence of an up to date HNDA does not mean that there is no need for affordable housing only that is has not been identified in accordance with the policy requirements.
- iv) Given the circumstances, it is not considered that a refusal of the application on the grounds that the development was not delivering at least 25% affordable housing as set out in NPF4 Policy 16 e) would be likely to be sustained at an appeal and may even result in costs being awarded against the Council. It is also not considered reasonable to delay determining the application until the Council approves an updated HNDA and such an approach may result in an appeal against non determination in any case.
- v) However, on the basis that a need exists and the arguments relate to the means of demonstration of the need rather than the wording of the relevant development plan policies, it is considered reasonable and justifiable to include as part of the Section 75 Obligation a requirement that a review of affordable housing need is undertaken by the developer to inform the need for any affordable housing contribution as part of any subsequent applications for MSCs. This approach would enable consideration of an updated HNDA to be taken into account if available rather than accept that the contribution from the development should be zero. It is considered that such an approach would provide a more robust position in the event of any appeal while acknowledging the short term impacts associated with the Sauchie West appeal decision.

5.12 The proposed approach in v) above is not considered to be contrary to Policies SC2 or Policy 16 e).

5.13 LDP Policies SC5, SC6 and the associated SG 3 and NPF4 Policy 14 set out layout and design principles in accordance with the Governments place led approach in Designing Places and the Place Principle. Policy 14 states that proposals shall be designed to improve the quality of an area and are consistent with the 6 qualities of successful places, namely; healthy, pleasant, connected, distinctive, sustainable; and adaptable. The application has been supported by a Design and Access Statement and an Illustrative Masterplan Framework. As this is a PPP application no details of house types and street layouts are considered for determination. However, with some caveats, and subject to the proposed conditions, the design approach and principles set out in the Statement and Framework are considered to respond to the site context and the relevant policy requirements and demonstrate that the development could contribute positively to the surroundings, enhance the existing site and

create meet the tests of successful places. The main caveat is the detailed approach to development near to Carsebridge House to preserve a suitable setting for the listed buildings and landscape and associated Tree Preservation Order. The illustrative layout does not appear to provide sufficient mitigation to preserve and enhance the setting but this could be addressed at the MSC stage using a suitably worded condition. NPF4 Policy 15 states that proposals should contribute to local living where people can meet the majority of their daily needs within a reasonable distance which can be made by active travel trips. It is considered that the site and design and range of active travel measures would accord with the objectives of this Policy. On balance, the application is not considered to be contrary to Policies SC5, SC6, 14 and 15.

- 5.14 Policy SC7 sets out the expectations relating to energy efficiency in new developments although the details have been partly superseded by subsequent changes to the Building Regulations. NPF4 Policy 19 supports proposals for buildings which are designed to promote sustainable temperature management. These details could be subject to more detailed consideration as a requirement of MSCs if PPP is granted. This would accord with the requirements of these Policies.
- 5.15 LDP Policy SC9 sets out the Council's approach to the need for contributions from developers to mitigate any impacts from the development on infrastructure capacity or the environment. Further guidance is set out in Supplementary Guidance (SG) 1 – Developer Contributions. NPF4 Policy 18 states that proposals which provide infrastructure in line with what is identified in an LDP will be supported. Development will only be supported where it can be demonstrated that provision is made to address any impacts on infrastructure. Our assessment of the application has concluded that contributions are required towards; education provision, improvements to active travel provision within and outwith the site, public art, transport infrastructure, as well as requiring a review of affordable housing need. Subject to the proposed Section 75 Agreement and conditions, it is considered that the application would not be contrary to Policies SC9 and 18.
- 5.16 LDP Policy SC10 and Policy 21 seeks to retain and enhance the provision of facilities for recreation and sport as well as open spaces. The Policies states there is a presumption against development which would result in the loss or change of use of open spaces or outdoor sports facilities including privately run facilities unless it would not affect the value of the facilities in the area or any outdoor sports facility lost would be replaced by one of comparable or greater value at a suitable location. The site contains an unused grass football pitch adjunct to properties on Hilton Road but the applicant has agreed to provide a replacement pitch on another part of the site shown on the Masterplan. This location would be more central and accessible than the current location and provide a new facility. The proposed arrangement is considered to accord with the policy guidance in SC10 and 21. Sportscotland had to be consulted and they have raised no objection to the proposed arrangements. Policy SC21 also requires developments occupied by children to include good quality provision for play and recreation which is inclusive, be suitable for different ages and be safely accessible, overlooked and be subject to effective maintenance arrangements. The applicant has agreed to deliver play provision on the site in accordance with the advice from Land

Services and this could be regulated by a condition with details submitted as part of MSC's. The application is not considered to be contrary to Policies SC10 and 21.

- 5.17 Policies SC11 and SC12 seek to ensure that development proposals do not adversely affect the wider network or provide mitigation and support sustainable transport principles including the provision for walking and cycling. They support the areas identified in the LDP for improvement which would include Transport Proposal Site T01, T04 and T13. Policy SC11 also states that the Core Path network will be safeguarded and enhanced including on and off site works where appropriate. Developer contributions will be sought to achieve these improvements where proportionate. A Transport Assessment and/or Travel Plan may be required to help mitigate any impacts. NPF4 Policy 13 promotes development which will; encourage sustainable travel or provide active travel infrastructure; reduce the need to travel unsustainably; provide safe segregated active travel links and will be accessible by public transport; provide EV charging facilities; and has been the subject of a transport assessment if it will generate a significant increase in person trips. It states that development which would generate significant travel will not be supported in locations which would increase reliance on the private car. The applicant has proposed a package of measures focussed on delivering enhanced active travel connections to and from the site which would provide safe and attractive alternatives to trips by private car. The approach has been weighted to encourage and support sustainable travel choices which would deliver environmental and wellbeing benefits as well as help mitigate traffic impacts. As discussed in paragraph 3.1 above, having regard to the advice from Transportation, it is concluded that on balance, the package of active travel measures and arrangement for the submission of a further TA following the development of part of the site after development, the application would not be contrary to the above Policies and it is considered that there would not be sufficient grounds to withhold permission on traffic impact alone.
- 5.18 LDP Policy SC20 seeks to ensure developments are served by the required standards of water and drainage infrastructure including the delivery of suitable SUDs systems. Policy EA12 deals with the water environment and supports development which leaves it in a natural state. SG 4 – Water provides further guidance. NPF4 Policy 22 requires development to manage surface water using SUDs and supports proposals which can be connected to the public water mains. Scottish Water has no objection and advise there is capacity to connect to its public water supply and waste water infrastructure. Details of the infrastructure will be assessed as part of MSC applications. A Drainage Assessment has been provided. The indicative proposals contain a number of measures which would conform with these Policies, including the de culverting of the Brothie Burn through the site (circa 300m) and creating a naturalised watercourse and the design of SUDs to enhance amenity and biodiversity as well as water quantity and water quality. This is expected to include ponds next to the Brothie Burn. The design and delivery of these elements would be regulated through MSCs.
- 5.19 LDP Policy EA9 and NPF4 Policy 22 seek to ensure development is satisfactorily protected from flood risk. Parts of the site are identified as being at higher risk of flooding on the SEPA Flood Map. The development has been informed by a Flood Risk Assessment and following the submission of

additional information by the flooding consultant, SEPA removed its original objection to the PPP. They are now satisfied there is sufficient information and a suitably robust assessment which has clarified the functional floodplain, demonstrated that the risks from flooding would meet recognised criteria, finished floor levels would incorporate suitable freeboards and that the development would not result in any significant increase in flood risk downstream of the site. SEPA support the deculverting of the Brothie Burn and acknowledge the site is largely brownfield land which has resulted in the original natural ground levels being altered in the past. The Flooding Officer is generally satisfied with the proposals in principle but will require further details to be submitted at the MSC stage to demonstrate that overland water flows could be adequately managed including potential flows during design storm events from land adjacent to the site. Further assessment will be required to inform the detailed layouts and levels within the site and this could be addressed as part of the details submitted as MSCs. The application is not considered to be contrary to Policy EA9 and 22.

- 5.20 Most of the site south of Carsebridge Road was covered by a Consultation Zone relating to the hazardous substances consent for the storage of spirit within the former warehouses. LDP Policy SC21 and NPF4 Policy 23 require consideration of the compatibility of a proposed development with the activity around which the Zone is based. However, as part of the assessment process, the Council has pursued the revocation of the hazardous substances consent given it is now no longer required as the bonded warehousing has been demolished and permission is sought to redevelop the site for alternative uses. The consent has been revoked and at the time of compiling this report, the Service is awaiting confirmation from the HSE that they have withdrawn the Consultation Zone from their records. The application is therefore not considered to be contrary to Policies SC21 and 23 g). The proposed re-development of the site will result in the removal of the risk associated with the storage of spirit within the site and some neighbouring land.
- 5.21 LDP Policy EP4 sets out criteria for considering proposals for non employment generating uses on existing or allocated business sites. Proposals will not normally be supported unless one or more of the 5 criteria in the Policy can be met. The application seeks to develop Business Proposal Site B03 for residential use rather than business use. NPF4 Policy 26 relates to business and industry development but the policy wording does not include any reference to proposals for non employment development on business land. The Policy states that LDPs should allocate sufficient land for business and industry taking account of business land audits and in particular, ensuring there is a suitable range of sites to meet current market demand. NPF4 Policy 16 which relates to housing development, states that proposals for new homes on land not allocated for housing in the LDP will not normally be supported unless it can satisfy the criteria in the Policy, namely; where there is an agreed timescale for build out; it would be consistent with other relevant plan policies; and there is either evidence of early delivery of housing or the proposal is small scale or the proposal comprises the delivery of less than 50 affordable homes. The applicant has submitted a review of business land provision which demonstrates that the loss of the proposed business site would not have a significant or adverse impact on the supply of suitable land for business and industry in the Alloa area as there is significant over supply. Furthermore, it presents evidence that the rate of take up of business land

has been relatively low and based on data covering the last few years, it would take around 13 years to fully develop Proposal Site B03 on the basis it was the only site allocated for business development in the Council area. There are a range of alternative sites available for business development in the Alloa area to meet demand. The report also concludes that there is a relatively constrained demand for business development land in the area. It also highlights that the proposed use of the former office buildings on Carsebridge Road for business use is likely to be more attractive to business need. Indeed, the buildings are currently occupied by Resonate Together, a community based and focused organisation focused on individual and community wellbeing and sustainability. They plan to acquire the buildings and refurbish them and the curtilage to create a base for their activities. Having considered the evidence and policy guidance, we have concluded that the applicant has demonstrated that the development would satisfy more than one of the criteria set out in Policy EP4 which would justify a proposal for non employment use on the allocated business site. These comprise;

- i) Given the scale of available business land supply and levels of take up the cost of developing the site for business is unlikely to be viable
- ii) Marketing by the previous owner of the site did not result in any offers for employment related use on the site. The applicant acquired the site in 2019 and has displayed an enquiries board on the site but has not received any enquiries related to possible employment use, only housing.
- iii) The western and north western boundaries of the site abut residential development on Hilton Road and residential use would be more compatible in these areas.
- iv) Residential use would be compatible with surrounding land uses, subject to measures to mitigate potential noise from the railway line. This could be addressed as part of the MSCs.
- v) It is considered that the associated transport impacts could be accommodated without any unacceptable adverse impacts.
- vi) The loss of the business land would not adversely affect the availability of land allocated for business to meet market demand.

5.22 The proposed retention and use of the former office buildings on Carsebridge Road is acceptable and is considered to be compatible with the proposed residential development on adjoining land. It could provide a valuable community focus for the new neighbourhood as well as the wider area. Given the loss of the Business Proposal Site to residential use, it is considered that the applicant should provide some mitigation in the form of a contribution towards securing the business use within the former office buildings. These buildings require repair and upgrading to provide suitable accommodation. The contribution could be used to secure the refurbishment and upgrading of the buildings to ensure there is some business related development as part of the redevelopment of the site. This could be regulated through the Section 75 Obligation.

5.23 It is concluded that while the application would not be contrary to the provisions of Policy EP4 and Policy 26, there would be some conflict with the wording of NPF4 Policy 16 f). While the proposed residential use is considered to be consistent with the LDP spatial strategy, it is considered that none of the criteria set out in section iii) would be met. This will have to be

balanced against compliance with other policy provisions in the Development Plan.

- 5.24 LDP Policy EA2 addresses biodiversity and natural habitats while Policy EA3 seeks to protect designated sites and protected species. SG 6 provides further advice on Green Infrastructure. NPF4 Policy 3 seeks to protect biodiversity and deliver positive impacts from development. NPF4 Policy 4 states that proposals which would have an unacceptable impact on the natural environment, including protected species and designated sites will not be supported. The application is supported by an ecological survey and arboricultural survey. The site contains a number of habitats including areas of semi natural woodland, scrub, a small area of unimproved neutral grassland, improved grassland, a small area of marshy grassland, a pond described as shallow and eutrophic and watercourse. The ecological survey concludes that most of the existing site does not contain habitats good for biodiversity. The pond and marshy grassland provides a wetland feature which appears to support a small number of waterfowl species and wetland biodiversity. No protected species issues were identified on the site apart from the possible presence of bat roosts within individual trees. This could be checked in advance of any felling that was agreed. There is no area designated for its conservation value. Taken as a whole, it is considered that the potential enhancement of biodiversity and habitat value across the site from the creation of new habitats and enhancement of existing features would outweigh the loss of the existing pond and small area of unimproved neutral grassland. There is scope to create open water habitat as part of the SUDs design next to the Brothie Burn and manage areas of land and open space for biodiversity value. The development would also de culvert the Brothie Burn and recreate a natural channel along its length which would enhance its value. These measures will be subject to more detailed assessment and arrangements for delivery as part of the MSC applications. On balance, and subject to mitigation, the application is not considered to be contrary to these Policies.
- 5.25 LDP Policies EA6 and EA7 and NPF4 Policy 6 aim to protect and enhance areas of woodland or trees and hedgerows. NPF4 Policy 6 states that proposals will not be supported where they will result in the loss of ancient woodlands, adversely affect native woodlands or trees or fragment woodland habitats. There are areas of trees around the perimeter of the site and these would largely be retained and supplemented with additional planting to create a landscape and amenity buffer. A TPO covers areas of trees within the land to the north of Carsebridge Road. This includes an avenue along the existing access road that leads to Carsebridge House. There are also a number of parkland trees in this area not covered by the TPO. While the Masterplan Framework indicates some of these protected trees would be removed and replaced by new planting, given the provisions of Policy EA7, and the relationship the trees have to the listed buildings at Carsebridge House, it is not considered that there has been sufficient evidence to justify the removal of the protected trees rather than retain them, notwithstanding the proposed mitigation presented. The detailed layout and options would be subject to further detailed assessment as part of the MSCs. As the application is for PPP, any approval would not include the approval to remove protected trees which would have to be the subject of a further protected tree application. On

this basis, the application is not considered to be contrary to Policies EA6, EA7 and 6.

- 5.26 LDP Policy EA11 requires developers to demonstrate that any potential impacts such as noise or odour impacts can be satisfactorily mitigated. NPF4 Policy 23 states that development proposals which would raise adverse noise or air quality issues will not be supported while the agent of change principle applies to noise sensitive development. It also states that proposals that will have positive effects on health will be supported and highlights examples including opportunities for community food growing and exercise. LDP Policy EA14 supports the delivery of community growing spaces which are within settlements are accessible. A Noise Assessment and Air Quality Assessment have been submitted. Although Environmental Health have identified some issues relating the mitigation of noise impacts on the proposed housing closest to the railway and road network, they have advised that this could be addressed with more in depth impact assessments at the detailed planning stage relating to noise from road and rail and uses on neighbouring land as well as the impact on noise and air quality once the proposed heating and ventilation systems are confirmed and any mitigation required. This could be satisfactorily addressed as part of the MSCs. The proposals would also create area of recreational space including a pitch and play area, enhanced active travel links and the applicant has agreed that the former walled garden could be used for community growing use. These elements would be regulated as part of the MSCs. The application is not considered to be contrary to Policies EA11, EA14 and Policy 23.
- 5.27 The northernmost part of the site includes 3 listed buildings as well as the unlisted former stables for Carsebridge House. As discussed above, the House and walled garden have been disused for several years prior to their purchase by the current applicant. The applicant has made the House secure. The House is in poor condition and requires repairs to make it wind and water tight and to reinstate its interior. However, it is considered to be structurally sound. The listed buildings have recently been placed on the Building at Risk Register after assessment by Historic Environment Scotland (HES). These elements require careful consideration as part of the redevelopment of the site. LDP Policy EA22 relates to listed buildings and states that proposal must ensure the preservation of building or its setting and proposal that secure a viable future for a listed building will be supported. It provides a presumption against demolition of listed buildings. Policy EA21 states that proposals which affect landscapes of national to local significance should safeguard the character of the site and include a statement of how the works would impact on the historic resource. Policy EA20 requires the consideration of the archaeological resources which may be affected by development. Policy EA24 provides support for proposals to renovate and reuse buildings on the Buildings at Risk Register which would retain their character and positively impact on the landscape within which they are situated. NPF4 Policy 7 seeks to protect and enhance the historic environment and assets. Proposals which could significantly impact on historic assets should be accompanied by an assessment based on an understanding of the significance of the historic asset and identify the likely impacts and how change can be satisfactorily managed. Proposals to reuse listed buildings or which affect its setting must preserve its character and special historic interest. It also supports proposals which would bring buildings on the Buildings at Risk Register back into use.



The proposed development provides an opportunity to preserve and repair the listed buildings as well as deliver new uses. The unlisted stables and office buildings are also considered to be worthy of retention. It is concluded that the proposals put forward by the applicant to make the building secure and seek to engage with parties to bring the buildings back to meaningful use through a separate application process, are not sufficient to satisfy the requirements of the above policy guidance or the informal advice from HES in terms of securing the preservation of the listed buildings and their setting. The buildings form part of the former distillery site and it is reasonable to expect any redevelopment scheme to deliver arrangements to conserve and restore the listed buildings. In order to satisfy the above policy position, the recommendation requires the following to be delivered as part of the MSCs;

- i) An assessment is undertaken of the detailed design and layout of the land to the north of Carsebridge Road, including a Historic Building and Landscape Assessment by a suitably qualified person, to ensure the development would safeguard the setting of the listed buildings and the landscape. This would include the merits of relocating the existing avenue between the House and Carsebridge Road. This would be submitted and approved before the approval of any MSCs for development on the land to the north of Carsebridge Road.
- ii) Details of the arrangements and mechanism to deliver the preservation and restoration of the listed buildings and their respective curtilages including a schedule of works to safeguard their integrity and deliver their physical restoration within a defined timescale. These details would be submitted and approved before construction commences on any houses on the site.

5.28 LDP Policy EA25 supports the reuse of brownfield land within urban areas where they accord with the spatial strategy of the Plan and states that where land is known to be unstable or contaminated then the developer must demonstrate that the land can be made suitable for new use. The site is allocated for development in the LDP and most of the site is brownfield. NPF4 Policy 9 states that the sustainable reuse of brownfield land and existing buildings will be supported while proposals will need to demonstrate the land can be made suitable for use where it may be unstable or contaminated. The Coal Authority and Contaminated Land Section have no objections subject to the submission of further information outlined in their response. These could be addressed as part of the MSCs. The proposed development would facilitate the reuse of a significant area of vacant brownfield land within the settlement boundary which would deliver environmental, economic and wider community benefits. The application is not considered to be contrary to LDP Policy EA25 or NPF4 Policy 9.

5.29 NPF4 Policy 1 states that significant weight will be given to the global climate and nature crises when considering all development proposals. The proposed site is allocated for development in the adopted LDP and would restore a vacant and brownfield site. Furthermore, the development would incorporate measures to help mitigate these issues including; the provision of energy efficient homes and EV charging facilities; the provision of active travel links to connect the site to the existing active travel network and public transport routes; contain measures to offset impacts and enhance the biodiversity and habitat value of the site; and include open space to provide opportunities for recreation and exercise within the site. The development would not adversely

affect any designated habitat or protected species. The principle of the development is considered to be supported by the LDP and align with the intent of NPF4 Policy 1.

- 5.30 NPF4 Policy 2 states that development will be sited and designed to minimise lifecycle greenhouse gas emissions and will be adaptable to current and future climate change risks. The site would accord with the spatial principles identified in the NPF which seek to guide development to sustainable locations, re-use vacant brownfield land and include measures to reduce greenhouse gas emissions. The assessment of flood risk has incorporated possible future effects of climate change into the modelling and the design would incorporate measures to minimise the impact of future risks. On balance, the application is considered to align with the intent of Policy 2.

## **6.0 Recommendation**

- 6.1 It is recommended that the application is “minded to approve” subject to the conclusion of a legal agreement and appropriate planning conditions as outlined in Appendix 1 and 2.

## **7.0 Summary**

- 7.1 It is concluded that the application accords with the relevant provisions of the Development Plan and secure the regeneration of this large vacant former business site subject to the mitigation and contributions outlined in the report. Notwithstanding the progress achieved during the assessment of the application, there are still some conflicts with some of the policies, notably part of NPF4 Policy 16 f) regarding the development of houses on land not allocated for housing in the LDP. However, the application is considered to satisfy the exceptional circumstances under LDP Policy EP4 to justify non employment use on the Business Site and this relates to part of a Policy. While the provisions of NPF4 prevail when there is incompatibility with the LDP, it is concluded that taken as a whole, and subject to the proposed mitigation and contributions recommended by the Service, the application would generally accord with the objectives of the LDP and NPF4 and would not be contrary to the Development Plan. The development is considered to deliver benefits which would outweigh any conflicts identified.
- 7.2 Having regard to the above and other material considerations, a “minded to approve” recommendation has been made. Officers would engage in further consultation with the applicant and any relevant consultee to finalise the Section 75 and MSCs generally as described in Appendices 1 and 2.

## **8.0 Resource Implications**

### **8.1 Financial Details**

- 8.2 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

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

Yes

## 9.0 Exempt Reports

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

## 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

(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

## 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

## 13.0 Appendices

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

Appendix 1 – S75 Draft Heads of Terms

Appendix 2 – Draft MSC Headings

## 14.0 Background Papers

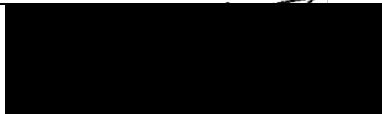
14.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

### Approved by

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Team Leader, Planning & Building Standards	
Emma Fyvie	Senior Manager (Development)	

APPENDIX 1

INDICATIVE HEADS OF TERMS MATTERS FOR DEVELOPMENT AT  
CARSEBRIDGE, SAUCHIE COVERING COMMUNITY INFRASTRUCTURE,  
HERITAGE AND BUSINESS REQUIREMENTS

Subject Matter	Proposed Approach
Education Provision	<ul style="list-style-type: none"> <li>The developer will require to contribute towards education capacity commensurate with the scale of development and in accordance with the requirements set out by the Council's Education Service statement (31/7/2022). These are expected to relate to primary and nursery education and possibly secondary education. These will be dependent on the outcome of the Options Appraisals by the Council for primary and nursery provision and a review of final house numbers. The Agreement will regulate the calculation, scope and timing of the contributions and the arrangements to safeguard land within the site for education use.</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>The developer will require to undertake a review of affordable housing need on an agreed timescale to inform the need for any affordable housing contribution and its delivery as part of any subsequent applications for MSCs</li> </ul>
Transportation Infrastructure	<ul style="list-style-type: none"> <li>The developer will require to contribute to Active Travel Improvements on and off site generally in accordance with the infrastructure and locations identified in the letter and enclosures submitted by the transport consultant ECS dated 28<sup>th</sup> November 2022. This would include new and enhanced safe routes to school having regard to the outcome of the education estate Options Appraisals.</li> <li>Contribution towards improving</li> </ul>

	<p>routes from the site to Gartmorn Dam Country Park using the Core Path network, and provision of visitor provision</p> <ul style="list-style-type: none"> <li>• Arrangements to safeguard and make land available to accommodate a future footbridge over the railway to link to Hilton Road and to connect the development to this bridge.</li> </ul>
Listed Buildings and Setting	<ul style="list-style-type: none"> <li>• The developer will bring forward arrangements and a mechanism to deliver the preservation and restoration of the listed buildings and respective curtilages on the site and the unlisted former stables building as part of the re development of the site. As a minimum, this will include measures to repair and safeguard the integrity of the listed buildings and deliver their physical restoration including the interior of Carsebridge House within a defined timescale and tied to the number of houses being constructed on the site. The arrangements shall have regard to future uses for the buildings. The arrangements will also include; the preservation and conservation of walls and other means of enclosure on the north and west boundaries and within the Walled Garden; the design and provision of access to the listed buildings; and the provision of services to support their use.</li> </ul>
Public art	<ul style="list-style-type: none"> <li>• Contribution based on £250 per house in accordance with SG1</li> </ul>
Business Development	<ul style="list-style-type: none"> <li>• The developer will require to contribute towards securing the business use within the former office buildings within an agreed timescale. These buildings require repair and upgrading to provide suitable accommodation. The contribution could be used to secure the repair and refurbishment of the building fabric and curtilage to ensure there is some business related development as part of the</li> </ul>

	redevelopment of the site.
Implementation and Phasing Plan	<ul style="list-style-type: none"> <li>• Arrangements to ensure construction of housing and delivery of required contributions/provision of infrastructure to coincide with housing.</li> </ul>
Design Brief and Design Code	<ul style="list-style-type: none"> <li>• Preparation of design briefs and coding in the event that the site is developed in distinct phases by different parties to ensure appropriate design, layout and environmental standards are retained throughout.</li> </ul>

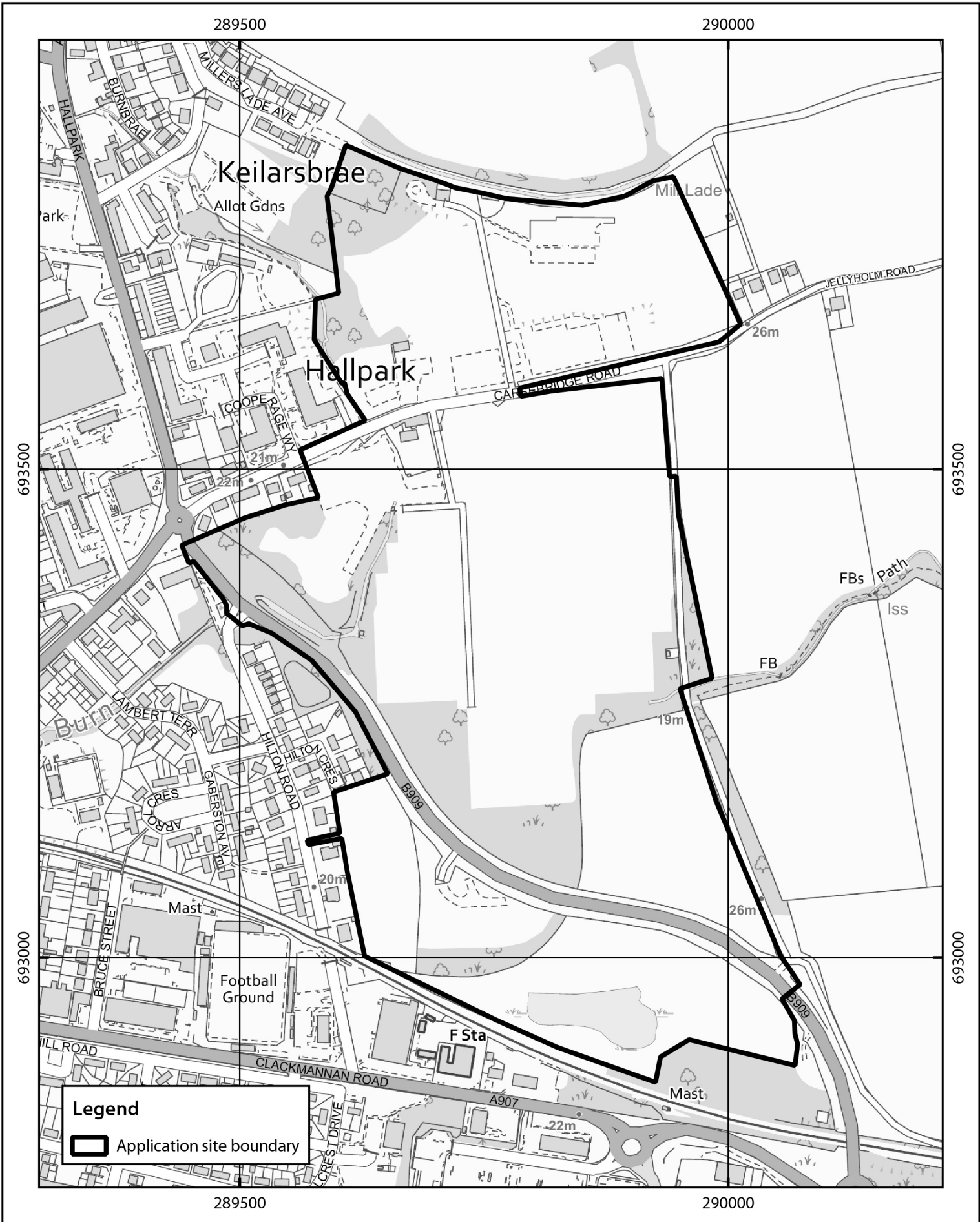
## APPENDIX 2

### HEADINGS FOR SCOPE OF MATTERS SPECIFIED IN CONDITIONS FOR DEVELOPMENT AT CARSEBRIDGE, SAUCHIE

Including;

- Details of phasing of development
- Details of design and function of new natural channel of Brothie Burn to replace the culverted section and an assessment of the potential to deculvert any sections of the Sauchie Burn, having regard to flood risk, amenity, biodiversity and public access considerations.
- Details of flood risk assessment to support detailed layout and design
- Water and drainage arrangements to include design of SUDs to create amenity and biodiversity benefits as well as manage the quantity and quality of water.
- Open space provision and arrangements for future maintenance including full sized football pitch and play area with a minimum Fields in Trust Play Value Assessment Score of 30
- Details of the arrangements to use the walled garden for community growing including any enabling works, repairs to structures and boundary enclosures, provision of services and arrangements for ownership and management.
- Details of arrangements for the submission of a further Transport Assessment to include a review of the impact on the surrounding road network and the mechanisms to address any adverse impact.
- An assessment is undertaken of the detailed design and layout of the land to the north of Carsebridge Road, including a Historic Building and Landscape Assessment by a suitably qualified person, to ensure the development would safeguard the setting of the listed buildings and the landscape including the trees covered by the TPO.
- Landscape details including measures to screen the development, retain existing trees and woodland, sustain the tree cover protected by the TPO and enhance biodiversity in terms of the specification and arrangements for maintenance and management.
- Details of the measures to offset the loss of biodiversity within the site to accommodate the development and undertake pre construction surveys for protected species.
- Details of the measures to deliver energy efficiency and low carbon heating and cooling in the buildings.
- Arrangements for the submission and approval of further assessments of noise and vibration and air quality to inform the detailed layout and design.
- Residential Travel Plan including the provision of at least one mobility hub facility.





**Legend**

 Application site boundary

**21/00069/PPP – Carsebridge Bond, Carsebridge Road, Sauchie**

Proposed Mixed Use Development Including Residential (Class 9), Business (Classes 4, 5 and 6), Education (Class 10) and Other Ancillary Uses Together With Associated Access and Infrastructure and Landscaping Works On Former Carsebridge Distillery and Warehouse Site

Ward: Clackmannanshire Central

OS Grid Ref: NS897933

0 50 100 150 200 250 metres

Scale: 1:5,000

Date:  
14 Apr 2023

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Chlach Mhanann

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planning@clacks.gov.uk



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**Report to**                      **Planning Committee**

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**Date of Meeting:**        **4th May 2023**

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**Subject:**                    **Residential Development Of 244 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage, Open Space And Associated Works at Land North And South Of A91 To The West Of Alva, Alva, Clackmannanshire.**

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**Report by:**                **David Paterson, Principal Planner**

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## **1.0 Purpose**

- 1.1. This report provides an assessment and makes a recommendation on the above noted planning application. The application requires to be determined by the Planning Committee as, due to the size of the application site and number of the houses proposed, it falls into the “Major” category of developments.

## **2.0 Recommendations**

- 2.1. It is recommended that the Planning Committee :
- 2.2. Refuse planning permission for the proposed development based on the reasons for refusal set out below.
1. It has not been satisfactorily demonstrated that the proposed development would not be at risk from flooding or that existing residential developments would not be at greater risk from flooding. The proposed development does not accord with policies EA9 and EA12 of the Clackmannanshire Local Development Plan “Managing Flood Risk” and “Water Environment” respectively, policy 22 of National Planning Framework policy 22 “Flood Risk and Water Management”, supplementary guidance SG4 “Water” and Planning Advice Note 79 “Water and Drainage”
  - 2 The proposed development involves development in the countryside which does not accord with policy SC23 of the Clackmannanshire Local Development Plan “Development in the Countryside” and policies 4 and 17 of National Planning Framework 4 “Natural Places” and “Rural Homes” respectively.
  - 3 The proposed development would not safeguard amenity, landscape quality and function of the Green Belt. The proposed development does not accord with policy EA8 of the Clackmannanshire Local Development Plan “Green Belt”, policies 4 and 8 of National Planning Framework 4

“Natural Places” and “Green Belt” respectively and Supplementary Guidance SG6 “Green Infrastructure”.

- 4 The proposal would not contribute to the safeguarding or enhancement of the Clackmannanshire Green Network. The proposal does not accord with policy EA1 of the Clackmannanshire Local Development Plan “Clackmannanshire Green Network”, policy 4 of National Planning Framework 4 “Natural Places” and Supplementary Guidance SG6 “Green Infrastructure”.

- 2.3. If members should wish to grant planning permission, the application will require to be notified to Scottish Ministers and may be called in by Scottish Ministers for final determination in accordance with the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 taking account of an outstanding objection by SEPA in respect of flood risk.

### **3.0 Considerations**

#### **3.1. Background.**

- 3.2. The application relates to 20.69 hectares of arable land intersected by the A91 road adjacent to the existing the western town edge of Alva. The application site comprises of land forming housing proposal H42 as identified by the Clackmannanshire Local Development Plan (LDP) and additional land extending southwards to the River Devon.
- 3.3. The land which comprises housing proposal H42 lies within the Alva settlement boundary as identified in the LDP. The additional land to the south also forming part of the application site does not lie within the settlement boundary and is identified as countryside in the LDP.
- 3.4. The part of the application site at the north side of the A91 road rises in level towards Back Road at the north boundary of the site. This part of the site is also bound by existing residential development to the east, an existing waste recycling station at the north west corner and the track leading to the waste recycling station, and to Balquharn Farm and Cottages, at the west side. There is an existing mature tree belt screening the application site from the waste recycling station.
- 3.5. The part of the application site which lies on the south side of the A91 road is partly bounded by existing residential development to the east, an agricultural access track at the west side and extends to the River Devon to the south. A rural access track extending westwards from existing housing adjacent to the east delineates the southern boundary of housing proposal H42 land which is also the southern edge of the settlement boundary.
- 3.6. The current application proposes the construction of 244 detached, semi-detached and terraced dwellinghouses. This would comprise of a mix of 3, 4 and 5 bedroom mainstream houses totalling 183 units and a mix of 2, 3 and 5 bedroom affordable housing units totalling 61 units.
- 3.7. The part of the site at the north side of the A91 would contain 79 mainstream units and 20 affordable housing units. This part of the site would also include the principle proposed open space and play area. An existing underground water course would be opened up.

- 3.8. The remainder of the mainstream and affordable housing units would be constructed at the part of the site south of the A91 and north of the rural access track extending westwards from the southern edge of the existing residential development to the east. This part of the site would include an open space biodiversity corridor with trim recreation trails at the east boundary.
- 3.9. The southernmost part of the application site which lies in the countryside is intended to accommodate the sustainable urban drainage (SUDS) pond as part of the drainage system to treat surface water runoff.
- 3.10. The application also proposes the construction of a new roundabout at the A91 road from which access to the proposed residential development would be taken. There would also be a new pedestrian crossing and bus stops formed on the A91.
- 3.11. Structural planting at the west boundary of the application site is proposed.
- 3.12. The application is supported by a phasing plan.
- 3.13. This application represents a major development as the site is more than 2.0 Ha in area and also as the construction of more than 50No. houses is proposed. As such the applicant undertook a pre-application consultation exercise, including consultation with Alva Community Council and a drop in event was held at the Cochrane hall on 10 June 2022. Comments made in response to the consultation are addressed in the planning application submission. A summary of the comments received through the consultation and the applicant's response to these is contained within the Pre-application Consultation Summary Report accompanying the application.
- 3.14. The application is also accompanied by a number of technical reports and supporting documents. These include, Biodiversity and Habitat Assessments (including bird, bat, otter and badger surveys) Flood Risk Assessments, Play Area Assessments, Noise Impact assessment, Air Quality Assessment, Affordable Housing Statement, Transport Assessment, Ground Report, Drainage Impact Assessment, Design and Access Statement, Groundwater Modelling and Design Statements (layout design, public art, Designing Streets, energy efficiency, minimising waste, 20 minute neighbourhoods, community benefit, women's safety, electric vehicle charging)
- 3.15. The application site was subject to a previous application for the development of 275 houses, 21/00144/FULL. The application site in respect of application 21/00144/FULL included less land in the area designated countryside in the LDP. Application 21/00144/FULL was withdrawn in order to resolve established flooding concerns.. The proposed development would have been located within a functional flood plain. It had not been satisfactorily demonstrated that the proposed development and existing residential developments adjacent would be protected from the risk of flooding.
- 3.16. Consultations
- 3.17. SEPA:- SEPA object to the proposed development. It is noted that parts of the application site lies within the 1 in 200 years event functional flood plain of the Balquharn Burn located to the west of the application site.

- 3.18. Principally, SEPA do not accept, and consequently object to, built development on a functional flood plain. SEPA also note that the methodology adopted for the flood risk assessments accompanying the application does not calculate and identify the extent of the flood plain. In response to the proposal that the proposed development, and adjoining existing residential development, would be satisfactorily safeguarded from flooding by the existing tracks at the west side of the application site, SEPA advise that this is not accepted. The position, level and construction of the access tracks would not satisfactorily safeguard the site from flood risk posed by the Balquharn Burn. SEPA objects for this reason.
- 3.19. SEPA have also commented on the proposal to open up (daylight) an existing underground culverted water course which crosses the northern part of the application site and then runs under the A91 at the south east corner of the northern part of the application site. The north part of the application site accumulates water at times of heavy rainfall. Since the culvert was created, the north part of the application site also accumulates overflow from the culverted water course. The applicant proposes to daylight the culverted water course and connect it to an existing drain at the south east corner of the north part of the application site which runs under the A91. It is proposed that the daylighting of the water course will alleviate any existing accumulation of water currently running through the culvert. Whilst SEPA agree with the principle of daylighting culverted water courses, they have commented that the applicant has not satisfactorily demonstrated that the daylighted water course in this case would perform as proposed. The applicant has not satisfactorily surveyed and investigated the existing culverted water course to ascertain its route, condition, dimensions, capacity and levels. Without satisfactorily ascertaining these aspects of the existing culverted water course, SEPA advise that it is not possible to satisfactorily model a replacement daylighted water channel. The applicant has not therefore satisfactorily demonstrated that the daylighting of the water course would alleviate existing accumulation of water at the north part of the application site. The proposed development and existing housing to the east would be at risk of flooding as a result and SEPA objects for this reason.
- 3.20. The application also raises the issue of maintenance of flooding defence and resilience measures. It is noted that it is not accepted that access tracks at the west side of the site constitutes an acceptable flooding defence measure to prevent flooding from the Balquharn Burn. It is mooted that the applicant could put maintenance arrangements in place which would render the access tracks an acceptable flooding defence measure. The applicant's case is that the location, construction and level in relation to the application site and proposed development of the access tracks would satisfactorily safeguard built development in the functional flood plain from flooding. The applicant proposes that a maintenance agreement could be put in place to safeguard the integrity of the access track as a flood defence measure. This is not accepted by SEPA. The access tracks do not constitute a formal defence of a functional flood plain. Also the proposed daylighted water course at the north part of the application site would connect to a drain adjacent to the A91, and such connection would require a maintenance schedule in place. These flood defence and drainage measures would necessitate a critical maintenance burden in order to safeguard their function at all times. This burden should not be left to as private factoring company or similar. Only the local authority

would constitute a satisfactory maintenance body as an “in perpetuity” body. The local authority would not take on the maintenance burden for the measures proposed. For clarity, flood defence measures to safeguard flooding of a functional flood plain require to demonstrate existing need, be purpose designed and be approved through a formal process. *Comment:- No exceptional circumstances have been demonstrated in any of the flood risk assessments, or any other details submitted by the applicant, which would outweigh the objections of SEPA in this case. The objections of SEPA are reflected in the recommendation of this report.*

- 3.21. Transportation:- Transportation has advised in terms of transport network impact, layout, flooding and drainage issues.
- 3.22. The proposed access arrangements including the proposed new roundabout at the A91 and positioning of associated traffic calming and crossing arrangements are acceptable in principle. Detailed comments are provided with respect to parking distribution, standard of connections to the existing wider surrounding footpath and transport network, the creation of a bespoke gateway feature at entrance to re-positioned urban edge, number of unites from a private driveway arrangement, inclusion of Scottish Government Designing Streets Policy design features, shared surface step off heights, road surface materials, traffic calming features, electric vehicle charging capability and drainage arrangements. Waste drainage and Sustainable Urban Drainage (SUDS) arrangements are satisfactory. However, Transportation note that the site is known to have high lying ground water. Developing the site could potentially disperse ground water horizontally causing flooding issues to the existing houses to the east. No supporting documentation submitted thus far satisfactorily calculates the extent of existing ground water and the likely impact of the proposed development on the movement of ground water. It is not satisfactorily demonstrated that the proposed development would not put existing houses at risk of flooding. Transportation objects to the application for this reason and views accord with SEPA in terms of flood risk and development within the functional flood plain. Transport object to the proposed development for this reason also. *Comment:- The applicant has satisfactorily addressed concerns with regard to Designing Streets, layout issues, parking and electric vehicle charging capability. Amended details and drawing submitted by the applicant address issues raised. There remain four plots at plot nos. 180-183 which would take access from a private driveway arrangement. It is noted that there is turning capability and that these plots would provide a good frontage to, and afford good visibility over, the A91 road and associated public footpaths. It is considered that on balance the access arrangement at these plots is acceptable. Transportation objections on grounds of groundwater and flooding are reflected in the recommendation of this report.*
- 3.23. Scottish Water:- Scottish Water raises no objection There is capacity in the water network at this time to accommodate the proposed development. The applicant is advised to liaise with Scottish water with regard to any potential off site works and any potential impact on Scottish Water infrastructure and assets. *Comment:- The advice of Scottish Water could be addressed by means of an informative note added to any planning permission.*
- 3.24. Contaminated Land Team:- It is advised that any planning permission should be subject to condition(s) to ensure that appropriate site investigations, and

any mitigations works which may be required as a result, are carried out prior to development of the site to ensure that the land is suitable for the proposed development. Comment:- Any planning permission could be subject to such condition(s).

- 3.25. Education:- Education Services advise that there would be capacity at Alva Academy and relevant denominational primary school to accommodate the proposed development. Alva Primary School is currently running at capacity and could not currently accommodate pupils generated by the proposed development. It is noted however that currently Alva Primary School accommodates library services. The library could be relocated and the school reconfigured to accommodate an additional classroom rendering the school able to accommodate pupils generated by the proposed development. Cost of reconfiguring the school would have to be met by the applicant. The proposed development would also have an impact of the provision of nursery services. The impact of the development could be mitigated by a financial contribution towards the provision of nursery services. Comment:- The mitigation of the impact of the proposed development could be secured by developer contribution secured by means of a Section 75 agreement. This is detailed in section 4 of this report. The applicant has agreed to make the necessary contributions.
- 3.26. Environmental Health:- At the request of Environmental Health, the applicant has submitted Air Quality Impact and Noise Impact assessments. The air quality impact assessment concludes that no mitigation measures are required. Prohibiting burning on site and minimising dust should be secured. The noise impact assessment concludes that windows facing the A91 road should be of appropriate noise reduction standard. Restricting construction activity hours and minimising light pollution is also advised. Comment:- Issues raised could be addressed by conditions attached to any planning permission.
- 3.27. Land Services:- Land Services advise that landscaping proposals and proposed play provision would be satisfactory. Comment:- The advice of Land Services is noted.
- 3.28. Sustainability:- As advised by the Sustainability Team, the applicant submitted appropriate habitat assessments prepared by Acorna Ecology Ltd. The habitat assessments conclude that there is no evidence of roosting bats and that there would be no significant impact on the interests of otters or badgers. Comment:- Any planning permission could include conditions regulating scheduling of development works and requiring appropriate nesting/roosting boxes for bats and birds. An advisory note could guide the applicant to advice on best practice.
- 3.29. The Coal Authority:- The proposed development would not lie within land at high risk from the impact of historic mining workings. The Coal Authority has advised that any planning permission should include an informative note advising that should any mining features be encountered during development the matter is reported to the Coal Authority. Comment:- Any planning permission could include such an informative note.



- 3.30. Alva Community Council:- The Community Council have raised concerns in terms of flooding, drainage, impact on the provision of education services, access arrangements, access to transport links, traffic calming, road safety, impact on wildlife, loss of Green Belt, rejection of previous planning application, ongoing issues with applicant with respect to other sites, lack of facilities and employment and time frame for development. *Comment:- In terms of flooding, Sections 3.17-3.20 of this report with regard to objection from SEPA is noted. Proposed waste drainage and Sustainable Urban Drainage (SUDS) arrangements is considered to be satisfactory. There would be good access to transport links. Access arrangements and traffic calming measures proposed is considered to be satisfactory. It is noted that Roads and Transport has not objected in terms of access, access to public transport, traffic calming and road safety. With regard to impact on wildlife, section 3.28 of this report is noted. No significant impact is envisaged. In terms of Green Belt, section 4 of this report is noted. There would be detrimental impact on the integrity and function of the Green Belt. It is noted that the planning application 21/00144/FULL was withdrawn on flooding grounds. The application did not progress to recommendation or decision. Any potential issues the community council, or any other party, have with the applicant which may or may not be ongoing is not a material planning consideration to the determination of this application. There is no evidence to support the view that the proposed development would not successfully integrate with the Alva community and wider area. The time frame for commencement of development is set out in legislation. In terms of the impact on education provision, section 3.25 of this report regarding the advice of education services is noted.*
- 3.31. Archaeology:- There are no known archaeological sites in the area of the proposed development. There may potentially be however previously unknown medieval and prehistoric settlement remains in the area. It is recommended that any planning permission includes a condition to ensure a programme of archaeological investigation is carried out prior to commencement of development by way of mitigation. *Comment:- Any planning permission could include such a condition.*
- 3.32. National Health Service Forth Valley:- Forth Valley NHS have not advised of any shortfall in health care services in the area. *Comment:- No mitigating measures or developer contribution is required.*
- 3.33. Housing:- It is confirmed that the proposed mix of on-site affordable housing units comprising 2, 3 and 5 bedroom units in semi-detached and terraced blocks is satisfactory. It is also confirmed that the proposal that these units would be taken over by the Council is acceptable. *Comments:- Delivery of on-site affordable housing units can be addressed by means of a Section 75 agreement.*
- 3.34. Representations
- 3.35. A total of 59 No. neighbouring properties were notified of the planning application, and an advertisement was also placed in the Alloa Advertiser on 6 July 2022. In response representations have been received from 61 parties. There have been 53 objections, 6 general comments and 2 letters of support. Representations have been received from:-

### 3.36. Objectors

Ms Juliet Molteno, 84 Beauclerc Street, Alva, FK12 5LE  
Ms Lorraine Burton, 12 Craighorn Road, Alva, FK12 5DN  
Mr Douglas Burton, 55 St Serfs Walk, Alva, FK12 5DP  
Scott And Susan Marshall, 1 Cleuch Drive, Alva, FK12 5NY  
Annika Balonier, 18 Craighorn Road, Alva, FK12 5DN  
Mr Rabea Hajjar, 10 Craighorn Road, Alva, FK12 5DN  
Mr Gordon Bruce, 8 Dumyat Road, Alva, FK12 5NN  
Mrs Pamela Glass, 2 Dumyat Road, Alva, FK12 5NN  
Mrs Linda Greig, 10 George Street, Alva, FK12 5AS  
Mr Alex Pollock, 75 Cleuch Drive, Alva, FK12 5NY  
Mr Alexander Forson, 5 Cleuch Drive, Alva, FK12 5NY  
Mrs Christina Wilson, 47 Cleuch Drive, Alva, FK12 5NY  
Ms Jean Milton, 37 Cleuch Drive, Alva, FK12 5NY  
Val Dolton, 21 Cleuch Drive, Alva, FK12 5NY  
Megan Kennedy, 67 Cleuch Drive, Alva, FK12 5NY  
Ms M Parry, 69 Cleuch Drive, Alva, FK12 5NY  
Mrs Deborah Prentice, 63 Long Row, Menstrie, FK11 7BA  
Mrs Louise McIntosh, 4 Stanley Terrace, Alva, FK12 5AU  
Mr Bryan Clapperton, 45 Cleuch Drive, Alva, FK12 5NY  
Mrs Tracy Leary, 81 Caroline Crescent, Alva, FK12 5BU  
Gary Walker, 20 Cleuch Drive, Alva, FK12 5NY  
Mr Graham Burt, 45 Beauclerc Street, Alva, FK12 5LD  
Michael Philip, 35 Beauclerc Street, Alva, FK12 5LD  
Mr Michael Maclean, 2 Blindwells, Alva, FK12 5BA  
Mr Paul Cassidy, Cairnbrook, Back Road, Alva, FK12 5LH  
Mr James Gilmour, 4 Cleuch Drive, Alva, FK12 5NY  
Miss Lindsay Mitchell, 2 Inch View, Alloa, FK10 2FF  
Mr Ian Stewart, 14 Keir Hardie Road, Alva, FK12 5NA

Mrs Lynsey Scott, 13 Strude Howe, Alva, FK12 5JU  
Mr Les Sharp, Elmbank, 56 Main Street West, Menstrie, FK11 7BS  
Nancy Smith, 10 Grodwell Drive, Alva, FK12 5NW  
Chrisandra Courtney, 35 Brookfield Place, Alva, FK12 5AB  
Mr Iain Anderson, 24 Main Street West, Menstrie, FK11 7BS  
Mrs Hazel Cook, 25 Stirling Road, Alva, FK12 5DA  
Dr Kareen Gallacher, Greenacres, Back Road, Alva, FK12 5LH  
Tanya Strickler, 88 Henry Street, Alva, FK12 5LQ  
Angela Laird, 17 Glenwinel Road, Alva, FK12 5NX  
Adri-anne Strickler, 88 Henry Street, Alva, FK12 5LQ  
Beryl Donnelly, 46 Queen Street, Alva, FK12 5EP  
Christina Murray, 30 Cleuch Drive, Alva, FK12 5NY  
Miss Emily Adams, 51 The Nebit, Alva, FK12 5DH  
Mrs Jean Mckerracher, 4 Maxton Crescent, Alva, FK12 5NE  
Miss Lynne Russell, 7 Viewfield Drive, Alva, FK12 5DT  
Mrs Marilyn Macgillivray, 47 Beauclerc Street, Alva, FK12 5LD  
Mr John Spruce, 58 Dickies Wells, Alva, FK12 5JB  
Mrs Victoria Taylor, 25 Glenwinel Road, Alva, FK12 5NX  
Eric Barrett, Cera Care, Lime Tree House, North Castle Street, Alloa, FK10  
1EX  
Amy McCrorie, 3 Glenwinel Road, Alva, FK12 5NX  
Mr Jim Maxwell, 19 Clifford Park, Menstrie, FK11 7AQ  
Mr Steven Haldane, 4 Blairdenon Road, Alva, FK12 5NL  
Mrs A Lancaster, 24 Wharry Road, Alva, FK12 5NT  
Colin Smith, 100 Beauclerc Street, Alva, FK12 5LE  
Mrs Deborah Cassidy, Cairnbrook, Back Road, Alva, FK12 5LH

### 3.37. General Comments

Mr John Cunningham, 49 Cleuch Drive, Alva, FK12 5NY  
Liz Albert, Scottish Wildlife Trust, Stirling And Clackmannanshire Local Group

Alva PS Parent Council

Iain Craig, Alva Community Council

Graham Gilmour, Alva Community Resilience Team

Mr P McLaren (Silverglen RA), 18 Hodgson Crescent, Alva, FK12 5FA

3.38. Supporters

Miss Ashley Blyth, Woodhill Fishery, Alva, FK12 5HU

Tracey Polley, Crown Inn, 77 Stirling Street, Alva, FK12 5ED

3.39. Parties making representation included the Scottish Wildlife Trust Stirling and Clackmannanshire Local Volunteers Team, Alva Community Resistance Team, Chair of Alva Primary School Parents Group and Silverglen Residents Association who expressed a wish to speak at Committee.

3.40. These representations raised similar issues to that raised by the Alva Community Council detailed in section 3.30 of this report. In addition, the following issues are raised:-

3.41. Settlement creep. *Comment:- Section 4 of this report assesses issues relating to the function of the Green Belt including settlement creep.*

3.42. Detrimental to the character of the Ochil Hills foothill settlements, unacceptable expansion of Alva, loss of green space, unacceptable landscape impact, brownfield sites should be developed, loss of village identity and close proximity to the waste recycling plant to the north west of the site. *Comment:- It is noted that the site which would be developed with housing is identified in the LDP as housing opportunity. When the LDP was adopted in 2015, the principle of developing the site had been fully assessed in terms of housing land requirement in the area, landscape impact and character and settlement creep. The proposal is in keeping with the strategy of the LDP. It is considered that the layout design and level of landscaping proposed would respect the character of Alva and the surrounding area. No significant impact from the existing waste recycling plant on the proposed housing is envisaged. The site is separated from the plant by a tree belt.*

3.43. There is not sufficient water pressure in the area to support the proposed development. *Comment:- It is noted that Scottish water has raised no objection to the proposal and has advised that there is capacity in the water network to accommodate the proposed development.*

3.44. There is not sufficient leisure facilities and play space to support the proposed development. *Comment:- There is no evidence to support the view that there would be significant pressure on leisure facilities in the area as a result of the proposal. The proposal includes a satisfactory level of play and green space on-site.*

3.45. The proposal would be detrimental to the privacy of, daylight to and parking at the existing residential development to the east of the application site. *Comment:- There is sufficient separation between the proposed development and existing housing to ensure there would be no significant impact on privacy*

*and daylight. The proposal includes parking which meets the Council's standards.*

- 3.46. The impact of construction traffic would be detrimental to the residential amenity and safety of existing residents. Comment:- *There is no evidence to support the view that there would be significant harm to residential amenity and safety over and above what would normally be expected in this case. It is noted that Transportation do not object on these grounds and that construction times, as advised by Environmental Health, can be controlled by condition.*
- 3.47. Lack of public transport. Comment:- *The application site is well placed to provide access to public transport. Additional development may potentially encourage and safeguard public transport services.*
- 3.48. The proposed development does not accord with the Local Development Plan. Comment:- *A full assessment of the LDP is detailed in section 4 of this report.*
- 3.49. There would be a detrimental impact on the function of the public footway at Back Road to the north of the application site. Comment:- *The proposal would provide access to Back Road. Back Road would be adjacent to green space forming part of the proposal. The existing stone wall separating Back Road from the site would be retained. The amenity of Back Road would be safeguarded. There would be no significant detrimental impact.*
- 3.50. Traffic control would be required. Comment:- *Transportation have advised that the proposed new roundabout at the A91 and associated traffic controlling infrastructure is satisfactory.*
- 3.51. The Transport Assessment (TA) submitted in support of the proposed development does not fully address the issues of junction layout, population increase levels, traffic crossing and speed limits. Comment:- *Transportation have advised that the TA is satisfactorily.*
- 3.52. There is no planning statement accompanying the application. Comment :- *The supporting documents accompanying the application are detailed in section 3.14 of this report. This includes planning statements.*
- 3.53. The proposed eastern boundary treatment shown as part of the proposal is not acceptable. Comment:- *The proposal shows green space at the eastern boundary of the site. This would serve to provide separation form the existing housing to the east whilst safeguarding amenity of the existing housing. The proposal is considered to be acceptable.*
- 3.54. Affordable housing provision should be on-site. Comment:- *On-site affordable hosing provision is proposed by the proposed development.*
- 3.55. There is not sufficient parking provision in Alva to accommodate the additional vehicles which would be generated by the proposed development. Comment:- *There is no evidence to support this view. This has not been raised by Transportation as an issue.*
- 3.56. The mix of housing proposed is not satisfactory. Comment:- *The proposed mix of mainstream housing has been proposed as reflecting housing demand*

*in the area. There is no evidence to support the view that this is the case. A mix of house types and bedroom provision is proposed. Housing Services have advised that the mix of affordable housing proposed is satisfactory.*

- 3.57. No benefit to local shops and businesses. Comment:- *There is no evidence to support this view. It is difficult to support the view that increasing resident numbers would decrease trade locally.*
- 3.58. There is no demand for new housing. Comment:-*National Planning Framework 4, and it's National Planning Policy predecessor, requires planning authorities to identify local housing land requirement for their area to meet it's duty for a housing target. Deliverable land should be allocated to meet a 10 year housing requirement. The application site has been identified as a housing opportunity in the LDP having undergone the appropriate due and diligent process in consideration of housing need and demand.*
- 3.59. Low carbon energy generating technologies should be included. Comment:- *It is proposed to install photovoltaic solar panel and air source heat pump low carbon development energy generating technologies.*
- 3.60. The proposed development would result in an increase of crime and vandalism in the area. Comment:- *There is no evidence to support this view.*
- 3.61. The site is unsuitable due to the presence of Japanese Knotweed. Comment:- *No Japanese Knotweed has been recorded at the site. In any case, the applicant can be advised to take appropriate measures to investigate and if necessary mitigate any presence of Japanese Knotweed during development.*
- 3.62. Open space and play areas will not be satisfactorily maintained. Comment:- *It is noted that the applicant proposes that the responsibility of maintenance of open space and play areas will be passed to a factor. Comment:- This is a standard arrangement in respect of developments of this type. Maintenance for these areas would not be accepted by the Council There is no evidence to support the view that a factoring arrangement would not be successful in this case.*
- 3.63. Garden areas are too small and would not be conducive to good mental health. Comment:- *The garden areas proposed as part of the proposed development meets Council standards in terms of residential amenity and potential for future modest extension.*
- 3.64. The application site is important for agriculture. Comment:- *The application site does not constitute prime agricultural land. There is no evidence to support the view that the land is essential to agriculture.*
- 3.65. The proposal is not sustainable. Comment:- *The proposal generally accords with sustainability related policies of the National Planning Framework 4 and the LDP in terms of transport issues, residential related green space, carbon reduction and biodiversity. It is noted however that the proposal does not accord with LDP policies related to flooding and development in the countryside.*
- 3.66. The proposal does not accord with protection of the countryside guidance as set out by Article 8 of the Human Rights Act. Comment:- *Article 8 of the*

*Human Rights Act refers to the principle of development. In this case the principle of development is established in respect of the majority of the site under the terms of the LDP. The majority of the site is identified as an opportunity for housing development following due and diligent Development Plan process. However, part of the site lies in the countryside as identified in the LDP. The proposal does not accord with development in the countryside related policies of the Development Plan.*

- 3.67. Development contributions are not utilised for the purposes for which the contributions are intended. Comment:- *There is no evidence to support this view.*
- 3.68. The proposed development is profit driven. The developer has a history of not fulfilling obligations. Protest groups will be organised. Comment:- *These are not material planning considerations in the consideration of the proposed development.*
- 3.69. General comments expressed that maintenance of any open space would be essential, bird and bat boxes would be required and that the provision of education services should be a critical issue.
- 3.70. There were two expressions of support for the proposed development which comment that there is shortage of housing in Alva and that the proposed development would help support the local economy and community facilities.

## **4.0 Planning Assessment**

### **4.1 National Planning Framework 4.**

- 4.1.1 The National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is now part of the statutory Development Plan. As a consequence, Scottish Planning Policy 2014 is superseded. Decisions on planning applications have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPF4 and the adopted Clackmannanshire Local Development Plan 2015 and associated Supplementary Guidance currently comprise the Development Plan. A review of the Local Development Plan (LDP) is underway and will be informed by the policies in the NPF4. Planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail.

### **4.2 Local Development Plan Position**

- 4.2.1 The application site includes land identified in the Clackmannanshire Local Development Plan (LDP), adopted 2015, as a proposal for residential development, housing proposal site H42 Alva West (circa 430 units). Developing the H42 housing proposal site would accord with Policy SC1 of the LDP.
- 4.2.2 The application site also includes land to the south of housing proposal site H42 which lies in the countryside as identified in the LDP.

### 4.2.3 Flooding

4.2.3.1 The proposed development would involve the construction of built development within the functional flood plain of the Balquharn Burn located to the west of the application site. It is not been satisfactorily demonstrated, and therefore not accepted, that the position as proposed by the applicant that the level and construction of the access tracks at the west side of the application site would safeguard the functional flood plain and therefore the proposed development from the risk of flooding as proposed by the applicant. Furthermore, it has not been satisfactorily demonstrated that the risk of flooding to existing housing adjacent to the application site would not be created or exacerbated.

4.2.3.2 The applicant proposes to daylight the existing underground water course which crosses the northern part of the application site and this channel contains surface water runoff from the Ochil Hills. The northern part of the application site is known to the Planning and Transportation services to flood causing flooding issues to existing housing adjacent to the east. The applicant proposes that the daylighted channel would carry surface water runoff without any overflow to cause flooding issues. The flood risk assessments thus far submitted do not identify the line, condition, or capacity of the existing underground channel and without this information it is not possible to ascertain if the proposed daylighted channel will be of sufficient capacity to safeguard the proposed development and existing houses to the east from flood risk.

4.2.3.3 Transportation has advised that the application site has ground water issues. Developing the site could potentially disperse ground water horizontally causing flooding issues to the existing houses to the east. No supporting information satisfactorily calculates the extent of existing ground water and the likely impact of the proposed development on the movement of ground water. It has not therefore been satisfactorily demonstrated that the proposed development would safeguard existing houses at risk of flooding. *Conclusion:-The proposal does not accord with policies A9 and EA12 of the LDP and policy No. 22 of NPF4. Objections from SEPA and Roads in this regard are noted.*

### 4.2.4 Development in the Countryside

4.2.4.1 The proposed development includes sustainable urban drainage infrastructure (SUDS) located in countryside land south of the H42 housing site as identified in the LDP. The urban drainage infrastructure would be integral to the design and function of the proposed residential development. The inclusion of the SUDS at this part of the application site constitutes development in the countryside. The proposal does not accord with any criteria of LDP policy SC23 or NPF4 policies Nos 4 and 17 which detail circumstances whereby development in the countryside be supported and impact on natural places can be assessed. *Conclusion:- It has not been satisfactorily demonstrated that the proposal to locate the SUDS infrastructure required for the function of the proposed residential development in the countryside would benefit the countryside setting in terms of landscape quality, biodiversity habitat protection and creation,*



*access opportunities and health and well being. No circumstances have demonstrated to indicate that the SUDS infrastructure cannot be located within the Housing proposal H42 site or justify it's proposed location in the countryside. There are therefore no exceptional circumstances to justify setting aside policies SC24 and NPF4 policies Nos 4 and 17.*

#### 4.2.5 Green Belt and Green Network

4.2.5.1 The southern part of the application site is identified as Green Belt and part of the Council's Green Network as identified in the LDP. The Green Belt and Green Network land included in the application site is open in character which reflects the character of the wider foothills area and contributes to the rural setting of the town edge. The proposed development would not safeguard the amenity, landscape quality and function of the Green Belt. The proposal would not contribute to the safeguarding or enhancement of the quality of the Clackmannanshire Green Network. Conclusion:- *Whist the proposed development is unlikely to contribute significantly to settlement creep, there are no exceptional circumstances to justify setting aside Green Belt and Green Network policies in this case. The proposal does not accord with policies EA1 and EA8 of the LDP and policies nos. 4 and 8 of NPF4.*

#### 4.2.6 Layout and Design

4.2.6.1 The development layout has been informed by layout and design principles set out in National Designing Streets Policy, policy SC5 of the LDP, policy 14 of NPF4 and related Placemaking Supplementary guidance. The proposal would deliver a pattern of safe, pleasant, connected, distinctive and sustainable streets. There would be enhanced walking and cycling opportunities connecting to the wider walking and cycling network. Conclusion:- *The proposed development is in accordance with policies and guidance on layout and design.*

#### 4.2.7 Affordable Housing

4.2.7.1 The proposal would provide 61 no. semi-detached and terraced 2, 3 and 5 bedroom affordable houses constructed on-site. The applicant proposes that these houses be adopted by Clackmannanshire Council. Conclusion:- *Housing Services advise that this mix of affordable housing units is appropriate to the need for such housing in the Alva area and that the Council could take the units over when constructed. Delivery of the affordable housing units could be addressed by Section 75 agreement. The proposal accords with policies SC2, SC9 and SC10 of the LDP, policy 16 of NPF4 and relevant supplementary planning guidance.*

#### 4.2.8 Transport

4.2.8.1 The proposal includes a new roundabout to be constructed at the A91 road providing access to the proposed residential development. Traffic calming and pedestrian crossing infrastructure is also proposed. The proposed development is supported and informed by a Transport Assessment (TA).

The TA is satisfactory and transport infrastructure to be developed and provided would satisfactorily address the traffic impact of the proposal. There would be good walking and cycling connections to the wider walking and cycling network enhancing the connectivity of the area. No developer contribution is required in addition to the transport infrastructure proposed. Delivery and phasing of the new roundabout, pedestrian crossing infrastructure and traffic calming measures can be addressed by Section 75 Agreement. *Conclusion:- The proposal accords with transport related and developer contributions policies of the LDP and NPF4 and related guidance.*

#### 4.2.9 Open Space, Play and Recreation

4.2.9.1 The proposal would provide a satisfactory level of safe recreation and green space. There would be a good quality of residential amenity and landscape quality enhancing the landscape quality of the area. Play provision proposed would satisfactorily provide for all ages. No additional developer contribution would be required. *Conclusion:- The proposal accords with policies SC5, SC9 and EA4 of the LDP and policies 14 and 21 of NPF4.*

#### 4.2.10 Biodiversity and Habitat

4.2.10.1 With regard to the housing opportunity site H42 land, the proposal would satisfactorily mitigate any impact on the landscape by the provision of good quality on-site open space and landscaping. It is noted that Land Services advise that would satisfactorily mitigate for any loss of greenspace as a result of developing the H42 site. No significant impact on greenspace biodiversity is envisaged as a result of the proposed siting of residential development SUDS infrastructure at the southern part of the application site.

4.2.10.2 The proposed development is supported by habitat assessments. No significant impact is envisaged in terms of bats, badgers and otters. Appropriate scheduling of development and provision of bat boxes and bird nesting boxes could be addressed by condition(s). *Conclusion:-The proposal therefore accords with policies EA2 and EA3 of the LDP and policies 1, 2, 3 and 4 of NPF4.*

#### 4.2.11 Twenty Minute Neighbourhoods

4.2.11.1 The proposed residential development would provide mainstream and affordable housing within 1.2 km of Alva town centre. There would be good quality walking and cycling connectivity to local shops, amenities and schools. *Conclusion:- The proposal therefore accords with policy 15 of NPF4.*

#### 4.2.12 Community Benefit

4.2.12.1 As a result of the proposed development the community would benefit from enhanced landscaping, access to green space and connectivity to the walking and and cycling infrastructure network. New transport network infrastructure would serve to reduce the speed of vehicles entering Alva from the west. *Conclusion:- The proposal would therefore accord with policy 16 of NPF4 in this regard.*

#### 4.2.13 Women's Safety

4.2.13.1 The proposed development includes good quality connectivity through and beyond the proposed development site. There would be a good quality of overlooking of public paths which would be lit. Lighting of footpath connections to the wider area through areas of landscaping and open space could be addressed by condition. There would be better overlooking of existing paths at the west boundary of the application site and connecting to existing housing. *Conclusion:- The proposal therefore accords with policies 14 and 23 of NPF4 in this regard.*

#### 4.2.14 Energy Efficiency and Low Carbon Development

4.2.14.1 The proposed development would include to photovoltaic solar panel and air source heat pump low carbon development energy generating technologies. *Conclusion:- The proposal therefore accords with policy SC7 of the LDP, policies 1 and 11 of NPF4 and relevant supplementary guidance.*

#### 4.2.15 Waste Reduction

4.2.15.1 The proposed development is supported by a waste reduction statement. It has been satisfactorily demonstrated that an appropriate strategy would be in place with regard to use and movement of soil, building materials and waste separation and recycling. *Conclusion:- The proposal therefore accords with policy EA18 of the LDP and policy 12 of NPF4.*

#### 4.2.16 Archaeology

4.2.16.1 A site investigation as advised by the Regional Archaeologist can be secured by condition. *Conclusion:- The proposal therefore accords with policy EA20 of the LDP and policy 7 of NPF4.*

#### 4.2.17 Community Growing

4.2.17.1 There is no scope to include dedicated community growing areas in the development layout. However, the applicant has agreed to set aside an area of landscaping which would be planted by school pupils in the community. *Conclusion:- The agreement of the applicant to arrange this satisfactorily provides community growing interest in the development as far as is possible. The proposal accords with policy EA14 of the LDP and policies 1 and 3 of NPF4.*

#### 4.2.18 Developer Contributions and Section 75 Agreement

4.2.18.1 Education – The comments of education services detailed in section 3.22 of this report is noted. The applicant has agreed to make a developer contribution of £237,540 (£974 per house) towards reconfiguration of Alva Primary School which would sufficiently increase capacity to accommodate pupils generated by the proposed development. The contribution would be required as an up front payment. A developer contribution would also be required towards increasing nursery provision to accommodate nursery

pupils generated by the proposal. The applicant has agreed to make the required contribution of £191,970. This is based on the construction of an extension to the nursery or the siting of a modular nursery classroom. Costing of such accommodation is based on a new nursery classroom and toilets of an area of 56 sq.m. in total, costing £3,555 per sq.m. Delivery of the developer contributions can be secured and phased if appropriate by means of a Section 75 Agreement.

4.2.18.2 The applicant has agreed to make a developer contribution of £250 per house towards the provision of public art. The details and delivery of the public art to be funded can be secured by Section 75 Agreement.

4.2.18.3 The delivery of the 61 on-site affordable housing units can be secured by Section 75 Agreement.

4.2.18.4 Delivery and phasing of the new roundabout, pedestrian crossing infrastructure and traffic calming measures can be secured by Section 75 Agreement.

*Conclusion:- No other developer contributions or Section 75 obligations apply. On the basis that an appropriate Section 75 Agreement is concluded, the proposal accords with policies SC9 and SC10 of the LDP and relevant supplementary guidance.*

## **5.0 Summary**

5.1 In summary, the proposed residential development on land forming housing proposal H42 would contribute towards the Council meeting its housing supply strategy and targets as appropriately led through the LDP. Furthermore, the layout of the proposed residential development accords with relevant policy, guidance and advice in terms of community location, street design, open space and play area provision, connectivity, biodiversity and impact on the landscape.

5.2 However, the proposal includes built development within the functional flood plain of the Balquharn Burn located to the west of the application site and includes daylighting of an existing underground water channel which crosses part of the application site which is known to flood. The application site is also known to have groundwater issues. It has not been satisfactorily demonstrated that the proposed development, and existing residential developments would be safeguarded from the risk of flooding from the Balquharn Burn, surface water runoff and groundwater sources. The proposal does not accord with flooding related policies of the LDP and NPF4.

5.3 The scale of the proposal would require additional land to that identified in housing proposal H42 detailed above. The proposal would require countryside land to locate sustainable urban drainage infrastructure which would be integral to the design and function of the residential development and would constitute development in the countryside. The proposal for development in the countryside in this case does not accord with any criteria of LDP policy SC23 or NPF4 policies Nos 4 and 17 which detail circumstances whereby

housing in the countryside be supported and impact on natural places can be assessed.

- 5.4. The countryside land included in the application site is also classified as Green Belt and forms part of the Clackmannanshire Green Network. The proposal does not accord with the terms of LDP and NPF4 Green Belt policies. The proposed development would not safeguard the amenity, landscape quality and function of the Green Belt. Furthermore, the proposal would not contribute to the safeguarding or enhancement of the quality of the Clackmannanshire Green Network.
- 5.5 There are no exceptional circumstances to justify setting aside the Development Plan in this case.

## **6.0 Material Planning Considerations**

Supplementary guidance:-

SG1 Developer Contributions  
SG3 Placemaking  
SG4 Water  
SG5 Affordable Housing  
SG6 Green Infrastructure  
SG7 Energy Efficiency and Low Carbon Development

The consideration and assessment of the proposed development has also taken into consideration:-

Clackmannanshire Council Open Space Strategy  
National Designing Streets Policy  
Circulars 3/2012 (revised 202) Planning Obligations  
3/2009 Notifications of Planning Applications  
10/96 Development Contrary to Development Plans  
Planning Advice Notes (PANS)  
60 Natural Heritage  
61 Sustainable Urban Drainage Systems  
65 Planning and Open Space  
67 Housing Quality  
72 Housing in the Countryside  
77 Designing Safer Places  
79 Water and Drainage  
2/2010 Affordable Housing and Land Audits

## **7.0 Sustainability Implications**

- 7.1 The impact of the proposal would be that:-
- a. The development proposed and existing residential development would at risk from flooding
  - b. There would be unjustified development in the countryside

- c. The proposal would not safeguard the quality, character and function of the Green Belt and the Clackmannanshire Green Network.

## 8.0 Resource Implications

### 8.1 Financial Details

- 8.2 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

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

## 9.0 Exempt Reports

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

## 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

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

See above

## 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

## 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

### 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)

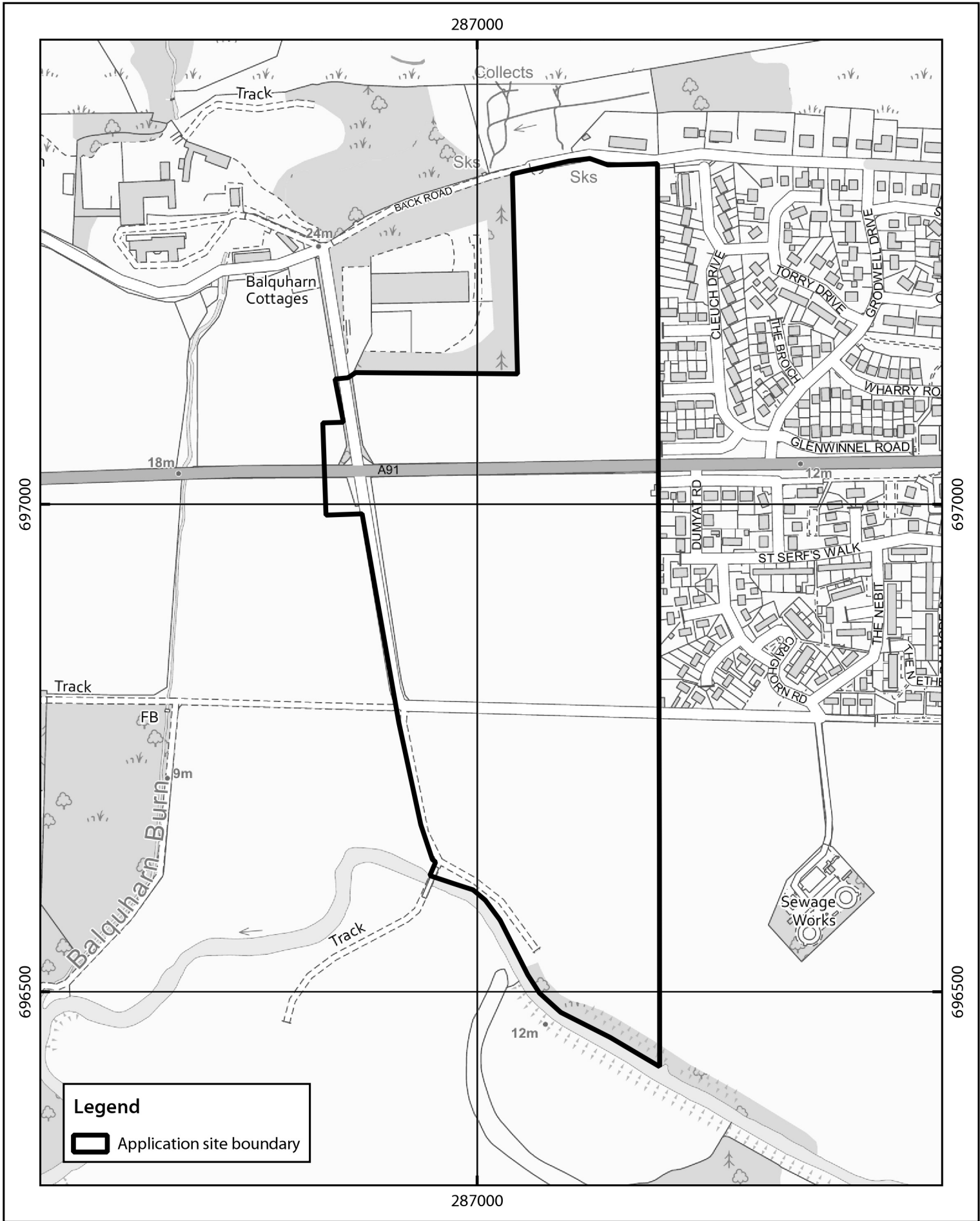
Yes  (please list the documents below) No

#### Author(s)

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David Paterson	Principal Planner	2616

#### Approved by

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Planning & Building standards Team leader	
Emma Fyvie	Senior Manager (Development)	



**Legend**  
 Application site boundary

**22/00187/FULL – Land North And South Of A91 To The West Of Alva, Alva**  
 Residential Development Of 244 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage, Open Space And Associated Works

**Clackmannanshire Council**  
[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd Chlach Mhanann

Ward: Clackmannanshire North  
 0 50 100 150 200 250 metres

OS Grid Ref: NS870969

Scale: 1:5,000

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Date:  
 14 Apr 2023

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