



**Clackmannanshire
Council**

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

Planning Committee

Thursday 25 November 2010 at 9.30 am

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

For further information contact Finance and Corporate Services, Clackmannanshire Council, Greenfield, Alloa, FK10 2AD
Phone: 01259 452106 Fax: 01259 452230 E-mail: customerservice@clacks.gov.uk www.clacksweb.org.uk

Date	Time
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PLANNING COMMITTEE

The Planning 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.

17 November 2010

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, on THURSDAY 25 NOVEMBER 2010 at 9.30 am.

**ELAINE McPHERSON
Head of Strategy and Customer Services**

B U S I N E S S

	Page No.
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 Minute of Planning Committee Meeting held on Thursday 28 October 2010 (Copy herewith)	01
4. Report of handling - Application for Planning Permission in Principle - Development of Land for a Hotel, Restaurant and Car Park at Football Ground and Carp Park at Hilton Road, Alloa (Ref. 10/00232/PPP) - report by the Principal Planner (Copy herewith)	
5. Report of handling - Planning Application - Change of use of Vacant Store to Taxi Business including Office and Parking Facilities at Site Accessed between 9 and 9a Abercromby Place, Tullibody (Ref. 10/00257/FULL) - report by the Principal Planner (Copy herewith)	
6. Report of handling - Application for Planning Permission: Installation of 12 No. Floodlighting Columns around Sports Track at Lornshill Academy, Tullibody Road, Alloa (Ref. 10/00269/FULL) - report by the Development Quality Team Leader (Copy herewith)	

COMMITTEE MEMBERSHIP – PLANNING 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 PLANNING COMMITTEE held within the Council Chamber,
Greenfield, ALLOA, FK10 2AD, on THURSDAY 28 OCTOBER 2010 at 9.30 am.**

PRESENT

Councillor Alastair Campbell, Convener
Councillor Kenneth Earle
Councillor George Matchett, QPM
Councillor Tina Murphy
Councillor Bobby McGill
Councillor Harry McLaren
Provost Derek Stewart
Councillor Gary Womersley

IN ATTENDANCE

Julie Hamilton, Service Manager (Development)
Andrew Wyse, Solicitor (Clerk to the Committee)
Garry Dallas, Director of Services to Communities
Ian Doctor, Environmental Health and Consumer Services Manager
Keith Johnstone, Principal Planner

PLA(10)144 APOLOGIES

Apologies for absence were received from Councillor Mark English and Councillor Walter McAdam, MBE.

PLA(10)145 DECLARATIONS OF INTEREST

None.

PLA(10)146 MINUTE OF MEETING HELD ON 2 SEPTEMBER 2010

A minute of the Planning Committee meeting held on Thursday 2 September 2010 was submitted for approval.

The minute of the meeting held on Thursday 2 September 2010 was agreed as a correct record and signed by the Convener.

PLA(10)147 REPORT OF HANDLING ON PLANNING APPLICATION

**Extension to Sauchie Community Group Resource Centre at 11 Mar Place, Sauchie
(Ref.10/00250/FULL)**

A report of handling on the above Planning Application was submitted by the Principal Planner. The report provided assessment of the proposed development in the context of the Clackmannanshire Development Plan and other material considerations, including consultation responses. The report made recommendation to Committee based on this assessment.

As the Council has an interest in the planning application as owner of the application site, the application was reported to Committee for decision.

Motion

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

Moved by Councillor Alastair Campbell. Seconded by Provost Derek Stewart.

Decision

The Committee agreed unanimously to approve the application subject to the terms and conditions set out in the report.

Action

Service Manager (Development)

PLA(10)148 UNAUTHORISED USE OF LAND AS GARDEN GROUND TO THE REAR OF 5 WOODBURN WAY, ALVA

Motion

That consideration of the report by the Planning Committee be deferred until other aspects in response to the Motion approved by Council in September are addressed in the report to Council on the 4th November 2010.

Moved by Councillor Alastair Campbell. Seconded by Councillor George Matchett QPM.

Decision

The Committee agreed unanimously to defer consideration of the report.

Action

Service Manager (Development)

ENDS 9.37 am

Report to Planning Committee

Date of Meeting: 25th November 2010

Subject: Application for Planning Permission in Principle
10/00232/PPP - Development of Land for a Hotel,
Restaurant and Car Park at Football Ground and Car Park
at Hilton Road, Alloa - Report of Handling

Applicant: Wasp Property Ltd, Clackmannan Road, Alloa

Agent: Machin Associates, 30 Ludgate, Alloa

Report by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire South

1.0 Purpose

- 1.1. This is a report of handling of the above application for planning permission in principle. The report assesses the proposed development in the context of the Clackmannanshire Development Plan and other material considerations including responses from consultees and one representation. The recommendation to Committee is based on this assessment.
- 1.2. The Council has an interest in the application due to the terms of the sale of part of the existing car park by the Council, which is within the application site. This is the reason for the application being reported to Committee for a decision.

2.0 Recommendations

- 2.1. The application is recommended for **APPROVAL** subject to the following conditions;
 1. Before any development begins, written approval from the Council, as Planning Authority, must be obtained for the matters specified in this permission.
 2. The application for approval of matters specified in this permission shall be made in writing to the Council within three years form the date of this permission

3. The development hereby approved shall begin within two years from the date of approval by the Council of the last of the matters specified in this permission.
4. Any subsequent application for the approval of matters specified in this permission shall comprise and be accompanied by :
 - a) A site layout plan of a minimum scale 1:500 showing the position of any buildings, roads, servicing arrangements, footpaths, vehicle and cycle parking areas, walls, fences and landscaping. The design and layout shall be prepared in accordance with the guidance contained in Designing Places (Scottish Government) and the advice contained in the letter from Network Rail dated 4th October 2010.
 - b) Plans and elevations of any building showing the dimensions and type and colour of external materials.
 - c) Details of existing and finished ground levels and finished floor levels in relation to a fixed datum, preferably Ordnance Survey.
 - d) Details of surface water drainage arrangements which shall be designed in accordance with the advice contained in The SUDS Manual (C697) and the advice from Network Rail contained in their letter dated 4th October 2010.
 - e) A Construction Method Plan that contains the arrangements to minimise the environmental and road safety impacts on the surrounding area during construction activity on the site and from construction vehicle movements on the adjoining public road network.
 - f) A detailed specification of any sources of noise or odour or lighting which may affect the surrounding area. This shall include details of the location and design of these sources and the proposed measures to mitigate any impact to minimise the risk of nuisance to neighbouring land or houses.

Thereafter, the development shall be carried out in accordance with such approved details.

5. Further to Condition 4 above, the proposed location and means of access to the restaurant and hotel development shall generally be on the east side of Hilton Road as annotated on the approved Site Plan, subject to the approval of the matters specified in the conditions.
6. Before any works start on site, and further to the requirements of Condition 4 above, a Transport Assessment, prepared by a suitably qualified person, and incorporating the requirements in points (a) to (d) below, shall have been submitted to and approved in writing by the Council, as planning authority:
 - a) A Car Parking Plan which shall include details of the proposed design, layout and number of parking spaces within the site. The Plan shall demonstrate that the level of parking provision to serve the football ground will not be less than the number of parking spaces currently available within the existing carpark on the east side of Hilton Road and indicate the location and layout of any displaced

provision. Parking to serve the restaurant and hotel shall be provided to meet the relevant parking maxima ratios contained in the Council's Development Roads Guidelines and Specification.

- b) A Car Parking Management Plan which contains the arrangements and measures to manage the parking demand for the football ground and commercial development hereby approved, including during the peaks in parking demand, to prevent parking problems on the surrounding road network from demand displaced from the site.
- c) The measures to be provided within the site or on the adjacent public road network to ensure the safe and efficient movement of those travelling to and from the site by all modes of transport. This shall be prepared by a suitably qualified person.
- d) A Travel Plan which sets out measures designed to deliver sustainable travel patterns for those travelling to and from the site and the arrangements to implement and monitor the recommendations of the approved Travel Plan. The Travel Plan shall be prepared in accordance with the Council's document "Good Practice Advice for Developing Travel Plans".

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed by the Council, as planning authority.

- 7. Further to condition 6 above, no development approved by this permission on the existing car park on the east side of Hilton Road shall commence until the approved parking provision within the site has been completed in accordance with the approved details.
- 8. Before any works start on site, a landscaping plan for the site shall have been submitted to and approved in writing by the Council. The plan shall include:
 - a) A Tree survey indicating trees to be removed, retained and any arboricultural work in connection with the development. The survey shall also assess the relationship of the trees to be retained with any proposed construction work including any proposed changes in levels, excavations and buildings.
 - b) The type, number and location of proposed trees, shrubs and hedging.
 - c) The height and finish of all new walls, fences or other means of enclosure
 - d) The timescale for implementation
 - e) The arrangements for future maintenance including the landscaping area to the south of the existing car park.

The landscaping plan shall include;

- a) The retention of the existing tree belts along the eastern and northern boundaries of the site.
- b) Measures to provide screening along the northern boundary of the site outwith the tree belt.
- c) Measures to create an attractive frontage to Clackmannan Road, including the potential to maintain the existing landscaping to the south of the existing car park.

Once approved, the landscaping details shall be completed in accordance with such approved details unless otherwise approved in writing by the Council.

9. Construction work and the use of associated vehicles, plant and machinery shall only take place between 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturday and at no times on Sunday or local Bank Holidays, unless otherwise agreed in writing by the Council, as planning authority.
10. No trees within or adjacent to the site shall be lopped, felled or removed without the prior written approval of the Council as planning authority.
11. Before any work starts on site, protective fencing shall be erected around all trees which are to be retained as part of the development. The fencing shall be erected in accordance with BS5837 (2005), shall be inspected by a representative of the Council, and shall remain in place for the duration of construction work on site.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended
4. In order to ensure submission of adequate details of the proposed development.
5. In order to ensure the development achieves a suitable standard of visual amenity, townscape character and road safety, having regard to the location and juxtaposition with Clackmannan Road and the football ground.
6. In order to consider these details yet to be submitted in the interests of road and pedestrian safety, to ensure the safe and efficient functioning of the surrounding public road network and to encourage the use of sustainable modes of transport.
7. To minimise the risk of displaced parking demand on the surrounding public road network, in the interests of road safety and residential amenity.
8. In the interests of visual amenity.
9. To safeguard residential amenity.
10. In the interests of visual amenity and to avoid any unnecessary loss of trees.
11. In the interests of visual amenity and to avoid any unnecessary loss of trees.

2.2. Reasons for Decision

1. The principle of developing the site for restaurant, hotel and parking would accord with the objectives of Development Plan Policies T1 (Tourism) and JOB12 (Tourism) to enhance the area's role and image as a tourist area.

2. It is concluded that the principle of the proposed uses on the site could be approved while safeguarding the potential parking and transportation impacts, including the objectives of Local Plan Policy T2 (Clackmannan Road Car Park), through the terms of the conditions relating to the matters specified in the permission in principle. Furthermore the level of accessibility of the site and the proposed measures specified in the conditions to encourage trips using sustainable modes of transport demonstrate that the proposal would comply with Development Plan Policies T2, TR1 and INF2.
3. Subject to the proposed conditions, the proposed development could be designed and operated in a manner that would not result in any unacceptable adverse impacts on visual and residential amenity or the townscape quality of the surrounding area. The proposal would accord with Local Plan Policies EN11 and EN15.
4. Overall, the principle of the proposed uses on the site would accord with the objectives and policies of the Clackmannanshire Development Plan.
5. There are no other material considerations that would justify withholding permission in principle.

2.3. Section 75 Obligations

2.3.1 None.

3.0 Background to the Proposals

- 3.1. The site comprises two areas of land to the east and west sides of Hilton Road on the north side of Clackmannan Road (see location plan). The land to the east is in use as a car park which serves the football ground, and is accessed from Hilton Road. The land to the west is vacant land which abuts Recreation Park. It previously contained a landscaped ash embankment which formed part of the previous terracing on the east side of the football ground.
- 3.2. The existing car park is enclosed by landscaping with tree belts on the east and north sides and tree and hedge planting on the south and west sides. The landscaping area to the south is owned by the Council and is not within the application site. This landscaped area and the landscaping within the site on the west boundary are covered by a Tree Preservation Order. The site on the west side of Hilton Road is enclosed by the football ground to the south and west and by the railway line to the north.
- 3.3. Following the re-opening of the Stirling-Alloa-Kinross railway, Hilton Road is no longer a through road to the A908. However, the section next to the site remains a public road maintained by the Council. The road also provides vehicular access to Network Rail land on the south side of the railway line.
- 3.4. The application is seeking permission in principle for the following:
 - the erection of a hotel and restaurant development. Although the application only seeks to establish the principle of the proposed uses, this is likely to comprise two buildings with associated service and

parking accessed from Hilton Road. The applicant has indicated that the application is speculative.

- the formation of a car park on the remainder of the site. This would be accessed from Hilton Road. The applicant has provided information that indicates that the area of carparking would be comparable in size with the area available for parking on the existing car park on the west side of Hilton Road.

4.0 Consultations

4.1 Roads and Transportation advise that while they do not object to the principle of the development, the potential impacts from traffic generated by the development should be considered through the preparation of a Transport Assessment. This analysis would inform the detailed design of the development and any changes to the surrounding transport infrastructure. A Travel Plan would also be required. *Comment: A condition has been attached to require a Transport Assessment, including a Travel Plan and car parking plan (Condition 6). It is considered that the condition would ensure that the transportation impacts, including parking demand and management and from the movements by all modes of transport would be addressed in a safe and effective manner.*

4.2 Environmental Health has advised that they have no objections in principle. Information would be required with the detailed plans to demonstrate that any potential noise, odour or lighting impacts could be satisfactorily mitigated to safeguard the amenity of the nearest residential properties. *Comment: The submission of details can be regulated using planning conditions - see condition 4(f).*

4.3 Land Services have no objections in principle. They also highlight; the existence of a Tree Preservation Order on part of the site; the Council maintain the landscaped strip between the site and Clackmannan Road; and that a detailed tree survey and landscape plan should be carried out to inform the impact of any development on the trees to be retained. *Comment: These issues could be regulated using planning conditions (see conditions 8 - 11). The trees within the site covered by the Tree Preservation Order have been replaced recently with new trees. Although the landscaped area on the Clackmannan Road frontage has not been included within the application site, any proposal will have to ensure that the development created a high quality frontage to the main road and this would be included in the planning conditions.*

4.4 SEPA has not objected to the application.

4.5 Scottish Water has advised that it has no objection to the application. The applicant would have to complete a Development Impact Assessment to assess the impact of the new demand on their existing infrastructure.

4.6 Network Rail has no objection to the application and has forwarded advisory notes applicable to development proposals to the railway. *Comment. The applicant has been made aware of advice relating to development adjacent to the railway.*

4.7 Alloa Central Community Council has advised that it has no objection to the application and consider that it should result in an improvement to the area and to parking conditions while football matches are being played.

5.0 Representations

5.1 Four neighbouring properties were notified of the application and a Neighbour Notification advertisement was placed in the local press on 15th September 2010. One representation has been received in response to the publicity from

- Mr and Mrs Fern, Colmcille, Hilton Road, Alloa

5.2 Their concerns can be summarised as follows:

- a. Loss of privacy due to the height of any buildings. *Comment: This will be examined at the detailed stage.*
- b. Potential noise pollution. *Comment: The proposed conditions would ensure the potential noise impact from the development could be satisfactorily mitigated.*
- c. Adequate tree screening should be provided between the site and their property. *Comment: The conditions require landscaping along the northern boundary of the site. The details would be examined at the detailed stage.*

6.0 Planning Considerations

6.1 The application requires to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

6.2 The site is located within the settlement boundary of Alloa as defined on the Proposals Map of the adopted Clackmannanshire Local Plan. The part of the site on the east side of Hilton Road is covered by Local Plan Policy T2 (Clackmannan Road Car Park). The associated Development Guidelines for this policy state "Retention of car park for football ground". The part of the site to the west of Hilton Road is annotated as "Structural Planting" on the Proposals Map which reflects the existence of the landscaped bund at this location when the Plan was adopted in 2004.

6.3 The key issues in relation to this application are considered to be:

- the principle of the proposed commercial development
- the potential transportation impacts
- design and amenity
- environmental impact

6.4 The principle of the proposed uses have to be assessed against the provisions of the Development Plan. The part of the site on the east side of Hilton Road is covered by Local Plan Policy T2 which allocates the use as car parking for the

football club. However, the site also includes vacant land on the west side of this road which formed part of the football ground until the terracing was removed. It would be feasible, having regard to the comparative sizes of the two areas of ground to effectively retain the same parking capacity within the site if the existing car park was developed for a restaurant and hotel creating a car park on the land to the west side of Hilton Road. The objective of Policy T2 to safeguard off street parking to serve the football ground can therefore be achieved by attaching conditions which require a comparable number of spaces to be provided on the site before the existing car park is developed and for these to be managed to achieve this objective.

- 6.5 Development Plan Policies T1 (Tourism) and JOB12 (Tourism) provide support for developments which contribute to the area's role as a tourist area and which increases visitor spending, length of stay or the spread of visitors. The proposed development would contribute to these objectives and provide a type of facility currently not located in the area. The site would be within the settlement boundary and the location is considered to be suitable having regard to: the nature of this type of facility; the relative good accessibility of the site to public transport routes, the town centre and railway station; the potential linkages between the development and visitors to the football ground; and the mixed use characteristics of Clackmannan Road. Local Plan Policy JOB4 (Bad Neighbour Locational Criteria) also refers to proposals for restaurant development. The Policy states that development will be permitted where it can be shown that their location would not be detrimental to the amenity of occupiers of adjacent properties. As discussed in paragraph 6.9 below, the proposal is considered to accord with this Policy.
- 6.6 Transportation Issues. In terms of the merits of the principle of the proposed development, the location would accord with the policy guidance in Development Plan Policies TR1 (Integrated Transport) and INF2 (Integration of Transport and Development Proposals) having regard to the degree of accessibility of the site to modes of transport other than the private car. The proposed conditions would require a Transport Assessment which would consider the need and identify measures to ensure the site was adequately integrated with existing transport infrastructure.
- 6.7 As discussed in paragraph 4.1, it is considered that the principle of the development should be agreed subject to the proposed conditions which would ensure any development proposal was designed and implemented in a manner which did not adversely affect existing parking provision for the football ground, safeguarded road safety and encouraged sustainable trips through the implementation of a suitable Travel Plan. On this basis, there would be insufficient grounds to withhold planning permission in principle on the basis of road safety.
- 6.8 Design and Amenity. The site is located next to one of the main routes into and through Alloa and is next to the football ground which attracts visitors to the area. Although the Clackmannan Road frontage next to the site has recently been improved as part of an environmental improvement scheme, the introduction of the proposed development has the potential to further enhance the quality and distinctiveness of the built environment in this area, while maintaining the established landscape structure. The detailed design would have to achieve a high standard of design and the proposed conditions would

require the detailed design to accord with the requirements of Local Plan Policy EN11 (Enhancing Environmental Quality).

6.9 Environmental Impact. The proposed restaurant use and car parking has the potential to result in environmental impacts resulting from noise, activity, odour and light pollution. However, these impacts could be fully considered and addressed at the detailed design stage and this could be regulated using a suitably worded planning condition. It is considered that this approach is reasonable and proportionate given the existing mixed use character and standard of amenity of the area. The development would accord with the requirements of Local Plan Policy EN15 (Planning and Environmental Protection).

6.10 Summary

Taking account of the above considerations and the relevant policies in the Council's Development Plan, it is concluded that the proposals would accord with the objectives and policies of the Development Plan. The representation received and advice from consultees would not indicate or justify that permission should be withheld. The proposed conditions are set out in Section 2.0 of the report and would ensure that the transportation, design and environmental issues identified could be satisfactorily addressed.

7.0 **Declarations**

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

(1) **Our Priorities 2008 - 2011** (Please double click on the check box)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

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

Clackmannanshire Development Plan

8.0 **Equalities Impact**

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

9.0 **Legality**

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

10.0 Appendices

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

None.

11.0 Background Papers

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

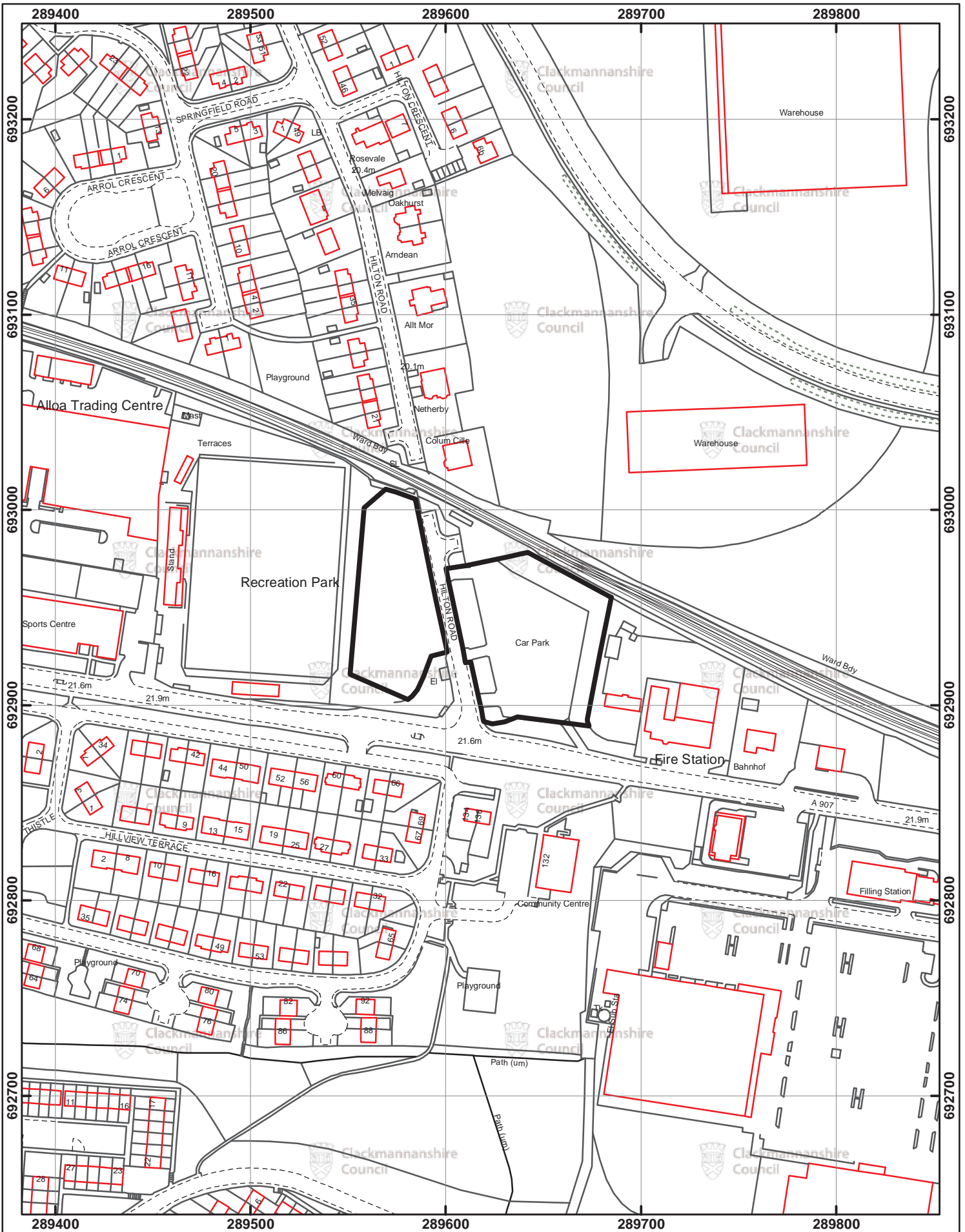
Yes (please list the documents below) No


Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	452614

Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	Signed: J Gillespie





Date:
12-Nov-2010

10/00232/PPP - Hilton Road, Clackmannan Road, Alloa
Development of Land for a Hotel, Restaurant and
Associated Car Park At Football Ground and Car Park


Ward: Clackmannanshire South

0 20 40 60 80 100
Meters

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OS Grid Ref: NS 89 92

Scale: 1:2,500



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Report to Planning Committee

Date of Meeting: 25th November 2010

Subject: Planning Application 10/00257/FULL - Change of Use of Vacant Store to Taxi Business including Office and Parking Facilities at Site Accessed between 9 and 9a Abercromby Place, Tullibody - Report of Handling

Applicant: Richard Watson, Watson Property Services, 16 Fenton Street, Alloa

Prepared by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire West

1.0 Purpose

- 1.1. This is a report of handling of the above planning application. The report assesses the proposed development in the context of the Clackmannanshire Development Plan and other material considerations, including consultation responses and one objection. The recommendation to Committee is based on this assessment.
- 1.2. The Council has an interest in the planning application since it sold the site to the applicant and also owns the ground which provides access to the site from the public road at Abercromby Place. This is the reason for the application being reported to Committee for a decision.

2.0 Recommendations

- 2.1. The application is recommended for **APPROVAL** subject to the following conditions;
 1. This permission shall cease on 30th November 2012. By that date, the use of the site for a taxi business shall cease and revert to its former use as storage and distribution as defined by Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order, 1997.
 2. The use of the site for the cleaning, maintenance and the dropping off and collection of vehicles shall only take place between the hours of;
 - (a) 0730 to 2200 daily for the collection and dropping off of vehicles,

- (b) 0730 - 1830 for the cleaning or maintenance of taxi vehicles,
unless otherwise agreed in writing by the Council as planning authority.
- 3. Before any works start on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority;
 - (a) the location, design and colour of any means of enclosure within the site
 - (b) the design and layout of external parking areas within the site. The parking provision shall be sufficient to accommodate the demand generated by the approved use within the site
 - (c) the location and design of any external lighting within the site including details of the measures to reduce the risk of light pollution to neighbouring residential properties.

Once approved, the above details shall be completed before the commencement of use of the site as a taxi business

- 4. This permission only permits the use of the site as a taxi office for receiving and coordinating bookings for taxi vehicles by telephone and for the parking, cleaning and maintenance of taxi vehicles. It does not approve or permit;
 - (a) any member of the public booking, waiting or being collected/dropped off by a taxi from the site.
 - (b) the use of the site by taxi vehicles awaiting hire

Reasons for Conditions

- 1. It is considered appropriate to approve the development on a temporary basis only in order to allow the Council to monitor the impact of the development on residential amenity in the surrounding area.
- 2. To retain effective control over the development in order to safeguard residential amenity.
- 3. To consider those details yet to be received in the interest of residential and visual amenity and road safety.
- 4. It is considered necessary to regulate the operation of the taxi business in order to safeguard residential amenity.

2.2 Reasons for Decision

- 1. Having regard to the juxtaposition of the site and its access with the nearest residential properties, it is considered necessary to approve the change of use for a temporary period only to allow the scale and effects of the potential impacts on residential amenity and road safety from traffic movements and the taxi business to be monitored before a decision is made to grant the use on a permanent basis.

2. Further to Reason 1 above and having regard to the concerns raised by the objector, there is insufficient evidence to demonstrate that the proposed use would result in an unacceptable impact on residential amenity or road safety to justify withholding permission having regard to; the previous commercial uses of the site; the provisions of Local Plan Policy JOB 3 (Small Business) which favours the retention of sites used for business purposes for this purpose; and the terms of the planning conditions.

2.3 Section 75 Obligations

- 2.3.1 None

3.0 Background to the Proposals

- 3.1. The site comprises a building with areas of hardstanding and grass (see location plan). The building was last used for storage and distribution purposes by the Council and the lawful use is considered to be Class 6 Storage and Distribution. The site is bounded to the east and west by the rear gardens/amenity spaces of residential properties, to the north by the parking area of a public house and to the south by a Council owned garage court. Vehicular access to the site is available from Abercromby Place via the private access between 9 and 9a Abercromby Place which serves the garage court.
- 3.2. The proposal is to operate a taxi business from the site which would comprise;
 - the use of part of the building as a taxi office where calls would be taken and taxis coordinated by one member of staff
 - a parking facility for taxi vehicles outwith operating hours. The proposed operating hours would be between 0730 and 12 midnight although the hours may be extended at weekends. Approximately 6 taxis would operate from the site
 - the cleaning and light maintenance of taxi vehicles, normally within the building
- 3.3 The applicant has advised that there would be no facilities for the public to book or await taxis at the site and taxis would not await hires directly from the site. Security fencing and security cameras would also be installed at the site.

4.0 Consultations

- 4.1. Roads and Transportation has advised that they would not object to the proposal on the basis that taxis would not collect or drop off customers at the site and there was sufficient parking available within the site to accommodate the demand from taxis or driver's private vehicles.
- 4.2. Environmental Health are concerned that the noise and activity from taxi vehicles leaving or returning, particularly late in the evening, could result in noise disturbance to the neighbouring residential properties. Comment The

applicant has clarified that the proposed use would not involve members of the public visiting the site or taxi vehicles waiting for hires. However, it is recognised that the traffic movements generated by the use could result in noise or disturbance particularly late in the evening, which may result in complaints from neighbouring residents. The site has previously been used for commercial purposes in the past and is located next to a public house and garage court. It is therefore reasonable to conclude that there is a degree of noise and activity established at the location which any proposed change of use should be assessed against. Local Plan Policy JOB 3 supports the retention of the site for business use but subject to adequate safeguards on amenity. While the site has been used for different commercial uses in the past, it is likely that these operated during normal working hours. Given the relationship of the site and its access to residential properties and the risk of nuisance that would exist from noise and activity from vehicles, it is considered that the operating hours should be restricted to 2200 and permission should be granted for a temporary period in order to safeguard residential amenity and to allow the impact of the use on the surrounding area to be monitored.

- 4.3. Property Asset Management has advised that it has no objections to the application.

5.0 Representations

- 5.1. A total of 29 neighbouring properties were notified of the application and a Neighbour Notification advertisement was placed in the local press on 13th October 2010. One objection has been received from the following party;

- Mr D Redmond, 9 Abercromby Place, Tullibody

- 5.2. The objectors concerns can be summarised as follows;

- (a) concern about noise nuisance from taxi vehicles travelling to and from the site particularly as their bedroom windows are at the rear of the house facing the site. Comment *The issue of potential nuisance from noise and activity generated by the proposed use has been discussed in Paragraph 4.2 above. It is proposed to restrict the hours of operation of the site and the duration of the permission to safeguard the residential amenity of the surrounding area.*
- (b) concern about road and pedestrian safety especially for children due to traffic movements associated with the site. Comment *Roads and Transportation does not object to the application subject to the proposed conditions.*
- (c) It would attract people to hang around the rear of the houses and possibly increase the levels of antisocial behaviour already experienced. Comment *There would be no public access to the site or pick-up facilities. The applicant has advised that additional security measures would be carried out including boundary fencing, lighting and CCTV. It is considered that these factors would demonstrate that that the development would not increase the risk of more people hanging around the area or more anti-social behaviour.*

6.0 Planning Considerations

- 6.1. The application requires to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.2. The site is within the settlement boundary of Tullibody as defined by the adopted Clackmannanshire Local Plan. The site is shown on the Proposals Map as white land and is not allocated for change by the Plan. The site is not within Tullibody Town Centre boundary although this boundary does include the public house to the north of the site.
- 6.3. The key issues in relation to the application are considered to be;
- the environmental impact from the proposed use and their effect on residential amenity
 - road safety considerations
- 6.4 Local Plan Policy JOB 3 (Small Business) states that where the previous use of a site has been business, its retention for business will be favoured, where the use is compatible with existing uses in terms of amenity and traffic. The principle of business use is considered to be acceptable but the determining issue is whether this particular use would be compatible with the amenity of the surrounding area which is principally residential in character. The rear elevations and gardens of a number of houses and flats adjoin and face towards the site, all of whom were notified of the application and have made no objections, nevertheless, the potential impact from vehicle movements early in the morning or late in the evening could adversely effect the amenity of neighbours. While the site has been used for commercial activities in the past, the available evidence suggests that these activities would have been unlikely to involve regular activity and disturbance outwith normal office hours. Consequently, while the environmental impact from the use of the building to coordinate calls would not raise any concerns, it is proposed to restrict the hours of operations for vehicle related activities to safeguard residential amenity. It is also considered appropriate to grant permission for a temporary period only to allow any impacts to be monitored. This approach would satisfactorily address the advice from Environmental Health and comply with the Local Plan Policy EN 15 (Planning and Environmental Protection).
- 6.5 Subject to the proposed conditions which would prevent taxis picking up/ dropping off customers at the site or awaiting hires at the site, and having regard to the traffic impact that could arise associated with the lawful use of the site for storage/distribution use and the fact the site access also serves a lock-up garage court, it is considered that the proposed use would not result in a significant increase in risk to road or pedestrian safety. Roads and Transportation have also advised that they would not object to the proposal subject to the conditions.
- 6.6 The concerns raised by the objector and in the consultation from Environmental Health have been examined in Paragraphs 4.2 and 5.2 above. It is considered that the effect of the proposed conditions would ensure that the use would not have an unacceptable impact on residential amenity. Taking account of these mitigatory measures, it is concluded that

- (a) the proposal would accord with the Development Plan and
- (b) there are not other material considerations which would outweigh the Development Plan position and justify withholding permission.

7.0 Sustainability Implications

None.

(1) Our Priorities 2008 - 2011 (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) Council Policies (Please detail)

Policy JOB 4, Clackmannanshire Local Plan

8.0 Equalities Impact

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

Yes No

9.0 Legality

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

10.0 Appendices

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

None.

11.0 Background Papers

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

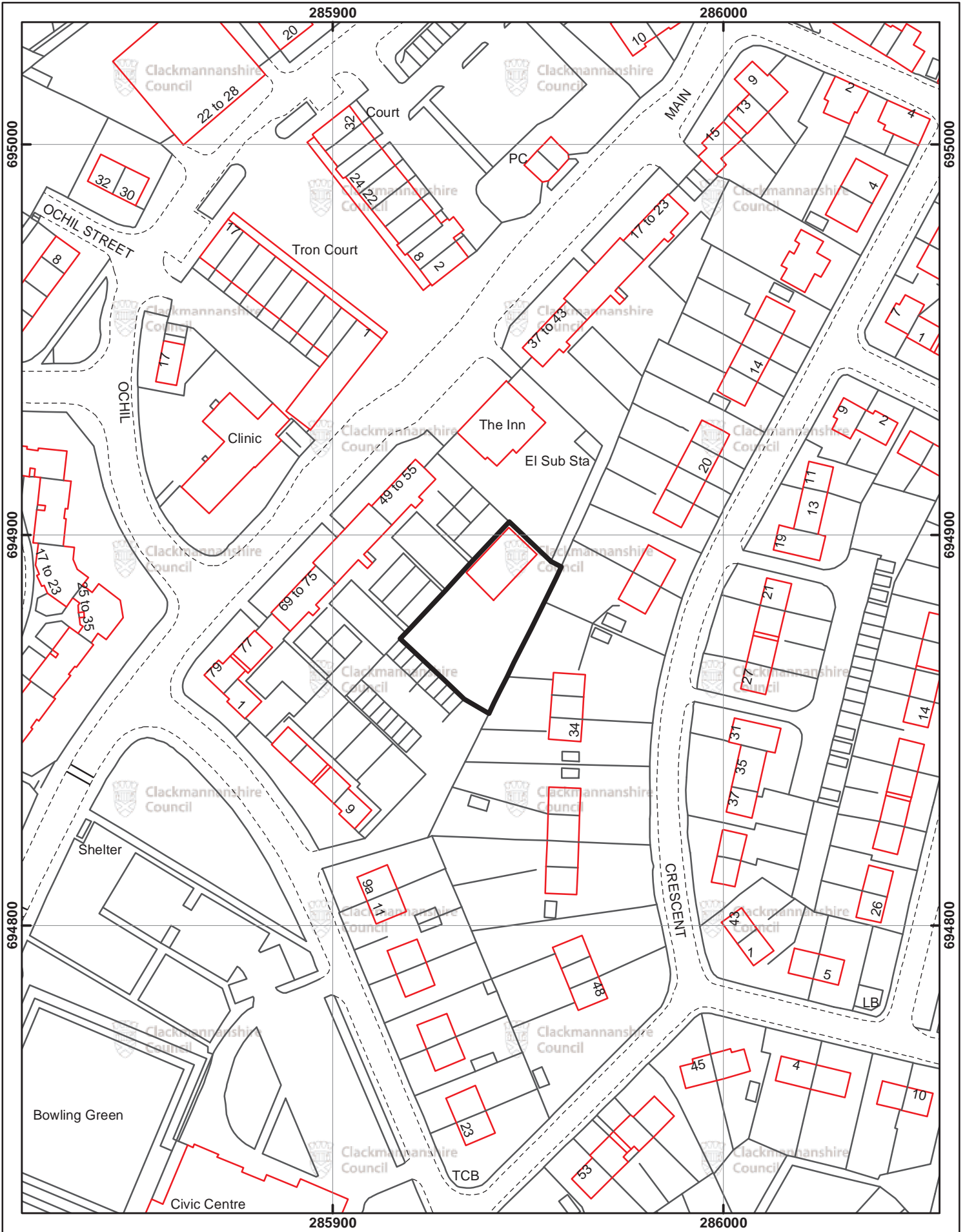
Yes (please list the documents below) No


Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	452614

Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	Signed: J Gillespie






Date:
11-Nov-2010

**10/00257/FULL - Site Accessed Between 9 And 9a,
Abercromby Place, Tullibody
Change Of Use Of Vacant Store To Taxi Office**

Ward: Clackmannanshire West OS Grid Ref: NS 85 94 NW

0 10 20 30 40 50 Meters Scale: 1:1,250



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www.clacksweb.org.uk
Services to Communities
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23

Report to Planning Committee

Date of Meeting: 25th November 2010

**Subject: Application for Planning Permission 10/00269 FULL-
Installation of 12 No. Floodlighting Columns Around
Sports Track at Lornshill Academy, Tullibody Road, Alloa
- Report of Handling**

Applicant: Clackmannanshire Council

Report by: Ian Duguid, Development Quality Team Leader

Electoral Ward: Clackmannanshire South

1.0 Purpose

- 1.1. This is a report of handling on the above application for planning permission. The report considers the relevant planning policies in the Development Plan, the representations received from members of the public and consultation responses.
- 1.2. This assessment has concluded that the proposals comply with the objectives and relevant policies of the Clackmannanshire Local Plan and that there are no other material considerations that would outweigh this position. The application is therefore recommended for approval.
- 1.3. As this planning application has been submitted by Clackmannanshire Council itself, the Council's Appointed Officer is prohibited from making a determination. Accordingly, the application is reported to the Planning Committee for decision.

2.0 Recommendations

- 2.1. It is recommended that this application is APPROVED subject to the following condition:
 1. The floodlighting columns shall be designed, installed and operated in accordance with Guidance Note GN01 produced by the Institute of Lighting Engineers, and in particular in a manner to ensure that no floodlighting bulb or floodlighting bulb reflective surface causes any nuisance to neighbouring residential properties.

2.2 Reasons for Condition

1. In the interest of residential amenity.

2.3 Reasons for Decision

1. The proposed development will extend the use of the school campus as a community facility, in line with such policy objectives set out in the Clackmannanshire Local Plan.
2. There are no further material considerations that would indicate that the development should not be approved.

2.4 Section 75 Obligations.

None.

3.0 **Background to the Proposals**

- 3.1. The site comprises the grounds of Lornshill Academy developed and in use in accordance with a planning permission granted by the Council in July 2006 (Ref No 06/00182/FULL). That permission included the demolition of the former Lornshill Academy, the erection of a replacement school, with associated internal and external recreational facilities. The latter of these facilities includes an all weather sports track and it is that track and associated rugby pitch to which the current application relates.
- 3.2. Permission is sought to install 12 no. floodlighting columns around the athletics track. Each column is approximately 15m high, and supports 2 lamps. The purpose of the application is to enable enhanced use of the outdoor facilities during hours of darkness, that being 1700-2200 Monday-Friday and as necessary up to 1700 on Saturdays and Sundays. The standard of illumination will provide both for informal training and competitive use of the track and pitch.

4.0 **Consultations**

- 4.1 Roads and Transportation have no objections to the proposal, subject to the lighting being installed in a manner that causes no glare or nuisance to road users.
- 4.2 Alloa Central Community Council had some initial questions regarding the development, but on receipt of additional information have confirmed they have no objections to the proposal.
- 4.3 Environmental Health has advised that a scheme is required to protect existing residential accommodation from excessive additional illumination and/or glare. This facility should therefore be installed in accordance with guidance produced by the Institute of Lighting Engineers. *Comment: The recommendation to approve this application subject to a condition reflects the advice from Environmental Health.*

5.0 Representations

5.1 Four neighbouring households were notified of this application. It was also advertised in the local paper as a Class of Development Which Requires To Be Advertised. No objections have been received from any of the neighbours nor from any other party. Expressions of support for the development have been received from the following parties:

- David MacCorquodale, 33 Cherryton Drive, Clackmannan
- Will Hensman, 3 Coats Crescent, Alloa
- Mark Inman, 3 Symon Field, Dunblane
- Jennifer Trevis, 5 Marquis Drive, Clackmannan
- George McHardy, 6 Coalpots Way, Fishcross
- Dawn Burns, 5 Lower Mains, Dollar

In summary, these representations express support for the proposals to improve the facilities at Lornshill Academy. The floodlighting will encourage individuals and potentially other clubs to make use of the running track and ensure that use of the facilities is not restricted to normal daylight hours. There is a shortage of places for athletes to train in the evening and the development will provide a safe and secure environment to overcome this restriction.

6.0 Planning Considerations

6.1 This application requires to be determined in accordance with the terms of the Development Plan, unless material considerations indicate otherwise.

6.2 Although the subjects at Lornshill Academy are located outwith the Alloa Settlement Boundary as identified in the Clackmannanshire Local Plan, they are specifically identified on the Countryside Map as a proposal site for the development of enhanced community leisure facilities co-joined with the school. The proposals to floodlight the all weather sports track and grass rugby pitch within that track accord with this Local Plan allocation.

6.3 Policy INF11 of the Local Plan is titled "Protecting and Enhancing Schools as a Community Focus", and the text indicates that the Council will favour and support the shared use of such facilities for multi purpose community use. To provide maximum benefit, facilities for social and community needs should be easily accessible and linked to existing safe access routes. The current application is wholly aligned with this policy position.

6.4 Policy EN18 of the Local Plan relating to developing the countryside indicates that development outwith settlement boundaries will not normally be acceptable. However, the grounds of Lornshill Academy are specifically allocated as a community and recreation proposal site on the countryside

map, and the proposal is consistent with this allocation. For those reasons, we conclude that the development accords with the relevant policies and overarching objectives of the Development Plan.

- 6.5 The other material considerations to be taken into account are any site specific matters associated with infrastructure and design, representations from interested parties and the site history.
- 6.6 The sports pitch at Lornshill Academy is well below and in front of the school itself. Other neighbouring pitches already have floodlighting columns approved as part of the original planning permission for the school, albeit typically 12m high, and the area is otherwise characterised by lighting columns for the footpath, car park and bus park plus means of enclosure for the various pitches. Notwithstanding the height of the floodlighting columns, the installation will accord with the characteristics of school grounds.
- 6.7 The representations on this application represent a clear expression of community support for this development. It is noted that no representations have been received from any of the neighbouring householders. While there are floodlight columns positioned relatively close to two neighbouring houses, and also the adjacent Alloa - Tullibody Road, the lights are pointing in the opposite direction, and it is reasonable to conclude that the installation can comply with the guidance recommended by Environmental Health. This evidence, together with the recommended condition, persuade this Service that the development can proceed without any adverse affect on residential amenity or road safety.
- 6.8 The proposals are compatible with the strategy for education and community use at Lornshill Academy. The floodlights will maximise use of a high quality sports facility and will therefore consolidate the role of the school both during and outwith school opening hours. Subject to the condition recommended in Section2 of the report, we are satisfied that the development can proceed without any adverse impact on road safety or residential amenity.

7.0 Declarations

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

(1) **Our Priorities 2008 - 2011** (Please double click on the check box)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input checked="" type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer | <input checked="" type="checkbox"/> |
| Vulnerable people and families are supported | <input type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input checked="" type="checkbox"/> |
| The environment is protected and enhanced for all | <input checked="" type="checkbox"/> |

The Council is effective, efficient and recognised for excellence

(2) Council Policies (Please detail)

8.0 Equalities Impact

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

Yes No

9.0 Legality

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

10.0 Appendices

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

None.

11.0 Background Papers

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

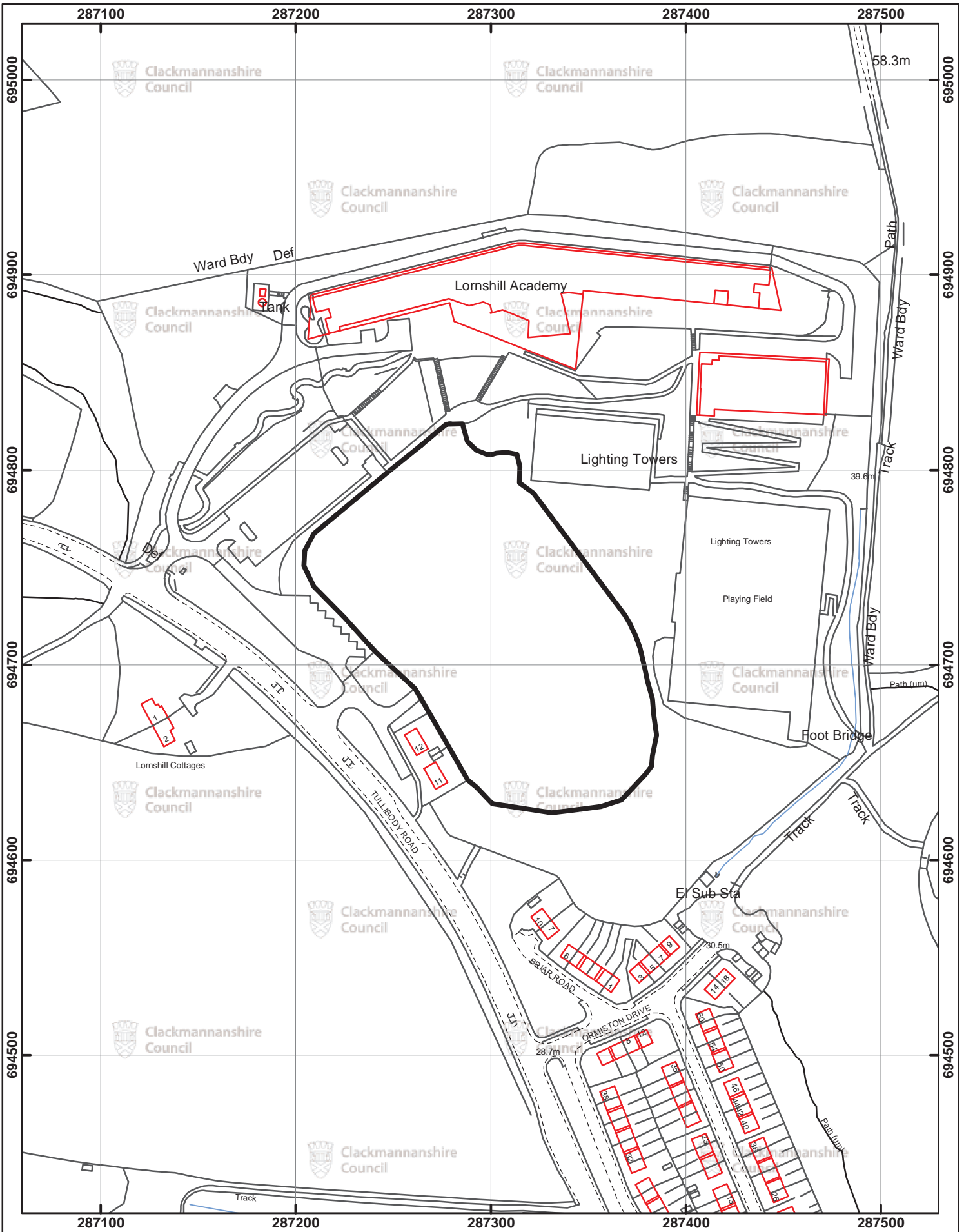
Yes (please list the documents below) No


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Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	Signed: J Gillespie





Date:
11-Nov-2010

10/00269/FULL - Lornshill Academy, Tullibody Road, Alloa
Installation of 12 No Floodlighting Columns Around Sports Track


Ward: Clackmannanshire South

0 20 40 60 80 100
Meters

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