
Report to: **Planning Committee**

Date of Meeting: **7th February 2013**

Subject: **Erection Of House And Garage, With Flat Over Garage,
Land at Broomhall Castle, Long Row, Menstrie (Ref No
12/00284/MS)**

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

1.0 Purpose

- 1.1. This is a report of handling on an application for approval of Matters Specified in an earlier planning permission in principle for residential development of land on north side of Long Row in Menstrie. The report provides the context to the current proposal, describes the material considerations and concludes that the details required by the earlier planning permission accord with relevant Development Plan policies and should be approved.
- 1.2. As the applicant is a member of staff within Clackmannanshire Council, and related to a member of staff within the Planning Service, this application has been reported to the Planning Committee for decision, rather than decided under the Council's Scheme of Delegation.

2.0 Recommendations

- 2.1. It is recommended that this application is approved, subject to the following conditions:

Conditions

1. This permission discharges condition 1, condition 3 (a), (b), (c - part, materials to be submitted), (e), (f), (g), (h) and (i), condition 6 of planning permission ref no 11/00293/PPP
2. The following condition/details have not been discharged - Condition 3 (c), (d), (j).

Reasons for Conditions

1. The details were not included in the submission and are prescribed in the planning permission.

2. The details were not included in the submission and are prescribed in the planning permission.

Note to Applicant

In accordance with the Wildlife and Natural Environment (Scotland) Act 2011, appropriate steps should be taken to eradicate the Japanese Knotwood on the site by herbicide treatment. Any affected waste on the site should be transported to an approved and licensed site.

Reasons for Decision

1. The details accord with the relevant requirements of the Planning Permission in Principle for residential developments (ref no 11/00293/PPP)
2. Details proposals accord with relevant policies on residential development in the Clackmannanshire Local Plan
3. No other material considerations, including representations from the community council or other third parties, were received or outweigh the Development Plan position.

Plans Relating to the Decision

Location Plan, 11158-10, 11158-11ad, 11158-12d, 11158-13b

3.0 Background to the Proposals

- 3.1. Planning Permission in Principle for the residential development of land which forms part of grounds attached to Broomhall Castle, Menstrie was approved by Clackmannanshire Council in March 2012 (ref no 11/00293/PPP). This was a renewal of an earlier planning permission granted in 2008 (ref no 08/00300/OUT). The Planning Permission in Principle was approved subject to conditions requiring the submission of additional supporting information, together with the normal plans, elevations and other details to show and describe the proposed development itself. The current application seeks to discharge these conditions. An earlier application seeking approval of detailed proposals (Ref No. 12/00222/FULL) was withdrawn by the applicant in November last year. The design statement, tree survey and pedestrian facilities had not been submitted.
- 3.2. The site of the development is identified in the attached location plan. It is within the Menstrie settlement boundary as identified in the Clackmannanshire Local Plan. It is characterised by a number of mature trees growing on land bounded by an original estate wall to the Long Row frontage of the site. Although there is a Tree Preservation Order relating to parts of the grounds of Broomhall castle, the Order does not include any trees within the application site.

4.0 Consultations

- 4.1. Roads and Transportation have no objections in principle to the development, subject to agreed standards of access and the provision of a 2 metre wide

adoptable footway across the frontage of the site (which will require the removal and reconstruction of the estate wall). It is however acknowledged that the footway could not be connected to any existing footway, but it is still considered necessary to allow pedestrians to walk safely along the road. Other conditions are recommended on footway crossing construction, visibility and driveway construction, and these will be conditioned accordingly. *Comment: having regard to the location of the proposed access immediately adjacent to the Broomhall access, the proposed scale of development compared to the original planning permission (one house plus a "granny flat"), and levels of vehicle and pedestrian activity, it is not felt necessary to provide an additional footpath which cannot in any event be connected to any other path. The approval of the detailed proposal would therefore represent the deletion of the obligation to provide a footpath as described in Condition 5 of the planning permission.*

- 4.2. Scottish Water have no objections to the proposal. There is capacity in the water treatment works and a water supply is available.
- 4.3. Land Services confirm that the tree survey which accompanies the application is satisfactory. They recommend appropriate precautions to safeguard trees to be retained. Additional advice is offered on precautions to eradicate Japanese Knotwood which is present on the site. The applicant has been advised accordingly, and the foregoing advice is reflected in the decision notice.

5.0 Representations

- 5.1 A total of 9 neighbouring households were notified of this application, including Broomhall Castle itself, neighbours to either side and houses on the opposite side of Long Row. No objections to the proposal have been received, and 1 message of support from the occupiers of Glen Isla, Long Row welcomed the reduction in the number of houses, the proposed single access as a safer entrance for vehicles and pedestrians and therefore minimising damage to the old estate wall. Some new tree felling will compensate for the loss of trees that will inevitably arise.

6.0 Development Plan Position

- 6.1 The principle of the development has already been established by the grant of Planning Permission in Principle. We have examined the detailed proposals for the proposed house, garage, additional flat and associated access arrangements and noted the broad compliance with residential development policies on brownfield land, and backland development and the layout form of development.
- 6.2 The terms of the Planning Permission in Principle recognise the need for a tree survey and the prospect of some mature trees having to be felled. From the survey, we have sought to identify the highest proportion of trees in the higher categories of condition as part of the proposal, with new planting included in an agreed landscape scheme. The proposal will also secure

proper management of the land that up until now has largely suffered from neglect in this respect.

- 6.3 The design statement which accompanies the application provides a helpful assessment of the site and its surroundings and the factors which have governed the design solution, the reduced number of houses, the choice of materials and the methods to overcome constraints with ground levels, tree planting and access. We are satisfied that the outcome is a development solution compatible with its surroundings and Local Plan policy compliant.

7.0 Other Material Considerations

- 7.1 It is noted that, in contrast to submissions at the Planning Permission in Principle stage, there have been no objections or representations against this proposal. The letter of support is also welcomed.

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

10.0 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

☐

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

11.0 Equalities Impact

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

Yes ☐ No ☒

12.0 Legality

12.1 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)

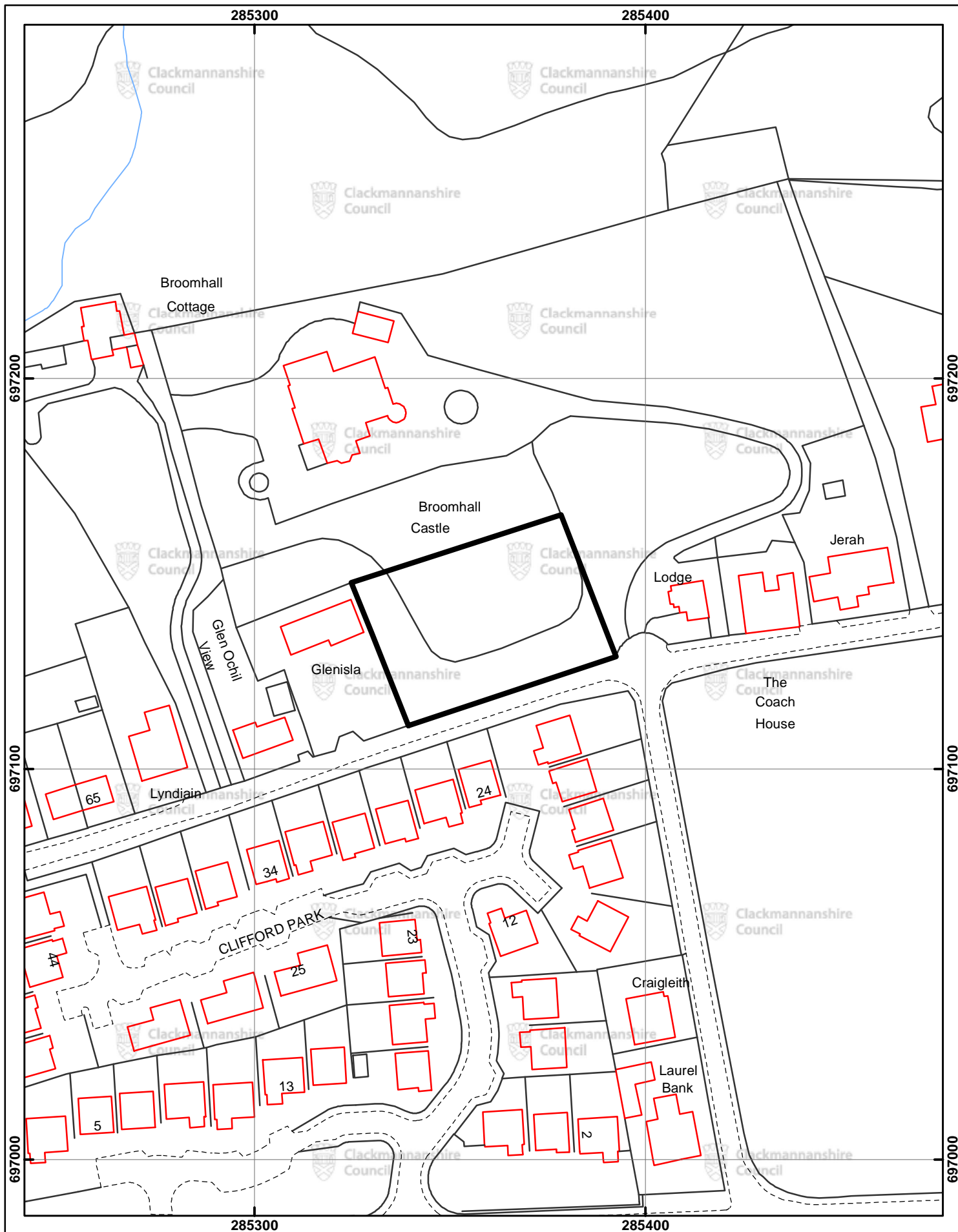
Yes ☐ (please list the documents below) No ☒


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Approved by

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Date:
24-Jan-2013

12/00284/MSC - Broomhall Castle, Long Row, Menstrie
Erection Of House And Garage, With Flat Over Garage

Ward: Clackmannanshire West

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