
Report to: **Planning Committee**

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

Subject: **Construction of Decked Viewing Platform at
Community Woodland to North and West of Ochil
Road, Menstrie (Ref No 12/00280/FULL)**

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

1.0 Purpose

- 1.1. This is a report of handling on a planning application by the Ochils Landscape Partnership (OLP) to construct a decked viewing platform adjacent to the Menstrie Burn north of Ochil Road, Menstrie. The report describes the proposal, the advice received from consultees and the policy issues associated with the development. The Service concludes that the proposal generally accords with Development Plan Policy and that there are no other material considerations that would outweigh the Development Plan position and justify withholding permission.
- 1.2. As there is a Council interest in the development, as landowner, the planning application cannot be determined by appointed officers under the scheme of delegation.

2.0 Recommendations

- 2.1. It is recommended that the application is APPROVED subject to the following condition:

1. Before any works start on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority:
 - a. the scope of any tree felling or tree pruning to accommodate the development.
 - b. the proposed measures to protect those trees to be retained adjacent to the development from damage during the construction period.

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

2.2. Reason for Condition

1. In the interests of visual amenity.

2.3. Reason for Decision

1. The proposal would accord with the objectives of the Clackmannanshire Local Plan.
2. The proposed development would not result in any significant impact on the landscape character or scenic interest of this part of the Ochils Area of Great Landscape Value.
3. No representations against the development were expressed by individual residents or businesses or representative groups.

2.4. Plans Relating to the Decision

A4-01 - Proposed Layout, A4-02 Proposed Plan and Section, A4-03 - Location Plan

3.0 **Background to the Proposals**

- 3.1. The site is approximately 20 metres to the north of the bridge over the Menstrie Burn on Ochil Road, Menstrie, on the opposite side to the Scout Hall. It is proposed to install a viewing platform on the edge of the burn to improve views of the Glen at this point. The decking would measure approximately 6 metres in length by 4 metres in width and would project out beyond the edge of the embankment by approximately 1.2 metres. The outer edge of the deck would be enclosed by a balustrade. The platform forms part of a project at Menstrie Glen which will also include the provision of a footpath link from Ochil Road, interpretation panels and environmental improvements.
- 3.2. The proposal is one of a number of projects which have been designed by and will be undertaken by the OLP to help achieve its wider aims of increasing access to and learning about the landscape and heritage of the Ochils. The works will be funded through the OLP.

4.0 **Consultations**

- 4.1. Roads and Transportation have commented on the flood risk issues at this location and have no objections to the proposal. They have highlighted that the flood consultants who are preparing a flood study of the flooding incident at the Menstrie Burn in August last year have not expressed any concern about the viewing platform in terms of its potential flood risk impacts.
- 4.2. Land Services have no objections in principle to the proposals. They have advised that the proposed pruning and felling on one young tree as part of the development are satisfactory.

5.0 **Representations**

- 5.1 There have been no representations in response to the publicity of the application which included notification of 5 neighbours and an advertisement in the local press.

6.0 Development Plan Position

6.1 The site is located within a countryside area and within part of the Ochils Area of Great Landscape Value (AGLV) as defined by the adopted Clackmannanshire Local Plan.

6.2 The most relevant Policy guidance is contained in the following Local Plan policies:

- EN1 (Sites of Ecological Importance) - the Policy states that development should minimise negative impacts on the integrity of nature conservation resources. Comment - *The location and construction of the platform will not have any significant adverse impacts on the conservation or biodiversity interest of the watercourse or adjoining land. The proposal would require some tree management works but these would be minor and have a positive impact. The proposal would accord with this Policy.*
- EN2 (Landscape and Ecology) - the Policy states that development in AGLVs will only be permitted where; they are an essential requirement of specified countryside activities; where the need for the development could not be met in a less sensitive location; and where the landscape character and scenic interest would not be adversely affected. Comment - *The works comprise one of the projects by the OLP which have been designed to enhance access to and understanding of the Ochils for residents and visitors to the area. Consequently, the proposal is considered to meet the first two tests. The location and design of the platform would not result in any significant adverse impact on the visual amenity or landscape quality of the area. The proposal would accord with this Policy.*
- EN4 (Water Resources) - this Policy states that development will be assessed for flood risk. Comment - *The advice from Roads and Transportation confirms that the proposal would accord with this Policy.*
- EN18 (Development in the Countryside) - this Policy states that development in countryside areas will not normally be acceptable unless it meets the criteria defined in the policy. Comment - *Given the purpose of the development is associated with the recreational and environmental enhancement of this section of the Menstrie Burn within the Ochil Hills, the scale of the works, and that the design and siting would respect the character of the area, it is concluded that the development would not be contrary to this Policy and would be justified as an exception to the general policy position against development.*

6.3 The application accords with the relevant Development Plan policies and is considered to comply with the Development Plan.

7.0 Other Material Considerations

7.1 There are no objections from consultees and there have been no objections from neighbouring households. The development is one of a number of projects that will be implemented by the OLP and will contribute to the

achievement of its objectives. The development would include improvements to access and understanding of Menstrie Glen and this part of the Menstrie Burn.

8.0 Sustainability Implications

- 8.1 The development would have no significant impact on the ecology or water environment and would enhance opportunities or understand the biodiversity and landscape of the area.

9.0 Resource Implications

- 9.1 Financial Details

- 9.2 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 ☒

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

10.0 Exempt Reports

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

11.0 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)

None

12.0 Equalities Impact

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

Yes ☐ No ☒

13.0 Legality

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

14.0 Appendices

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

None

15.0 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
Keith Johnstone	Principal Planner	2614

Approved by

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