



CLACKMANNANSHIRE COUNCIL

Greenfield, Alloa, Scotland, FK10 2AD (Tel.01259-450000)

REGULATORY COMMITTEE

Thursday 11th December 2008

Committee start time: 9.30 am

Venue: Council Chamber, Greenfield, Alloa, FK10 2AD

All meetings of the Council, its Committees and Sub-Committees are open to the press and public except where the press and public are excluded because of the nature of the business. However, unless there has been prior agreement, neither can make comment on any issue during the meeting or attempt to take part in the discussion.

For further information contact Chief Executive's Service, Clackmannanshire Council, Greenfield, Alloa FK10 2AD
Phone: 01259 452106 Fax: 01259 452230 E-mail: chiefexecutiveservice@clacks.gov.uk
Website: www.clacksweb.org.uk

Date	Time
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REGULATORY COMMITTEE

The Regulatory Committee is responsible for taking decisions on planning applications and enforcement, dealing with regulatory issues arising in the fields of Building Control, Trading Standards, Environmental Health and non liquor licensing, all in line with Council policy.

3 December 2008

A MEETING of the REGULATORY COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, on THURSDAY 11th DECEMBER 2008 at 9.30 am.

**PETER J BROADFOOT
Head of Administration and Legal Services**

From February 2005, the Council has introduced a scheme governing oral submissions on planning applications. In line with standing orders, the Convener may re-arrange the order of this agenda to allow oral submissions to be heard as the first items of business. The final decision on who will make oral submissions will rest with the Convener of the Committee.

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|----|---|----|
| 1. | Apologies and substitutions | -- |
| 2. | Declaration of Interests
Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer. | -- |
| 3. | Confirm minute of meeting held on 13th November 2008
(Copy herewith) | 01 |
| 4. | Planning Application: Alterations, extension and change of use of former caravan site manager's house to licensed restaurant and shop at The Woods Caravan Park, Fishcross (Ref: 08/00320/FULL) - report by Keith Johnstone, Principal Planner (Copy herewith) | 05 |
| 5. | Planning Application: Erection of 17.2m high telecommunications mast and two antennae, two dishes and associated cabinets and 1.8m high fencing at Alloa Rugby Club, Forth Crescent, Alloa (Ref: 08/00329/FULL) - report by Keith Johnstone, Principal Planner (Copy herewith) | 19 |

COMMITTEE MEMBERSHIP – REGULATORY COMMITTEE

Councillors

Wards

Councillor Alastair Campbell (Convener)	5	Clackmannanshire East	CON
Councillor Tina Murphy (Vice Convener)	1	Clackmannanshire West	SNP
Councillor Kenneth Earle	4	Clackmannanshire South	LAB
Councillor Mark English	4	Clackmannanshire South	SNP
Councillor George Matchett	1	Clackmannanshire West	LAB
Councillor Walter McAdam	2	Clackmannanshire North	SNP
Councillor Bobby McGill	2	Clackmannanshire North	LAB
Councillor Harry McLaren	5	Clackmannanshire East	LAB
Provost Derek Stewart	3	Clackmannanshire Central	LAB
Councillor Gary Womersley	3	Clackmannanshire Central	SNP

**MINUTE OF MEETING of the
REGULATORY COMMITTEE held within
the Council Chamber, Greenfield, Alloa,
on THURSDAY 13TH NOVEMBER 2008**

PRESENT

Councillor Alastair Campbell (Convener)
Councillor Tina Murphy (Vice Convener)
Councillor Kenneth Earle
Councillor Mark English
Councillor Bobby McGill
Councillor George Matchett
Councillor Walter McAdam (from Item 4)
Councillor Harry McLaren
Provost Derek Stewart
Councillor Gary Womersley

IN ATTENDANCE

Stephen Bell, Head of Development
Services
Ian Duguid, Development Quality Team
Leader
Stuart Cullen, Roads Development Officer
Amanda Inglis, Solicitor, Administration
and Legal Services

REG(08)85 APOLOGIES AND SUBSTITUTIONS

There were no apologies for absence.

REG(08)86 DECLARATIONS OF INTEREST

Provost Stewart declared an interest in agenda item 5.

REG(08)87 MINUTE OF MEETING HELD ON 16TH OCTOBER 2008

There was submitted a minute of the meeting held on 16th October 2008, a copy of which had been circulated previously to each Member.

The minute of the meeting held on 16th October 2008 was agreed as a correct record and signed by the Convener.

REG(08)88 DEVELOPMENT OF LAND FOR RESIDENTIAL, BUSINESS, RECREATIONAL, RETAIL AND RESTAURANT PURPOSES - RESERVED MATTERS FOR MASTERPLAN (CONDITION 1 OF OUTLINE PLANNING PERMISSION 05/00250/OUT) AT DEVELOPMENT SITE, THE SHORE, ALLOA - REF: 07/00232/RES

There was submitted a report by Grant Baxter, Principal Planner, a copy of which had been circulated previously to each Member.

** Councillor McAdam joined the meeting during questions to the officer.*

Councillor Campbell moved the recommendations set out in the report. Seconded by Councillor Matchett.

The Committee agreed unanimously to amend their decision of 1st May 2008, to approve the masterplan proposals submitted under the terms of Condition 1 of 05/00250/OUT, without requiring completion of a legal agreement between the Council and applicant in relation to a developer contribution towards public realm works, subject to the following additional condition:

1. Further to Condition 1 of the Outline Planning Permission Ref. 05/00250/OUT, the development shall be carried out in accordance with the phasing set out in the stamped approved Zoning Masterplan, unless otherwise agreed in writing by the Council. For the avoidance of doubt, Area A (Phase 5) shall incorporate the following -
 - Riverside walkway
 - Visitors parking
 - Recreational area - within the area highlighted in yellow on the stamped approved Zoning Masterplan

Reason

1. In order that the proposed Masterplan, including phasing is in accordance with Outline Planning Permission Ref: 05/00250/OUT

Action: Stephen Bell, Head of Development Services

REG(08)89 PLANNING APPLICATION

Change of use of public open space and alterations, side and rear extension to house at 27 Devonway, Clackmannan, FK10 4LD

There was submitted a report by Keith Johnstone, Principal Planner, a copy of which had been circulated previously to each Member.

Provost Stewart declared a non-financial interest in this item and withdrew from the Chamber while the application was under consideration.

The Committee heard representations from Mr White, Scott and White Building Design, Agent for the applicant, and Mrs Bramham, Objector.

Councillor Campbell moved the recommendations set out in the report subject to conditions 1 and 2. Seconded by Councillor Matchett.

On a division, the Committee agreed by 6 votes to 2 with 1 abstention to APPROVE the application subject to the terms and conditions set out in the report.

Action: Stephen Bell, Head of Development Services

** Provost Stewart returned to the meeting at this point in the proceedings.*

REG(08)90 PLANNING APPLICATION

Erection of guest house, two holiday cottages and associated access road, footpaths and landscaping at land to west of Cowden East Lodge, Dollar (Ref: 08/00236/FULL)

There was submitted a report by Grant Baxter, Principal Planner, a copy of which had been circulated previously to each Member.

The Committee heard representation from Mr Machin, Agent for the applicant.

Councillor Campbell moved the recommendation to refuse the application for the reasons set out in the report. Seconded by Councillor McLaren.

Amendment

"Amend the paper to allow for the development of the holiday cottages but to refuse the erection of the guest house until such times as the viability of the business is proven, subject to conditions contained within the report."

Moved by Councillor McGill. Seconded by Provost Stewart.

There were 5 votes for the amendment and 5 votes against. The amendment was defeated on the casting vote of the Convener.

There were 5 votes for the motion and 5 votes against. On the casting vote of the Convener, the Committee agreed to REFUSE the application for the reasons set out in the report.

Action: Stephen Bell, Head of Development Services

REG(08)91 PLANNING APPLICATION

Siting of chalet for gypsy/traveller household and ancillary accommodation including laundry/toilet/storage unit and parking area, land at Gartlove, Forestmill (Ref: 08/00249/FULL)

There was submitted a report by Grant Baxter, Principal Planner, a copy of which had been circulated previously to each Member.

The Committee heard representation from Mr Marr, Agent for the applicant, Mr Smith, Objector and Mrs Walsh, Objector.

Councillor Campbell moved the recommendation to refuse the application for the reasons set out in the report. Seconded by Councillor Matchett.

The Committee unanimously agreed to REFUSE the application for the reasons set out in the report.

Action: Stephen Bell, Head of Development Services

** Councillor Matchett withdrew from the meeting before the following item.*

REG(08)92 PLANNING ENFORCEMENT STRATEGY - ANNUAL PERFORMANCE REPORT FOR 2007-2008

There was submitted a report by Ian Duguid, Development Quality Team Leader, a copy of which had been circulated previously to each Member.

The Committee unanimously agreed to note the contents of this report.

CLACKMANNANSHIRE COUNCIL

Report to Regulatory Committee on 11th December 2008

Subject: Planning Application: Alterations, Extension and Change of Use of Former Caravan Site Manager's House to Licensed Restaurant and Shop at The Woods Caravan Park, Fishcross (Ref. 08/00320/FULL)

Applicant: Hillfoot Homes Ltd, Hillfoot Farm, Dollar

Prepared by: Keith Johnstone, Principal Planner

Ward: Clackmannanshire Central 3

1.0 SUMMARY

- 1.1. The proposal would involve the alteration and extension of the vacant former manager's house to create a restaurant and bar and the change of use of the house's garage to a shop to serve visitors to the caravan site at the Woods near Fishcross.
- 1.2. Following an assessment of the relevant Development Plan policies, guidance in SPP15, the advice from consultees and the objections from neighbours, it is concluded that;
- * the principle of providing this type of development at this location would be supported by the Development Plan and in particular the policies relating to tourism and development in the countryside. There would be a sufficiently strong locational justification given the development's potential to enhance an existing successful visitor facility and increase visitor spending and promote a wider spread of visitors in the area, thereby enhancing the role of tourism in Clackmannanshire;
 - * the development would be compatible with adjoining land uses and could operate without having an unacceptably detrimental impact on the residential amenity of the nearby houses or the character of the area, subject to the proposed conditions;
 - * the proposal could operate without resulting in any adverse impact on road safety and would provide a positive economic use on an underused part of the caravan site.

- 1.3 Given the strength of Development Plan support and the lack of any material considerations that would outweigh this support, the application is recommended for approval subject to the conditions set out in Section 2.0 below.

2.0 RECOMMENDATION

- 2.1. It is recommended that the application is APPROVED subject to the following conditions;

1. Before any works start on site, samples of all external materials to be used on the buildings and ground surfaces shall have been submitted to and approved in writing by the Council, planning authority. Thereafter the development shall be completed in accordance with the approved details.
2. Before any works start on site, protective fencing shall be erected around all trees and hedges to be retained as part of the development. This shall include the trees to the north of the existing dwelling house and adjacent to the public road as outlined in green on the approved site plan drawing unless otherwise agreed in writing by the Council. The fencing shall be erected in accordance with BS5837 (2005), inspected and approved by a representative of the Council and shall be retained in place for the duration of the construction work on site.
3. No trees, shrubs or hedges shall be lopped, topped, felled or removed within or adjacent to the site at any time without the prior written approval of the Council, or planning authority.
4. Before any works start on site, a detailed plan at 1:200 scale shall have been submitted to and approved in writing by the Council showing the arrangements to ;
 - a) define and delineate the existing bellmouth and junction onto the C110 to create a 7.3 metre wide bellmouth with 11 metre entrance radii.
 - b) define and maintain at all times in the future visibility splays of 2.5 metres x 160 metres to the south and 2.5 metres x 120 metres to the north of the access onto the C110 public road. Within these splays there shall be no obstruction to visibility over 1 metre in height above carriageway level.
 - c) deter parking by vehicles in the vicinity of the junction of the access to the caravan site and the access to the houses at Diverswell Farm.

Thereafter, the approved details shall be completed prior to the commencement of use of the dwelling house as a restaurant and the arrangements for maintaining the visibility splay implemented thereafter.

5. Before any works start on site, details of a car parking monitoring plan for the restaurant use shall have been submitted to and approved in writing by the Council, as planning authority. The monitoring plan shall include details of the following;

- a) the arrangements to monitor the level of off-street parking demand generated by the restaurant facility and to analyse the adequacy of the parking spaces annotated on the approved Site Plan to accommodate the demand.
- b) the arrangements to submit information to the Council to allow it to consider and approve the results of the information produced by (a) above and details of the measures that shall be implemented by the developer to address any overspill parking outwith the site if deemed necessary by the Council.

Thereafter, the developer shall comply with the approved details while the building is used as a restaurant.

6. The restaurant/bar use hereby approved shall not commence until the car parking and service spaces annotated on the approved Site Plan have been completed.

7. Before any works start on site, details of the following shall have been submitted to and approved in writing by the Council;

- a) The location and any means of enclosure of the refuse/bin storage areas to serve the development.
- b) any means of enclosure proposed within or around the perimeter of the site.
- c) the design and location of any external lighting within the site or attached to buildings. These shall be suitably shielded to minimise glare affecting drivers on the public road or the nearby residential properties.
- d) a detailed specification, produced by a suitably qualified person, for the ventilation system and any mechanical plant to be installed at the site. This shall include details of the location and appearance of any external plant/equipment, the anticipated noise output from the equipment and the fan location, type of filtration, flue termination point and efflux velocity of any ventilation system.
- e) a construction management plan for the site including details of the land to be used for temporary storage of construction materials, accommodation for operatives and parking for construction operatives and delivery vehicles and the arrangements to minimise the risk of environmental pollution.

Thereafter, the development shall be completed in accordance with the approved details prior to the commencement of use of the building as a restaurant unless otherwise agreed in writing by the Council.

8. Before any works on site, revised details for the design of the wallhead on the east elevation of the extension shall have been submitted to and approved in writing by the Council, as planning authority. The detail shall complement the parapet detail above the extension on the south facing elevation. Thereafter, the development shall be completed in accordance with the approved details.
9. The restaurant/bar building hereby approved shall be maintained and operated so that, at all times, no amplified sound (including music, speech and video/amusement games) is audible in nearby residential properties.
10. The occupation of the residential accommodation within the extended building shall be limited to someone employed full time in the running of the restaurant/bar business or the caravan site or a dependant of such a person living with him or her.
11. Construction work shall take place, machinery shall be operated and deliveries shall be received at the site only between 0800 - 1800 hours Monday to Friday, 0800 - 1300 hours on Saturday and at no time on Sunday or local bank holidays unless otherwise agreed in writing in advance by the Council.

Reasons

1. In the interests of visual amenity.
2. In the interests of visual amenity.
3. To retain effective control over the development in the interests of residential and visual amenity.
4. To consider these details yet to be submitted and in the interests of road safety.
5. It is considered necessary, to monitor and review the demand for parking generated by the approved use in the interests of road safety and the amenity of the area.
6. In the interests of road and pedestrian safety.
7. In the interests of visual and residential amenity and to minimise the risk of environmental pollution.
8. To consider these details yet to be submitted in the interests of visual amenity.
9. To safeguard the residential amenity of adjacent residents.

10. To ensure the residential accommodation is occupied by persons solely or mainly employed in the running of the business.
11. To safeguard residential amenity,

3.0 BACKGROUND TO THE PROPOSALS

- 3.1. Planning permission is sought to alter and extend the former caravan site manager's house to create a licensed restaurant with ancillary residential accommodation for a manager of the premises at the Woods Caravan Site, Fishcross (see location plan). The existing single garage at the site would be altered and converted for use as a shop to serve the Caravan Site facility.
- 3.2. The existing building would be extended to the east and south which would approximately double the footprint of the existing building. The extension would be flat roofed but would be designed with external finishes to complement the existing building. A decked area would be created at the rear of the building within the former garden ground which would be used as a beer garden.
- 3.3. The applicant has confirmed that the facility is intended to serve visitors to the caravan site and would extend and enhance the amenities available to visitors thereby increasing the potential customer base. The applicant has been upgrading and extending the site following approval of planning permission in 2004 and 2007 (Ref 04/00223/FULL and Ref 07/00338/FULL) and the facility has continued to flourish since they took over the site. The applicant has provided the following indicators of this growth;
 - Occupation rates at the site have increased by almost 600% since 2004.
 - The number of visitor nights this season has reached 36,000 which is an increase of around 6500 on the corresponding figure in 2007.
 - Recognition as the third highest rated site in Scotland by readers of Practical Caravan Magazine.
- 3.4. In 2007 planning permission was granted for a new manager's house on land within the caravan site to the west of the reception building (Ref 07/00338/FULL). Approval was also given to delete the occupancy condition attached to the permission for the original manager's house, since it had effectively become surplus to requirements when the new house was built. A condition required the applicant to refurbish the exterior of the house to improve its appearance. The applicant had intended to sell the house and invest the proceeds in the upgrading of the caravan site but has decided to use the building to enhance the existing facilities at the site.
- 3.5. Although the restaurant would be part of the caravan site, 8 parking spaces would be provided within the site for staff and visitor parking. The existing access roads serving the caravan site and the 4 houses to the North would be unchanged.

4.0 CONSULTATIONS

- 4.1. Roads and Transportation have no objection to the proposals and advise that the existing access from the public road into the caravan site be upgraded to meet the Council's Specification Standards in terms of the provision of a kerbed bellmouth entrance, provision of visibility splays at the junction and the provision of drainage on the private road to the rear to direct any surface water run-off away from the public road. *Comment: On balance, it is not considered that the frequency and character of the traffic generated by the development when compared with the traffic associated with the existing uses would sufficiently diminish the level of road safety at the junction with the public road to justify the scale and cost of all the recommended works. However the applicant would be required, by condition, to apply road markings at the junction and bellmouth and provide and maintain the recommended visibility splays.*
- 4.2. Environmental Health advise that details of the location and type of any ventilation system or other plant to be installed and the refuse storage arrangements should be submitted for approval to minimise the risk of noise or odour nuisance to the nearest residential properties. They also highlight that a mine shaft is recorded in the vicinity of the site. *Comment: The detailed design and specification for any mechanical plant can be considered and approved through a planning condition. Given the relationship between the building and the nearest houses it is considered that any plant or refuse storage could be incorporated without creating any significant adverse impact although the details would have to be approved in advance. The applicant has confirmed that they are aware of the ground conditions in the vicinity of the site and do not anticipate this would constrain the development. This would be considered at the building warrant stage.*
- 4.3. SEPA has no objection to the proposal. They advise that foul water discharge from the development would need to be authorised by them.

5.0 REPRESENTATIONS

- 5.1. A total of 6 neighbouring properties were notified of the application. The application was also advertised in the local press as a "bad neighbour" development given the proposed use as a licensed premises.
- 5.2. In response to the publicity, four letters of objection have been received from the following parties;
- a) Alan Menzies, Tulliallan Farms Ltd, Bankhead, Fishcross
 - b) Mr and Mrs Quigley, 4 Diverswell Farm, Fishcross
 - c) Mr and Mrs Wilson, 2 Diverswell Farm, Fishcross

d) Mr & Mrs Monteith, 3 Diverswell Farm, Fishcross

5.3 The main issues raised by these parties can be summarised as follows;

- a) the potential increase in risk to road and pedestrian safety at the site due to increased traffic and parking manoeuvres. Comment: *Given the facility is intended primarily to serve visitors to the caravan site the additional traffic generated would not be likely to result in significant increase in the risk to road or pedestrian safety compared with that associated with the lawful use of the caravan site subject to the proposed improvements required by the conditions.*
- b) concern about noise and activity generated by the restaurant use including the beer garden. The beer garden was also not mentioned in the Notice to Neighbours. Comment: *The development is adjacent to the existing caravan site which already generates a level of activity in the area. Subject to the prior approval of the details of the ventilation and other plant, it is considered that the use could operate without resulting in nuisance or a significant adverse impact on the existing standard of amenity enjoyed by the nearest houses. The site is separated from the houses by a bund and tree planting which would screen the development. The beer garden would be ancillary to the restaurant facility and we are satisfied that publicity of the application has been carried out in accordance with the relevant regulatory requirements. It is reasonable to assume that a restaurant/bar use would incorporate an outdoor area for customers. This would also be regulated through the licensing regime.*
- c) Inadequate details about refuse/bin storage. Comment: *These details could be regulated by planning condition.*
- d) The sale of alcohol would attract the wrong type of person to what is a quiet area. Comment: *The proposed use is considered compatible with and will remain ancillary to the caravan site. The principle of allowing the sale of alcohol would be considered by the Licensing Board.*
- e) Concern about possible odour nuisance from the restaurant. Comment: *The provision of a suitably designed ventilation system could be regulated by a planning condition. Environmental Health are satisfied that the use could be capable of operating without a significant risk of odour nuisance subject to this condition.*
- f) The foul drainage system could not cope with the development. Comment: *The development would be served by a septic tank and the discharge of the system would be regulated by SEPA.*

- g) the development would adversely affect the character of the area which existed when residents decided to buy the adjacent houses. Comment: *The site is part of a commercial caravan site and comprises the former manager's house. The adjacent houses are accessed from the road serving the caravan site. While the proposal would increase activity in this part of the caravan site, it is considered that this could be achieved without any significant adverse impact on residential amenity. This impact has also to be balanced with the economic benefits associated with the expansion of facilities at the site.*
- h) The applicant does not have the ability to operate the facility in a manner considerate to neighbours. Comment: *This is not a material planning consideration.*

6.0 PLANNING CONSIDERATIONS

6.1. The planning application must be determined in accordance with the terms of the Development Plan unless material considerations indicate otherwise. Key issues relevant to the determination of the application can be summarised as follows;

- (a) whether the principle of the development at this location accords with the Development Plan and is acceptable;
- (b) whether the siting and design and environmental impact of the proposal would be acceptable and compatible with neighbouring land uses having regard to relevant Development Plan policies and the particular concerns raised by neighbouring residents;
- (c) whether there are any other material considerations that would justify withholding or granting permission.

6.2 Principle of Development

In terms of (a) above, the key policy considerations are contained in Policies ENV3 (Development in the Countryside), T1 (tourism) and ED4 (Rural Development) of the Clackmannanshire and Stirling Structure Plan and Policies EN18 (Development in the Countryside) and JOB12 (tourism) of the Clackmannanshire Local Plan.

6.3 In countryside areas Policies ENV3, ED4 and EN18 of the Development Plan seek to restrict development to those which require a countryside location, which could not readily be located in a built up area and which respect the character of the surrounding countryside area. The tourism policies provide clear support for tourism development which contribute to the role and image of Clackmannanshire as a tourist area and in particular where they increase the length of people's stay, increase visitor spending or promote a wider

spread of visitors. Policy JOB12 states that proposals for new tourism development will be required to satisfy a sequential approach favouring town centres, local centres and local plan sites before sites outwith settlement boundaries. However, as this is an enhancement of an existing tourist facility, the sequential approach does not apply. Consequently the concluding section of the policy is applicable, where it indicates that there will be a presumption in favour of proposals to expand or enhance existing visitor facilities.

6.4 The proposal to convert and extend the former caravan site manager's house to a restaurant and bar and create a shop is considered to satisfy the Development Plan policy guidance above for the following reasons;

- * the purpose of the development is to enhance the tourism facilities available to visitors to the existing, caravan park and therefore there would be a locational justification as supported by Policy JOB12 and ENV3 and EN18;
- * it is acknowledged that the facilities may also be used by local people but the close physical relationship of the buildings to the caravan park and the scale and success of the development of the caravan park facility to date are sufficiently persuasive factors to conclude that the proposal would be ancillary to the caravan site;
- * the site comprises a previously developed but currently underused part of the caravan site. The proposal would be complementary to the caravan park use.
- * the investment by the applicant in the caravan park to date has already resulted in increased length of visitor stays, promoted a wider spread of visitors and in all probability increased visitor spending in the Council area. The proposed development is considered to complement and build on this trend at an existing visitor facility.
- * the development would create additional employment equivalent to 2 full-time positions and four part-time positions.
- * the siting and design would not adversely affect the existing character of the area which would accord with Policy EN18;
- * the residential accommodation for the restaurant building would both be ancillary to the operation of facilities at the caravan park. This could be regulated by planning condition.

6.5 Environmental and Visual Impacts

In terms of the issue in para 6.1(b) above, Local Plan Policy JOB4 (Bad Neighbour Locational Criteria) states that such uses will normally be directed to town centres but this is not a normal situation since it relates to the extension of an existing tourism facility in the countryside. Concerns have been raised by the occupants of the nearest houses to the site about potential nuisance from noise, odour and activity. Our response to these concerns is contained in Section 5.0 of the report. Following full consideration of the objections it is concluded that the proposal would not result in an adverse impact due to noise, odour or disturbance and would comply with Policy JOB4 having regard to the layout and juxtaposition between the buildings, the advice from Environmental Health, the controls available to regulate the impacts from mechanical plant and refuse storage using planning conditions and the established use of the site as a caravan park.

6.6 The site is well screened by existing tree and shrub planting, most of which would remain and the proposed development would not have a significant adverse impact on the existing character of the area. The applicant has amended the design of the extension in response to advice from the Service and it is considered that the proposal would achieve an acceptable standard of design consistent with the guidance in Local Plan Policies EN11, EN18 and JOB12 on this issue.

6.7 Other Material Considerations

It is considered that there would not be any other material considerations that would justify withholding permission. The most significant issues have been summarised below;

- * the objections received from third parties have been addressed at paragraph 6.5 above;
- * the proposed parking and access arrangements are considered to be acceptable subject to the relevant conditions set out in Section 2.0 of this report. The advice from the Roads and Transportation Unit has been addressed in paragraph 4.1 above. It is expected that the level of parking demand generated by the restaurant would be relatively low due to the use by visitors to the caravan site. However, Condition 5 would oblige the developer to monitor and review the arrangements for parking at the site to allow the Council to monitor the impact.
- * the applicant is aware of the advice received to the application relating to foul drainage and ground conditions but neither of these issues would justify withholding permission;

- * although the advice in SPP15 Rural Development does not necessarily depart from the Development Plan position of only supporting developments that require a countryside location, it also indicates that planning authorities should support the development of the tourism industry;

6.8 In summary, the proposed uses would be justified at this location having regard to the relevant countryside and tourism policies in the Development Plan and the nature and character of the application site. Furthermore, the proposal would meet the criteria set out in the Development Plan relating to siting and design, environmental impact and access arrangements. It is not considered that there would be other material considerations that would outweigh the level of Development Plan support for the proposal and the application should be approved.

7.0 SUSTAINABILITY IMPLICATIONS

7.1. None

8.0 FINANCIAL IMPLICATIONS

8.1. None

8.2. Declarations

(1) The recommendations contained within this report support or implement Corporate Priorities, Council Policies and/or the Community Plan:

- **Corporate Priorities (Key Themes)** (Please tick)

Achieving Potential	<input type="checkbox"/>
Maximising Quality of Life	<input type="checkbox"/>
Securing Prosperity	<input checked="" type="checkbox"/>
Enhancing the Environment	<input checked="" type="checkbox"/>
Maintaining an Effective Organisation	<input type="checkbox"/>

- **Council Policies** (Please detail)

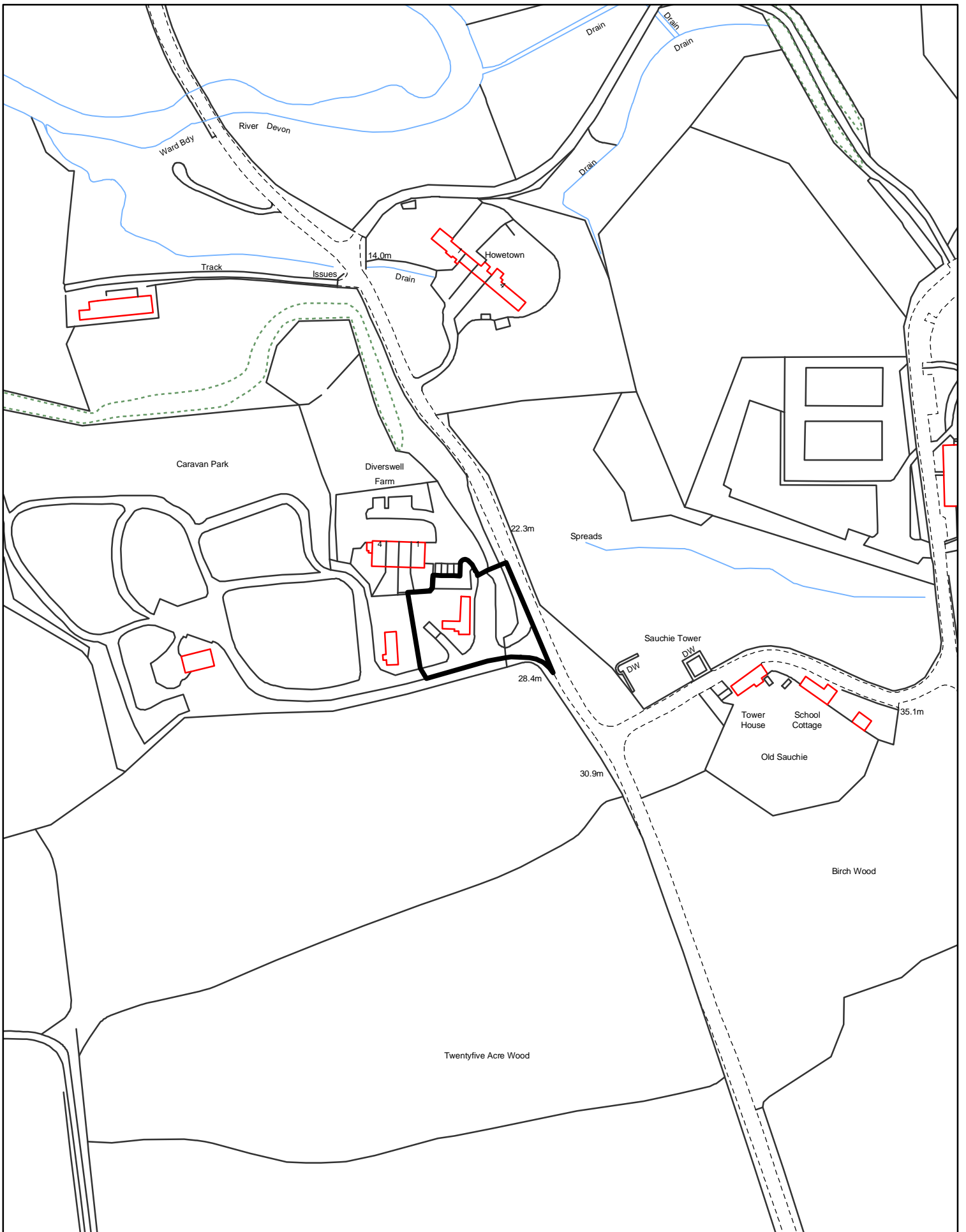
None

- **Community Plan (Themes)** (Please tick)

Community Safety	<input type="checkbox"/>
Economic Development	<input checked="" type="checkbox"/>
Environment and Sustainability	<input type="checkbox"/>
Health Improvement	<input type="checkbox"/>

- (2) In adopting the recommendations contained in this report, the Council is acting within its legal powers. (Please tick) ✓
- (3) The full financial implications of the recommendations contained in this report are set out in the report. This includes a reference to full life cycle costs where appropriate. (Please tick) ✓

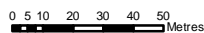
Head of Development Services



**08/00320/FULL - The Woods Caravan Park, Fishcross
 Alterations, Extension And Change Of Use Of Former Manager's House To
 Licensed Restaurant With Manager's House And Change Of Garage To Shop.**




CLACKMANNANSHIRE
 COUNCIL
 Development Services
 Kilncraigs
 Greenside Street
 Alloa
 FK10 1EB
 Tel: 01259 450000
 Fax: 01259 727450
 development_services@clacks.gov.uk



Scale 1:2,500

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Date Created
26/11/2008

Report to Regulatory Committee

To accompany all Reports to Regulatory Committee

To: Head of Administration And Legal Services

Author: Keith Johnstone, Principal Planner	Date: 26 November 2008	
Service: Development and Environmental Services		
Date of Meeting: 11th December, 2008		
Title of Report: Alterations, Extension and Change of Use of Former Caravan Site Manager's House to Licensed Restaurant and Shop at The Woods Caravan Park, Fishcross (Ref: 08/00320/FULL)		
Recommendation that the attached report be:		
1. Given unrestricted circulation	<input checked="" type="checkbox"/>	(tick appropriate box)
2. Taken in private	<input type="checkbox"/>	
By virtue of paragraph ____ of schedule 7A, Local Government (Scotland) Act 1973.		
Appendices attached to this report (if none, state "none")		
1. None		
2.		
3.		
4.		
List of Background Papers (if none, state "none")		
1. Clackmannanshire Local Plan and Clackmannanshire and Stirling Structure Plan		
2. SPP15 Planning for Rural Development		
3. Consultation replies		
4. Letters of Objection		
Note: All documents specified must be kept available by the author for public inspection for four years from the date of the meeting at which the report is considered.		

CLACKMANNANSHIRE COUNCIL

Report to Regulatory Committee of 11th December, 2008

Subject: Erection of 17.2m High Telecommunication Mast and Two Antennae, Two Dishes and Associated Cabinets and 1.8m High Fencing at Alloa Rugby Club, Forth Crescent, Alloa (Ref: 08/00329/FULL)

Applicant: Vodafone Ltd., c/o Tyco Electronics, 300 Springhill Parkway, Glasgow Business Park, Glasgow

Agent: Tyco Electronics, as per above

Prepared by: Keith Johnstone, Principal Planner

Ward: Clackmannanshire South

1.0 SUMMARY

- 1.1. The report considers an application to erect a telecommunications mast and two antennae to the south of the clubhouse of Alloa Rugby Club at Earlsfield, Alloa. The application has been referred to the Regulatory Committee at the request of a local Member although an objection from Alloa Central Community Council has also been received.
- 1.2. Having regard to the relevant Development Plan and national planning policy guidance, our assessment of the environmental impact of the development, the advice from consultees and our consideration of the objection by the Community Council, it is considered that the proposal would comply with the Development Plan and there would not be material planning reasons to justify withholding permission and the application should be approved.

2.0 RECOMMENDATION

- 2.1. It is recommended that the application is **APPROVED** subject to the following conditions:-
 1. Prior to the start of any works on site, details of the external colour and finish of the mast, cabinets and fencing shall have been submitted to and approved in writing by the Council, as planning authority. The mast shall be finished in a non-reflective material. Thereafter, the development shall be completed in accordance with the approved details.

2. In the event that the equipment becomes obsolete or redundant, it must be removed and the site reinstated to the satisfaction of the Council within two months.
3. Before any works start on site, protective fencing shall be erected around any trees adjacent to the site which may be affected by the construction operation. The fencing shall be erected in accordance with BS5837 and inspected by a representative of the Council, and shall remain in place for the duration of construction work on site.

Reasons

1. In the interests of visual amenity.
2. To minimise the level of visual intrusion and to ensure the reinstatement of the site to a satisfactory standard.
3. In the interests of visual amenity.

3.0 BACKGROUND TO THE PROPOSALS

- 3.1. Planning permission is sought to erect a lattice mast with two antennae on top giving a total height of 17.2m above ground level adjacent to the south wall of the clubhouse of Alloa Rugby Club (see location plan). Two transmission dishes would also be installed on the mast approximately 15.0m above ground level. Two equipment cabinets would be installed at the base of the mast and the base would be enclosed by a 1.8m high palisade fence. Access for construction and maintenance would be via the existing vehicular access from Forth Crescent.
- 3.2. The site is approximately 105 metres to the south of Forth Crescent. The nearest houses would be 100 metres away at Earls Court. There are two groups of mature trees adjacent to the rugby club building which are prominent features in the area. The clubhouse is a single storey building.

The land to the south and west of the site is part of the site for expansion of South-east Alloa granted outline planning permission in 2000. There is an extant permission for a 60 bed residential home on the land to the south west of the clubhouse building (Ref: 05/00396/FULL) although work has not commenced and it is understood that the developer wishes to build the home on another site.

- 3.3. A certificate declaring that the radio frequency emissions from the equipment would comply with the ICNIRP Guidelines for Public Exposure to Radio Frequency Waves has been submitted with the application in accordance with guidance on National Planning Policy Guideline 19 titled Radio Telecommunications.

- 3.4. The application follows the withdrawal by the applicant of an application for a proposal of the same description on land to the west of the clubhouse (Ref: 08/00232/FULL). The application had to be withdrawn when the applicant became aware that the site was not in the control of the Rugby Club. The current application site is approximately 30 metres to the south east of the previous site.

4.0 CONSULTATIONS

- 4.1. Roads and Transportation has no objection to the proposal.
- 4.2. Land Services confirm that, unlike the location of the previous site (Ref: 08/00232/FULL) the proposed site would not have any adverse impact on the health of the adjacent trees. They also suggest that the applicant carry out some localised landscaping in the vicinity of the site to sustain the screening effect provided by the existing mature trees. *Comment: The applicant has advised that there is no scope to include planting within the application site and it is not reasonable to require them to secure agreement with the owner of the adjoining land to carry out landscaping given the scale of visual impact. The existing trees would help screen the mast and mitigate its visual impact and these would be retained. While additional planting would have been desirable, it is not considered that it would be reasonable to impose this as a condition without the agreement of the applicant.*
- 4.3. Alloa Central Community Council object to the application on the grounds of public health and safety. The Community Council objected to the previous application for similar reasons. *Comment: The applicant has submitted a declaration that the apparatus would comply with the ICNIRP public exposure guidelines for radio frequency radiation. Paragraph 54 of NPPG19 advises local planning authorities that such a declaration should demonstrate to planning authorities that the known health effects from these emissions have been properly addressed. The site would be approximately 100 metres from the nearest houses and 350 metres from nearest school buildings at St Mungo's Primary School. Furthermore, the applicant has confirmed that the "beam of greatest intensity" of emissions from the mast would not fall within any part of the grounds or buildings of the nearest schools or nursery schools.*

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. Three neighbouring proprietors were notified by the applicant of the application. The service also advertised the application in the local press for "public interest".
- 5.2. No objections have been received as a result of this publicity.

6.0 PLANNING CONSIDERATIONS

6.1. The key issues relevant to the determination of the application can be summarised as follows:-

(a) Whether the proposal complies with the Development Plan and specifically Policy INF7 on Telecommunication Masts of the Clackmannanshire Local Plan.

(b) Whether there are any other material considerations, including the objection from Alloa Central Community Council, that would justify withholding permission.

6.2 In terms of (a) above, Local Plan Policy INF7 states that there is a general presumption in favour of telecommunication development provided that proposals satisfy four criteria listed in the policy. A summary of how the proposed development complies with the criteria is provided below:-

- The developer indicates how the proposal fits in with the operator's network. Comment: *The proposed base station is required in connection with the roll out of the applicant's 3G service and it is required to provide suitable network coverage over the area roughly bounded by Broad Street, Auld Brig Road, Devon Road and Bowmar Road. The applicant has demonstrated how the proposed development would provide the standard of coverage required from a location that would maximise the separation distance from existing houses compared with potential alternative sites. This criteria has been satisfied.*
- The developer demonstrates why a new mast is preferred to sharing on an existing mast. Comment: *The information from the applicant demonstrates that the network coverage standard could not be practicably achieved using an existing base station site rather than a new mast. The proposed mast design would also be capable of mast sharing enabling another operator to use the base station at a later date. It is considered that this criteria has been satisfied.*
- The proposal is well sited and designed and does not have an unacceptable impact on the built or natural environment. Comment: *It is considered that the proposed siting of the mast would minimise the environmental impact of the development while maximising the separation between the equipment and the existing housing area. The site is close to groupings of mature trees which are between 17-25 metres in height and these would help screen and mitigate the visual impact of the mast structure in views over the site. The lattice style mast would also be viewed against the backdrop of pylons in views from Forth Crescent looking south. Although the permission for the care home on land to the south of the clubhouse has not been implemented, the likely visual impact of the proposal to the care home has been assessed.*

The service yard of the care home would be closest to the application site and the residential rooms would not overlook the site. It is not considered that the mast would have a sufficiently detrimental impact to justify withholding permission. The guidance on siting and design of masts in NPPG19 and Planning Advice Note 62 (Radio Telecommunications) emphasises the need to keep the environmental impact of base stations to a minimum principally through minimising the contrast between the equipment and its surroundings. On balance, we consider that the proposal would achieve this and would not have an unacceptable level of impact thereby satisfying this criteria.

- Development in designated areas identified in the policy will be strictly controlled. Comment: *The site is not within any of the designated sites and this criterion would not apply.*

6.3 The Rugby Club and pitches is also covered by Local plan Policy INF14 (Safeguarding Recreational Space). The proposed development would not conflict with the objective of this policy to safeguard the recreational value of the sports pitches and by providing a source of rental income to the Club, the development could be seen to have a positive effect for the Club.

6.4 On balance, it is concluded that the proposal would satisfy the criteria contained in Policy INF7 and would therefore comply with the Development Plan.

6.5 In terms of other material considerations referred to in Para 6.1 above, the concern about public health expressed by the Community Council has been discussed in Para 4.3 above. This concluded that there would not be sufficient grounds to withhold permission for public health and safety reasons having regard to the precautionary advice in NPPG19 or to outweigh the level of support provided by the Local Plan. Accordingly, it is concluded that the application should be approved.

7.0 SUSTAINABILITY IMPLICATIONS

7.1. None

8.0 FINANCIAL IMPLICATIONS

8.1. None

8.2. Declarations

(1) The recommendations contained within this report support or implement Corporate Priorities, Council Policies and/or the Community Plan:

- **Corporate Priorities (Key Themes)** (Please tick)

- Achieving Potential
- Maximising Quality of Life
- Securing Prosperity
- Enhancing the Environment
- Maintaining an Effective Organisation

- **Council Policies** (Please detail)

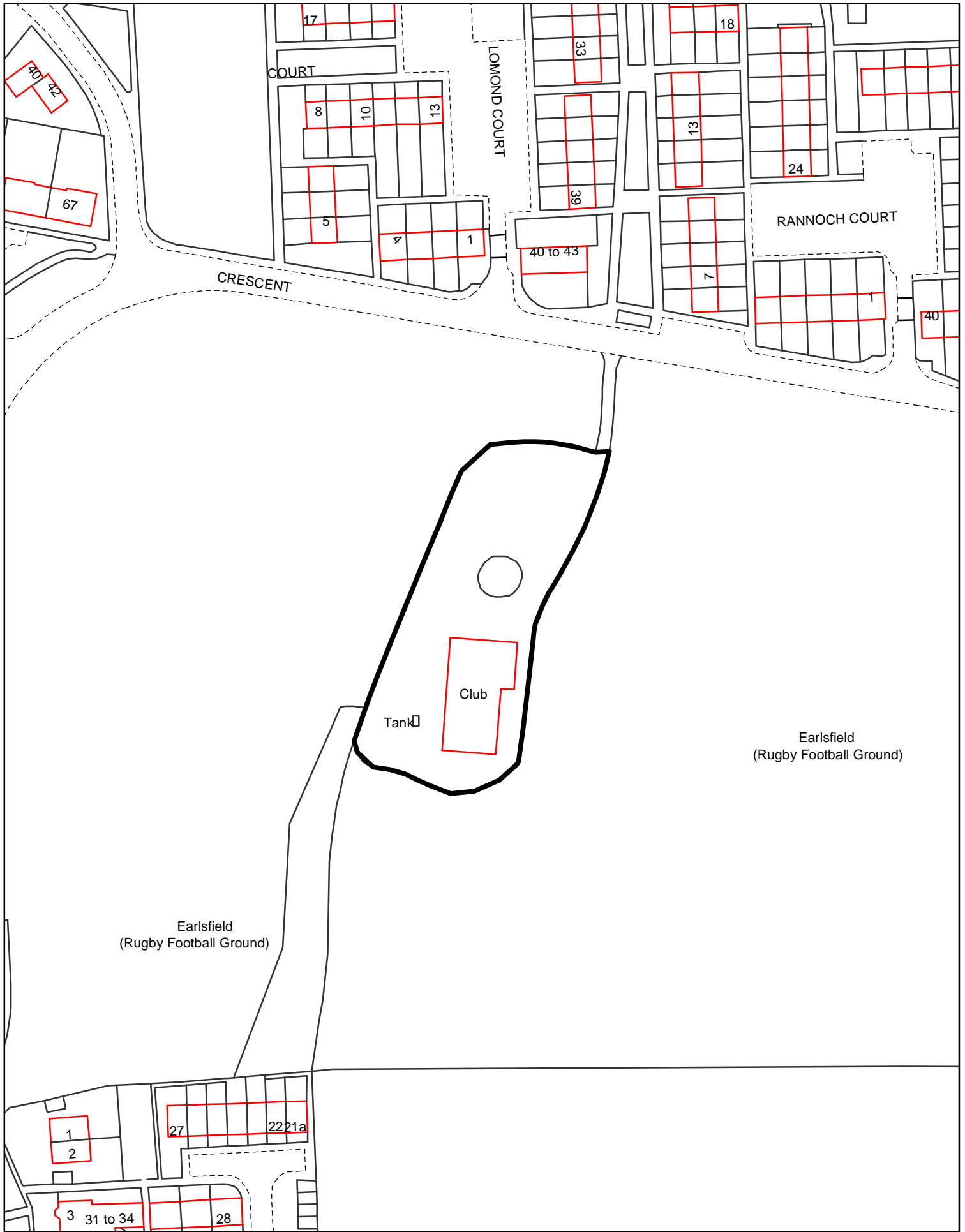
- **Community Plan (Themes)** (Please tick)

- Community Safety
- Economic Development
- Environment and Sustainability
- Health Improvement

(2) In adopting the recommendations contained in this report, the Council is acting within its legal powers. (Please tick)

(3) The full financial implications of the recommendations contained in this report are set out in the report. This includes a reference to full life cycle costs where appropriate. (Please tick)

Head of Development Services



Earlsfield
(Rugby Football Ground)

Earlsfield
(Rugby Football Ground)

**08/00329/FULL - Alloa Rugby Club, Forth Crescent, Alloa
Erection of 17.2m High Telecommunication Mast And Antennae
And Associated Cabins And 1.8m High Fencing**




CLACKMANNANSHIRE
 COUNCIL
 Development Services
 Kilncraigs
 Greenside Street
 Alloa
 FK10 1EB
 Tel: 01259 450000
 Fax: 01259 727450
 development_services@clacks.gov.uk

0 3 6 9 12 15
 Metres

Scale 1:1,250

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Report to Regulatory Committee

To accompany all Reports to Regulatory Committee

To: Head of Administration And Legal Services

Author: Keith Johnstone, Principal Planner	Date: 26 November 2008	
Service: Development and Environmental Services		
Date of Meeting: 11th December, 2008		
Title of Report: Erection of 17.2m High Telecommunication Mast and Two Antennae, Two Dishes and Associated Cabinets and 1.8m High Fencing at Alloa Rugby Club, Forth Crescent, Alloa (Ref: 08/00329/FULL)		
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