



**Clackmannanshire
Council**

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

PLANNING COMMITTEE

Thursday 15 March 2012 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 452106/2004 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.

7 March 2012

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 15 MARCH 2012 at 9.30 am.

**DAVID THOMSON
Solicitor, Legal Services**

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2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Planning Committee meeting held on Thursday 16 February 2012 (Copy herewith)	01
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COMMITTEE MEMBERSHIP – PLANNING COMMITTEE

Councillors

Wards

Councillor Alastair Campbell (Convener)	5	Clackmannanshire East	CON
Provost 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, QPM	1	Clackmannanshire West	LAB
Councillor Walter McAdam, MBE	2	Clackmannanshire North	SNP
Councillor Bobby McGill	2	Clackmannanshire North	LAB
Councillor Harry McLaren	5	Clackmannanshire East	LAB
Councillor Gary Womersley	3	Clackmannanshire Central	SNP
Councillor Janis Paterson	1	Clackmannanshire West	SNP



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**THIS PAPER RELATES TO
ITEM 3
ON THE AGENDA**

**MINUTE OF MEETING of the PLANNING COMMITTEE held within the Council Chamber,
Greenfield, Alloa, FK10 2AD, on THURSDAY 16 FEBRUARY 2012 at 9.30 am**

PRESENT

Provost Tina Murphy (Vice Convener) (In the Chair)
Councillor Kenneth Earle
Councillor Mark English
Councillor Walter McAdam, MBE
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Janis Paterson
Councillor Gary Womersley

IN ATTENDANCE

Grant Baxter, Principal Planner
Julie Hamilton, Development Service Manager
Andrew Wyse, Solicitor (Clerk to the Committee)
Stuart Cullen, Roads Development Officer
Ross Thomson, Housing Asset Management Surveyor

PLA(12)36 APOLOGIES

Apologies for absence were received from Councillor Alastair Campbell and Councillor George Matchett, QPM.

PLA(12)37 DECLARATIONS OF INTEREST

None

PLA(12)38 MINUTES OF MEETING: PLANNING COMMITTEE 19 JANUARY 2012

The minute of the meeting of the Planning Committee held on 19 January 2012 was submitted for approval.

Decision

The minute of the meeting of the Planning Committee held on 19 January 2012 was approved as a correct record of the proceedings and signed by the Convener.

PLA(12)39/

PLA(12)39 PLANNING APPLICATION

Planning Application: Alterations and change of use of Dalmore Centre to form 5 no. amenity units and erection of residential block consisting of 2 no. amenity flats on the ground floor and 2 no. general needs flats on the upper floor at Dalmore, West Stirling Street, Alva (Ref. 11/00338/FULL)

A report submitted by the Principal Planner summarised a planning application for the above noted proposed development and made recommendation on the application. The application was reported to the Committee for decision as the Council has an interest in the application as owner of the site and applicant.

The Principal Planner introduced his report and advised the Committee of an error at paragraph 5.1 of the report (bullet point 4) (Representations); this should read 87 Park Street and *not* 91 Park Street.

The Principal Planner confirmed that Historic Scotland had approved the related Listed Building Consent application on 14 February 2012 subject to a condition requiring details of the conversion of the small play shed on site to be submitted to Scottish Ministers.

The Committee then heard representation from Mr Graham Nicol (Neighbour).

Motion

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

Moved by Councillor Bobby McGill. Seconded by Councillor Kenneth Earle.

Decision

The Committee agreed unanimously to approve the application for planning permission subject to the conditions and reasons set out in the report.

Action

Service Manager (Development)

PLA(12)40 PLANNING APPLICATION

Planning Application: Erection of 16 no. cottage flats at site, The Orchard, Tullibody, Clackmannanshire (Ref. 11/00340/FULL)

A report submitted by the Principal Planner summarised a planning application for the above noted proposed development and made recommendation on the application. The application was reported to the Committee for decision as the Council has an interest in the application as owner of the site and applicant.

Motion

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

Moved by Provost Tina Murphy. Seconded by Councillor Kenneth Earle.

Decision/

Decision

The Committee agreed unanimously to approve the application for planning permission subject to the conditions and reasons set out in the report.

Action

Service Manager (Development)

ENDS 10.05 am

CLACKMANNANSHIRE COUNCIL

Report to Planning Committee of 15 March 2012

Subject:	Erection of 97 No Houses With Associated Roads and Footpaths, Play Area, Water Basin and Open Space at Former Alloa Academy, Claremont, Alloa, Clackmannanshire (Ref 11/00337/FULL)
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Applicant:	Bellway Homes Ltd, Bothwell House, Hamilton Business Park, Caird Street, Hamilton
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Agent:	EMA Architects, The Stables, Baileyfield Road, Edinburgh
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Prepared by:	Grant Baxter, Principal Planner
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Ward	Clackmannanshire South
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1.0 Purpose

- 1.1. This report summarises a planning application for the above noted proposed development and makes a recommendation on the application to Members. The application is being reported to the Planning Committee for a decision as the site is owned by the Council and in addition, the proposal constitutes a Major development.

2.0 Recommendations

- 2.1. The application is recommended for APPROVAL, subject to the conditions and reasons set out below.
- 2.2. Subject to the following Conditions
1. All tree works on and adjacent to the site shall be carried out in accordance with the approved Tree Survey and Plan prepared by Donald Roger Associates and dated November 2011.
 2. Before any works start on site, protective fencing shall have been erected around all trees to be retained as part of the development, in accordance with BS 5837(2005). The fencing shall be inspected by a representative of the Council, and shall remain in place for the duration of the construction work.

3. Before any works commence on site, a Site Waste Management Plan for the construction and post development phases, produced with reference to the Council's Supplementary Advice Note - Managing Waste in Housing and Commercial Developments shall have been submitted to and approved by the Council. The plan shall detail measures for waste minimisation, separation, re-use and recycling, identifying storage and collection requirements/facilities, and the development shall be carried out in accordance with the approved plan.
4. Before any works commence on site, a revised Proposed Plot Levels Plan shall have been submitted to and approved by the Council. Thereafter, the development shall be carried out in accordance with the approved levels.
5. Before any works commence on site, a Construction Method Plan that contains the arrangements to minimise the environmental and road safety impact of construction activity and all vehicle movements on the adjacent public road network, during the construction phase or phases of the development, shall have been submitted to and approved by the Council. The plan will specifically address any issues of potential conflict between site construction traffic and vehicle/pedestrian movements associated with the adjoining primary school. Thereafter, the development shall be carried out in accordance with such approved details.
6. Before any works commence on site, a Phasing Plan, detailing the proposed phasing of house construction, completion of all areas of communal landscaping/planting, play area, detention basin, roads, footways, traffic calming, off-site path connections and boundary treatments shall have been submitted to and approved by the Council. The Phasing Plan shall also set out proposals for future maintenance of communal land, and any related phasing of handover to the Council for adoption. Thereafter, the development shall be carried out in accordance with such approved phasing details, unless otherwise approved in writing by the Council.
7. Prior to first occupation of any house in the proposed development, details of the provision of a Travel Pack to be provided to all new residents of the proposed development, prepared in consultation with the Council's Roads and Transportation Section shall have been submitted to and approved by the Council.
8. Before any works commence on site, details of the play area shall have been submitted to and approved by the Council. The play area shall have a minimum of 8No. items of play equipment to cater for children aged 2 -14yrs, seating and litter bin, under-surfaced with appropriate and approved safety surfacing and enclosed with railings as shown on the approved Boundary Treatments Drawing.

9. The proposed reconstituted stone wall along the site's Claremont frontage, as shown on the approved Boundary Treatments drawing is not hereby approved. Before any works commence on site, the developer will bring forward alternative proposals for a rubble wall to match that bounding Braehead Golf Course' Claremont frontage, to the west of the site. Thereafter, final details of boundary treatment along the site's Claremont frontage shall be approved and completed in accordance with such approved details.
10. Before any works commence on site, the developer will confirm that the proposed surface water drainage scheme and detention basin are designed to deal with the 1 in 200 yr (0.5% probability of occurrence in any one year) storm event on the site, and the proposed maintenance arrangements for the detention basin.
11. No construction work shall take place and no construction vehicle or equipment shall operate outwith the hours of 0800-1800 hours Monday to Friday, 0800- 1300 hours on Saturday, and at no time on Sundays or local Bank Holidays, unless otherwise agreed in writing by the Council.

2.3 Reasons for the Conditions

1. In the interests of visual amenity and local environmental quality.
2. In the interests of visual amenity and local environmental quality.
3. In the interests of residential amenity and local environmental quality.
4. In order to ensure level details are appropriate to the site and adjoining developments.
5. In the interests of residential amenity and local environmental quality.
6. In order to ensure appropriate phasing and completion of the approved development.
7. In the interests of residential amenity and local environmental quality.
8. In the interests of residential amenity and local environmental quality.
9. In the interests of visual amenity and local environmental quality.
10. In the interests of residential amenity and local environmental quality.
11. In the interests of residential amenity and local environmental quality.

2.4 Approved Plans

- Revised Site Location Plan

- Revised Site Layout
- Street Elevation to Claremont
- Revised Proposed Site Sections
- Boundary Treatments
- Tree Survey & Plan
- Proposed Plot Levels
- Detention Basin Layout
- Cameron Plans & Elevations
- Revised Landscape Sheets 1-6
- Revised Bannerman Plans & Elevations
- Revised Blair Plans & Elevations
- Revised Churchill Plans & Elevations
- Revised Devonshire Plans & Elevations
- Revised Eden Plans & Elevations
- Revised Newcastle Plans & Elevations
- Revised Portland Plans & Elevations
- Revised Portree Plans & Elevations
- Rockingham Plans & Elevations
- Revised Rosebery Plans & Elevations
- Revised Salisbury Plans & Elevations
- Revised Wellington Plans & Elevations

2.5 Reasons for Decision

- 2.6 The application involves a housing development on a vacant former secondary school site on Claremont, Alloa, which is now identified for housing in the adopted Clackmannanshire Local Plan. The application complies with the Council's Development Plan, and will allow for the positive redevelopment of the vacant former school site for a high quality housing development with associated open space, landscaping

and play provision. There are no other material considerations that indicate the application should not be supported, and it is recommended for approval subject to the conditions and reasons noted above.

3.0 Background to the Proposals

- 3.1. The site incorporates the grounds of the former Alloa Academy, on Claremont, Alloa. It extends to 4.55Ha of land including the solum of the recently demolished former academy buildings and associated playing fields and hardstandings. The site has its main frontage to the north onto Claremont, and detached houses lie opposite. It also adjoins the grounds of Claremont Primary School to the east. The site is bounded to the south by Arns Brae Pleasure Grounds, which slope steeply downwards towards Stirling Road. The western boundary is onto a footpath that separates the site from Braehead Golf Course, and a large house plot.
- 3.2. The site is identified as Housing Policy H7 in the Clackmannanshire Local Plan, First Alteration (Housing Land), Adopted October 2011
- 3.3. The applicant proposes to redevelop the entire site to form 97No. two storey detached houses, with associated roads and footpaths, play area, water detention basin and open space. The development would have two new vehicle accesses onto Claremont, with additional pedestrian access to the west and south.

4.0 Consultations

- 4.1 Roads: No objections. Detailed comments are made on the need for a safe route to school link through Arns Brae, consideration of traffic volumes of Claremont, design of the detention basin, SUDs, control of any potential flood risk from surface water and other detailed design matters within the site layout. The proposed traffic management arrangements shown for the site frontage to Claremont are generally welcomed. The attempt to reflect the Government's policy on residential developments, Designing Streets is acknowledged.
Comment: Discussions have taken place between Roads and Development Quality officers and the applicant to address issues raised. These have resulted in internal layout changes to satisfy Roads comments, where required, and any outstanding detailed issues are addressed in planning conditions and through the Roads Construction Consent process.
- 4.2 SEPA: No objections to the surface water scheme, although two levels of treatment are normally required for such a development, however, subsequent confirmation from SEPA that as the detention basin would discharge to a combined sewer, then the one level of treatment proposed is adequate.

- 4.3 Scottish Water: No objections, however final approval for connection requires to be sought from Scottish Water. Connection may require the developer to carry out works to ensure no loss of service to existing customers. SUDs required to deal with surface water run-off. *Comment: Confirmation of approval from Scottish Water of the drainage and SUDs arrangement will require to be in place before works commence on site, in case any revisions are required to the layout and/or drainage scheme.*
- 4.4 Regional Archaeologist: The previously undeveloped nature of part of the site (playing fields) may contain archaeological remains, and a 5% ground excavation should take place prior to development to ascertain if any remains exist. *Comment: Since this advice, an archaeologist has carried out the required investigation, and has concluded that there is no evidence of any remains.*
- 4.5 Environmental Health: No objections. Construction works will require to be carried out in a manner to ensure no nuisance caused to adjoining residents or Claremont Primary School, therefore, conditions proposed on construction hours and practices.
- 4.6 Waste Management: Adequate waste storage and collection points for each house should be provided in the site. Access is required for a 26 tonne 3 axle refuse vehicle, and should ensure minimal reversing is required. Road design should eliminate closed right angles to facilitate street cleansing. The applicant should produce a waste management plan to reduce waste during construction. *Comment: The layout is well designed to ensure these requirements are met, including minimal use of cul-de-sacs, to reduce the need for vehicle reversing. A waste management plan can be required by condition.*
- 4.7 Alloa Centre Community Council: No comments on the planning application, but attended pre-application meeting with the applicant and provided comments as summarised under 5.0 below.

5.0 Representations

- 5.1 Under new planning legislation, all applications for Major and National Developments require to carry out a pre-application consultation exercise, in order to seek the community's views on the proposals at least 3 months before a planning application is submitted. As this application falls into the "Major" category, by virtue of the size of the site development, these procedures apply.
- 5.2 To this end, the applicant submitted a Proposal of Application Notice (PAN) to the Council on 25 August 2011. This set out the applicant's proposals for public consultation, including direct consultation with Alloa Centre Community Council, Braehead Golf Club, Claremont and St. Johns Primary Schools, notification of neighbours and hosting of a public drop-in exhibition, which took place on 21st September 2011 at Inglewood House. This event was advertised in the local press on 14th

September 2011. The event was attended by 74No. people, 35 of whom provided feedback forms.

- 5.3 As required by legislation, this planning application is submitted with a pre-application consultation (PAC) report which summarises the public consultation exercise, provides analysis on feedback and how this has been taken into account in the application submission. The report summarises the key elements of the consultation as follows:
- Thirty five feedback forms received from 74No. attendees (47% response rate).
 - Of the responses received, 29No. were wholly positive, nine were positive with appropriate conditions being in place and six were negative.
 - Key issues raised by those who were positive with conditions included traffic speed and volumes on Claremont and surrounding roads; concern at a lack of play facilities in the layout; comments on the proposed housing mix not including smaller units, and a desire to see trees on Claremont retained and Arns Brae enhanced.
 - Negative comments included concern at too many houses, a lack of open space, increased road safety risk, and concern on impact on infrastructure as well as comments on housing design.
 - Alloa Centre Community Council acknowledged that they had no formal role in representing the area, however provided comments to the developer. The PAC report summarises the Community Council's comments as largely positive about the development, but included an expressed desire to see enhancement of Arns Brae Pleasure Grounds, provision of play facilities, given the loss of open space, and a comment on traffic congestion at Kellie Place, at the other end of Claremont.
 - The applicant has summarised their response to the community consultation in the PAC report. The report identifies site design changes, including changes to include smaller house types, an additional point of access onto Claremont to spread traffic, the addition of traffic calming on Claremont, and the provision of open space and a play area.
 - A future footpath link to Arns Brae is also shown on the layout plan.
- 5.4 The planning application, when submitted, was advertised in the local press and a total of 28No. neighbouring properties were notified of the application. In response a total of five representations were received from the following parties:

- Lorraine Alexander, 126 Claremont, Alloa
- Robert & Alison Mathers, 146 Claremont, Alloa
- Robert & Elizabeth Snaddon, Arnside, Claremont
- Robert & Jennifer McIntyre, 144 Claremont, Alloa
- Robert Snaddon, 19 Grange Road, Alloa

and are summarised below:

- Concern regarding increased traffic volumes/speed and construction traffic on Claremont and surrounding roads. *Comment: Traffic volume and speed analysis data has been provided by the applicant's transport engineer in a Transport Statement, in consultation with Roads and Transportation. The statement concludes that the residential development will generate less traffic than the previous school use of the site, with peak flows between 21% and 26% of those generated by the former school use. In addition, traffic speed monitoring indicates that the majority of vehicles on Claremont travel within the speed limit, but that for the small number that exceeded the limit, the traffic calming measures proposed by the developer would be appropriate. The proposals include speed tables at the two proposed accesses onto Claremont.*
- Lack of green space and play areas in the area and those proposed in the site are too small. *Comment: The site previously included a secondary school with associated playing fields and the school and playing fields have been re-provided in the new Alloa Academy campus at Bowhouse Road. In addition:*
 1. *The layout plan shows an informal recreation area and an equipped play area as part of a larger piece of open space close to the Claremont frontage.*
 2. *Additional details provided by the developer show a possible future redevelopment of the adjoining Claremont Primary School site, which the Council has decided to relocate as part of a merged primary School along with St Johns, on a new site at Redwells. An indicative layout plan including the Claremont PS site, shows additional kickabout space adjoining the proposed play area to make one new park of around 5000sqm. Whilst the redevelopment of the Claremont Primary School site is not part of this current application, it is important that consideration is given at this stage to the manner in which any future housing layout on the adjoining site would integrate with this current application. The provision of such an area of combined open space and play provision is one way in which successful integration of new developments with each other and with existing communities can be achieved.*

3. The development will also deliver enhancement of passive recreation space in the form of Arns Brae Pleasure Grounds, adjoining the site.

- As such, the development complies with the relevant Development Plan policies, and goes beyond the Development Brief in the provision of open space and play facilities.
- Concern regarding impact on the privacy and amenity of adjacent residents. *Comment:* Claremont, including road verges and footway is typically 14 metres wide as it passes the site. Houses in the proposed layout will sit around a further 10m back from the street. In addition, existing houses opposite the site are typically set well back from the road frontage. The combined effect of these factors is that all proposed houses are set well back from existing houses such that they would not affect their privacy and amenity.
- Concern regarding design, density and layout of the development and the water storage area in the NE corner. *Comment:* The development density is around 21 houses per hectare, which is relatively low and sits comfortably with surrounding densities around the site, such as in Claremont, Arns Grove, Carse Terrace and Norwood Avenue. The layout and design is described in more detail under Section 6.0 of this report, and is considered to be of a high standard, taking account of the site characteristics, the Claremont frontage, and incorporating a number of elements of good placemaking and design as set out in Government policy.
- Comments that the land is protected for educational use only. *Comment:* Whilst not a material planning consideration, this question has been addressed to the Council's Legal Services, who have advised that such a restriction no longer exists on the Title to the land, as a result of an Order made by the Lands Tribunal in 2008, allowing the Council to deal with the land in such a manner as it considered appropriate.
- Support for the proposals as it will be an improvement to an existing eyesore and will generate less traffic than the previous school use.

6.0 Planning Considerations

- 6.1 The application requires to be determined in accordance with the Council's Development Plan unless material considerations indicate otherwise.
- 6.2 The site is allocated for housing in the Clackmannanshire Local Plan, First Alteration (Housing Land), Adopted October 2011 as Housing Policy H7. The guidance in the Alteration refers to the site being subject

to a Brief, a protected species survey, provision of open space, flooding assessment a SUDs scheme and public art contribution.

- 6.3 A Brief has been previously prepared for the site on behalf of the Council prior to it preparing to dispose of the site. A survey of protected species (in this case bats) took place prior to demolition of the former school buildings. Issues in relation to open space, flooding and drainage are addressed in Sections 3 and 4 above, and public art is referred to below.
- 6.4 The relevant policies of the Clackmannanshire Local Plan in relation to the application are as follows:
1. Policy RES 2 Brownfield Development: Supports residential development on previously developed sites including vacant and underused land and property. This policy supports the application which would redevelop the site of the former School, which is currently lying vacant.
 2. Policy RES 5 Affordable and Particular Needs Housing: This policy sets out a requirement for developments of 30 or more houses to provide for affordable and particular needs housing, up to a target of 25%, dependant on an assessment of local needs and circumstances, and taking account of all other material considerations. The Development Brief for the site indicates that there is no affordable housing requirement arising from the proposed development.
 3. Policy RES 7 The Layout and Form of Development, Policy RES 8 Amenity Standards and Policy RES 11 Development Principles for Large Housing Developments: These policies sets out design criteria for all housing developments, including larger developments such as this, and seek to provide high standards of residential design, layout and amenity. The applicant has submitted a Design and Access Statement, and the detailed layout set out in the plans and described in the Statement have emerged from discussions between the developer and Council officers. The resulting proposals have been significantly informed by the site and area characteristics, with a strong emphasis on place making and creating a high quality living environment that sits well with the established communities in the area. The layout includes Homezone areas, feature public squares and new landscaping and boundary treatment on the site's Claremont frontage. It is also worth noting that some of the provisions of Policies RES 7 and RES 11 are perhaps somewhat outdated and have been superseded by the provisions of the Government Policy, Designing Streets, which is a significant material consideration, and has guided much of the developer's thinking on the proposals. Since the original application submission, additional efforts have been made to further enhance the layout and design of the development, and

the result is a well considered development informed by place making rather than the needs of the car, that will compliment the site and surroundings well.

4. Policy RES 9 Open Space Principles and Policy RES 10 Open Space Standards: These policies seek to ensure provision of adequate open space and recreation to serve new developments. The proposed layout plan shows an informal recreation area in the central part of the housing development and an equipped play area within open space in the north east corner, close to the Claremont frontage. In addition, and as mentioned in Paragraph 5.4, above, an indicative layout plan shows that additional future kickabout space adjoining the proposed play area can be provided on land currently part of the Claremont Primary School site, to make one new park of around 5000sqm. The site also benefits from adjoining the Arns Brae Pleasure Grounds and extensive walks around Braehead Golf Course to the west.
5. Policy INF 2 Integration of Transport and Development Proposals: The proposals are considered to comply with this policy which seeks to locate new developments where they are conveniently served by public transport, and can be easily accessed on foot or by bicycle. A bus route (C64) runs immediately to the east of the site from Alloa town centre, and a stop is located at the junction of Claremont and Gean Road close to the site's north east corner. The Council is keen to promote new and enhanced active travel routes associated with the development. To this end, the Council will seek to ensure improvements to Arns Brae paths as a result of the development, including a new Safe Route to School, to be completed in advance of the new primary school being completed at Redwells.
6. Policy INF 4 Development Standards: This policy requires new developments to comply with the Council's Roads Development Guidelines. The Council's Roads and Transportation Section have indicated that the Government Policy Designing Streets provides an overarching ethos to their approach to roads and street design. The applicant has sought to adopt a Designing Streets approach in the detailed layout of the development, in consultation with Roads and Planning officers, and the layout as amended largely reflects this advice. Roads and Transportation have also indicated that they are comfortable with the Transport Statement regarding traffic volumes and speeds on the surrounding road network.
7. Policy INF 14 Existing Public Parks, Amenity Open Spaces, Allotment Gardens, Playing Fields and Sports Pitches: This policy seeks to resist the loss of such facilities to development unless particular circumstances apply. The site contains former

playing fields of the school that have now been re-provided at the new campus at Bowhouse Road. The site is also now identified for residential development in the Clackmannanshire Local Plan, and in this respect, the Council has already taken a decision to develop the site, including pitches, for housing on the basis that such facilities were re-provided along with the new school. Nonetheless, the proposals involve the provision of a new informal recreation space and play area, as described under policies RES 9 & 10, above. The application does not therefore conflict with this policy.

8. Policy EN11 Enhancing Environmental Quality: This policy sets out criteria which new developments should address in order to positively contribute to their immediate environment. The details of the applicant's design and access statement and the site layout that has emerged from the design process is likely to result in a development that enhances its surroundings and complies with this policy.

- 6.5 In light of this summary, the proposed development is considered to be in accordance with the adopted Clackmannanshire Local Plan.
- 6.6 Development Brief: As noted in paragraph, a Development Brief was prepared for the site. The brief set out the planning and urban design context for the development of the site. In doing so the brief considered the site context and development plan policies and set out design principles for the site. Such principles have been considered and reflected in the planning application, however, the site layout has also sought to incorporate the Government's Designing Streets Policy Statement which was not in place at the time the brief was written. Such changes have largely affected the internal site layout, whilst the requirement for a high quality built and landscaped frontage onto Claremont as set out in the brief remains an important priority which the proposals adequately address.
- 6.7 Developer Contributions: The brief also states that there are no developer contributions over and above the usual site requirements as the Council, as land owner, will be undertaking other works (as detailed in Para 6.8). The development of the site for 97No. houses requires to address the provision of community infrastructure commensurate with the scale and nature of the proposals. In this respect, the developer will provide:
- Amenity open space within the site
 - A play area within the site
 - Traffic calming on Claremont
- 6.8 The Council itself would, as a result of the development, provide:

- An appropriately sized kickabout area adjoining the proposed play area, which the Council would provide of in considering future redevelopment of the Claremont Primary School site.
- A fully surfaced and lit Safe Route to School through Arns Brae Pleasure Grounds in advance of the new school opening, which will also benefit secondary school children walking/cycling to Alloa Academy.
- Contribution towards the enhancement of the landscape within Arns Brae Pleasure Grounds.
- Sufficient new education capacity within the proposed new primary school to accommodate the new development.

6.9 Summary: The application complies with the Council's Development Plan, and will allow for the positive redevelopment of a vacant former school site for a high quality housing development with associated open space, landscaping and play provision. There are no other material considerations that indicate the application should not be supported.

7.0 Sustainability Implications

7.1 The application proposes to redevelop a vacant former school site for housing, in accordance with the Development Plan.

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 ☐

9.0 Exempt Reports - Reasons for Exemption

9.1 This is not an exempt report.

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 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)

Policies contained within the Clackmannanshire Local Plan

11.0 Equalities Impact

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

Yes ☐ No ☒

12.0 Legality

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

Yes ☒

13.0 Appendices

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

None

14.0 Background Papers

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

Yes ☒ (please list the documents below) No ☐

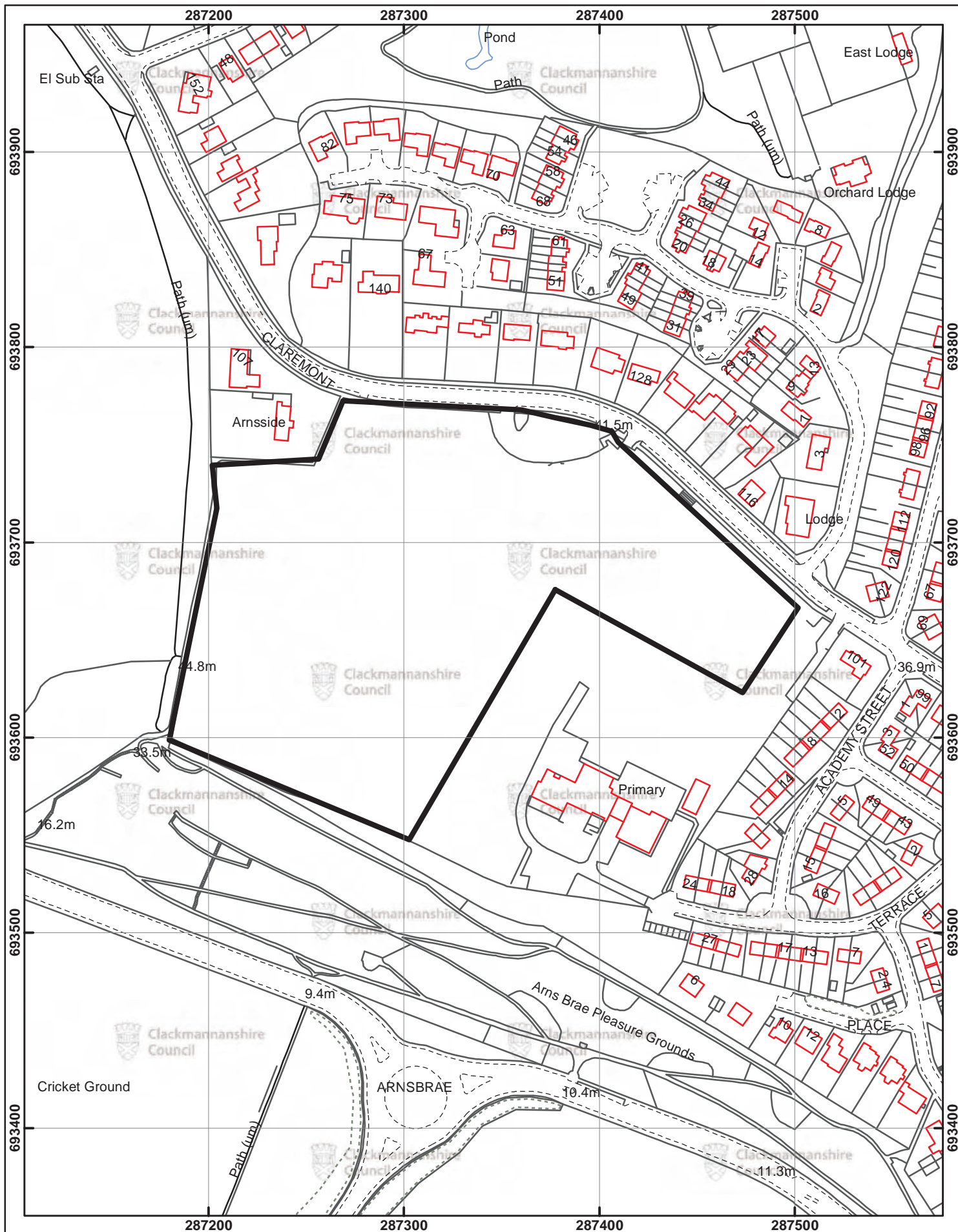
Clackmannanshire Local Plan

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	2615

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	
John Gillespie	Head of Community and Regulatory	



11/00337/FULL - Former Alloa Academy, Claremont, Alloa
Erection of 97 No Houses With Associated Roads and
Footpaths, Play Area, Water Basin and Open Space

Ward: Clackmannanshire South
 0 20 40 60 80 100
 Meters

OS Grid Ref: NS 87 93

Scale: 1:2,500

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Services to Communities
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 Alloa
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development_services@clacks.gov.uk

Report to Planning Committee of 15 March 2012

Subject: **Planning Application 11/00332/FULL – Alterations to Existing Railway Footbridge from Grange Road to Stirling Road, Alloa**

Applicant: **Network Rail, Buchanan House, 58 Port Dundas Road, Glasgow**

Agent: **N/A**

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

Ward **Clackmannanshire Central**

1.0 Purpose

- 1.1. This report summarises a planning application for the above noted proposed development. Having considered the relevant planning policies in the Development Plan, consultation responses and the representations received from neighbours, the report makes a recommendation on the application to Members.
- 1.2. The application has to be reported to the Planning Committee as the Council has an interest in the application, as owner of the site.

2.0 Recommendations

- 2.1 it is recommended that the application is APPROVED subject to the following conditions;
1. Before any works commence at the site, details of a Construction and Environmental Management Plan shall have been submitted to and approved in writing by the Council as planning authority, in consultation with Environmental Health. The Plan shall include the following;
 - (a) The proposed location, design and means of access to any construction compound, storage and lay down areas.
 - (b) The arrangements to manage and mitigate the road safety and environmental impacts of all construction related traffic on adjacent roads and neighbours including residents and the St John's primary school.

(c) The measures designed to control and minimise the potential environmental impacts generated during the construction phase on neighbouring residents and users of St John's Primary School. This shall include details of the proposed hours for construction activities including deliveries to the site. Any construction work, operation of machinery or plant or receipt of deliveries shall be restricted to between 0800-1800 hours Monday to Friday, 0800-1300 Saturday and not on Sundays, as far as practicably possible, having regard to operational constraints.

(d) The arrangements for consultation and liaison between the applicant (and any contractors) with neighbours both in advance and during the construction phase. This shall include the arrangements to respond to complaints.

Thereafter, the development shall be completed in accordance with the approved Plan.

2. 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) Details of all areas of hard surfacing around the approaches to the ramps and staircase from Grange Road and Stirling Road.

(b) Details of any railings or other means of enclosure. This shall include details of the location, design, colour and timing of completion of a timber screen fence or an alternative means of enclosure between the footpath area at the end of the ramp and staircase on the south side of the bridge and the garden area of the house at 75 Grange Road, Alloa

(c) Details of the location and design of any new or additional lighting of the bridge required to accommodate the design hereby approved.

(d) Details of the arrangements to undertake additional or replacement tree or shrub planting between the bridge and the carriageway at Dirleton Gardens. This shall include details of plant species, plant sizes, planting distances, means of establishment and timetable for implementation.

Thereafter, the development shall be completed in accordance with the above approved details.

3. No trees within or adjacent to the site shall be removed or lopped or topped as part of the construction process without the prior written approval of the Council, as planning authority. Prior to development commencing at the site, all trees within or adjacent to the site which are to be retained as part of the development shall be protected throughout the entire duration of construction work in accordance with BS5837 (2005).

4. The development shall proceed in accordance with the details and levels shown on the approved plans and documentation hereby approved, unless otherwise agreed in writing by the Council, as planning authority.

Reasons for the Conditions

1. To consider these details yet to be submitted in the interests of residential amenity and road safety.
2. To consider these details yet to be submitted and in the interest of residential and visual amenity.
3. In the interests of visual amenity.
4. To retain effective control over the development.

Reasons for the Decision

1. The proposal would accord with the Development Plan.
2. The potential impact on the existing standard of amenity and privacy of neighbouring residential properties would not be sufficiently detrimental to justify withholding permission.
3. The proposals, subject to the conditions, have minimised the impacts on the area and there are no material considerations that would justify withholding permission.

Plans in Relation to the Decision

1. 5088817-RLS-SAA-CBR-00010 RevA01 - Plan Layout
2. 5088817-RLS-SAA-CBR-00011 RevA01 - Proposed Elevations

3.0 Background to the Proposals

- 3.1. The site comprises an existing footbridge over the Stirling to Alloa railway which links Grange Road with Stirling Road. The bridge was installed to maintain a pedestrian link when Grange Road was closed to accommodate the re-opening of the railway. The bridge contains a staircase and a ramp on the south side and a ramp on the north side. The deck of the bridge is approximately 4.3 m above the footway level at Grange Road.
- 3.2. Planning permission is sought to increase the height of the structure ie, the bridge, the ramps and staircase, by 600mm in order that there is sufficient clearance beneath the bridge to accommodate the electrification of the line. This would form part of the Edinburgh Glasgow Improvement Programme (EGIP) which will see an investment of between £500 million to £1.5 billion to increase capacity and reduce journey time on the network. In order to maintain the existing ramp gradient, the ramped sections have to be extended in length to accommodate the increase in height.
- 3.3. The original layout has been amended by the applicant following a review of the dimensions and levels on site and the main changes to the original design comprise:

- a. A reduction in the length of the ramp extension on the south side by approximately 5.3m.
- b. The deletion of proposed brick walls to enclose the extended ramp on the south side and the use of railings to match the existing.
- c. A re-design of the ramp on the northern side so that it would continue to terminate adjacent to the existing light controlled crossing on Stirling Road. The original design would have moved the ramp some 15 metres west of the crossing point.

- 3.4 The bridge is owned by Clackmannanshire Council and is adopted by Roads as part of the public footpath network. The existing ramp on the north side is bounded by an area of public open space. The ramp and staircase on the south side lie opposite residential properties.

4.0 Consultations

- 4.1 Roads and Transportation have advised that they have no objection to the proposed amended design since it would not increase the existing ramp gradients and the northern ramp would now integrate with the pedestrian crossing on Stirling Road. The changes to the ramps will also require a Minor Roadworks Consent from Roads.
- 4.2 Environmental Health have advised that the works required to implement the EGIP will be subject to an Environmental Management Plan produced by the applicant. This includes measures to mitigate potential noise impacts during night time periods as it is recognised that some of the work will have to be carried out for operational reasons. *Comment: The proposed development will be carried out in advance of the EGIP. However, the applicant has agreed to submit a construction and environmental management plan to minimise potential nuisance to neighbours during the alterations to the bridge. This could be regulated by condition.*
- 4.3 Central Scotland Police advise that the ramps and staircase should continue to be enclosed by railings rather than solid panels. Solid panels would eliminate natural surveillance of the bridge and its users which would not be in the interests of Community Safety, particularly as the bridge is likely to form part of a route to school. The railings also make it easier for neighbours to see or report anyone loitering on the bridge. *Comment: The advice from the Police was sought as part of the Service's assessment of the concerns raised by objectors about the impact on their property from overlooking from the bridge and their suggestion that further screening is provided by replacing the railings with solid panels. This issue is discussed in Section 5.3 below.*

5.0 Representations

- 5.1 A total of 8 neighbouring properties were notified of the application and a Neighbour Notification advert was placed in the Alloa Advertiser. The application was re-published following the submission of the revised drawings of the ramp details since the Service considered this was a material change to the original proposal. One objector made further comments in response to the re-notification.

5.2 In response to this publicity, representations have been received from the following parties;

- Mr & Mrs Oliver, 75 Grange Road, Alloa, FK10 1LU
- Mr & Mrs Hunter, 80 Grange Road, Alloa, FK10 1LU
- Mr & Mrs Smith, 46 Dirleton Gardens, Alloa
- Mr & Mrs Crowley, 48 Dirleton Gardens, Alloa
- Carole Pullan, 77 Grange Road, Alloa

5.3 The main issues raised can be summarised as follows;

(a) The neighbouring houses, to the south of the bridge are already overlooked from the bridge and ramp and the proposed increase in height of the structure would exacerbate the impact on their privacy and security due to the degree of overlooking into their houses and gardens. This overlooking did not exist prior to the installation of the bridge. The replacement of the outside railings on the ramp with solid panels would help mitigate these impacts.

Comment: The purpose of the proposal to increase the height of the existing bridge by 600mm (approximately 2 feet) is to provide sufficient clearance above the railway track for the future electrification of the line. It is recognised that the installation of the bridge to maintain the pedestrian link from Grange Road has had an impact on the neighbouring houses both in terms of its visual impact and the overlooking between them due to the elevated structure. Mitigation was undertaken by planting 4 trees between the ramp on the south side and the carriageway at Dirleton Gardens and the installation of a solid panel opposite the southern end of the bridge deck to prevent direct views towards the property at 80 Grange Road. However, the determining issue is whether the impacts on neighbouring houses associated with the proposed change in height is acceptable or not, rather than whether the existing impacts are acceptable. On balance, it is considered that the proposal to increase the height of the structure by a further 600mm and retain the railings would be acceptable for the following reasons:

- *when the existing level of overlooking and visual impact between the bridge and the objectors houses is considered, the effects of the proposed change on those properties are not considered to be sufficiently detrimental to justify withholding permission. This is due to the combination of distance (approximately 20m), the modest increase in height and the enclosures at and around gardens.*
- *the replacement of the railings with solid panels, as suggested by some of the objectors, would remove the existing good levels of natural surveillance of users of the bridge (including from their properties) which would result in an unacceptable adverse impact on the standards of community safety design of the bridge as recommended by the Police.*
- *there is scope to supplement the existing tree planting opposite the houses and this could be regulated using a planning condition.*

(b) the proposed enclosure of the southern ramp extension would create a screen which could attract people to congregate. Comment *the revised ramp design has removed the proposed brick walls and replaced them with railings.*

(c) the proposal is likely to result in a repeat of the significant levels of disruption, noise and disturbance experienced by neighbours when the bridge was installed and the railway re-opened. Comment *the proposed development would not involve the same scale and extent of works as before and a condition could be attached requiring a construction management plan to be agreed including appropriate community liaison. For operational reasons, some of the work would have to be carried out outwith normal working hours and the applicant has indicated that this could include a 48 hour period over one or two weekends. While this is likely to result in a degree of disturbance, it is considered that if properly planned, managed and controlled, it would not be reasonable to withhold permission for this reason subject to the proposed planning condition.*

(d) neighbours were not consulted on the original bridge project. Comment *the previous works were not subject to the same neighbour notification process as a planning application. However, the bridge provides an important pedestrian link and would provide a route to the proposed new replacement primary school at Redwell.*

(e) if the proposal is approved, better lighting, CCTV cameras and more trees should be provided. Comment *the Police has advised that the provision of good levels of natural surveillance is the key to providing a safe environment. The bridge is part of the footpath network adopted by the Roads Service and the design and lighting levels will have to meet their standards.*

(f) will the works result in more trains passing thereby increasing noise from the railway. Comment *the work is required to allow the future electrification of the railway line. The frequency of trains is not material in the determination of the application.*

(g) any changes to the existing barriers across the ends of the ramps should not restrict access for wheelchair scooters. Comment *the revised design will take account of this issue and their provision will be regulated by Roads.*

(h) the gate that provides access for Network Rail operatives onto the track at the south side of the bridge should be relocated since it also results in noise and disturbance to residents from vehicles and staff who park on the adjacent public road. Comment *although we made Network Rail aware of this issue, it is not related to the proposed development and cannot be treated as a material consideration in the determination of the application.*

6.0 Planning Considerations

6.1 The planning application requires to be determined in accordance with the terms of the Development Plan, unless material considerations indicate otherwise. The most relevant policies of the Plan are Clackmannanshire Local Plan Policies;

- EN11 (Enhancing Environmental Quality)

- INF4 (Development Standards)

- 6.2 **Policy EN11:** The policy requires new developments to contribute positively to its immediate environment through high quality design, finishes and landscaping and by providing a high level of safety and security for pedestrians. *Comment it is recognised that the existing bridge is a functional structure which was installed to provide an accessible link from Grange Road to Stirling Road. The proposed increase in height of the structure would result in localised impacts on amenity but, where these occur, we consider that they would not be sufficiently detrimental to justify withholding permission. The proposed revised design would maintain a satisfactory level of safety for users of the bridge, a point reflected in the advice received from the Police. A condition would be attached to ensure the existing landscaping would be maintained and enhanced. The proposal is not considered to be contrary to this policy.*
- 6.3 **Policy INF4:** The policy requires development to comply with the Roads Guidelines and Specification. *Comment the existing bridge is adopted by the Council as Roads authority and Roads have advised that the revised design would be acceptable. The proposal accords with this policy.*
- 6.4 The aim and objective of the Development Plan is to work towards sustainable development and it is considered that the proposed development would be consistent with this.

Other Material Considerations

- 6.5 Scottish Planning Policy (SPP)2010;
- supports the shift to more sustainable modes of travel including walking, cycling and public transport to address climate change issues.
 - requires proposed or committed transport projects to be taken into account in development management decisions.
 - states that urban areas should be made attractive and safer for pedestrians and cyclists including those with mobility difficulties.
 - advises that the strategic transport network, which includes rail networks, is critical to facilitating sustainable economic growth.

The proposed works would be consistent with this guidance.

- 6.6 The concerns raised by neighbours have been discussed in Section 5.0 above. While it is recognised that the existing bridge has resulted in an impact on the amenity and privacy of the nearest properties, the effect of the proposed change in height would not be sufficiently detrimental to withhold permission. This conclusion has been reached having had regard to the option to install solid panels along the side of the ramp nearest to the houses, which has been discounted due to the adverse impact this would have on community safety and deterring crime due to the loss of natural surveillance of the bridge, contrary to Secure by Design principles. On balance, it is concluded that the proposal accords with the Development Plan and, in the

absence of any alternative practicable solutions, there are no other material considerations which would provide sufficient support to refuse permission.

7.0 Sustainability Implications

- 7.1 The proposal would contribute to opportunities for active travel and public transport

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 ☐

9.0 Exempt Reports - Reasons for Exemption

- 9.1 This is not an exempt report.

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 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 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 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 local Plan

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".

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 ☐

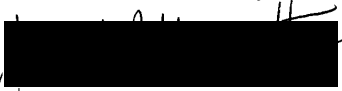
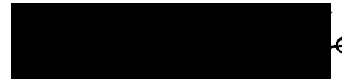
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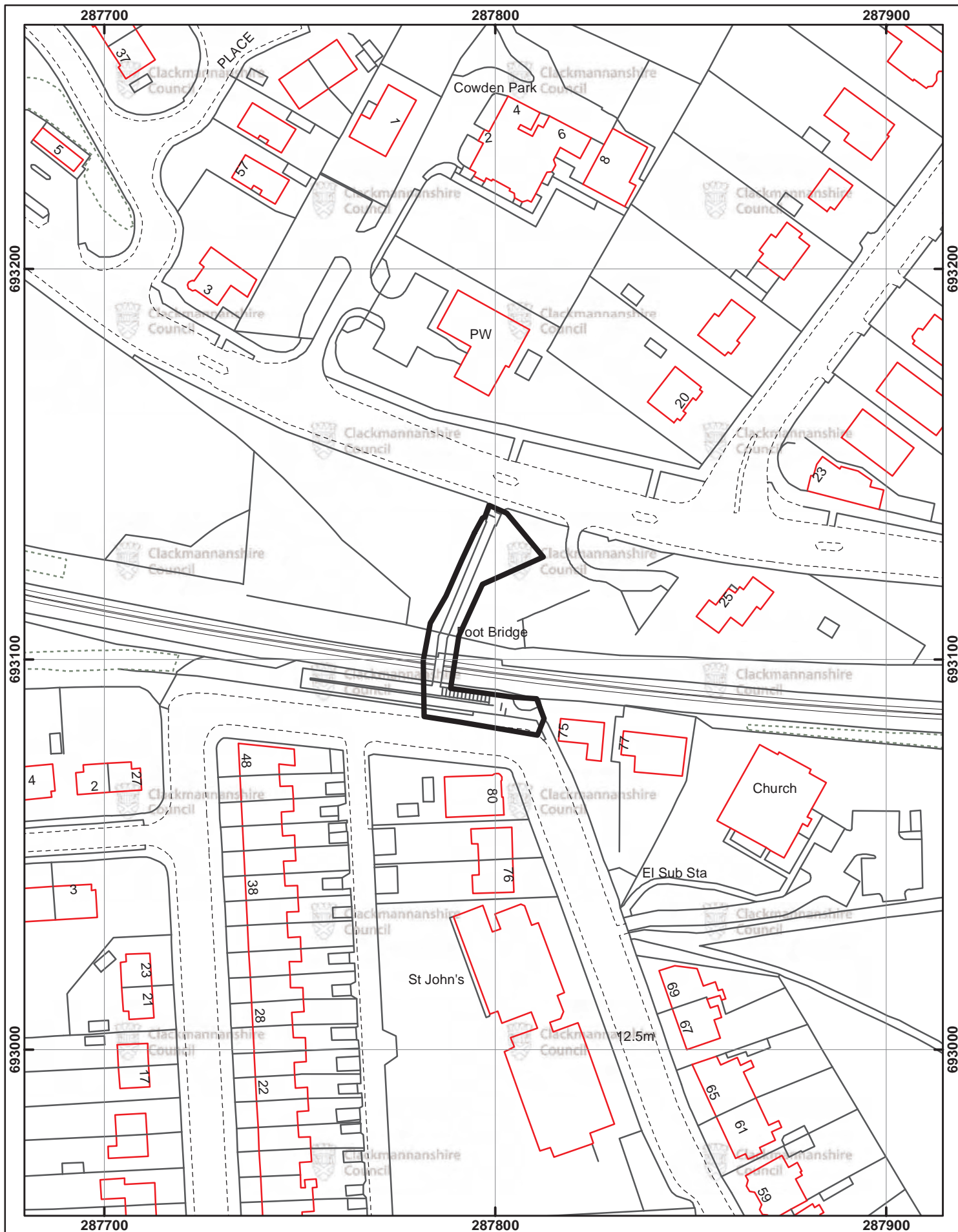
Scottish Planning Policy (2010)


Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Service Manager	
John Gillespie	Head of Community and Regulatory	






Date:
28-Feb-2012

11/00332/FULL - Railway Footbridge From Grange Road To Stirling Road, Alloa
Alterations To Existing Footbridge

Ward: Clackmannanshire South

OS Grid Ref: NS 87 93 SE

Scale: 1:1,250



Clackmannanshire Council
www.clacksweb.org.uk
 Services to Communities
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Report to Planning Committee of 15 March 2012

Subject:	Application for Planning Permission: Residential Development - Renewal of Planning Permission in Principle 08/00300/OUT, Land at Broomhall Castle, Long Row, Menstrie (Ref No 11/00293/PPP)
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Applicant:	Mr Kenneth Inglis, 24 Bard's Way, Tillicoultry
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Agent:	N/A
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Prepared by:	Ian Duguid, Development Quality Team Leader
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Ward	Clackmannanshire West
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1.0 Purpose

- 1.1. The purpose of this report is to present the merits of this planning application and the consequential recommended decision. The assessment has regard to legislative provisions for applications of this nature, examines any change in circumstances since the original decision to grant outline planning permission and considers the weight to be attached to representations from third parties.
- 1.2. The Service has concluded that, having regard to the foregoing circumstances, this application to renew an earlier consent should be approved.
- 1.3. The application form confirms that the applicant is related to a member of staff within the planning service. The applicant is also understood to be a member of staff in Clackmannanshire Council. In accordance with the Town and Country Planning (Scotland) Act 1997, as amended, we believe that this application should therefore be decided by members of the Council rather than the Council's Appointed Officer under the Scheme of Delegation. The recommendation has been framed accordingly.

2.0 Recommendations

- 2.1. It is firstly recommended that, in accordance with Section 43A(6) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning Etc (Scotland) Act 2006, this application is determined by the Planning Committee of the Council as planning authority.

2.2. It is further recommended that this application is approved subject to the following conditions (which conditions largely repeat those attached to the original planning permission):

1. Before the development begins, and before or accompanied with the submission of any other matters described below, an initial application for the approval of a design statement shall have been submitted to and approved in writing by the Council. It shall accord with the terms of PAN68, Design Statements, and comprise the first four stages of the design process namely:

- i. site and area appraisal
- ii. identifying the design principles
- iii. analysis
- iv. design concept

2. a. Before development begins, written approval from the Council as Planning Authority must be obtained for the details of the siting, design and external appearance of any buildings, the means of access and landscaping (including its future maintenance).

b. Particulars of the matters referred to in item a. above shall be submitted for consideration by the Planning Authority, and no work shall begin until written approval has been given.

c. Application for Approval of Matters Specified in Conditions shall be made to the Council as Planning Authority within 3 years of the date of this permission.

d. The development hereby permitted shall begin within 3 years from the date of this permission, or within 2 years from the date of approval by the Planning Authority of the last of the Matters Specified in Condition to be approved.

3. The subsequent application for Approval of Matters Specified in Conditions shall include:

a. A detailed tree survey in accordance with BS5837 (2005), detailing trees to be removed or retained, a tree protection plan and any proposed preliminary tree works and future maintenance. The survey shall include details of proximity of trees to buildings, access road, service tracks and any changes to ground levels, and shall seek to retain the maximum number of trees within the proposed development.

b. A site layout plan of the minimum scale of 1: 500 showing the position of all existing and proposed buildings, roads, footpaths, parking areas, private spaces, walls (including retaining walls), fences and landscaping and drainage infrastructure.

c. Plans, elevations and sections of any building showing the dimensions and type and colour of external materials.

- d. A landscaping plan at a minimum scale of 1: 500 showing the location, species and number of existing and proposed trees, shrubs and hedges, including details of native tree/shrub planting.
- e. Details of existing and finished ground levels and finished floor levels in relation to a fixed datum, preferably Ordnance Survey, to show how the development would relate to adjacent buildings and adjacent land.
- f. Surface water drainage proposals prepared in accordance with "Sustainable Urban Drainage Systems", Design Manual for Scotland and Northern Ireland".
- g. The house footprint occupying no more than 30% of the plot areas.
- h. An assessment of potential noise impact on the proposed houses from the adjacent hotel at Broomhall Castle, and details of any noise mitigation measures that may be required.
- i. A flood statement that examines all potential adverse flooding effects of surface water run-off on the site and possible flood risk created by the proposed development. Such an assessment shall examine the effects of a 1 in 200 year (0.5%) storm event on the site, and propose any flood mitigation measures.
- j. The steps taken to comply with Section 5 and Appendix 1 of the Contract Bat Consultancy Final Report by Echoes Ecology Ltd dated 26th January 2012.

Thereafter, the development shall proceed in accordance with such approved details.

- 4. Further to Condition 2 above, this consent only approves the principle of residential development and NOT the number of plots. In addition, the houses shall be no more than two storey in height, with any first floor accommodation contained entirely within the roofspace, and served as necessary by dormers or rooflights.
- 5. No trees shall be lopped, topped, trimmed or felled without the prior written approval of the Council. Before any works commence on site, the developer will instigate an accurate survey to be carried out by a qualified arborist, of the existing trees on the site. The survey shall be carried out in accordance with BS 5837:2005. The survey shall have been submitted to, and approved in writing, by the Council before any works commence on site. Thereafter, all recommendations of the approved report shall be carried out in full.
- 6. Before any works commence on site, details of a 2m wide footway along the site's entire frontage onto Long Row and reinstatement of the stone wall to the rear of the footway shall have been submitted to, and approved in writing by the Council. The footway and reinstated wall shall be completed prior to the occupation of the first house within the proposed development.

7. For the avoidance of doubt, access to each plot shall be via a standard footway crossing constructed a minimum of 3m wide (4.5m wide if a shared access to more than one plot is proposed) at right angles to the public road.

8. Each plot shall provide visibility splays of 2.5m by 45m in both directions at the junction of the private driveway with the public road. Within the splay there shall be no obstruction exceeding 1.0m in height above the adjacent carriageway level. Thereafter, the splay shall be permanently maintained to the satisfaction of the Council as Planning Authority.

9. Driveways shall be constructed to a gradient not exceeding 1 in 10, be a minimum length of 6.5m and finished in bound material, with any access gates opening inwards.

10. Construction work on the site shall only take place between the hours of 0800-1800 hours Monday-Friday, 0800-1300 hours on Saturday and at no time on Sundays or local Bank Holidays.

11. Before any works commence on site, a detailed construction traffic management plan shall have been submitted to and approved by the Council.

For the Following Reasons

1. To allow the Council to assess all relevant details associated with the proposal.

2. Permission in granted in Principle only.

3. To allow the Council to fully assess all relevant details associated with the proposal.

4. In order to ensure the development respects and enhances the established amenity and character of the area.

5. In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during construction works.

6. In the interests of visual road and pedestrian safety.

7. In the interests of road safety.

8. In the interests of road safety.

9. In order to ensure the provision of a satisfactory standard of access, commensurate with road safety.

10. In the interests of residential amenity.

11. In the interests of residential amenity and road safety.

2.3. Reasons for the Decision:

1. There have been no material changes in circumstances since the previous grant of planning permission that are relevant to the development

hereby approved, and which would therefore indicate any reason to deviate from that previous decision.

2. The representations from third parties do not weigh against the presumption in favour of a grant of planning permission consistent with the terms of the previous Council decision.

2.4. Plans Relating to the Decision:

1. Site Plan and Location Plan (unnumbered)

3.0 Background to the Proposals

3.1. In September 2008 permission was sought to develop land on the Long Row frontage of the lands of Broomhall Castle in Menstrie for residential purposes. The indicative plan indicated 3 house plots. Permission (08/00300/OUT) was granted in accordance with the Council's Scheme of Delegation at that time in November 2008.

3.2. The planning permission has not been implemented, and the details described in reserved matters have not been submitted for approval. This application seeks to renew that permission, and in effect extend the time period for the submission of what is now termed Matters Specified in Conditions. The application relates to a local development and the site is identified in the location plan attached to this report.

4.0 Consultations

4.1 Roads and Transportation re-iterate their previous comments on the earlier planning application. At that time Roads and Transportation Service had no objections to the development, subject to the compliance with a number of conditions. These are reflected in the terms of the planning permission.

4.2 Scottish Natural Heritage was consulted on a bat survey which the applicant supplied as additional information with the application. SNH endorse the informal views expressed by the Council's Countryside Ranger, who indicated that a thorough survey had been undertaken, and with the absence of any evidence of bats found roosting on the site, an SNH licence would not be required. If bats were discovered when work was taking place, work would need to stop and SNH consulted, as bats are a protected species. The requirement to undertake any further survey work can be dealt with as a condition of Planning Permission in Principle.

5.0 Representations

5.1 8 neighbouring households and 1 other neighbouring property were notified of this application. It was also advertised in the local paper. As a result of this publicity, representations have been received from the following parties:

Andy and Catrina Yule, 24 Clifford Park, Menstrie

Andrew Snowden and Helen Findlay, 22 Clifford Park, Menstrie

The comments received by these parties may be summarised as follows:

There is a significant site history and planning history associated with this site. Planning permission was also refused for development of another site within the ground of Broomhall Castle. Reasons for that decision should apply equally to the development proposed in the current site. *Comment: we disagree with this conclusion. Although both sites are well within the grounds of Broomhall Castle, their locations and circumstances are entirely different.*

Both Roads and Land Services recommended refusal of the original application for which renewal of consent is now being sought. It is therefore hard to understand why this application is approved. *Comment: this statement is false. The Roads Service advised that it had no objections in principle to the proposed development. Land Services did recommend refusal as the development would result in the loss of a substantial quantity of mature trees included within a Tree Preservation Order. However, in our judgement there is no need to lose a substantial quantity of trees, and the Tree Preservation Order for Broomhall excludes virtually all of the application site.*

Neighbours are confused with the terminology of the proposal, specifically "renewal of planning permission". *Comment: for the avoidance of doubt, this application is simply seeking to extend the duration of the Planning Permission in Principle. It is not an application for full planning permission. Detailed proposals would be submitted after the planning permission was renewed.*

A number of Development Plan policy issues are identified, where there is conflict with or potential conflict arising from the proposal. These include the significant loss of trees covered by the Broomhall Castle Tree Preservation Order, the visual impact of the development, the impact on the biodiversity of the site, the setting of a precedent for development on the southern slopes of Ochil Hills, the potential road safety implications arising from additional traffic on Long Row, the proximity of the site to a Site of Special Scientific Interest and Area of Great Landscape Value, the impact on the historical value of Broomhall castle and its setting, potential adverse drainage implications arising from the capacity of the site and the existing foul drainage connections, electricity cables within the site, surface water and flood management problems, the privacy of neighbours on the south side of Long Row (Clifford Park), potential conflict between use of Broomhall Castle as an events venue and the amenity of proposed houses and the screening of the development from Broomhall Castle. *Comment: in their entirety, these collective comments on Development Plan policies, were all examined at the time of the previous planning application. The development was judged to comply with the relevant policies and there has been no change to the status or relevance of these policies in the intervening period. Many of these issues can be addressed at the detailed design stage.*

There are a number of practical difficulties on health and safety issues that arise in relation of the provision of access to the site for construction traffic. This relates mainly due to the characteristics of the public road, the adjacent swale, and the ability for vehicles to manoeuvre without adversely affecting the safe use of the road. *Comment: we agree that the characteristics of the public road environment may necessitate specific management measures to safeguard the condition of the road and ensure convenient use for other road*

users. This will be prescribed by a planning condition. It is not a reason for withholding planning permission.

A condition of the planning permission requires the re-building of a stone boundary wall. This will necessitate felling which will destroy almost all the trees on the site. Is this a sensible arrangement? *Comment: this work may need some trees to be felled, however, we anticipate a significant number of trees to be retained as part of the development, trees which are not covered by a Tree Preservation Order.*

There are bat roosts within the site, and as such this must represent a presumption against the development. The bat survey completed following those initial representations is an excellent piece of work but insufficient to determine the application until additional work is undertaken to confirm the presence of bats (the work is too superficial). *Comment: we are minded to accept the advice and recommendations of our Countryside Ranger and Scottish Natural Heritage, in the knowledge that we can, in addition to the existing survey, require further precautions to be put in place as part of implementation works. However, the requirements of the Habitats Regulations will be met. The submission of the bat survey fulfils the guidance provided by the Scottish Government to planning authorities on protected species.*

There is potential conflict between houses being built within felling distance of existing trees. *Comment: the Council does not have a specific policy on this matter. Any detailed proposals to follow must be designed to minimise the impact on trees that are to be retained within the site.*

Combined with other developments in the village, the proposals will place pressure on existing community and infrastructure facilities, and should be halted until these problems are resolved. *Comment: the modest nature of this site and development will have no material implications for existing infrastructure of this nature in the village. However, the alleged under-provision of community facilities and infrastructure is neither accurately attributed to other developments in the village, nor relevant to the current proposal.*

6.0 Planning Considerations

6.1 This application to renew an existing planning permission has to be examined in the context of any changes to the Development Plan position that have materialised since the original decision to grant planning permission. The Development Plan changes can be summarised as follows:

1. Adoption of the First Alteration to the Clackmannanshire Local Plan which comprises an up to date schedule of housing site allocations within Clackmannanshire, with associated development guidelines. This has no specific relevance to the current site under consideration as it is not of a scale that would be allocated in the Development Plan.
2. The publication of a Main Issues report and consequential preliminary policy development for the forthcoming Local Development Plan. However, this does not amend the existing adopted Local Plan position. Accordingly, the Local Plan policy position remains

unchanged, and the presumption therefore is in favour of planning permission being renewed.

- 6.2 The other material consideration is the representations against the development. 2 neighbours submitted representations. 7 neighbours made no representations on the proposal. In our judgement, and despite the comprehensive nature of these written submissions, there are no grounds for withholding the renewal of planning permission. The site is located within the village settlement boundary, it is land attached to the Broomhall Castle hotel, it is not covered by the Broomhall Tree Preservation Order. Issues of access, residential amenity, tree protection and biodiversity can all be addressed at the detailed stage. The principle of the development is therefore acceptable.

7.0 Sustainability Implications

- 7.1 The native conservation interests of the site, and related policy implications have been addressed.

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 ☒

9.0 Exempt Reports - Reasons for Exemption

- 9.1 This is not an exempt report.

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)

Clackmannanshire Local Plan

Local Biodiversity Action Plan

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".

None

11.0 Background Papers

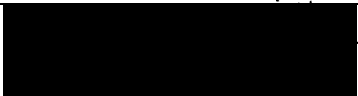
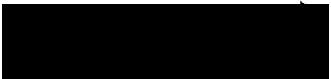
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

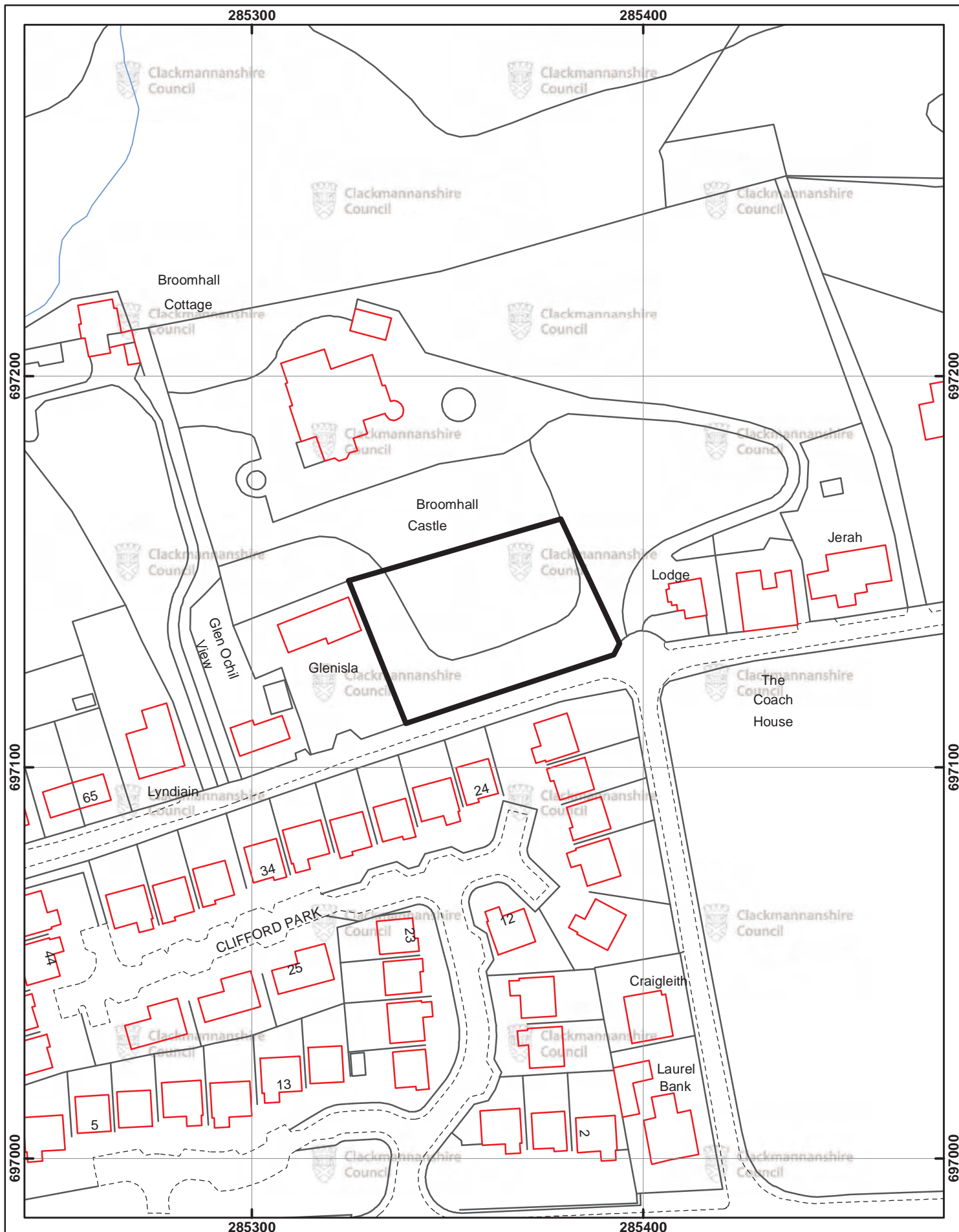
Yes ☐ (please list the documents below) No ☒


Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Ian Duguid	Development Quality Team Leader	2621

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Service Manager	
John Gillespie	Head of Community and Regulatory	





Date:
28-Feb-2012

11/00293/PPP - Broomhall Castle, Long Row, Menstrie
Residential Development - Renewal Of Planning
Permission 08/00300/OUT, Land

Ward: Clackmannanshire West

0 10 20 30 40 50 Meters

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Report to Planning Committee of 15 March 2012

Subject: **Planning Application Ref 12/00021/FULL - Alterations, Extension and Partial Change of Use of Indoor Sports Centre (Class 11) to Library (Class 10) and Ancillary Facilities, With Associated External Works Including Alterations to Car Park at Speirs Centre, Primrose Street, Alloa**

Applicant: **Clackmannanshire Council**

Agent: **LDN Architects LLP, 57-59 Bread Street, Edinburgh**

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

Ward **Clackmannanshire South**

1.0 Purpose

- 1.1. The report summarises a planning application for the above proposed development. The report considers the relevant planning policies in the Development Plan, consultation responses and any other material considerations.
- 1.2. The application is being reported to the Planning Committee for a decision as the Council has an interest in the application, as owner of the site and as applicant.

2.0 Recommendations

- 2.1. The application is recommended for APPROVAL subject to the following conditions:
- 1. The alterations and extension to the building hereby approved shall be completed in accordance with the approved plans and other details submitted and approved as part of this planning application, unless otherwise agreed in writing by the Council, as planning authority.
 - 2. Before any works start on site to alter the exterior of the building, the following details shall have been submitted to and approved in writing by the Council, as planning authority;
 - (a) samples or a detailed specification of the materials, colour and finish of the external alterations and extension to the building.

(b) a detailed specification of the proposal surface materials and finishes to be used on the external area around the building including the staircase and ramped entrances. This shall include a revised design of the open space and access to the car park to the east of the building. The design shown on the Site Plan is not approved.

(c) details of the design and location of any external light fittings to be installed within the site.

(d) details of the proposed arrangements to store waste associated with the building and to relocate the existing recycling bins.

(e) details of the proposed location and design of cycle parking accessible to users of the building.

Thereafter, the development shall be completed in accordance with the approved details.

3. Before construction works start on site, a Traffic and Construction Management Plan shall have been submitted to approved in writing by the Council, as planning authority. The Plan shall set out the proposed measures to manage and minimise the impact of the works on the surrounding area, including neighbouring residents, businesses and the operation of the public car park adjacent to the site. The development shall be completed in accordance with the approved plan.

Reasons for Conditions

1. To ensure the works comply with the terms of the planning permission.
2. In the interest of the character and appearance of this listed building and the surrounding area and in the interests of road and pedestrian safety.
3. To consider these details yet to be submitted.

2.2. Reasons for Decision

1. The proposed development would accord with objectives of the Clackmannanshire Local Plan
2. The proposed development would involve the sensitive repair and refurbishment of this Category A listed building and help sustain and enhance the beneficial use and historic character of the building. This will provide improved and accessible community facilities and have a positive impact on the strategies to regenerate Alloa Town Centre.
3. The proposed works would have a positive impact on the character and appearance of this listed building.

4. The proposed changes to the existing car park layout can be satisfactorily addressed and managed as part of the wider town centre strategies. Having regard to the advice from consultees, there are no other material considerations that would justify withholding permission.

2.3. Plans in Relation to the Decision

L(PL)002	Proposed Site Plan
L(PL)010	Existing With Downtakings Basement Plan
L(PL)011	Existing With Downtakings Ground Floor Plan
L(PL)012	Existing With Downtakings First Floor Plan
L(PL)013	Existing With Downtakings Second Floor Plan
L(PL)014	Existing With Downtakings Roof Plan
L(PL)015	Existing With Downtakings East Elevation
L(PL)016	Existing With Downtakings West Elevation
L(PL)017	Existing With Downtakings North Elevation
L(PL)018	Existing With Downtakings South Elevation
L(PL)019	Existing With Downtakings Section AA
L(PL)020	Existing With Downtakings Section BB
L(PL)110	Proposed Basement Plan
L(PL)111	Proposed Ground Floor Plan
L(PL)112	Proposed First Floor Plan
L(PL)113	Proposed Second Floor Plan
L(PL)114	Proposed Roof Plan
L(PL)115	Proposed East Elevation
L(PL)116	Proposed West Elevation
L(PL)117	Proposed North Elevation
L(PL)118	Proposed South Elevation
L(PL)119	Proposed Section AA
L(PL)120	Proposed Section BB
L(RE)001A	Fabric Roof Repairs Plan
L(RE)010	Fabric Repairs West Elevation
L(RE)011A	Fabric Repairs South Elevation
L(RE)012A	Fabric Repairs East Elevation
L(RE)013A	Fabric Repairs North Elevation
	Location Plan

3.0 Background to the Proposals

- 3.1. The site comprises the Spiers Centre in Alloa town centre which is located on Primrose Street and abuts Primrose Place and the car park to the east. The building is substantial and was built to house public baths and a gymnasium on the upper floor. The building has recently been upgraded from Category B to Category A listing by Historic Scotland as they consider it represents one of the best historic buildings in Alloa due to the level of original design and features still in situ. Although the building is used by a number of groups, including a gym club, it is underused and its use is constrained by the standard of accessibility and adaptability of the facilities.
- 3.2. The proposed development has been designed to:
- reverse the decline in the use of the building and its function
 - address the long term maintenance requirements
 - enhance the accessibility of the building and its role in meeting the needs of the wider community
 - restore the historic fabric and features of the building and alter the building in a sensitive manner
 - contribute to the regeneration of Alloa Town Centre
- 3.3. The key elements of the proposals would comprise:
- (a) The conversion of the former swimming pool into a modern library facility capable of providing a range of facilities
 - (b) Alterations to the exterior and interior to make the building and the facilities accessible to the whole community including the provision of a new ramped access to the new main entrance and lifts. A new accessible entrance would also be formed to the western part of the building.
 - (c) The alteration and extension of the eastern end of the building to create the main public access entrance which would incorporate a full height glazed screen around the north, east and south elevations of this part of the building. The intention is to create an attractive, visible entrance facing King Street, the railway station and the existing car parks. Part of the existing car park adjacent to the east elevation would be re-surfaced to create a public pedestrian space in front of the building. This would require the removal of 17 existing parking spaces within this area.
 - (d) The refurbishment of the existing rooms on the ground and first floors which will be capable of a range of community uses and functions. The building will also accommodate the Registrar, a local family history centre and a customer and visitor information point.
 - (e) A comprehensive schedule of repair and maintenance works to the historic fabric of the building, including works to reveal and enhance

the architectural elements of the building which have been hidden or require attention from wear and tear.

- 3.4. A separate application for Listed Building Consent for the proposed alterations has been submitted to Scottish Ministers, who will determine the application since the Council is the applicant.

4.0 Consultations

- 4.1 Road and Transportation have no objection in principle to the proposed development. They advised that;

- Further clarification of the proposed impact of the development on the existing car park be provided. *Comment: The design team has clarified that the proposals would require the removal of 17 parking spaces to create the access and landscaped area at the main entrance which would be safe, welcoming and attractive. Roads have advised that this would not be significant in the context of town centre parking strategy, given the recent car park improvements at Marshill which has created 90 additional spaces to serve the town centre.*
- The design of the pedestrian area to the east of the building may require refinements to safeguard pedestrian safety and vehicle circulation space. *Comment: The proposed design and layout of this area will be revised to reflect Roads' advice. This can be regulated using a suitably worded planning condition.*
- A traffic management plan for the construction phase should be prepared and agreed. *Comment: This could be regulated using a planning condition.*

- 4.2 Environmental Health have no objections.

- 4.3 Waste Management advise that suitable provision should be provided for storage of waste. *Comment: A condition would be attached which requires details of the waste storage and minimisation proposals to be submitted for approval. The existing waste recycling bins adjacent to the building's east elevation would also be moved to a suitable location within the car park area.*

- 4.4 Clackmannanshire Community Access asked for a meeting to discuss the proposed design and layout of the building. *Comment: A member of the design team attended a meeting with the Access Group to answer queries. The Group have advised that the proposals would improve access to the building. Improvements and enhancements to the existing accessibility of the building is a key feature in the proposed design.*

- 4.5 Alloa Central Community Council was consulted on the application. No representations have been received to this consultation.

- 4.6 Historic Scotland was consulted as the development relates to a Category A listed building. They consider that the scheme respects the historic building and combines it with an innovative and exciting re-use for the wider benefit of the town. *Comment: The comments from Historic Scotland reinforce the*

merits of the proposed design to sensitively adapt, alter and restore this historic, landmark building within Alloa Town Centre. The scheme also has been awarded grant assistance by Historic Scotland.

5.0 Representations

- 5.1 A total of 49 neighbouring properties were notified of the application and a Neighbour Notification advert was placed in the Alloa Advertiser on 1st February 2012. No representations have been received following this significant level of publicity.

6.0 Planning Considerations

- 6.1 The planning application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The planning authority is also required to have a special regard to the desirability of preserving the listed building or any features of special architectural or historic interest when determining the application. The building is located within the boundary of Alloa Town Centre as defined by the Clackmannanshire Local Plan. The relevant policies of the Local Plan are:
- Policy JOB7 (Commercial Uses in Town Centres)
 - Policy EN6 (Listed Buildings)
 - Policy EN11 (Enhancing Environmental Quality)
 - Policy JOB12 (Tourism)
 - Policy INF4 (Development Standards)
 - Policy INF5 (Access for the Less Mobile)
 - Policy INF15 (Indoor Sports Facilities)
- 6.2 **Policy JOB7** : the policy supports a variety of commercial uses in town centres to help maximise and diversify the range of uses. The proposals would be consistent with this approach in that they would address the under use of the building and provide a combination of new and updated community facilities which would enhance the vitality of the town centre, complement the wider regeneration of the town centre and better serve the wider area. The proposals would be consistent with the relevant guidance in Scottish Planning Policy (2010) which states that the range and quality of social activity is one of the key influences on the success of a town centre.
- 6.3 **Policy EN6** : the application proposes the sensitive repair and adaptation of the existing building and its historic interior to incorporate the library function and to improve the standards of accessibility to the building. The proposed alterations and modest extension largely relate to the creation of a new entrance at the eastern end of the building which will include a modern glass extension wrapping around the chimney. This has been designed to create a new frontage towards King Street, the railway station and the carpark area which will help reverse the existing low townscape quality at this location visible and enhance the accessibility of the building. The consultation

comments from Historic Scotland endorse this design approach and they highlight that the original eastern section of the building has been lost to a fire. The proposals would secure a viable future for this Category A listed building and are sympathetic to its character. The application accords with this policy.

- 6.4 **Policy EN11** : the policy requires new development to contribute positively to its immediate environment through the quality of its design, finishes and boundary treatment. The proposals will comprise the sensitive repair and maintenance of the building and its alteration to create a modern, visually striking new entrance/ reception area. A hard landscaped area would be formed in front of the new entrance to create a setting for the building and to provide a pedestrian friendly environment. This area could also be incorporated into any public realm layout associated with any future redevelopment of the vacant former Coop building and car park. The application accords with this policy.
- 6.5 **Policy INF4** : the policy states that developments should comply with the Council's Development Roads Guidelines and Specification. The building has no dedicated off street parking and is served by the surrounding on street and town centre car parks. The proposed library use would be relocated from another town centre building. Roads and Transportation have no objection to the proposals and advise that the proposed alterations to the existing public car park would not be significant in relation to the wider town centre parking strategy . The final design of the modified car park layout will be agreed in consultation with Roads. The proposals accord with this policy.
- 6.6 **Policy INF5** : the proposals will greatly enhance the standards of accessibility to the main parts of the building, including the provision of two new visitor entrances. The Clackmannanshire Access Group have no objections to the proposals. The application complies with this policy.
- 6.7 **Policy INF15** : the policy states that development which would result in the loss of existing leisure and recreation facilities which would adversely affect the range and quality of provision will be resisted. The proposed uses for the building would accord with the Council's approved Property Asset Management Plan and would not therefore adversely affect the level of provision in the area. The Council has also worked with the sports clubs who use the building to relocate to suitable alternative venues. The proposals would therefore not be contrary to this policy.
- 6.8 The proposals therefore comply with the Development Plan. The advice from consultees has been considered in Section 4.0 above. This does not raise any issues which would outweigh the Development Plan support for the application and justify withholding permission.
- 6.9 The proposals would, enhance and create a sustainable future use for this important listed building, create a modern community facility which better meets the needs of the community, improve the efficiency of the building in accordance with the Council's Asset Management Strategy, and contribute to the strategy to regenerate Alloa Town Centre. The application is recommended for approval.

7.0 Sustainability Implications

- 7.1 The proposals would maximise the use of an existing underused building and would help adapt the listed building in manner which is sympathetic to its character, improve its accessibility and sustain its use.

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 ☐

9.0 Exempt Reports - Reasons for Exemption

- 9.1 This is not an exempt report.

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 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 Local Plan

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".

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 ☐

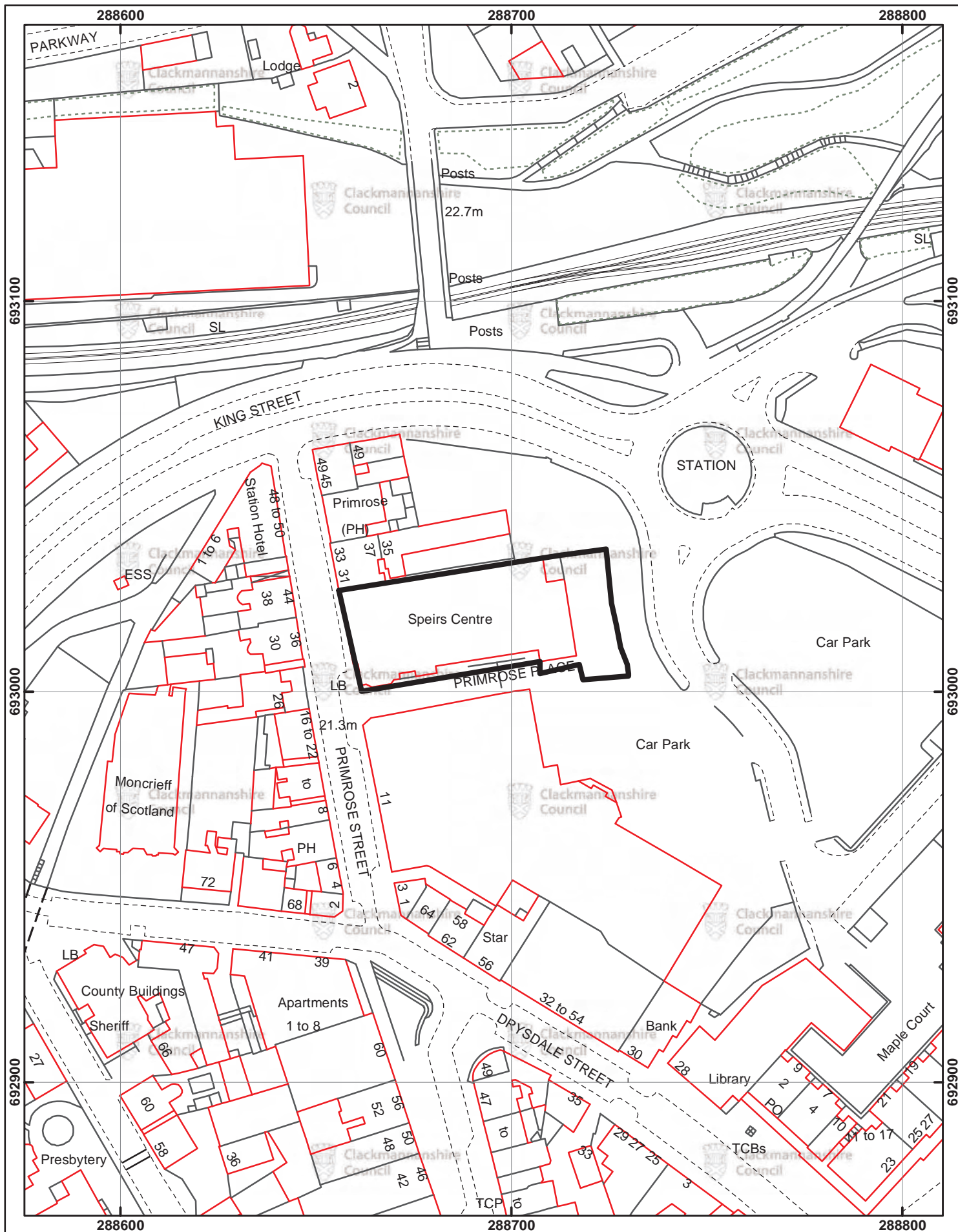
Clackmannanshire Local Plan

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Ian Duguid	Development Quality Team Leader	2621

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Service Manager	
John Gillespie	Head of Community and Regulatory	





Date:
28-Feb-2012

12/00021/FULL - Speirs Centre, Primrose Street, Alloa
Alterations, Extension and Partial Change of Use of Indoor Sports Centre
to Library and Ancilliary Facilities, with Associated External Works

Ward: Clackmannanshire South

0 10 20 30 40 50 Meters

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Report to Planning Committee of 15 March 2012

Subject: **Planning Application: Installation of Landfill Gas Management System and Flare, Former Black Devon Landfill Site, Alloa (Reference No 12/00024/FULL)**

Report by: **Ian Duguid, Development Quality Team Leader**

Applicant: **Clackmannanshire Council Waste Management**

Agent: **N/A**

Ward: **Clackmannanshire South**

1.0 Purpose

- 1.1. This is a report of handling of an application for planning permission by Clackmannanshire Council, as a Waste Management Service, for a landfill gas management scheme. The report describes the site and the proposals, the advice that we have received from Council Services and consultees, and the comments that we have received from one Community Council and residents. The report recommends that the development is approved.
- 1.2. The Town and Country Planning (Scotland) etc Act 2006 indicates that schemes of delegation on applications for planning permission must exclude any application where there is a Council interest. Accordingly, this planning application is reported to Planning Committee for decision.

2.0 Recommendations

- 2.1. It is recommended that this application for Planning Permission is **APPROVED** subject to the following conditions:-
1. Noise levels from the development, as measured on the site boundary shall not exceed the ISO Noise Rating Curve NR45 at any frequency between 23.00 - 07.00 hours, unless otherwise agreed in writing by the Council, as local planning authority.
 2. Before any work starts on site, a site management plan shall have been submitted to and approved in writing by the Council, as Planning Authority. It shall include arrangements for the storage and/or removal of existing containers, enclosures, or miscellaneous materials presently stored on the land, the replacement or re-alignment of the existing

access track and any changes to existing or proposed means of enclosure.

3. No construction work shall take place outwith the months of April to September in any calendar year.

Reasons

1. In the interests of residential amenity.
2. In order that the Council, as Local Planning Authority, can maintain effective control over the setting of the development.
3. In order to safeguard the nature conservation interests of the Firth of Forth Ramsar site.

Reasons for the Decision

1. The proposed development is compatible with lawful use of the site, and reasonable requirement of the associated waste management licence issued by SEPA.
2. Proposed development does not conflict individually or collectively with local plan policy for development of this nature.
3. The proposal has no adverse impact of any designated or protected area, species or infrastructure.

Plans to be Approved

1. Location Map
2. Proposed Location of Compound Drawing No B1675400/PA/001 Revision 1
3. Typical Compound Layout and Section Drawing No B1675400/PA/002 Revision 0

3.0 Background to the Proposals

- 3.1. The site comprises a closed waste landfill site owned and managed by Clackmannanshire Council. It is subject to a Waste Management Licence issued by SEPA, a condition of which requires a landfill gas management scheme, designed to prevent the risk of migration of land fill gas beyond the perimeter of the site such that the risk of explosion, combustion, asphyxiation, odour or vegetation damage on adjoining properties is eliminated as far as possible. The condition also seeks to avoid unnecessary air ingress into the landfill and minimise the risk of underground fires.
- 3.2. The proposed management scheme will fulfil the obligations of the site licence condition, and the consequential reduction in methane emissions will further the aims of the Council's climate change declaration and strategy, by preventing uncontrolled emission of gas, the managed collection of gas from the deposited waste and burning at a high temperature.

4.0 Consultations

- 4.1. Roads and Transportation have no objections to the proposal.
- 4.2. Environmental Health have no objections to the proposal subject to a condition being attached which would limit noise levels at the site boundary. They also express a preference for gas flaring to be restricted to prescribed day time hours during the week. *Comment: A condition is proposed to comply with the advice from this Service. There is no practical arrangement that can be implemented, or indeed is necessary, to restrict gas flaring activity.*
- 4.3. SEPA support the principle of this development proposal subject to appropriate restrictions and noise levels and checks on the flare capacity of the installation.
- 4.4. Scottish Natural Heritage advised that the proposal is unlikely to have a significant effect on the qualifying interests of the Firth of Forth Special Protection Area for wintering wildfowl and waders. The site is approximately 1.2 kilometres from that area. The distance combined with the characteristics of the development, should avoid any direct or indirect effects. The construction work should also be carried out outwith the winter months. This could be regulated by a planning condition. An appropriate assessment is therefore not required.
- 4.5. Airth Parish Community Council recognise the need for a gas management system, but strongly object to the proposed location of the plant, due to reasons of noise, visual impact, nature conservation and cultural heritage *Comment: noise levels will be restricted by condition of planning permission. This is a modest scale of development, not exceeding 5 metres in height. Visual impact will therefore be negligible, in an area characterised by a variety of structures largely associated with industrial operations on the River Forth. Scottish Natural Heritage have raised no concerns in relation to nature conservation issues. Having regard to the scale of the development and it's distance from Dunmore, there will be no detrimental impact on the conservation village. There is therefore no requirement to consider the Community Council's suggestions of below ground level structure or solid wall construction.*

5.0 Representations

- 5.1. As there are no premises on the neighbouring land, this application was advertised in the local paper. Representation have been received from the following parties.
- Mr John Stevenson, 5 Earls Court, Alloa
 - Mr R Imrie, 14 Riverside View, Alloa

The comments received may be summarised as follows:

This gas management system was never identified previously as part of site closure or site restoration. *Comment: it was always recognised that the landfill site would require a gas management system of some form. The detailed proposals have emerged from discussions with SEPA.*

The development could result in toxic and noxious emissions, which would be harmful to the community, including Alloa Academy. Comment: *Emissions to the air is regulated by SEPA. This would not be a matter to be controlled as part of a planning application process.*

The development will have a cumulative affect on property over a wider industrialised area, which will adversely affect the quality of life. Comment: *It is agreed that that this is part of an industrial landscape/community. The river estuary is characterised by many associated man made features. The proposed change will be so insignificant as to have no measureable or quantifiable change in the lifestyle of individuals or those resident in the town as a whole. The management system will allow the former land fill site to be returned to nature, as part of a wider area that will attract wildlife.*

6.0 Considerations

- 6.1. This application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. We have noted the general support from all consultees, and cannot attribute significant weight to the 2 objections to the proposal. There are no other material considerations which we have identified, so our conclusions rely upon an assessment against relevant Development Policies.
- 6.2. Policy EN5 of the Local Plan seeks to protect the undeveloped coast from further development except where it can be proven that there are no viable alternative sites. Proposals need to include measures to safeguard the interests of the Firth of Forth Site of Special Scientific Interest and Special Protection Area. We are satisfied that there is no viable alternative site and SNH have confirmed that the designated sites will not be adversely affected by the development. The proposal is therefore policy compliant.
- 6.3. Policy EN14 on contaminated land only permits development on land effected by landfill gas. The Council are satisfied that the actual or potential risk can be overcome as the development is singularly designed to deal with the safe disposal of any hazardous gas. The proposal complies with this policy provision.
- 6.4. Policy EN18 is an overarching policy relating to development in the countryside, setting out therein a general presumption against development that does not require a countryside location. The applicant has demonstrated, via the licensing arrangements with SEPA, that a gas management system is required in association with the successful monitoring of the former land fill site, and there is no reasonable alternative available to the Council within the settlement boundary. In that respect therefore, the proposals are deemed to accord with the countryside policy.
- 6.5. There are no other policies in the Local Plan, either related to site constraints or development type which apply to this proposal. On balance therefore, and notwithstanding the industrial characteristics of this modest installation, the development is deemed to be necessary and appropriate for the proposed site. It will provide for the safe use and restoration of the former landfill site, will avoid any significant visual impact that might have materialised from a more elevated site, and subject to compliance with the proposed conditions,

will have not adverse impact on the amenity of any residents, either in Clackmannanshire or on the opposite side of the River Forth. The recommendation to grant planning permission is subject to conditions that will safeguard residential amenity and will ensure proper management of surrounding land.

7.0 Sustainability Implications

- 7.1. The development will prevent the risk of migration of landfill gas beyond the site boundary. It shall minimise damage to soils. There will be no health or safety risks to the local population. Designated areas and protected species will be unaffected.

8.0 Resource Implications

8.1. Financial Details

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

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

9.0 Exempt Reports

- 9.1. This is not an exempt report.

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 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)

The Clackmannanshire Local Plan

Clackmannanshire Council's Climate Change Declaration

11.0 Equalities Impact

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

Yes ☐ No ☒

12.0 Legality

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

13.0 Appendices

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

None

14.0 Background Papers

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


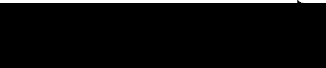
Yes ☒ (please list the documents below) No ☐

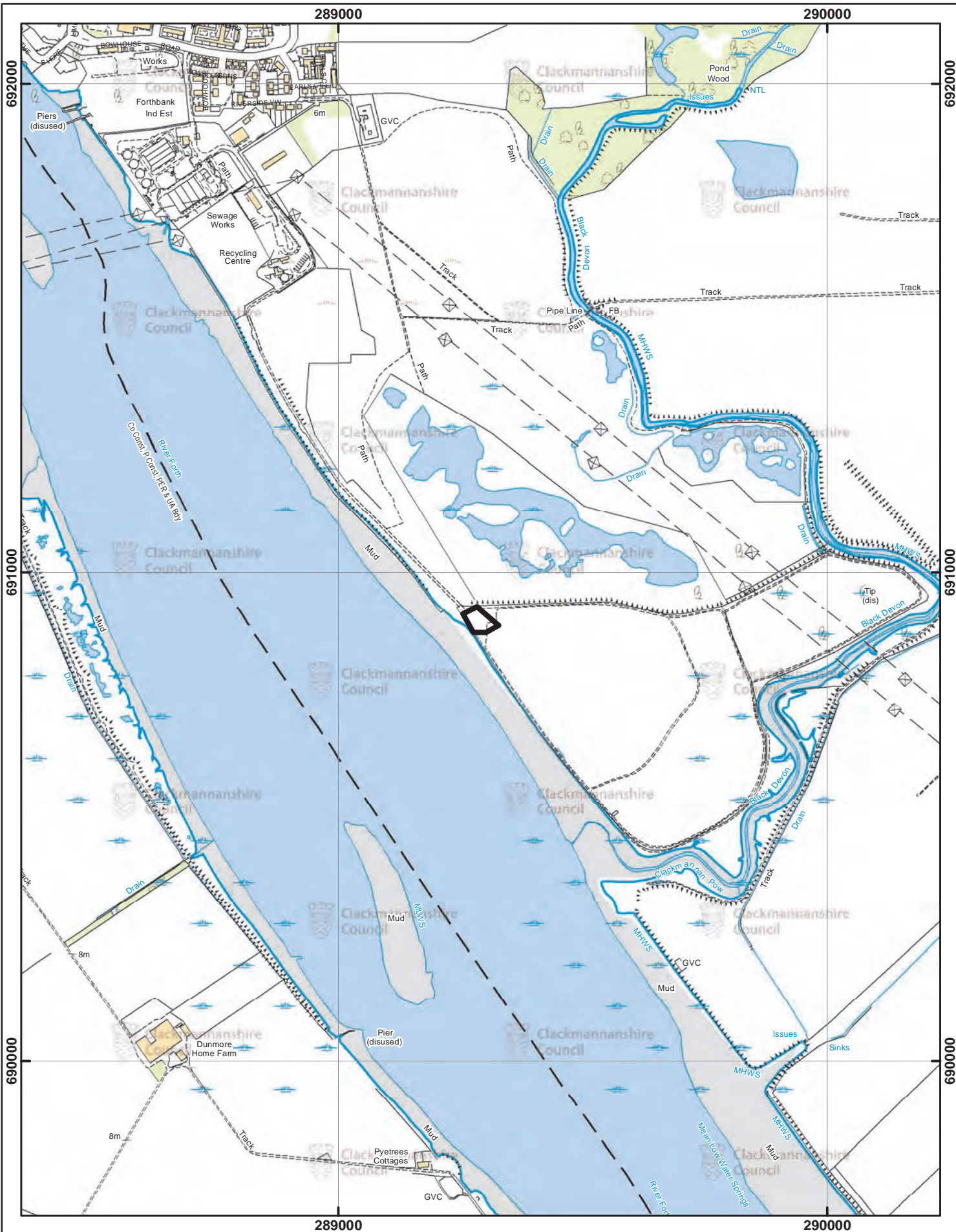
Clackmannanshire Local Plan

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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John Gillespie	Head of Community and Regulatory	



12/00024/FULL - Former Black Devon Landfill Site, Alloa Installation of Landfill Gas Management System And Flare

Ward: Clackmannanshire South
0 100 200 300 400 500 Meters

OS Grid Ref: NS 89 SE

Scale: 1:10,000

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