



**Clackmannanshire  
Council**

[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

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

## **PLANNING COMMITTEE**

**Thursday 14 July 2011 at 9.30 am**

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

Date	Time
------	------

## **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.

**06 July 2011**

**A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 14 JULY 2011 at 9.30 am.**

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

**B U S I N E S S**

	<b>Page No</b>
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 9 June 2011 (Copy herewith)	01
4. Supplementary Report - Report of Handling on Planning Application - Demolition of Existing College Annexe and Development of 25 No. flats for people with short term housing needs, ancillary office, management assessment and reception at Hallpark Annexe, Hallpark, Sauchie (Ref. 09/00136/FULL) - report by the Principal Planner (Copy herewith)	05
5. Planning Application - Single Storey Extension to Rear of House at 6 Ramsey Tullis Drive, Tullibody, FK10 2UD (Ref. 11/00166/FULL) - report by Planning Officer (Copy herewith)	25



## 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





**Clackmannanshire  
Council**

[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

**THIS PAPER RELATES TO  
ITEM 03  
ON THE AGENDA**

**MINUTE OF MEETING of the PLANNING COMMITTEE held within the Council Chamber,  
Greenfield, Alloa, FK10 2AD, on THURSDAY 9 June 2011 at 9.30 am.**

**PRESENT**

Councillor Alastair Campbell (Convener)  
Councillor Kenneth Earle  
Councillor Mark English  
Councillor George Matchett, QPM  
Councillor Walter McAdam MBE  
Councillor Bobby McGill  
Councillor Harry McLaren  
Provost Derek Stewart  
Councillor Gary Womersley

**IN ATTENDANCE**

Ian Duguid, Development Quality Team Leader  
Alan Gall, Team Leader, Land Services and Burial Grounds  
Julie Hamilton, Service Manager Development  
Keith Johnstone, Principal Planner  
Alastair MacKenzie, Team Leader, Building Control  
Andrew Wyse, Solicitor (Clerk to the Committee)

Councillor John Biggam, Local Member Ward 2 (for Item 6)

**PLA(11)05 APOLOGIES**

Apologies for absence were received from Councillor Tina Murphy.

**PLA(11)06 DECLARATIONS OF INTEREST**

None.

**PLA(11)07 MINUTE OF MEETING HELD ON 12 MAY 2011**

A minute of the Planning Committee meeting held on Thursday 12 May 2011 was submitted for approval.

The minute of the meeting held on Thursday 12 May 2011 was agreed as a correct record and signed by the Convener.

**PLA(11)08 MINUTE OF LOCAL REVIEW BODY MEETING HELD ON 15 APRIL 2010**

A minute of the Local Review Body Meeting held on Thursday 15 April 2010 was submitted for approval.

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

The minute of the meeting held on Thursday 15 April 2010 was agreed as a correct record and signed by the Convener.

**PLA(11)09      MINUTE OF LOCAL REVIEW BODY MEETING HELD ON 12 MAY 2011**

A minute of the Local Review Body Meeting held on Thursday 12 May 2011 was submitted for approval.

Moved by Councillor Alastair Campbell. Seconded by Councillor Walter McAdam MBE.

The minute of the meeting held on Thursday 12 May 2011 was agreed as a correct record and signed by the Convener.

**PLA(11)10      STREET NAMING REPORT FOR FORMER BUILDERS' YARD,  
KEILARSBRAE, SAUCHIE**

The purpose of the report was to decide the name of a new street. The report set out the results of a consultation exercise seeking a suggested name for a new street in Sauchie. Following careful consideration of the suggestions, having regard to the criteria for choosing names and taking cognisance of the tri-Council street naming and numbering conventions, the recommendation was to agree the name of "Mill Lade Avenue".

**Motion**

To amend the suggested street name to "Millers Lade" in association with a former local Councillor, Councillor Miller.

Moved by Councillor George Matchett QPM. Seconded by Councillor Gary Womersley.

Alastair MacKenzie, Team Leader, Building Control advised the Committee that we have an agreed tri-Council policy and have agreed with Royal Mail that we will not use people's names within a postal address and there have been issues in the past with similar street names being used.

**Decision**

The Committee agreed unanimously to approve the street name of "Millers Lade", subject to the outcome of further consultation with Royal Mail.

**Action**

Service Manager (Development)

**PLA(11)11      REPORT OF HANDLING ON PLANNING APPLICATION**

**Planning Application: Change of Use of Agricultural Land to Woodland Burial Cemetery, including Access Road, Turning Circle and disabled Parking Bays, Land to North of Woodland Park Access Road (Ref. 10/00264/FULL)**

A report of handling on the above application for planning permission was submitted by the Development Quality Team Leader. The report supplemented a report to the Planning Committee on 17th February 2011 relating to a planning application for the proposed development at Alva Woodland Park. A decision on that application had been deferred pending the outcome of further consultation with the Scottish Environment Protection Agency (SEPA). The report advised on the outcome of that consultation.



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

### **Motion**

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

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

### **Voting**

The voting on the motion was as follows:

For the motion	7 votes
Against the motion	1 votes
Not voting	1 abstention

### **Decision**

On a division of 7 votes to 1 with 1 abstention, the Committee agreed to approve the application subject to the terms and conditions as set out in the report.

### **Action**

Service Manager (Development)

### **PLA(11)12      APPLICATION TO PARTIALLY RELAX THE TERMS OF SECTION 75 AGREEMENT TO ALLOW SUPERMARKET WITHIN UNIT 4 OF THE EXTENSION AT STERLING MILLS OUTLET VILLAGE, MOSS ROAD, TILlicoultry**

The purpose of the report was to consider two applications from the owners of Sterling Mills Outlet Village to vary the part of the Section 75 Agreement which regulates the type of retailing that can be carried out at the site, to allow a supermarket comprising 962 square metres of net convenience floor space within part of the undeveloped extension to the Village which was approved on 30 October 2007.

The officers' recommendation was to refuse the application to vary the existing Section 75 agreements.

### **Motion**

That the Committee approve the application to vary the existing Section 75 Agreements (1998 and 2007) to allow a supermarket to occupy part of the proposed extension to Sterling Mills Outlet Village for the following reasons:

- a. Recognition that the community served by the new supermarket would be larger than the surrounding local area.
- b. The introduction of a supermarket operator would enhance the existing trade at the outlet village ensuring the long term future and viability of the centre.
- c. A supermarket at the alternative site, identified as the Tillicoultry Community Centre, would have a greater adverse effect on the town centre than one at the Sterling Mills Outlet Village
- d. Will help to sustain and potentially increase jobs.

Moved by Councillor Bobby McGill. Seconded by Councillor Walter McAdam MBE.

## Decision

The Committee unanimously agreed:

To approve the application to vary the existing Section 75 Agreements (1998 and 2007) to allow a supermarket to occupy part of the proposed extension to Sterling Mills Outlet Village for the following reasons:

- a. Recognition that the community served by the new supermarket would be larger than the surrounding local area.
- b. The introduction of a supermarket operator would enhance the existing trade at the outlet village ensuring the long term future and viability of the centre.
- c. A supermarket at the alternative site, identified as the Tillicoultry Community Centre, would have a greater adverse effect on the town centre than one at the Sterling Mills Outlet Village
- d. Will help to sustain and potentially increase jobs.

That the Agreement under Section 75 registered 25 October 2007 be modified as follows:-

- (i) Delete the number reference of the existing Clause 4.1 and replace with 4.2
- (ii) Delete the number reference of the existing Clause 4.2 and replace with 4.3.
- (iii) Insert the following as a new Clause 4.1:-  
"4.1 Notwithstanding the terms of Clause 4.2, an area of nine hundred and sixty two (962) square metres of net retail floor space forming part of the Subjects and within the area shown hatched in red on the attached plan shall be permitted to be used and occupied for the purposes of supermarket/ superstore."
- (iv) Insert the following at the beginning of the newly numbered Clause 4.2 (the former Clause 4.1) before the words "No part of the subjects":-  
"4.2 Without prejudice to the terms of Clause 4.1,"

and

That the agreement under Section 75 registered 27 October 1998 be modified as follows:

- (i) Delete the number reference of the existing Clause (SIXTH) and replace with (SEVENTH)
- (ii) Delete the number reference of the existing Clause (SEVENTH) and replace with (EIGHTH)
- (iii) Delete the number reference of the existing Clause (EIGHTH) and replace with (NINTH)
- (iv) Insert the following as a new Clause (SIXTH):-  
"(SIXTH) Notwithstanding the terms of Clause 4.2, an area of nine hundred and sixty two (962) square metres of net retail floor space forming part of the Development Site and within the area shown hatched in red on the attached plan shall be permitted to be used and occupied for the purposes of a supermarket / superstore."
- (v) Insert the following at the beginning of the newly numbered Clause (SEVENTH) (the former Clause (SIXTH)) before the words "No part of either the Development Site of the Sterling Complex":-  
"(SEVENTH) Without prejudice to the terms of Clause (SIXTH)

## Action

Service Manager (Development)

ENDS 10.30 am

---

Supplementary Report to Planning Committee of 14 July 2011

---

**Subject:** Report of Handling on Planning Application Ref: 09/00136/FULL Demolition of Existing College Annexe and Development of 25 No. Flats for People with Short-Term Housing Needs, Ancillary Office, Management, Assessment and Reception at Hallpark Annexe, Hallpark, Sauchie

---

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

---

## 1.0 Purpose

- 1.1. The purpose of this report is to update members on a planning application that was previously considered by the Planning Committee on 3rd September 2009. This report makes a revised recommendation on the planning application due to the subsequent change in circumstances. The previous committee report is included as Appendix 1 to this Report.

## 2.0 Recommendations

- 2.1. It is recommended that the Committee amend their decision of 3rd September 2011 in order to approve the planning application without the need for a legal agreement but subject to the conditions as previously set out in the appended report and an additional condition, as follows:
- 2.2. *Condition: The flatted development hereby approved shall be used solely for people with interim or short-term supported housing needs, ancillary office, management, assessment and reception, and at no time for general housing needs.*
- 2.3. *Reason: In order to retain proper control over the use of the development, taking account of the parking and garden/amenity facilities provided in the approved layout.*

## 3.0 Considerations

- 3.1. On 3rd September 2009 the Committee agreed: (i) to approve application 09/00136/FULL subject to the terms and conditions set out in the report; (ii) that a suitable form of agreement between the applicant and the Council is concluded to ensure that, once completed, the development operates solely as flats for people with short-term housing needs, ancillary office, management, assessment and reception, and at no time for general housing needs and; (iii) to note the intention to bring a report to Council promoting a

Tree Preservation Order for the trees to be retained on the site, as identified on the approved plans.

- 3.2. This decision was in accordance with the recommendations as set out in Section 2.0 of the report of 3rd September 2009. In respect of Point (ii) of the decision, the report stated in paragraph 6.17 that *"the development is relatively compact and high density and given the levels of private and public amenity space, as well as car parking proposed within it, would not lend itself well to general needs housing, which would normally require a significantly greater provision of such facilities."* The report then stated in paragraph 6.18 that *"taking account of the comments regarding amenity and parking space, however, it is proposed that any decision to approve the application should be supported by an agreement between the Council and the applicant that would retain the use of the site strictly for that applied for, to prevent the development becoming general needs housing under permitted development rights. The applicant's agent has indicated a willingness to enter into such an agreement."*
- 3.3. At that time the need to control the use of the development in the manner set out above was deemed necessary. In particular as the proposed development, although specifically designed for people with short term housing needs, would fall into the planning use class for general needs housing and parking and amenity standards were well below those normally applied through Development Plan policies for such housing. In other words, the detailed layout was only considered suitable for the specific housing purpose identified in the application description.
- 3.4. In addition, whilst the intended operator of the completed development was, and remains, Clackmannanshire Council, other parties were involved in the proposals; Ochilview Housing Association as applicant and Forth Valley College as owner.
- 3.5. Taking account of these factors, the requirement to control the use of the development as described was considered to be beyond the scope of a planning condition, and therefore a legal agreement involving the relevant parties was proposed, and agreed by Committee.
- 3.6. Shortly after the Committee's decision of 3rd September 2009, a Section 75 Agreement was drafted by the Council's Legal Services for signing by all parties; Ochilview Housing Association, Forth Valley College and the Council. Despite the best efforts of planning and legal officials of the Council, it has not been possible to conclude the agreement with these other parties.
- 3.7. In the intervening period, the emergence of new Government funding arrangements and changes to the Housing Benefits regime has removed the advantage Ochilview Housing Association previously had in leading on this project, and it is now proposed that the Council itself takes over the lead in this project, including site acquisition, as set out in a report to the Council meeting of 30th June 2011 entitled "Council New Build - Briefing Note" by the Head of Community and Regulatory Services. A bid has now been submitted for grant funding to the Scottish Government, and a decision is awaited.
- 3.8. In addition, new legislation emerging from the Town and Country Planning (Scotland) Act 2006, and which came into force on 1st February 2011, allows

parties to Section 75 Agreements to submit applications to have obligations contained therein modified or discharged, and providing a right of appeal to Scottish Ministers against the planning authority's decision in respect of such applications. This safeguard will appear particularly relevant to the current agreement. Any decision to proceed without a legal agreement would therefore remove the need to consider such an application at a later date.

- 3.9. These events have necessitated a review of the need for and appropriateness of a legal agreement in this case, and it is now considered that the use of a planning condition rather than a legal agreement to restrict the use of the development in the manner originally intended would be appropriate to fulfil the purpose of the originally intended legal agreement. We are satisfied that the proposed condition described in paragraph 2.1 above meets the normal tests for planning conditions, and a decision to proceed on this basis will enable the planning permission to be granted and progress made on funding arrangements.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒

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

##### *5.4. Staffing*

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

#### **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 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 checked="" 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)

**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".

- Appendix 1 - Report of Handling to the Planning Committee of 3rd September 2009 on Planning Application Ref: 09/00136/FULL Demolition of Existing College Annexe and Development of 25 No. Flats for People with Short-Term Housing Needs, Ancillary Office, Management, Assessment and Reception at Hallpark Annexe, Hallpark, Sauchie.

**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
Grant Baxter	Principal Planner	2615

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
John Gillespie	Head of Community and Regulatory Services	





## **APPENDIX 1**

### **CLACKMANNANSHIRE COUNCIL**

---

#### **Report to Planning Committee of 3rd September 2009**

---

**Subject: Report of Handling on Planning Application Ref 09/00136/FULL - Demolition of Existing College Annexe and Development of 25 No Flats for People with Short-term Housing Needs, Ancillary Office, Management Assessment and Reception at Hallpark Annexe, Hallpark, Sauchie (Ref: 09/00136/FULL)**

---

**Applicant: Ochilview Housing Association**

**Agent: Machin Associates**

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

**Electoral Ward: Clackmannanshire Central**

---

#### **1.0 Purpose**

- 1.1 This is a report of the handling of the above noted planning application submitted to Clackmannanshire Council on 3rd June 2009. The report considers the application proposals in the context of the Council's Development Plan and other material considerations, including consultation responses and representations. The report makes a recommendation to committee on determining of the planning application.
- 1.2 The application proposes a development which, in principle, is supported by the Development Plan as providing particular needs housing. The site has been identified in the Development Plan for an alternative use, as part of the hospital development. This development has now been completed entirely on adjacent land, and the site is not now required for the hospital use. Therefore events on the ground have effectively superseded the Local Plan allocation of the site. In addition, it is Forth Valley College's intention to relocate its existing activities from the site.
- 1.3 The site is in a mixed use area and does not immediately adjoin residential properties. It is however well served by public transport and is highly accessible to local amenities.
- 1.4 The design of the proposed development is of a high quality and will complement the new hospital building adjacent. In addition, the layout has been adjusted to retain key trees on the site that contribute to the streetscape of Hallpark.

## **2.0 Recommendations**

2.1 The application is recommended for approval subject to the following conditions:

1. Before any works commence on site a plan or plans shall be submitted showing existing and proposed ground levels and Finished Floor Levels of all proposed buildings, set against a fixed datum point marked on or adjacent to the site. The development shall then be completed in accordance with such approved levels, unless otherwise approved in writing by the Council.
2. Before any work starts on site, a demolition and construction traffic management plan shall have been submitted to and approved in writing by the Council. It shall include:-
  - a) All road and pedestrian safety measures within and adjacent to the site, including carriageway work, signing, traffic control measures and supervision.
  - b) Internal site servicing and construction vehicle/site personnel parking.

Once approved, the demolition/construction shall be carried out in accordance with the approved plan unless otherwise approved in writing by the Council.
3. Before any work starts on site, the following additional details or information shall have been submitted to and approved in writing by the Council, and thereafter the site shall be developed in accordance with such approved details:
  - a) Samples of all external building materials, including roof tile, window colour, render, brick and timber cladding.
  - b) Samples of road, footpath and parking area surface materials.
  - c) Details of all proposed boundary walls/railings and fences to be retained and any additional boundary treatment, including the proposed new gated access.
4. Before any work starts on site, details of a scheme for the discharge of surface water from roads, footpaths, gardens and roofs shall have been submitted to and approved in writing by the Council. Thereafter, the scheme shall be implemented in accordance with the approved details. The scheme shall be designed in accordance with the principles set out in the "Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland".
5. Construction work within the site, and the associated operation of vehicles and machinery shall only take place between the hours of 0800-1800 hours Monday to Friday, 0800-1300 hours Saturday and at no time on Sundays or Local Bank Holidays.
6. Before any works (including demolition) commence on site, protective fencing shall have been erected around all trees to be retained as part of this development, and identified on the Proposed Layout Drawing, all

in accordance with BS 5837 (2005).

The fencing shall be inspected by a representative of the Council once erected prior to commencement of works, and shall remain in place for the duration of the demolition and construction work.

7. Before any works commence on the site, an appropriate contamination investigation/risk assessment shall have been submitted to and approved in writing by the Council. This assessment shall be carried out by a competent consultancy in accordance with relevant guidelines to determine the nature, extent and potential impacts of any contamination associated with the previous use of the site. Thereafter, the development shall be carried out in accordance with such approved details.
8. Before any works commence on site, arrangements for payment of a compensatory sum towards landscape enhancement in the vicinity of the site, in lieu of trees to be felled shall have been submitted to and approved in writing by the Council. Thereafter, such contribution shall be made to the Council in accordance with such approved details.
9. Before any work commence on site, a scheme of landscaping, including schedule of proposed works and phasing, shall have been submitted to and approved in writing by the Council, and thereafter the scheme shall be implemented in accordance with such approved details.

#### **Reasons**

1. In the interests of visual amenity.
  2. In the interests of residential amenity and road safety.
  3. In the interests of visual amenity.
  4. In order to ensure provision of an adequate surface water drainage system.
  5. In the interests of residential amenity.
  6. In order to ensure protection of important trees during construction.
  7. In the interests of residential amenity.
  8. In order to ensure the provision of landscape enhancement.
  9. In the interests of visual amenity.
- 
- 2.2 It is further recommended that a suitable form of agreement between the applicant and the Council is concluded to ensure that, once completed, the development operates solely as flats for people with short-term housing needs, ancillary office, management, assessment and reception, and at no time for general needs housing.
  - 2.3 It is further recommended that the Committee note the intention to bring a report to Council promoting a Tree Preservation Order for the trees to be retained on the site, as identified on the approved plans.

## **2.4 Reasons for Decision**

1. The proposed hospital allocation of the site in the Local Plan has been superseded by events on the ground in the form of completion of the hospital development on adjoining land.
2. The proposed development on this site complies with relevant Development Plan policies.
3. The comments of objectors have been addressed in amended plans and proposed conditions.
4. The comments/concerns of objectors would not warrant refusal of the application, and, in the case of tree issues, have been addressed in amended plans and conditions.

## **3.0 Background to the Proposals**

- 3.1 The planning application relates to the Hallpark Annex site, part of Forth Valley College on Hallpark Sauchie. The triangular shaped site extends to approximately 0.36 hectares with frontages onto Hallpark itself and also to the adjoining car park of the new Clackmannanshire Hospital. The site takes direct vehicular and pedestrian access from Hallpark and contains one main two storey industrial style building running along the western boundary. Its main use is understood to be in relation to teaching of courses on car mechanics. The remainder of the site contains access road, parking areas and two areas of green space both of which contain a number of mature trees. The frontage onto Hallpark is dominated by a 2.5m high retaining wall whilst other boundary's are formed by metal mesh security fencing. Other nearby land uses include open space, building supplies business, office accommodation, car dealership/petrol station and residential properties.
- 3.2 The site is allocated in the Clackmannanshire Local Plan as part of Proposal CR11 Sauchie Hospital. This designation relates to both the site and the adjoining land upon which the new hospital has recently been completed.
- 3.3 The planning application proposes to demolish the existing building and develop two blocks containing 26 flats in total with ancillary office, management, assessment and reception facilities. The remainder of the site will be dedicated to parking and open space. Vehicular and pedestrian access would be from the existing access point however access to the site would be controlled by a security gate entry system. The buildings would be largely two storey with the ancillary accommodation of single storey construction. Since the submission of the original application, amended plans have been submitted and the changes they present are discussed in Sections 4.0, 5.0 and 6.0.
- 3.4 The proposal would be developed by Ochilview Housing Association and leased to Clackmannanshire Council to be run as a homeless advice and assessment centre, providing short term residential accommodation for those declaring themselves as homeless. The development, including

accommodation and support facilities would be the only purpose built facility of this nature in Clackmannanshire.

- 3.5 The planning application has been advertised as a departure from the Clackmannanshire Development Plan in so far as it proposes an alternative form of development from that envisaged in the Clackmannanshire Local Plan 2004. The planning application is also one in which the Council has an interest in, as funders and future managers of the proposed facility and this is the reason it is being reported to Committee for decision.

#### **4.0 Consultations**

- 4.1 Roads and Transportation: The proposed use of the existing access is acceptable. Increased volumes of traffic are being experienced on Hallpark. There is a requirement for adequate parking to be provided within the site, in order to ensure no overspill on street. The site would not be suitable for adoption. Following further consideration of an amended layout, Roads and Transportation have no objections to the proposals in terms of proposed parking and other arrangements. Roads also consider that the site should have some scope to accommodate additional parking space, should these be needed in the future. *Comment: Adequate space exists to provide additional spaces should this be required.*
- 4.2 Land Services: Object to proposed loss of fourteen of sixteen trees within the site. Seven of these trees are in Category A and could have a substantial contribution of at least forty years lifespan. The trees provide a significant landscape feature in this area. Proposals to fell this number of quality trees is contrary to the Council's Development Plan Policies. Consideration should be given to a commuted sum payment towards play provision in Fairfield Park. *Comment: Amended proposals have now been received which propose to retain seven of the trees on the site. This matter is discussed in more detail in response to objectors, below and under Sections 5.0 and 6.0 such that it would not require provision of play equipment and therefore a commuted sum to play provision elsewhere is not necessary.*
- 4.3 SEPA: No objections subject to standard comments regarding surface water drainage, foul drainage and waste management. SEPA advise consultation with the Council's Contaminated Land Officer given the site previous use.
- 4.4 Environmental Health: No objections however comments regarding hours of construction. The contaminated Land Officer has advised that an Environmental Risk Assessment should be carried out before development commences. *Comment These matters can be dealt with by appropriate planning conditions.*
- 4.5 Waste Management: Standard Comments regarding disposal of waste in accordance with the Council's policies and guidance.
- 4.6 Scottish Water: No objections subject to standard conditions regarding connection to Scottish Water infrastructure. There may be a requirement for the developer to carry out works on the waste water network and SUDS will be required to deal with surface water drainage. Any requirement to disturb

Scottish Water infrastructure during construction should be subject to further consultation with them.

- 4.7 Central Scotland Police: Architectural Liaison Officer: No objections to the proposed development, but a Traffic Impact Report should be considered. These comments have been made in the context of current objections concerning anti-social behaviour that may result from the development. The applicant intends to seek Secure by Design Accreditation from the Police. Comment: *In response to these comments, the Roads Section have advised that the type of Traffic Report suggested by the Police is not necessary, given the anticipated low volumes of traffic and taking account of the existing use.*

## 5.0 Representations

- 5.1 As noted in the Section 3.0 above, the application was advertised in the Alloa Advertiser as a departure from the Development Plan, in addition, three neighbouring proprietors were notified of the application. In response, 24 letters of objection have been received, including one from Sauchie Community Group (see Appendix 1). A number of these letters of objections appear to have been submitted using a standard pro-forma.

The main reasons for objection can be summarised as follows:

- Concern regarding anti-social behaviour and crime generated by users of the proposed facility, affecting the local area, and in particular possible conflict with users of the new hospital. There is past experience of similar developments already at Lochbrae Sauchie in respect of these issues. Comment: *These types of issues/concerns would be primarily regulated by the Police and the Housing Service through respective powers available to them. There is insufficient evidence to attach significant weight to these issues in assessing the planning merits of the application, although the perceived fear of a reduction in community safety would be a material consideration. In this context, the consultation response from Central Scotland Police, given in the knowledge of the objections is also a significant material consideration which does not appear to support such concerns.*
- The site is not allocated for housing in the Local Plan. Comment: *As noted in Section 3.0, above, the site was originally allocated in the Clackmannanshire Local Plan 2004 as part of the land for the Clackmannanshire Hospital. The hospital has now been completed entirely on the adjoining land and NHS Forth Valley have confirmed that the planning application site is now surplus to their requirements in respect of the hospital development. Nevertheless the application was advertised as a departure from the Local Plan. It should be noted that the proposed development is not for general needs type housing but is for a specific facility providing accommodation and support facilities for homeless people.*
- Have other sites been considered for the proposed development? Comment: *The Council as planning authority does not necessarily require to consider alternatives sites that were assessed for the particular development in determining the application. As part of their design statement the applicant's agent indicates that a site selection process was gone through and other sites ruled out based on several criteria.*

- Loss of trees Comment: *The site contains sixteen mature trees, seven of which are considered of high amenity value, although none are protected by a Tree Preservation Order. A tree survey was submitted with the application confirming the condition of the trees and that fourteen out of sixteen would be felled to accommodate the proposed development. Since the submission of the original application, and in consultation with Development Services, the proposals have been amended such that a total of seven trees shall be retained, those being the groups of four and three trees on either side of the access road, which have the greatest impact on the frontage of the development onto Hallpark and the setting of the site.*
- Increased traffic generation on Hallpark which already carries greater volumes of traffic than before. Lack of parking spaces in the site outside the gates. In addition the garage opposite creates a large volume of traffic and on street parking. Once fully opened, the new hospital will contribute further to traffic and parking issues. Increased risk of pedestrians/ vehicular accidents. Comment: *As noted above, the Roads Section have no objections to the application, in terms of parking and access. The proposed development is likely to be one that will generate significantly less traffic than a general needs housing development of 25 flats, given its nature. Space should be provided for 3 No. cars to be queued at the gate, off the public road. Taking these factors into account and the existing educational use of the site, it is considered that on balance there is unlikely to be any significant change in traffic volumes using the site access as a result of the proposed development.*
- The development will be visually obtrusive. Comment: *The proposed buildings are of a sensitive design and finish that will compliment the new hospital.*

## 6.0 Planning Considerations

### 6.1 Provisions of the Development Plan

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

### 6.2. The key Development Plan policies the application requires to be considered against are as follows:-

- Clackmannanshire and Stirling Structure Plan Approved 2002, Policy H3 - Housing to Meet a Range of Needs.
- Clackmannanshire Local Plan Adopted 2004 Policy EN2 - Landscape and Ecology, Policy EN11 - Enhancing Environmental Quality, Policy RES 4 - Affordable and Particular Needs Housing, Proposal CR11 - Sauchie Hospital

### 6.3 In considering these Development Plan policies, key issues for consideration are as follows:-

- Principle of the development
- Suitability of site

- Loss of trees
- Details of layout and design

#### 6.4 Principle of the Development

The Council requires, under the terms of Scottish Planning Policies, to provide a range and choice of housing and in particular to provide for, particular needs housing. Policy H3 of the Structure Plan and RES 5 of the Local Plan indicate that this Council support provision of a range and choice of house types, including affordable and special needs housing through the planning process. The planning application involves a very particular type of housing in the form of provision for the short-term needs of those who are homeless and awaiting permanent accommodation. The Design Statement (Appendix 3) submitted with the application highlights the needs for a housing advice and assessment centre to be run by the Council. In turn, this would reduce the burden of public expenditure on bed and breakfast facilities and the strain on existing facilities in the face of increasing need for temporary accommodation. The provision of the facility would assist the Council in fulfilling its statutory duties under the Housing (Scotland) Act 2001 which imposes a responsibility to provide temporary accommodation for all homeless applicants. The development would also assist the Council in meeting projected future needs in light of new Scottish Government policies.

- 6.5 The principle of the development is considered acceptable and in accordance with Scottish Planning Policies and Structure and Local Plan Policies on providing particular needs housing.

#### 6.6 Suitability of the Site

There is no site currently allocated in the Clackmannanshire Local Plan for this proposed use. As already noted, the Council currently relies on its own general needs housing stock and private bed and breakfast accommodation to meet the needs of homeless applicants, with flats in Lochbrae, at the opposite end of Sauchie, already used for this purpose.

- 6.7 The Local Plan allocation of this site for hospital use is discussed under Section 5.0 above. Whilst the site has been allocated in the Local Plan as part of the new Community Hospital, this development has now been completed without the need for the planning application site in question and Forth Valley NHS have indicated that the land is surplus to their requirements.
- 6.8 Whilst the site is still in active use by Forth Valley College, the College proposes to relocate these facilities into its proposed new campus subject of a separate planning application. The Local Plan designation of the site and its current use are therefore not impediments to the development of the site for an alternative use.
- 6.9 Taking account of the particular needs of the development, it is noted that the site lies within a very mixed use area which is not dominated by residential properties. In addition, it is well connected, being on a main road frontage with a regular bus route and adjacent to the mixed leisure route.



In addition, the site is within easy walking distance of public facilities and amenities, including the Health Care Services, local shops and other services. The site is therefore considered to be suitable for the form of development proposed.

#### 6.10 Loss of Trees

At the request of the Council, the applicant had an Agricultural Consultant prepare and submit a Tree Survey (Appendix 2)). The findings of the survey indicated that 16 trees existed on the site, 7 of which were in BS category A1 (trees of high quality and value). The tree survey indicated that of these 16 trees, one was recommended for felling given its poor condition, whilst 13 would require to be removed to accommodate the proposed development. Five of these are within category A1 condition. Taking account of the advice from Land Services and also the significant visual impact the group of trees on site make to the streetscape of the Hallpark, this level of tree loss is considered unacceptable to accommodate the proposed development. Notwithstanding the fact that the trees have no statutory protection, over the years, they had matured well and have been looked after responsibly by the College. Up to submission of the application there was no particular threat to them.

6.11 In addition, taking account of the provisions of Policy EN2 of the Clackmannanshire Local Plan, the Council has a duty to ensure that existing landscape features, such as mature trees, are retained wherever possible.

6.12 Following detailed discussions between Development Services and the applicants, the layout of the development has been altered, such that the number of proposed flats is reduced from 26 to 25, and the buildings reconfigured to show retention of 7 trees within the proposed development. The trees proposed to be retained have been identified as those which make the greatest contribution to the streetscape on Hallpark itself and are in the form of a group of 3 trees in the south-east corner of the site and a row of 4 trees along the central part of its Hallpark frontage. Five of the 7 trees are in the Category A1 condition.

6.13 It should be noted that whilst detailed discussions took place on the retention of further trees within the site, it was clear that further changes to the layout would significantly reduce the density of the development and thereby call into question the viability of the scheme.

6.14 The applicant's Arboricultural Consultant has confirmed that providing the suitable tree protection measures are put in place during the construction phase, the 7 retained trees should have a viable future within the proposed new development.

6.15 Any decision to approve the application should be followed up by the promotion of a Tree Preservation Order on the retained trees.

#### 6.16 Details of the Design and Layout

As previously noted, the development would be a self-contained facility providing both accommodation for homeless applicants and ancillary facilities. In order to provide the required levels of security to the development, it would

be served by a gated access and managed by a 24 hour concierge arrangement. The site would be covered by a CCTV system and existing secure boundary fencing and walls would be bolstered by security planting.

- 6.17 The development layout is largely in the form of two main blocks, facing onto a courtyard area made up of parking and open space. The development is relatively compact and high density and given the levels of private and public amenity space, as well as car parking proposed within it, would not lend itself well to general needs housing, which would normally require a significantly greater provision of such facilities.
- 6.18 The built form is considered to be of a high quality and complimentary to the new hospital building which will largely form the backdrop to the site. Taking account of the comments regarding amenity and parking space, however, it is proposed that any decision to approve the application should be supported by an agreement between the Council and the applicant that would retain the use of the site strictly for that applied for, to prevent the development becoming general needs housing under permitted development rights. The applicant's agent has indicated a willingness to enter into such an agreement, the details of which are set out in the Section 2.0 of this report.
- 6.19 Other Material Considerations

Taking account of the above, it is concluded that the Development Plan would support the proposed development. The other material considerations set out in this report, in the form of consultation responses and objections have been assessed. No consultees object to the application and any specific requirement set out in consultation responses have either been addressed through amendments to the scheme or can be dealt with by suitable planning conditions. The key concerns of objectors are not borne out by the assessment of the proposals against Development Plan policies, the responses of consultees and in the case of tree related issues, have been addressed through amended proposals.

6.20 Summary

In summary, the proposals are considered to be acceptable under the terms of Development Plan policies, and material considerations do not outweigh this conclusion. The application can be recommended for approval subject to suitable conditions and the completion of an agreement between the Council and the applicant in respect of the restriction on the future use of the site.

## **7.0 Sustainability Implications**

- 7.1. The proposed development would redevelop a site which is at least partially brownfield and high amenity trees have been preferred through changes to the layout.

## **8.0 Resource Implications**

### *8.1. Financial Details*

- 8.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. ☒

8.3. *Staffing*

**9.0 Exempt Reports Only - Reasons for Exemption**

- 9.1. This report is not exempt

**10.0 Declarations**

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

- (1) **Our Priorities 2008 - 2011** (Please tick ☒)

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input 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 type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input checked="" 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)


**11.0 Equalities Impact**

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

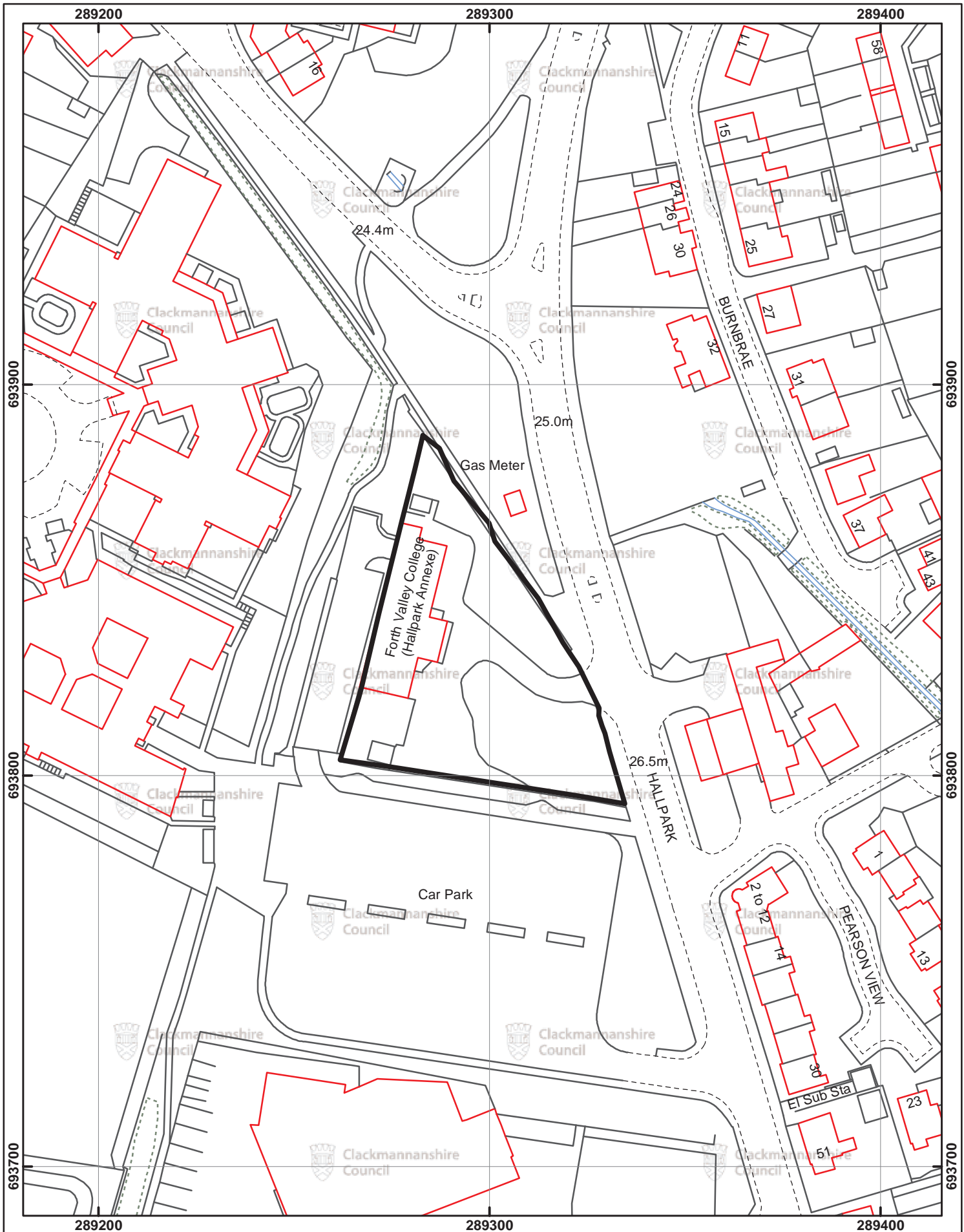
Yes ☐ No ☒


**12.0 Legality**

- 12.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers Yes ☒

APPROVAL/SIGNATURE		DATE
Head of Service		25.08.09








Date:  
27-Jun-2011

**09/00136/FULL - Hallpark Annexe, Hallpark, Sauchie**  
**Demolition of Existing College Annexe and Development of 25 No.**  
**Flats for People with Short-Term Housing Needs, Ancillary Office,**  
**Management, Assessment and Reception**  
**Ward: Clackmannanshire Central**  
**OS Grid Ref: NS 89 93 NW**



**Clackmannanshire Council**  
[www.clacksweb.org.uk](http://www.clacksweb.org.uk)  
 Services to Communities  
 Kilncraigs  
 Greenside Street  
 Alloa  
 FK10 1EB

0 5 10 15 20 25  
Meters

Scale: 1:1,250

Tel: 01259 450 000 Fax: 01259 727 452  
[development\\_services@clacks.gov.uk](mailto:development_services@clacks.gov.uk)

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.  
 All rights reserved. Ordnance Survey Licence number 100020783.



---

**Report to Planning Committee of 14 July 2011**

---

---

**Subject: Single Storey Extension to Rear of House at 6 Ramsey  
Tullis Drive, Tullibody, FK10 2UD, Ref No.  
11/00166/FULL**

---

---

**Applicant: Mr and Mrs G Matchett**

---

---

**Agent: John Ross, 25 Buckstone Dell, Fairmilehead, Edinburgh,  
EH10 6PG.**

---

---

**Prepared by: M Stoddart (Planner)**

---

---

**Ward Clackmannanshire West**

---

**1.0 Purpose**

- 1.1. This is a report of handling for 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.
- 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 which would outweigh this position and justify withholding permission. The application is therefore recommended for approval.
- 1.3. As this planning application has been submitted by an elected member of the Council, the Council's Appointed Officer is prohibited from making a determination under the scheme of delegation. Accordingly, the application is reported to the Planning Committee for decision.

**2.0 Recommendations**

- 2.1. It is recommended that the application is APPROVED.

**3.0 Background to the Proposals**

- 3.1. The application site is rectangular in nature with the detached house in the middle of the property. To the rear of the property is the Braehead Golf Course and there are detached houses to both sides. The property to the west of the site is moderately lower and the property to the east is correspondingly higher.

- 3.2. The proposed extension is to the rear of the house and comprises a 4.7 m wide by 4.7 m deep, pitched roof, single storey development. The extension will be 4.4 m from the eastern side boundary, 7.7 m from the western side boundary and 2.4 m from the southern rear boundary. Finishes will match the existing house.
- 3.3. The house has been altered and extended in the past. Three planning applications have been approved, a conservatory to the west, an extension to the kitchen and creation of a dining room to the east and an alteration to the roof over the extension (Ref No's C/89/074/10, C/94/030 & 05/00018/FULL).

#### **4.0 Consultations**

- 4.1 None

#### **5.0 Representations**

- 5.1 Eight neighbouring households and one other neighbour were notified of the application. No representations have been received.

#### **6.0 Planning Considerations**

- 6.1 Policy RES 12 'Householder Developments and Established Amenity' of the Clackmannanshire Local Plan is relevant. It states that "Alterations and extensions to houses will normally be approved provided the appearance of the house and surrounding area is not adversely affected. Approval is unlikely to be granted where
- the siting and scale of the extension significantly affects the degree of sunlight, daylight, amenity and or privacy enjoyed by the occupants of the adjoining or nearby property.
  - the mass and form of materials used are alien to the existing building.
  - more than 50% of the original garden ground would be lost and / or off-street parking reduced.
- 6.2 The extension will not adversely affect the degree of sunlight, daylight amenity or privacy enjoyed by neighbouring properties as
- it is a minimum of 4.4 m from the eastern side boundary, there is a 1.8 m high fence on this boundary and this property is higher than the application site.
  - the land to the rear is part of a golf course.
  - the extension will be 7.7 m from the western boundary and there is a 1.8 m high fence on this boundary.
  - the extension is a single storey construction.
- 6.3 The proposed finishes match the existing house and therefore these are not alien to the existing building.



- 6.4 There will still be more than 50% of the original garden ground retained and no loss of off-street parking.
- 6.5 Therefore the proposal accords with Planning policy and as there are no other material considerations which would outweigh the Development Plan position and justify withholding permission, the application should be approved.

## 7.0 Sustainability Implications

- 7.1 None

## 8.0 Resource Implications

### 8.1 Financial Details

- 8.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒

### 8.3 Staffing

- 8.4 No Implications

## 9.0 Exempt Reports - Reasons for Exemption

- 9.1 Not applicable

## 10.0 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 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)

RES12 "Householder Developments and Established Amenity".

## 11.0 Equalities Impact

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

Yes ☐

No ☒

## 12.0 Legality

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

## 13.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "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
Ian Duguid	Development Quality Team Leader	452621

### Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	



Date:  
27-Jun-2011

**11/00166/FULL - 6 Ramsey Tullis Drive, Tullibody**

**Single Storey Extension To Rear Of House**

**Ward: Clackmannanshire West**

**OS Grid Ref: NS 86 94 NW**

0 5 10 15 20 25  
Meters

Scale: 1:1,250

Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2011.  
All rights reserved. Ordnance Survey Licence number 100020783.



**Clackmannanshire Council**  
[www.clacksweb.org.uk](http://www.clacksweb.org.uk)

Services to Communities  
Kilncraigs  
Greenside Street  
Alloa  
FK10 1EB

Tel: 01259 450 000 Fax: 01259 727 452  
[development\\_services@clacks.gov.uk](mailto:development_services@clacks.gov.uk)

