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Report to Planning Committee

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Date of Meeting: 30th August 2012

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**Subject:** Application for Planning Permission Ref No 12/00119/PPP - Development Of Land For Housing, Cemetery And Playing Field Etc - Application to Vary Condition 7 of Planning Permission 07/00460/OUT, And Allow For A Maximum Of 22 No. Houses Within The Development Site, Land Adjoining Kelly Burn, Lover' s Loan, Dollar

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**Report by:** Head of Community and Regulatory Services

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**Applicant:** Mactaggart And Mickel

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**Agent:** Colliers International

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**Ward:** Clackmannanshire East

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## 1.0 Purpose

- 1.1. The purpose of this report is to describe the background to the planning application, the reasons for the report to varying the condition of planning permission, the policy issues that arise and the other material considerations. The recommendations to approve the application has balanced the Development Plan position with the information supplied by the applicant and the views expressed by third parties.
- 1.2. As the Council has an interest in the wider development to which this application relates, via a Section 75 Agreement, the application cannot be determined by the Appointed Officer(s) under the Scheme of Delegation for Local Developments.

## 2.0 Recommendations

- 2.1. The Committee is recommended to grant planning permission for the variation in condition, which shall now read as follows:
  7. A maximum of 22 no. houses within the development site are approved by this planning permission.
- 2.2. The reason for the condition remains unchanged.

2.3. The reasons for the decision are:

- I. The number of house units would still represent low density development as prescribed in the First Alteration to the Clackmannanshire Local Plan.
- II. No objections have been submitted by any third parties involved in the planning application process.
- III. The increase in the maximum number of house units will not increase the total housing floorspace or development footprint within the site.

3.0 **Considerations**

Background

- 3.1. On 7th October 2010, Planning Permission in Principle was granted for development of land at Lover's Loan, Dollar. This comprised a cemetery, playing field, woodland planting, access road and enabling housing development. A related Section 75 Agreement was signed by the Council, the applicant and the landowner at the same time, the principal purpose of which was to manage the implementation of the development. The planning permission was granted subject to a number of conditions. Condition 1 required the submission of additional details and assessment work. This has been received and the application is under consideration. It can be determined by the Council's Appointed Officer(s) under the Scheme of Delegation for Local Developments.
- 3.2. Condition 7 restricted the enabling housing development to a maximum number of 20 units, on the basis that the information supplied by the then applicants indicated that a development "footprint" of 45,000 square feet was required to generate funding for the other elements of the project, and 20 units was anticipated as the maximum number of houses required to secure this built area. The current applicant plans to build smaller house types to those shown indicatively on the original plans, hence the request to adjust the terms of the condition.

Consultations

- 3.3. Roads and Transportation have advised that there would be very little change in the impact of the development on the road network. They have no objections to the proposed change.
- 3.4. Dollar Community Council met with the applicant and planning officers. This clarified the change of house types and aided their understanding of the applicant's proposals. They ask that consideration be given to further enabling funding from the additional two houses, partly in relation to the Dollar Community Plan. *Comment: The proposed housing as approved will help to fund:*
  - *land for a cemetery "extension" in the site*
  - *a sports playing field*

- £200,000 towards community facilities associated with the playing pitch
- an adoptable access road from Park Place to the site, an approximate distance of 250m. It will service and benefit 6 existing houses
- off site traffic management measures

*The total footprint of the development is likely to be less than that envisaged at the outline planning application stage. The developer has made it clear that no additional development could be enabled from the change in house numbers.*

### Representations

- 3.5. Around 20 households were notified of this application. Representations were received from:

Mr Dalgety, 12A Kellyburn Park, Dollar

Mr and Mrs Rice, 11 Kellyburn Park, Dollar

The representations may be summarised as follows:

Additional time was sought to make observations. *Comment: We acceded to this request.*

No objections to increased numbers unless this sets a precedent for adjoining land. *Comment: The proposal has no implications for adjoining land.*

### Development Plan Position

- 3.6. The wider development site is identified as a low density housing policy site in the First Alteration to the Clackmannanshire Local Plan. The development guidelines include 20 houses, but this is simply a record of the terms of the existing planning permission, and not based on any low density standard or threshold. The proposed change to the condition complies with the low density status of the site, and is therefore in accordance with Local Plan policy and site development guidelines.

### Other Material Considerations

- 3.7. The following factors have contributed to the recommendations:
- No objections to the proposal from any third parties
  - The overall "scale" of development remains largely unchanged; more houses, but smaller units/plots
  - The development will continue to deliver a comprehensive package of community and physical infrastructure improvements
  - Reference has been made to the Dollar Community Plan. This is being examined through the Local Development Plan, and while it differs from the current proposal, approval of this application does not prejudice examination of other development options

- 3.8. In conclusion, the change to the working of the condition is reasonable in the circumstances, with a new developer, an attendant change to the factors influencing house size and the continued commitment to the cemetery, playing field, ancillary sports/leisure accommodation and road improvements

#### 4.0 Sustainability Implications

- 4.1. There are no sustainability implications that specifically arise from this change to the condition of the planning application.

#### 5.0 Resource Implications

##### 5.1. *Financial Details*

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

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

#### 6.0 Exempt Reports

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

#### 7.0 Declarations

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

- (1) **Our Priorities** (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 First Alteration - Policy Site H64 Kellyburn,  
including Development Guidelines

**8.0 Equalities Impact**

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

Yes  No

**9.0 Legality**

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

**10.0 Appendices**

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

None

**11.0 Background Papers**

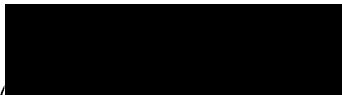
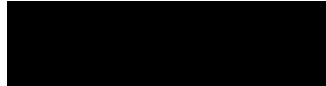
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

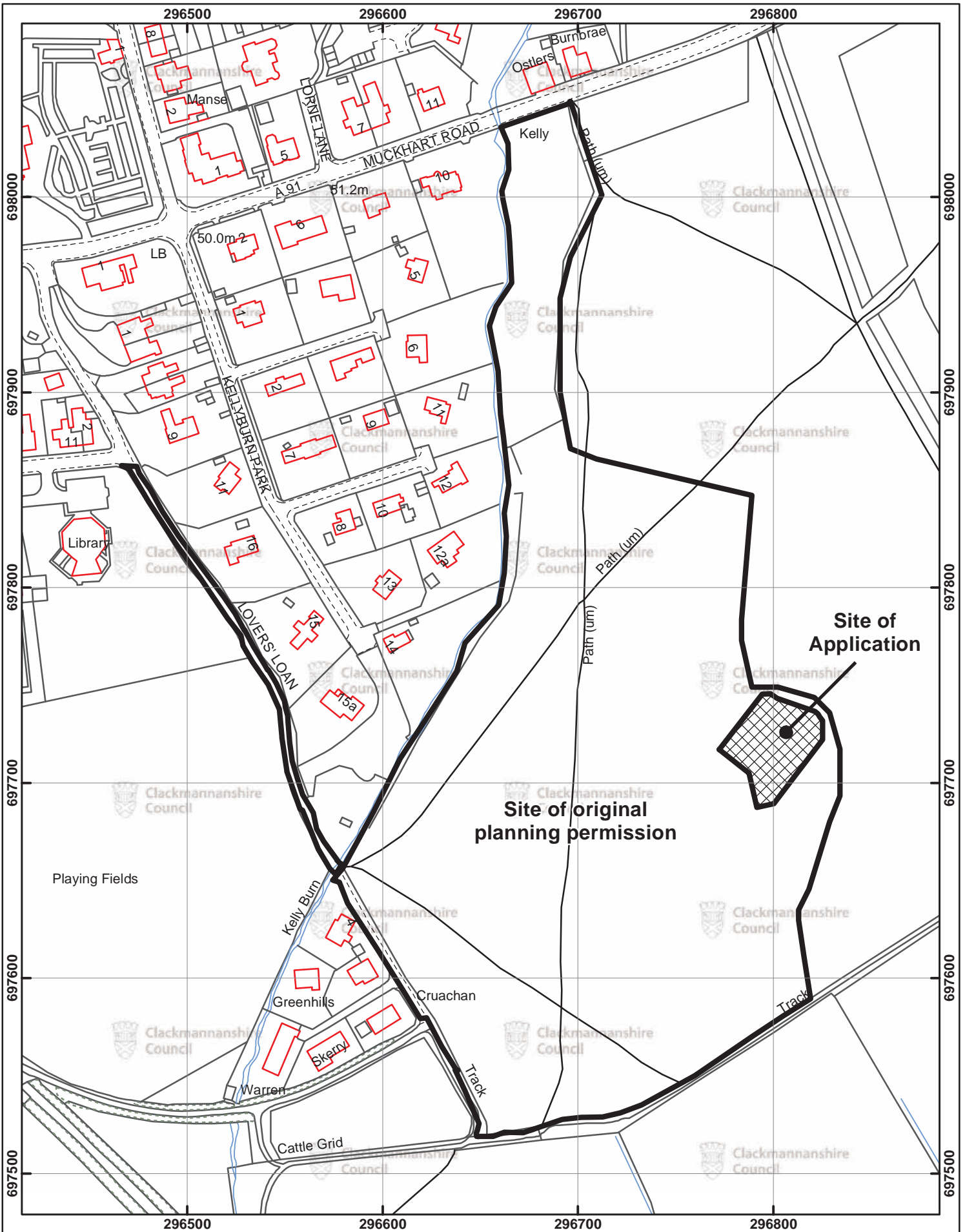
Yes  (please list the documents below) No


**Author(s)**

| NAME       | DESIGNATION                     | TEL NO / EXTENSION |
|------------|---------------------------------|--------------------|
| Ian Duguid | Development Quality Team Leader | 452621             |

**Approved by**

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






Date:  
16-Aug-2012

**12/00119/PPP - Land Adjoining Kellyburn, Lovers Loan, Dollar**  
**Application to Vary Condition 7 of Planning Permission 07/00460/OUT,**  
**And Allow For A Maximum Of 22 No. Houses Within The Development Site**


Ward: Clackmannanshire East

OS Grid Ref: NS 96 97

Scale: 1:2,500



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