
Report to: **Planning Committee**

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

Subject: **Formation Of Car Park Lay-By With Associated Path
Into Burial Ground at Fir Park, Tillicoultry (Ref No
12/00282/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 form a lay-by parking area on the south side of Fir Park, Tillicoultry to provide parking and pedestrian access to the historic old kirkyard. The report describes the proposal, the advice received from consultees and the policy issues associated with the development. The Service concludes that the proposal 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 Recommendation

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

1. Before any works start on site, a Construction Management Plan shall have been submitted to and approved in writing by the Council, as planning authority. This plan shall include details of the proposed arrangements to safeguard the heritage interests of the listed kirkyard during the construction period, including details of the areas required to store construction materials and associated equipment and structures within or adjacent to the site. Thereafter, the development shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Council.

2.2. Reason for Condition

1. To consider these details yet to be submitted in the interests of the preservation of the listed kirkyard.

2.3. Reasons for the Decision

1. The proposal would accord with the objectives of the Clackmannanshire Local Plan.
2. The proposed development will not result in any significant adverse impact on the amenity or road safety of the area.
3. No representations against the development were expressed by individual residents, consultees or representative groups.

2.4. Plans Relating to the Decision

C3/001 - Location Plan; C3/004 - Proposed Layout Plan

3.0 **Background to the Proposals**

- 3.1. The site comprises a grassed area which forms part of amenity space adjacent to Fir Park on the north side of the historic kirkyard and burial ground which was once the site of the parish church. It is proposed to form a lay-by area on the south side of the carriageway which would be approximately 13 metres long to provide off street parking for visitors to the historic churchyard. A whin dust footpath would be formed to connect the lay-by to the existing access to the churchyard. An interpretation panel would also be provided as part of this project.
- 3.2. The development is one of a number of projects which have been designed and will be undertaken by the OLP to help achieve its wider aims of increasing access to and learning about the landscape area and its heritage and the conservation and/or restoration of built features which contribute to this area. The lay-by will be funded by the OLP and will be designed to a standard suitable for adoption by the Roads Authority.

4.0 **Consultations**

- 4.1. Roads and Transportation have no objection to the proposed development and advise that they have received an application for Construction Consent for the lay-by. *Comment: The proposed design specification would mean that the lay-by will be capable of being adopted by the Council, as Roads Authority.*

5.0 **Representations**

- 5.1. 5.1 There have been no representations in response to the publicity of the application which included notification of 7 neighbours and an advertisement in the local press.

6.0 **Development Plan Position**

- 6.1 The site is located within the settlement boundary for Tillicoultry as defined in the adopted Clackmannanshire Local Plan. The churchyard is listed, Category B and also includes a stone monument which is a Schedule

Monument. The proposed works would not affect the areas where these protective designations apply.

6.2 The most relevant Development Plan policy guidance is obtained in the following policies:

- EN6 (Listed Buildings) - the Policy states that when determining applications the Council will seek to ensure preservation of any listed building or its setting. Comment - *The formation of the proposed lay-by and footpath will not adversely affect the listed churchyard or its setting and would accord with the Policy.*
- EN7 (Archaeological or Historic Sites) - the Policy states that development will not be permitted to where it could destroy a Scheduled Ancient Monument. Comment - *The proposed works would not adversely affect the Scheduled Ancient Monument within the churchyard and would accord with this Policy. The development is part of a project designed to improve access and understanding of the heritage of the kirkyard.*
- INF4 (Development Standards) - the Policy states that new vehicle parking facilities will be expected to meet the Council's Development Roads Guidelines and Specification. Comment - *The proposed lay-by will be designed to the relevant standards required by the Roads and Transportation Unit in order for the works to be adopted as part of the public road. Therefore, the proposals comply with this Policy.*

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 have been no objections from consultees and there have been no objections from neighbouring households. The development is also one of a number of projects that will be implemented by the OLP and will contribute to the achievement of its objectives. The proposal has been designed to raise awareness of the historic kirkyards within the OLP area and improve opportunities for access to the kirkyard and its location.

8.0 Sustainability Implications

8.1 None.

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 ☒

110 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

15.1 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

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Approved by

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