



**Clackmannanshire  
Council**

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

## **PLANNING COMMITTEE**

**Thursday 31 October 2013 at 9.30 am**

**Venue: Council Chamber, Greenfield, Alloa, FK10 2AD**

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Date	Time
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## **Scheme of Delegation: Duties and Responsibilities Delegated to Committees**

### **Planning Committee**

Subject to paragraphs 3.28 and 11.4 of the Scheme of Delegation, the Planning Committee has responsibility for taking decisions on planning applications and enforcing planning laws, and;

Carrying out the local authority's function in relation to street naming under section 97 of the Civic Government (Scotland) Act 1982; and

Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Community and Regulatory Services related to Building Standards.

**23 October 2013**

**A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 31 OCTOBER 2013 at 9.30 am.**

**ANDREW WYSE**  
**Solicitor, Legal Services**

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## PLANNING COMMITTEE – MEMBERS

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### Councillors

### Wards

Councillor	Alastair Campbell	(Convenor)	5	Clackmannanshire East	CONS
Councillor	Graham Watt	(Vice Convenor)	3	Clackmannanshire Central	LAB
Councillor	George Matchett, QPM		1	Clackmannanshire West	LAB
Councillor	Tina Murphy		1	Clackmannanshire West	SNP
Councillor	Les Sharp		1	Clackmannanshire West	SNP
Councillor	Walter McAdam, MBE		2	Clackmannanshire North	SNP
Councillor	Bobby McGill		2	Clackmannanshire North	LAB
Councillor	Gary Womersley		3	Clackmannanshire Central	SNP
Councillor	Kenneth Earle		4	Clackmannanshire South	LAB
Councillor	Ellen Forson		4	Clackmannanshire South	SNP





**MINUTES OF MEETING of the PLANNING COMMITTEE held within the Council  
Chamber, Greenfield, Alloa, FK10 2AD, on THURSDAY 12 SEPTEMBER 2013 AT 9.30  
am.**

**PRESENT**

Councillor Alastair Campbell (Convenor)  
Councillor Graham Watt (Vice Convenor)  
Councillor Donald Balsillie (S)  
Councillor Kenneth Earle  
Councillor Craig Holden (S)  
Councillor George Matchett, QPM  
Councillor Bobby McGill  
Councillor Tina Murphy  
Councillor Les Sharp  
Councillor Gary Womersley

**IN ATTENDANCE**

Julie Hamilton, Development Services Manager  
Ian Duguid, Development Quality Team Leader  
Andrew Wyse, Solicitor, Clerk to the Committee

**PLA050            APOLOGIES**

Apologies for absence were received from Councillor Walter McAdam, MBE and Councillor Ellen Forson. Councillor Craig Holden attended as substitute for Councillor McAdam and Councillor Donald Balsillie attended as substitute for Councillor Forson.

**PLA051            DECLARATIONS OF INTEREST**

Councillor Kenneth Earle declared a non-financial interest in Item 4 Planning Application Ref: 13/00150/FULL - Erection of 32 No. House and 16 No. Flats with Associated Access Road, Parking and Landscaping at Former Alva Academy Site, Queen Street, Alva. Councillor Earle is a Board Member of the Housing Association involved in the development. He advised the Convenor that as he had excluded himself from participating in any discussion of this item at meetings of the Housing Association, he may contribute to the Committee's discussion of this item. Councillor Earle stated he would not participate in any vote.

Following advice from the Clerk, Councillor Tina Murphy declared a non-financial interest in Item 4 as she is also a Board member of the Housing Association. Councillor Murphy advised the Convenor that as she had excluded herself from participating in any discussion of this item at any meetings of the Housing Association, she may contribute to the discussion on this item on the agenda.

**PLA052            MINUTES OF MEETING: PLANNING COMMITTEE 13 JUNE 2013**

The minutes of the meeting of the Planning Committee held on 13 June 2013 were submitted for approval.

Moved by Councillor Alastair Campbell. Seconded by Councillor Bobby McGill

**Decision**

The minutes of the meeting held on 13 June 2013 were agreed as a correct record and signed by the Convenor.

**PLA053            PLANNING APPLICATION**

**Planning Application - Erection of 32 No. Houses and 16 No. Flats with Associated Access Road, Parking and Landscaping at Former Alva Academy Site, Queen Street, Alva, Clackmannanshire (Ref. No. 13/00150/FULL)**

A report of handling on the above planning application provided an assessment and recommendation on a Planning Application by Tigh Grian Limited to erect 48 No. houses and flats on land forming part of the former Alva Academy, Queen Street, Alva. The application required a decision from the Planning Committee as it involves land owned by the Council.

**Motion**

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

Moved by Councillor Alastair Campbell. Seconded by Councillor Bobby McGill.

**Decision**

Accordingly, after noting abstention from Councillor Earle, the Committee agreed to approve the application subject to the conditions and reasons set out in the report.

**Action**

Head of Community and Regulatory Services

Ends: 10.05 am

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**Report to:** **Planning Committee**

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**Date of Meeting:** **31 October 2013**

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**Subject:** **Application for Planning Permission in Principle Ref: 10/00153/PPP - Development of Land for Houses, School and Associated Pitches, Open Space, Play Areas, Landscaping, Roads, Paths and Other Infrastructure on Land at Branshill Road, Sauchie, Clackmannanshire**

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**Report by:** **Grant Baxter, Principal Planner**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to update members on this planning application, recommending a decision to grant Planning Permission in Principle (PPP), with officers to prepare a set of planning conditions and Section 75 Agreement regulating the development of the site, and which will be reported back to a subsequent meeting of the Planning Committee for approval.
- 1.2. The report outlines the assessment of the original and amended masterplan proposals, summarises contributions from 3rd parties and identifies the material considerations that have informed the recommendation to grant Planning Permission in Principle.
- 1.3. For the purposes of the Planning etc. (Scotland) Act 2006 and subsequent regulations, this report represents the Report of Handling on this planning application.

## **2.0 Recommendations**

### **2.1. It is recommended that:**

- I. The committee indicates that it is minded to grant Planning Permission in Principle for the development as shown indicatively on the submitted masterplan.
- II. The Planning Permission in Principle is granted subject to conditions, which will be reported back to a subsequent Planning Committee meeting for further approval.
- III. The Planning Permission in Principle is granted subject to, and issued on the conclusion of, a Section 75 Agreement between the applicant, landowner and Clackmannanshire Council, based upon the Heads of

Terms in Appendix 1 of this report. The finalised agreement will be reported back to the Planning Committee for final approval with the planning conditions at II. above.

## **Reasons for Decision**

- 2.4 The application and indicative masterplan form the initial stages of planning this major settlement expansion identified in the Clackmannanshire Local Plan. The development principles set out at this stage are considered to comply with the terms of the development plan, in as much as they capture the key development components anticipated in the Local Plan. The proposals will deliver sustainable economic growth in a planned manner, meet requirements for housing land supply, affordable housing provision, and related education and community infrastructure.

## **2.2. Plans Relating to the Decision**

- 2.3. Constraints and Proposals Masterplan - 3698/1003 Rev B.

## **3.0 Background to the Proposals**

- 3.1. The application seeks planning permission in principle for development of land for houses, school and associated pitches, open space, play provision, landscaping, roads, paths and other infrastructure on land at Branshill Road, Sauchie. The site encompasses 53.7Ha of agricultural land to the west of Sauchie, enclosed to the north, south and west sides by woodland, and fronting Branshill Road and Fairfied Road to the east. The site is shown on the location plan appended to this report.
- 3.2. This application was originally lodged by the applicant for residential development, accompanied by an indicative masterplan, in 2010. In the intervening period, discussion have taken place with the developer, Council services and outside agencies. The major focus of these discussions has been around the issues of physical and social infrastructure, education provision and the delivery of affordable housing. The culmination of these discussions has been the submission of a revised indicative masterplan incorporating a site for a school. These discussions will inform a Section 75 Agreement, a key mechanism in the delivery of this development project.
- 3.3. The application does not fall within Schedules 1 or 2 of the Environmental Impact Assessment (Scotland) Regulations 2011, and therefore an Environmental Impact Assessment (EIA) has not been required in relation to the current application. It is, however, a major development as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 and was therefore subject to pre-application consultation (PAC). A PAC report accompanied the application.

## **4.0 Consultations**

- 4.1. Consultation was carried out when the application was first lodged in June 2010. Additional consultation has been carried out in response to the revised proposals received this year. Where additional comments have been received from consultees to the revised proposals, these have been included.

- 4.2. Roads: A Transport Assessment is required to inform the site layout, access arrangements and on/off-site transportation infrastructure requirements. This would update an earlier version provided in association with a previous planning application for this site. However, Roads have no objections to the key road and footway connections in the masterplan. The detailed proposals will be expected to comply with Government Guidance on "Designing Streets", prioritising the needs of the pedestrian. *Comment: A Transport Assessment (TA) will be a requirement of any grant of PPP. It provides an appraisal of the likely traffic generation impacts resulting from new development, taking into account the measures which are required to improve road safety and promote walking, cycling and the use of public transport. A TA will be required as part of Matters Specified in Conditions, following the grant of Planning Permission in Principle.*
- 4.3. Land Services: Measures are required to protect trees to be retained on and adjacent to the site. A tree survey will be required. A new public park should be created as part of the development, providing parking, interpretation and spaces for ball games facilities for all ages. Smaller play facilities will also be required. Detailed landscaping plans will be required. *Comment: Any grant of PPP will require open space and play provision in the masterplan. However, the indicative plan shows a central community park, plus a network of other spaces that can include smaller play areas. The plan has been drawn to safeguard woodland on the edge of the site. Overall, the advice from Land Services is captured in the proposals or the planned conditions of planning permission.*
- 4.4. Environmental Health: No objections, subject to the developer addressing issues to do with noise/dust suppression during construction, control of noise/odour from sewerage pumping systems and adequate maintenance of common facilities such as SUDs. Due to historic mining activities on the site, the developer should undertake a Human Health/Environmental Risk Assessment before development can commence. *Comment: Any grant of PPP will be conditioned such that the appropriate risk assessment is carried out and means of addressing ground stability issues are fully addressed in the development.*
- 4.5. SEPA: The applicant should ensure connections to the public sewerage systems are available. SUDs systems should ensure flow rates are no greater than greenfield run-off rates. No flooding should occur in the 1:200 yr return event, and development should not increase flood risk elsewhere. Potential flood risk from the watercourses in and around the site will require to be assessed. All road surface water should receive two stages of treatment. All drainage arrangements will be in accordance with the SUDs Manual and Sewers for Scotland 2. *Comment: A detailed SUDs strategy for the whole site will be a requirement of any grant of PPP, and particular care will be taken to ensure clear responsibilities for maintenance and management of water related infrastructure.*
- 4.6. Housing: Support the development and recommend that it delivers affordable housing in accordance with the Housing Needs and Demand Assessment. The specific form of affordable housing will require further consideration. *Comment: Detailed discussions have taken place between the developer and the Housing Service in respect of the delivery of affordable housing in the development. It is anticipated that an on site provision of 25% affordable*

*housing will be required. Suitable obligations for phased and managed accommodation will be included in the Section 75 Agreement.*

- 4.7. Education: The development will have an impact on all sectors in Education. An increase of around 300 primary age pupils could be generated from 800 or more houses, depending on the type and density of housing, having a significant impact on the delivery of education. The nursery and primary provision can be accommodated in a completely new primary school. The effect on Lornhill Academy will also require to be considered.

The current Craigbank primary school as existing could not accommodate all pupils. The preferred option would be to build a new primary school to accommodate any new pupils coming from the proposed houses and any pupils in the existing catchment area of Craigbank primary school. In line with Council policy, a nursery class would be integrated into the new school replacing provision currently provided at Sauchie nursery.

It is recommended that the provision of a full size grass pitch is made available to the community, and access to changing areas are incorporated within the design of the school. Access to community spaces and library facilities should be incorporated into the design of the school enabling dual use of areas as a community campus.

*Comment: It has been agreed in principle with the developer that a site for a new primary school shall be accommodated within the proposed development. This school, incorporating nursery provision would provide a replacement to Craigbank Primary School and accommodate the pupils generated from the new development. It would also act as a community hub with the potential to provide facilities such as a library, meeting rooms etc. The developer would also make a commensurate financial contribution towards delivery of the new school. The precise mechanism, with appropriate delivery options to ensure flexibility in terms of the Council's control of implementation, will be incorporated in a Section 75 Agreement.*

- 4.8. Stirling Council Archaeologist: No archaeological objections to the proposal. however, it is recommended that suspensive conditions be placed on any consent/s which may be granted for development. These reflect the possibility that a phased approach to the archaeology may be required on this site. *Comment: Appropriate conditions can be applied to any grant of PPP to address archaeological concerns.*
- 4.9. Scottish Water: No objections, however spare capacity cannot be reserved. The developer will require to submit a Development Impact Assessment. There may be a need for the developer to carry out improvements to the foul drainage and water supply networks to ensure no loss of service to existing customers. A separate system will be required to address surface water discharge, incorporating SUDs, in accordance with Sewers for Scotland 2. *Comment: The developer will require to liaise directly with SW in respect of foul and water connections, and will require to provide details of SUDs arrangements as part of the masterplanning of the site.*

## **5.0 Representations**

5.1 A total of 63 No. neighbouring properties were notified of the original planning application. In addition, a Neighbour Notification advertisement was placed in the local press. In response, representations were received from the undernoted parties:

- Sauchie Community Group
- Alloa Centre Community Council
- Craigbank Primary School Parents' Council
- Mrs Mary McGroarty, 7 Fairfield Sauchie
- Ms S Hossack, 6 Blairdenon Drive Sauchie
- Mrs Linda Howson on behalf of British Horse Society Scotland and Clackmannanshire Riders Access Group
- Earl of Mar and Kellie, per Bell Ingram
- John & Anne Shearer, Pompee Cottage, Branshill Road, Sauchie

A further Neighbour Notification and advertisement process has been undertaken in respect of the revised proposals showing a primary school on the site. Supplementary comments received in relation to this publicity are listed separately in paragraph 5.3.

5.2 Representations on the original proposals were received on the following grounds:

- Uncertainty regarding impact on the school estate. *Comment: The application now proposes a new primary school on the site, which would be designed to accommodate the needs of the new development and replace the existing Craigbank Primary School (including Sauchie Nursery). The Council has secured Scottish Futures Trust funding towards the new school, and the Section 75 Agreement that will be tied to any grant of planning permission will set out the arrangements for transfer of the school site to the Council, options for implementation and developer contributions towards its provision.*
- Account should be taken of the needs of horse riders in the planning of existing Core Path through the middle of the site. *Comment: The use by horse riders will be taken into account in designing the upgraded core path route through the site.*
- There will be a loss of greenery and wildlife resulting from the development. *Comment: The site is largely agricultural fields, however it has already been identified in the development plan as a settlement expansion area for residential development. The development guidelines for the site as set out in the Local Plan require enhancement of the ancient and semi-natural woodlands around the site, including improved habitats, in accordance with LBAP targets. In addition, the indicative masterplan shows substantial areas of planting and open*

*space which will provide opportunities for further biodiversity enhancement and habitat connectivity.*

- More investigation of ground conditions are required, given previous mining history, before development should occur. *Comment: The site is known to contain the remains of historical mine workings. The applicant undertook further ground investigations this year. The indicative masterplan shows the conjectured extent of coal reserves. Insofar as the proposals entail development over this part of the site, the developer will require to bring forward proposals for ground stabilisation. As yet, precise details of proposals to deal with this issue have not been presented to the Council. This will be a matter to be addressed in subsequent MSC (Matters Specified in Conditions) applications following the grant of PPP (Planning Permission in Principle), or in a separate detailed planning application were the proposals to go beyond ground stabilisation in the conventional sense and include the extraction of coal from shallow seams by opencast mining methods. Both these processes will involve neighbour notification and publicity, in order that the local community can view and comment on any such proposals before a decision is made. We have already provided the applicant with policy advice on the prospects of a coal extraction proposal, in the knowledge that this may be a matter for the developer to factor into any finalised development appraisal. The District Valuer has examined financial information provided by the developer and advised us that ground conditions are an example of abnormal costs which should properly be reflected in the land value. This has not been disclosed by the applicant.*
- Concern at the need for another roundabout to serve the development, close to an existing roundabout on Fairfield Road. *Comment: The proposed new roundabout on Fairfield Road would sit around 500m from the mini-roundabout to the Southeast, at the junction with Ten Acres, and a similar distance from Collylands roundabout to the north. Roads and Transportation have no objections in respect of the distance of the new roundabout from these two existing roundabout junctions. In addition, it is considered that the new roundabout will act as a traffic calming feature at the entrance to Sauchie.*
- Concern about more traffic on Fairfield Road, which is already busier as a result of other recent road improvements to the east and west. *Comment: The development, given its scale will generate additional traffic on the surrounding road network. The main access is proposed off Fairfield Road, however this will not be the sole access into the development. As noted in Roads and Transportation's response, a Transport Assessment (TA) will be required in order to fully inform the layout and design of the development. A TA is an assessment of the full transport impact of a development proposal, and will require to fully assess traffic impacts on Fairfield Road. Crucially, there is no reason to believe that Fairfield Road has insufficient capacity to accommodate this development. An additional access will be formed onto Branshill Road.*
- Sufficient provision should be made for pedestrian crossings of existing roads that will become busier as a result of the development.

*Comment: Safe crossing points of existing roads will be a matter that will be examined in the Transport Assessment (TA) that will be required to inform the detailed stages of this development, beyond this "in principle" stage. The developer will require to fund or implement such measures.*

- Concern that construction traffic will cause noise, pollution, dust, vibration and congestion for nearby residents. *Comment: Before any development commences, a detailed construction traffic management plan will require to be submitted to and approved in writing by the Council.*
- Houses should be set back at least 20 from existing trees around the site, in order to protect residential amenity and the health and viability of mature trees and woodlands. *Comment: The indicative masterplan shows a 10m set back between development and existing woodland boundary. This would be further extended from any "built" development by virtue of garden ground or amenity space that would form the outer edge of the development, which should ensure that the buffer between existing woodland and built development is closer to 20m. Ultimately the suitable relationship between development and existing trees will be informed by arboricultural surveys, which will be required at detailed stages.*

5.3 Additional representations on the amended masterplan have been received from Sauchie Community Group and Ms R Gibb, 2 Benview Cottages, Alva Road, Sauchie on the following grounds:

- Questions on the need for so many new houses. *Comment: The site forms an important part of the Strategic Land Supply in order to meet projected population and household growth in Clackmannanshire.*
- Loss of green space and trees, in particular, to form new roundabout. *Comment: The area of trees that would be affected by the new roundabout is an area of plantation conifers and not ancient or semi-natural woodland. The development will provide opportunities for new native planting and woodland enhancement.*
- No objection to proposed siting of a school and pitches on the site.
- Concern on how mine workings and coal reserves will be dealt with. *Comment: The extent of coal on the site has been surveyed and the developer will require to bring forward proposals as to how to address this issue, before any built development could take place. Any such proposals will be subject to public consultation.*
- Flood risk may be an issue, given the developer proposes SUDs to hold excess water. *Comment: The site is not within a high flood risk area, however, will require to be developed in a manner that ensures existing and new properties are not put at risk from flooding. SUDs will be required in any event, to manage surface water run-off. Although ponds are shown on the Indicative Masterplan, a detailed SUDs scheme is yet to be developed. This will form part of an initial detailed plan for development of the overall site.*

## 6.0 Development Plan Position

6.1 The site was first identified for residential development in the adopted Clackmannanshire Local Plan, 2004, within which the whole site was encompassed into the Sauchie settlement boundary, and approximately 5.43 Ha of it identified for 100No. houses as a first phase of an urban expansion area.

6.2 Subsequently, the First Alteration (Housing Land) to the Local Plan, adopted 2011, identified the whole site (53Ha) as Housing Policy Site H22 for speculative and affordable housing, expected to deliver approximately 800No. units in total. This represents the current Development Plan position. The application therefore accords with this Local Plan allocation. The development guidelines for the site in the First Alteration do however set out a number of guiding criteria, notably guidance on:

- Masterplan and phasing plan for the entire site;
- Arrangements for primary school provision;
- Enhancement of Greenbelt and the woodland setting of the development;
- Enhancement of local routes to locations such as to Inglewood and Lornhill Academy;
- Active and passive open spaces to be provided within the site;
- Provision of a new roundabout at Collylands;
- Consideration of coal extraction;
- Provision of affordable housing in relation to housing needs.

6.3 Taking account of these development guidelines, the following conclusions can be drawn:

6.4 **Masterplan and phasing plan for whole expansion area:** The application for Planning Permission in Principle (PPP) has been accompanied by an indicative masterplan drawing, which sets out the distribution of land uses, identifying housing parcels, the site of a proposed school and parkland areas. informed by some analysis of the site characteristics and constraints. However, the final make-up of the development will be subject to much more detailed analysis, following a design process that would be agreed between the developer and Development Services. The phasing of the development will also be informed by this detailed analysis, to ensure the delivery of key community infrastructure at appropriate stages in the development.

6.5 **Arrangements for primary school provision:** Based on evidence from previous developments in Clackmannanshire, the effect of 800 plus houses would result in an increase of around 300 primary age pupils, depending on the type and density of housing. The site is within the Craigbank Primary School catchment area. This school cannot accommodate all pupils, in addition to a nursery class which is planned to be integrated into the school, replacing Sauchie Nursery

- 6.6 The preferred option of Education Services, emerging in part from a review of the primary school estate, is the provision of a new, in part replacement, primary school within the site of this development. The school will serve the new and existing school age population within the Craigbank catchment area alike. The applicant agreed to amend the original masterplan and include a site for a primary school, close to the site access off Fairfield Road. Both Education and Facilities Management support this proposal, on the understanding that:
- The site is transferred to the Council
  - The school can be delivered at an appropriate stage of the development, which will have to be determined in part by the future decisions on Craigbank School itself
  - The developer contributes to the cost of the school being provided in proportion to the scale of the new housing development
- 6.7 We welcome the change to the masterplan. This meets the joint aspirations of the developer and the Council. The Section 75 Agreement will put in place the framework for delivery of this aspect of the project in accordance with the foregoing parameters.
- 6.8 **Enhancement of the Greenbelt and the woodland setting:** The site adjoins land identified as Greenbelt to the north and south, including areas of ancient and semi-natural woodland, such as Gubber Hill and Inglewood. The latter is subject to a Tree Preservation Order. The development offers the opportunity to enhance the urban edge of the Greenbelt through sensitive design and landscaping. The creation of parkland with trees in the site which connect to woodlands that surround it, offer the opportunity to expand the habitat network that these areas of woodland form part of. In addition to this, a buffer zone is proposed, separating any development from existing woodlands that bound the site, in order to reduce the scope for conflict between built development and existing woodlands.
- 6.9 **Enhancement of local routes to locations such as to Inglewood and Lornshill Academy:** The development will create additional demand on the existing network of paths and cycleways. In particular, the location of a primary school on the site will create a new pattern of development that will require to be catered for, in terms of new and enhanced routes both in the site and the surrounding area.
- 6.10 The indicative masterplan already identifies enhancement of a key route through the centre of the site, from Ten Acres to Lornshill. A number of other routes are indicated, linking across the site and into the existing footpath network, ensuring that opportunities are taken to provide the resident population with good access to the existing on and off road network of paths.
- 6.11 **Active and passive open spaces to be provided within the site:** The development will provide a range of open spaces and recreation opportunities for the needs of residents. The indicative masterplan shows

playing fields associated with the new school, as well as an adjoining central parkland area. It is anticipated that this area would provide both for passive amenity, but also as the central play area for the whole development. Smaller open spaces, possibly containing local play facilities will be expected to be provided throughout the development.

- 6.12 The Council will expect all open spaces to be designed to provide multi-benefits, in terms of their recreational and play value, but also by contributing to amenity, habitat, water management and climate change resilience.
- 6.13 **Provision of a new roundabout at Collylands:** This project has been completed in advance of the development by the Council, at no cost to the developer.
- 6.14 **Consideration of Coal Extraction:** The site is known to contain shallow coal reserves which have been subject to mine working in the past. These are recognised as being both a valuable mineral resource, but also a constraint on development that can be difficult and costly to overcome.
- 6.15 Policy EN24 of the Local Plan seeks to resist permanent development that would sterilise a viable mineral resource where this could be extracted in a manner that accords with the development plan. A notable exception to this stance, set out in Policy EN24, is where preservation of the mineral resource would prevent residential development that would contribute to the strategic land requirement and no other sites are available to meet the requirement. This site is considered to be important to the strategic land supply, given its size and location, and would provide a significant number of houses, that could not be easily met by other alternative sites. Equally, it is not altogether clear whether coal could be extracted in a manner that complies with the Development Plan. Environmental protection, proximity to the existing settlement and road safety are some of the more obvious policy issues that we have brought to the applicants attention. For the moment, we have fulfilled the Local Plan guideline.
- 6.16 **Provision of affordable housing in relation to housing needs:** The advice from Housing, in accordance with the Housing Needs and Demand Assessment, indicates that the development will require to provide 25% affordable housing, which for an 800 units development would equate to 200 affordable units. It is anticipated that such provision will be distributed throughout the site, rather than grouped in one location, and that a variety of property types will be provided with the affordable housing. The planning conditions and Section 75 Agreement will make provision for delivery of affordable housing in a phased manner throughout the construction programme.
- 6.17 Whilst much detail is required in order to fully assess how the development will deliver on the requirements set out in the Local Plan, the general principles that are established at this stage will allow officers to prepare conditions and a legal agreement that will shape delivery of a masterplan and detailed proposals that will meet the Council's expectations for this site, as expressed in the Local Plan. On this basis, and in the absence of any specific areas of policy conflict, the proposal complies with the Development Plan.

## **7.0 Other Material Considerations**

- 7.1 The emerging Development Plan, in the form of the Clackmannanshire Local Development Plan (LDP) continues to identify the site as a Settlement Expansion for housing development, and setting out detailed development requirements, such as the need for a detailed masterplan, phasing plan, transport assessment, open space/play provision, affordable housing and education provision. The LDP is being reported to Council on 24th October 2013.
- 7.2 Given the size of the development, and the publicity that has accompanied it, including pre-application consultation, press advertisement and notification of around 70No. neighbours, a relatively small number of objections have been received. By and large, these raise issues of detail, on matters that will become clearer in the further detailed stages of planning, which will themselves be subject to publicity and consultation.
- 7.3 Similarly, comments and issues raised by consultees do not raise issues of principle in relation to the development, but of detail. These consultees will be involved in the subsequent stages of planning of this development where such issues will be addressed.
- 7.4 There are no material considerations that would prevent the Committee from indicating that it is minded to approved the application in principle, subject to the provisions set out in Section 2.0 of this report.

## **8.0 Sustainability Implications**

- 8.1 The proposed development involves a large settlement expansion, encompassing houses, school and associated pitches, open space, play provision, landscaping, roads, paths and other infrastructure. The detailed layout and form of the development presents opportunities and challenges in respect of ensuring the that a new sustainable place is created. It is anticipated that this can be achieved through the preparation and implementation of a well considered masterplan, which will be brought forward following the grant of Planning Permission in Principle.

## **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)

## 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".

- Appendix 1 - Draft Heads of Terms of Section 75 Agreement.

## 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 ☐

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	2615

**Approved by**

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	



## APPENDIX 1

### **DRAFT HEADS OF TERMS FOR SECTION 75 AGREEMENT**

**Application for Planning Permission in Principle - Ref No. 10/00153/PPP**  
**- Development of Land for Houses, School and Associated Pitches,**  
**Open Space, Play Provision, Landscaping, Roads, Paths and Other**  
**Infrastructure on**  
**of Land at Branshill Road, Sauchie West**

**Applicant: Allan Water Developments Ltd**

**Agent: Bracewell Stirling Consulting**

Proposed Heads of Terms of Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended.

1. Masterplan - The development shall proceed in accordance with a town expansion masterplan, to be submitted by the development and approved by the Planning authority.
2. Phasing Plan - The development shall proceed in accordance with a Phasing Plan, to be submitted by the developer and approved by the planning authority. The Phasing Plan shall identify proposals and arrangements for the provision and implementation of transport infrastructure improvements, travel management arrangements, the primary school community campus (PSCC), maintainable areas and affordable housing, all in relation to the phased implementation and completion of housing sites.
3. PSCC Site - The PSCC site shall be identified and delineated on the masterplan.
4. Transfer of Site - The PSCC site shall be transferred under disposition to the Council by a prescribed date shortly after the grant of Planning Permission in Principle.
5. PSCC Implementation - Alternative funding arrangements will be available which will provide three options for implementation of the PSCC. These are:
  1. Construction of the PSCC by the Council with agreed developer contribution as part of the phased implementation of the development

2. Construction of the PSCC by the developer, jointly with SFT funding, again as part of the phased implementation of the development
3. Construction of the PSSC as an initial phase of development by the Council, with a series of subsequent developer contributions linked to progress on the early phases of housing development.

The PSCC shall be completed in accordance with an agreed Scottish Government specification.

6. Transport Assessment - A Transport Assessment shall be prepared in association with the masterplan proposals, then to be approved by the Council. The development shall thereafter be implemented in accordance with the agreed recommendation for travel management, infrastructure improvements, safe routes to the existing and proposed schools, all as incorporated in the Phasing Plan.

7. Affordable Housing - The development shall make provision for affordable and particular needs housing, as defined in the glossary to PAN 2/2010. This will be implemented in accordance with the Phasing Plan and shall comprise 200 no. houses or 25% of all houses within the development, whichever is the greater.

8. Maintainable Areas - All areas of landscaping, woodland, active or passive open space, play spaces or paths, (Maintainable Areas) as identified on the masterplan shall be completed to the Clackmannanshire Standard for adoption by the Council.

9. Transfer of Land - All Maintainable Areas shall be transferred under disposition to the Council for future maintenance and adoption, in accordance with the Phasing Plan.

10. Performance Bond - A performance bond or other form of security shall be provided in association with the phased implementation of the Maintainable Areas.

Note: The various terms described herein will be subject of definition in the Obligation.

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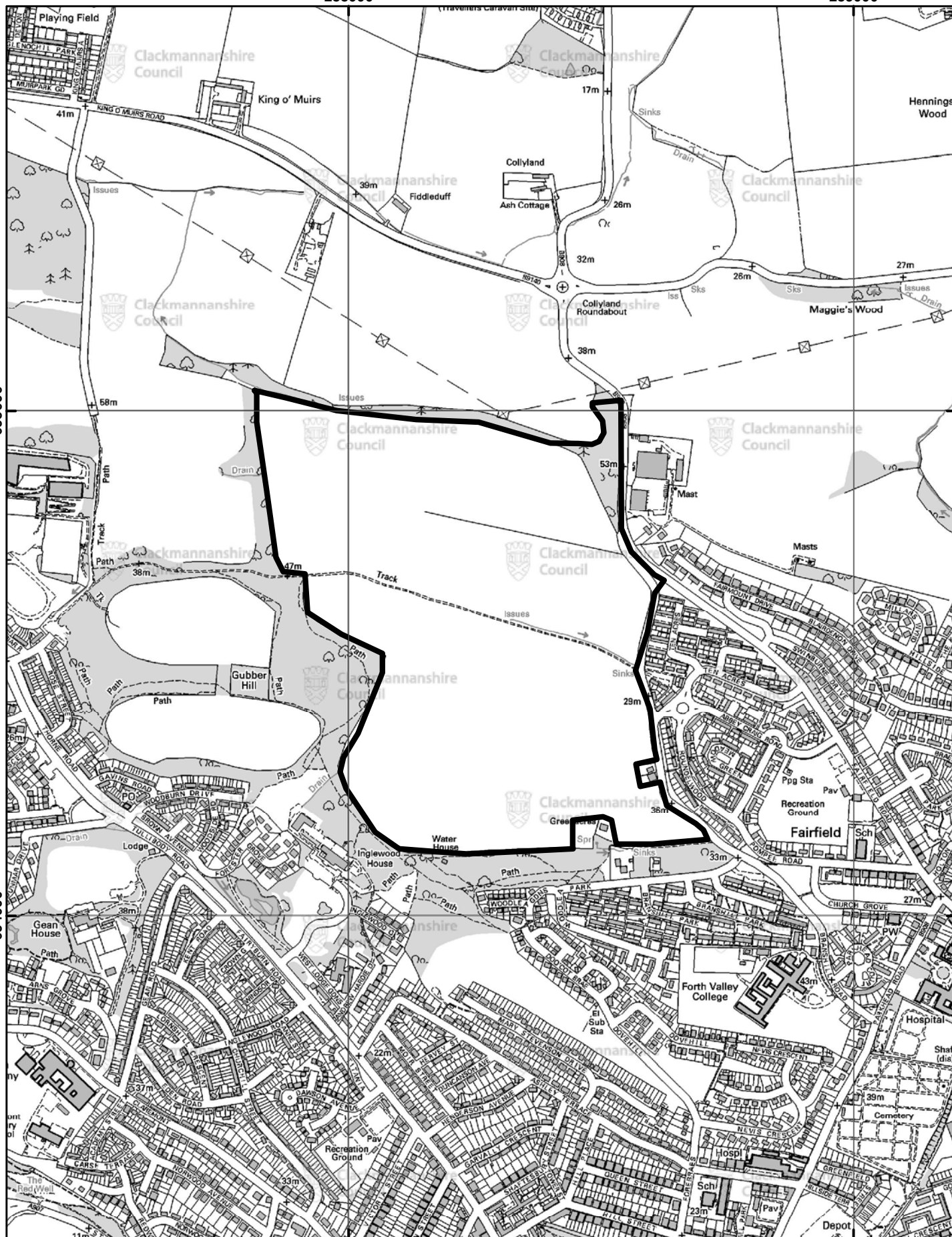
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Date:  
09-Oct-2013

**10/00153/PPP - Land At Branshill, Branshill Road, Sauchie**  
**Development of Land for Houses, School and Associated Pitches, Open**  
**Space, Play Provision, Landscaping, Roads, Paths and Other Infrastructure**

**Ward: Clackmannanshire Central**

**OS Grid Ref: NS 89 SE**

0 125 250 375 500  
Meters

Scale: 1:10,000

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**Clackmannanshire Council**

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[development\\_services@clacks.gov.uk](mailto:development_services@clacks.gov.uk)



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**Report to:**                      **Planning Committee**

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**Date of Meeting:**        **31 October 2013**

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**Subject:**                      **Planning Application ref: 13/00189/FULL - Conversion of 8 No. Maisonettes to 16 No. One Person Flats, Alterations And Renovation of Ground Floor Flats and Storage Areas To Provide 1 Flat, 1 Disabled Person's Flat and Concierge Area, New Entrance Porch and Ramps at 21 - 39 The Orchard, Tullibody, Clackmannanshire**

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**Report by:**                      **Grant Baxter, Principal Planner**

---

## **1.0 Purpose**

- 1.1. This report comprises the Report of Handling on the above noted planning application and provides a recommendation to Members on the application.
- 1.2. The application is being reported to the Committee for determination as there is a Council interest in the development, both as owner and applicant.

## **2.0 Recommendations**

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

1. Before any works commence on site, details of all proposed new external finishing materials, including wall and roof cladding, shall have been submitted to and approved in writing by the Council as Planning Authority. Thereafter, the development shall be completed in accordance with such approved details.

Reason

- 1. In the interests of visual amenity.

## **2.2. Reasons for Decision**

The proposed development would re-use an existing vacant block of flats to create new single person flats for homeless people, and disabled accommodation. In addition, the proposals will enhance the appearance and energy performance of the building. The proposals comply with development plan policies on brownfield development and provision of particular needs housing.

## **2.3. Plans Relating to the Decision**

- Location Plan
- Existing Elevations
- Existing Floor Plans
- Existing Sections
- Proposed Elevations
- Proposed Floor Plans - Ground, First and Second Floors
- Proposed Floor Plans - Overview
- Proposed Floor Plans - Third and Fourth Floors
- Proposed Sections

## **3.0 Background to the Proposals**

- 3.1. The application site encompasses a 5-storey block of flats on the south side of The Orchard, Tullibody. The building sits in an area of open space. Similar blocks lie to the east and to the north on the opposite side of The Orchard. The building is also close to lower rise housing at Talisker and the recently completed new Council housing development at The Maltings. The site also lies close to Abercrombie Primary School. Access paths link the building to adjoining roads and lay-by parking off The Orchard.
- 3.2. The building is finished in white roughcast walls, and has a flat roof. The ground floor contains 2No. flats and a store, and the upper floors contain 8No. maisonette flats. The building is currently vacant.
- 3.3. The proposals involve alterations at ground floor to create two flats (one of which is designed for disabled persons) and a concierge area. The 8No. upper floor flats will be converted to form 16No. single person flats, typically containing a kitchen, bathroom and living/bedroom area.
- 3.4. A new entrance porch would be added to the block, as well as re-cladding and addition of a shallow pitched roof over the existing flat roof.

## **4.0 Consultations**

- 4.1. Roads: No objections
- 4.2. Environmental Health: No comments received

## **5.0 Representations**

- 5.1 A total of 50No. neighbouring proprietors were notified of the application and an advert placed in the local press on 25 September 2013. In response one representation has been received from the following party:

Liz Pullar, The Scottish Wildlife Trust, Stirling and Clackmannanshire Area on the following grounds:

- The size and type of construction of the building make it a potential site for bat roosts. A survey should be carried out in advance of any works, and necessary measures taken to reduce disturbance on bats. *Comment: The Council, as developer, has been made aware of their obligations in respect of the protection of protected species and their habitats, in respect of this development, and have indicated that bat survey will be carried out before any works commence on site.*

## **6.0 Development Plan Position**

- 6.1 The application must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 In this case, the key development plan considerations are as set out in the Clackmannanshire Local Plan, adopted 2004.
- 6.3 Policy RES 2 of the Local Plan deals with brownfield development and gives priority to developments that would re-use existing vacant or underused properties within settlements, such as this. The application is therefore supported by this policy.
- 6.4 Policy RES 5 seeks to encourage the provision of affordable and particular needs housing. This proposal would create 16No. flats for homeless people, and create a flat suitable for disabled people, thereby providing dwellings that would meet be affordable and meet particular needs, and therefore in accordance with this policy.

## **7.0 Other Material Considerations**

- 7.1 The proposals would involve re-cladding of the block, addition of an entrance porch and a pitched roof over the existing flat roof. These changes will enhance the appearance of the building.
- 7.2 Taking account of representations and consultation responses there are no issues raised that would prevent the application from being approved.

## **8.0 Sustainability Implications**

- 8.1 The proposed development would re-use an existing vacant block of flats to provide housing for homeless people, and also one disabled unit. The re-cladding and re-roofing will also enhance the building's energy performance and resilience to climate change.

## **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 checked="" 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 checked="" type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input checked="" 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)

## 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, 2004

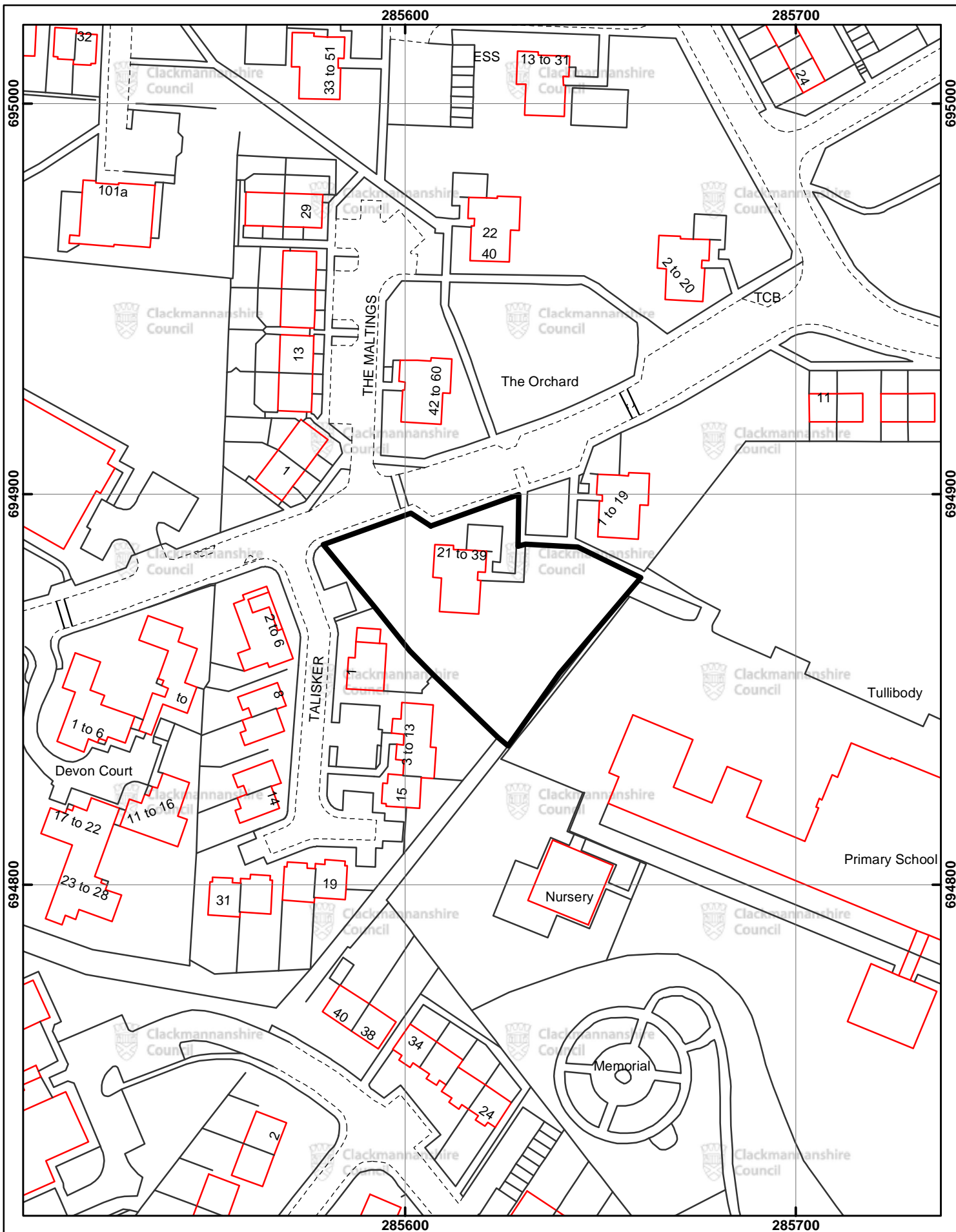
### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	452615

### Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	








Date:  
09-Oct-2013

**13/00189/FULL - 21-39 The Orchard, Tullibody**  
**Conversion of 8 No. Maisonettes to 16 No. Flats, Alterations And Renovation**  
**of Ground Floor To Provide 2 Flats, Concierge Area, Porch and Ramps**

**Ward: Clackmannanshire Central**      **OS Grid Ref: NS 89 SE**

0 10 20 30 40 Meters

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33

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 development\_services@clacks.gov.uk



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**Report to                      Planning Committee**

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**Date of Meeting:              31st October 2013**

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**Subject:                      Scheme of Delegation: Planning Applications for  
Local Developments**

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**Report by:                      Development Quality Team Leader**

---

## **1.0    Purpose**

- 1.1. The purpose of this report is to recommend changes to the Council's Scheme of Delegation for planning applications for local developments under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) and propose an improved procedure for referral of applications to Committee for decision. The proposed changes comply with Regulations which came into force on 30th June 2013.

## **2.0    Recommendations**

- 2.1 It is recommended that the Committee:

- I. Approve the amended Scheme of Delegation for Planning and Other Applications under Section 43A of the Town and Country Planning (Scotland) Act 1997, as contained in Appendix 1 of this report.
- II. Agree to implement the procedures for referral/call-in of an application set out in the Procedure Note in Appendix 2 of this report.
- III. Agree to submit the Scheme of Delegation to Scottish Ministers for approval.

## **3.0    Background**

- 3.1. Legislative changes in 2006 (The Planning etc (Scotland) Act) signalled the modernisation of the planning system in Scotland and paved the way for a programme of planning reform in Scotland. This has been delivered through the joint work of local authorities and other agencies.
- 3.2. Provision to delegate decisions on planning applications to officers was contained in the Local Government (Scotland) Act 1973. To improve the efficiency of decision making, new powers were introduced in 2008 as an integral part of a hierarchy of development. In effect, Schemes of Delegation were adopted for planning applications that sought approval for local

developments. The Council's Scheme was approved by Members on 13th August 2009, and by Scottish Ministers in the following month. Implementation of the Scheme has led to increased delegation of decision making to officers, improved efficiency and certainty in decision making, and a reduction in the number and frequency of appeals/reviews of planning decisions.

- 3.3. Two specific matters necessitate a review of the existing arrangements. Firstly, the original legislative change required Schemes of Delegation for local developments to be kept under review. Subsequent regulations published in 2008 prescribed a period not exceeding 5 years. Secondly, further changes in legislation this year have removed the obligation to prohibit the delegation of an application by the planning authority or a member of the planning authority, or an application that relates to land which the Council owns or has a financial interest. The opportunity therefore arises to amend the Scheme to take account of this change in direction.

#### **4.0 Considerations**

- 4.1. The main observations and findings of our review of the existing Scheme of Delegation for local developments are as follows.
- 4.2. The establishing of a hierarchy of developments (national; major; local) has represented a welcome and proportionate change to the planning system. It acknowledges the fact that different scales of development require separate procedures for publicity, consultation and decision making. The Scottish Government recognised that planning authorities should make the most effective use of powers to delegate decisions on the more straightforward applications to officials, allowing Elected Members to focus attention on more complex or controversial applications. Our Scheme of Delegation for Local Developments adheres to this ambition, with the flexibility for Members to "call in" applications (see paragraph 4.6 below). Although not included in the Scheme, we will as a matter of good practice, refer all applications for national or major development will be reported to the Planning Committee for decision.
- 4.3. The proportion of applications delegated to and decided by officers has increased since the Scheme was introduced in September 2009. This appears to have been welcomed by applicants and agents, as officers can provide confident advice on the merits of the proposal, the need for any changes and the likely timescale for decision making. The advent of e-planning has also facilitated strong third party engagement in the planning process. This has necessitated some new management arrangements. For example:
- Weekly service case conferences are convened to assess the more controversial applications
  - Reports of Handling on applications with representations against the development are signed off by the Development Quality Team Leader and Development Services Manager
  - Those submitting representations receive a full summary of the decision and officers assessment of their comments.

4.4. During a period when a number of other changes and improvements have been introduced, the Council's performance on planning application decision making has remained consistently in the top quartile of planning authorities in Scotland. The following table provides a summary of performance on planning application decision making for the last seven years. This includes the three years prior to the introduction of the Scheme of Delegation. The table includes the percentage of all planning applications decided in 2 months, plus the equivalent figures for householder; housing local; and business local applications which are the three main categories of development now decided by the Appointed Officer under the Scheme of Delegation. In summary, the figures indicate:

- I. Improved performance on decision making for all planning applications decided, since 2009, apart from 2012/13 - see Item III below.
- II. Consistent standards of decision making on planning applications for householder development. Few applications in this category would have been decided by the Planning Committee before the current Scheme of Delegation was introduced, so the effect of the changes would not be evident from householder applications.
- III. The only decline in performance evident from the figures is the decisions on local housing development in 2012/13. The explanation for this has little to do with the Scheme of Delegation, and has arisen from the secondment of the planning officer responsible for housing development in the Development Quality Team to the Development Plan section to assist with the new Local Development Plan, supplementary policy guidelines and the draft Open Space Strategy for Clackmannanshire. The dip in performance has had an inevitable but largely unavoidable impact for the overall performance in that same period.

Percentage of Planning Applications Decided Within Two Months							
Category	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13
All Applications	85	86	88	95	92	92	85
Householder	94	94	97	96	94	95	92
Housing Local	70	80	86	100	85	89	61
Business Local	60	100	81	100	95	81	85

4.5. The 2008 Regulations on Schemes of Delegation prevent the delegation of applications in which (i) the planning authority is the applicant, or (ii) the planning authority has an interest in the land, or (iii) which have been made by members of the planning authority. Experience shows that many applications for relatively minor developments have therefore had to be referred to

Committee for a decision. This has created unnecessary delay, and we welcome the opportunity to amend our Scheme and remove these restrictions. The Scheme as presented in Appendix 1, would now allow the Appointed Officer to deal with any of the three foregoing categories of development, in circumstances where the development complies with the Development Plan and there are no representations against the development submitted within the statutory publicity period(s). This latter criterion will help to maintain transparency of the Council's separate interests in any application.

- 4.6. Having reviewed the Scheme of Delegation, we are taking this opportunity to introduce new arrangements for decision making on the referral of applications for local developments to the Planning Committee for decision. At present, and guided in part by the framing of legislation, the procedures includes a Member motion to Council, setting out the reasons for the application to be "called-in". While these arrangements comply with legislation, there are drawbacks:

- The procedure is cumbersome, and often perceived as bureaucratic (a Council decision on Committee decision making arrangements).
- Having regard to the Council and Committee meeting cycle, it causes unreasonable delay.
- The arrangements do not represent the best and effective use of resources, including Member and Officer time.
- The arrangements can have a negative impact on Service performance for planning application decision making.

- 4.7. New arrangements are required to address these difficulties and comply with legislation. The Procedure Note in Appendix 2 explains the proposed arrangements. Perhaps a point to emphasise is that the reasons for the call-in of an application will not include the planning merits of the proposal nor relevant planning policy. The Note offers guidance on what may be of greater relevance.

- 4.8. The Procedure Note incorporates the form to be issued to, and ultimately signed by, the Director of Services to Communities. It should be used on all occasions.

## **5.0 Conclusions**

- 5.1 The proposed amended Scheme of Delegation accords with the 2013 Regulations, and will represent a proportionate, efficient and transparent arrangement for determining planning applications for local developments. The new procedures for the referral of a planning application to Committee will improve decision making arrangements and benefit applicants, agents and third parties alike.

## **6.0 Resource Implications**

### **6.1 Financial Details**

6.2 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 ☐

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

## 7.0 Exempt Reports

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

## 8.0 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 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"/>
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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 checked="" type="checkbox"/>

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

None

## 9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes ☐ No ☒

## 10.0 Legality

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

## 11.0 Appendices

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

Appendix 1 - Amended Scheme of Delegation - Planning Applications for  
Local Developments

Appendix 2 - Procedure for Referral of Planning Applications for Local  
Developments to Committee for Decision

## 12.0 Background Papers

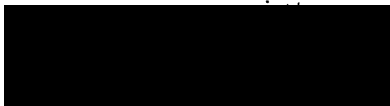
12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

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 Services Manager	

## **APPENDIX 1 - AMENDED SCHEME OF DELEGATION - PLANNING APPLICATIONS FOR LOCAL DEVELOPMENTS**

### **1.0 Services to Communities**

#### **1.1 The director has overall responsibility for the following services:**

- Community & Regulatory
- Facilities Management

#### **1.2 Specific Responsibilities Delegated to the Heads of Service**

#### **1.3 Carrying out our duties as a planning authority, including making decisions on planning applications and enforcing planning laws, subject to the following:**

As appointed persons for the purposes of Section 43A(1) of the Town and Country Planning (Scotland) Act 2007 as amended, the Director of Services to Communities, Development Service Manager, and Development Quality Team Leader are authorised to make decisions on all applications made under the planning and related Acts other than where:

- (i) The application relates to a "national development" as defined by Section 3A of the Act;
- (ii) The application relates to a "major development" as defined in the Schedule to the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2008;
- (iii) The application is by the Council or involves development of land in which the Council has a financial, land ownership or other interest in circumstances where the development is contrary to the Development Plan or is subject to representation(s) against the development;
- (iv) The application is by a member of the Council, and the development is contrary to the Development Plan or is subject to representation(s) against the development

#### **1.4 Giving the Council advice on land use and planning matters.**

#### **1.5 Preparing, introducing, monitoring and reviewing the Development Plan**



## **APPENDIX 2 - PROCEDURE FOR REFERRAL OF PLANNING APPLICATIONS FOR LOCAL DEVELOPMENTS TO COMMITTEE FOR DECISION**

### **1.0 Purpose**

- 1.1 This paper provides advice on the procedure to be followed for the Planning Committee to decide an application for planning permission which is otherwise delegated to officers for decision making under the Council's approved Scheme of Delegation for Planning Applications

### **2.0 Background to the Scheme of Delegation**

#### **2.1 STAGE 1**

Where an Elected Member wishes an application which would otherwise be delegated, to be decided by the Planning Committee, the Member will complete the proposal form attached to this procedure note, forward it to the Director of Services to Communities, and send a copy to the Development Quality Team Leader. The form shall be received within 21 days of the date of validation of the application. Planning application details are available on Clacksweb, and assistance can also be obtained from the Development Quality Team. The Elected Member can seek advice from Legal Services on the reasons to refer the application for decision by Committee. These reasons, for example, might include unique or unexpected circumstances associated with the application site, an abnormal level of public/community interest, or a planning history of committee decision making in relation to the site or the proposal. Relevant planning policy or the planning merits of the proposal will not be regarded as a proper reason for a referral to Committee.

#### **2.2 STAGE 2**

The proposal to refer the application for decision by the Committee will then be considered by the Director of Services to Communities (or the Head of Community and Regulatory Services in the Director's absence). The Director will rely upon the information provided in the proposal form and contained in the planning application file.

#### **2.3 STAGE 3A**

Where the Director (or Head of Service) decides that the application is to be referred to the Planning Committee, the decision and reasons for it will be notified to the Member who submitted the proposal, the Convenor of the Planning Committee and the Development Quality Team Leader, who will arrange to serve Notice of the decision on the applicant in accordance with Section 43A(7) of the Act. The planning application will be scheduled for the first available planning committee meeting following completion of the assessment of the proposed development.

**OR**

**STAGE 3B**

In circumstances where the Director (or Head of Service) decides that there is insufficient reason to refer the application for decision by the Committee, this decision will be taken in consultation with the convenor of the Planning Committee, then notified to the Member who submitted the proposal and to the Development Quality Team Leader, who will arrange for the application to be decided by Appointed Officers under the Scheme of Delegation.

- 2.4 The decision of the Director of Services to Communities (or the Head of Community and Regulatory Services in the Director's absence) will be final and will be the decision of the planning authority for the purposes of Section 43A(6) of the Planning etc (Scotland) Act 2006.
- 2.5 Notwithstanding the terms of the Scheme, occasions will occur where a case officer will encounter abnormal circumstances associated either with the proposed development itself, the particular location, or a measure of public/community interest that could not have been reasonably foreseen. In those circumstances, the existing arrangements which allow the officers to refer an application to Committee rather than it to be decided under the Scheme of Delegation will continue. To comply with Section 43A(7), the officer's reasons for referring the application for decision by the Committee will be notified to the applicant and a courtesy notification will also be given to the Convenor of the Planning Committee and Ward members for their information. The reasons for the referral of the application for decision by the Committee will be explained in any subsequent committee report.

**PLANNING APPLICATIONS - SCHEME OF  
DELEGATION FOR LOCAL DEVELOPMENTS**

**PROPOSAL TO REFER APPLICATION TO THE  
PLANNING COMMITTEE FOR DECISION**



**Clackmannanshire  
Council**

**APPLICATION DETAILS**

Reference Number

Description of  
Development

Location Address

**REASONS FOR REFERRAL OF APPLICATION TO COMMITTEE FOR DECISION**

Name:

Ward

Date:

**DECISION**

The reasons described above are sufficient/insufficient to refer this planning application to the Planning Committee for decision

Signed

Date:

Director of Services to Communities



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**Report to Planning Committee**

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**Date of Meeting: 31st October 2013**

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**Subject: Street Naming Report for Development at Land Adjoining  
Kellyburn Park and Lovers Loan, Dollar**

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**Report by: Ian Doctor, Service Manager of Regulatory Services**

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**1.0 Purpose**

- 1.1. The purpose of this report is to decide on the name of a new street in Dollar.
- 1.2. The report sets out the results of the consultation exercise carried out to identify a suitable name for the street.
- 1.3. This development consists of the erection of 22 new dwelling houses with the proposed layout lending itself to a single street. A layout plan is enclosed at Appendix 1.
- 1.4. Following careful consideration of the suggestions submitted having regard to the criteria for choosing names and taking cognisance of the Tri-Council Street Naming and Numbering Conventions, it is recommended that the name identified in Paragraph 2.1 be approved.

**2.0 Recommendations**

- 2.1. It is recommended that the following name is approved:

**Gowan Lea**

**3.0 Considerations**

- 3.1. Research has been carried out and consultation undertaken in order to identify a suitable name for a new street in Dollar.
- 3.2. The consultation and research process involved contacting the local Councillors, the Community Council, local schools and known heritage groups. A full list of the consultees' responses is enclosed at Appendix 2.
- 3.3. The Royal Mail Address Development Centre has also been consulted and the recommended name is deemed acceptable. Should an alternative name be chosen, further consultation with Royal Mail would be required.

#### 4.0 Sustainability Implications

- 4.1. The recommendation does not have any significant implication. The consultation and research procedure ensures that community participation has been undertaken.

#### 5.0 Resource Implications

- 5.1. There are no financial implications with regard to this report.
- 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 ☐
- 5.4. There are not staffing implications with regard to this report.

#### 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 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 checked="" type="checkbox"/> |

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

Tri-Council Naming and Numbering Conventions

#### 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 Appendix 1 - Location Plan  
Appendix 2 - Consultee Returns

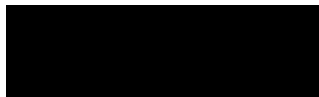
## 11.0 Background Papers

- 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)

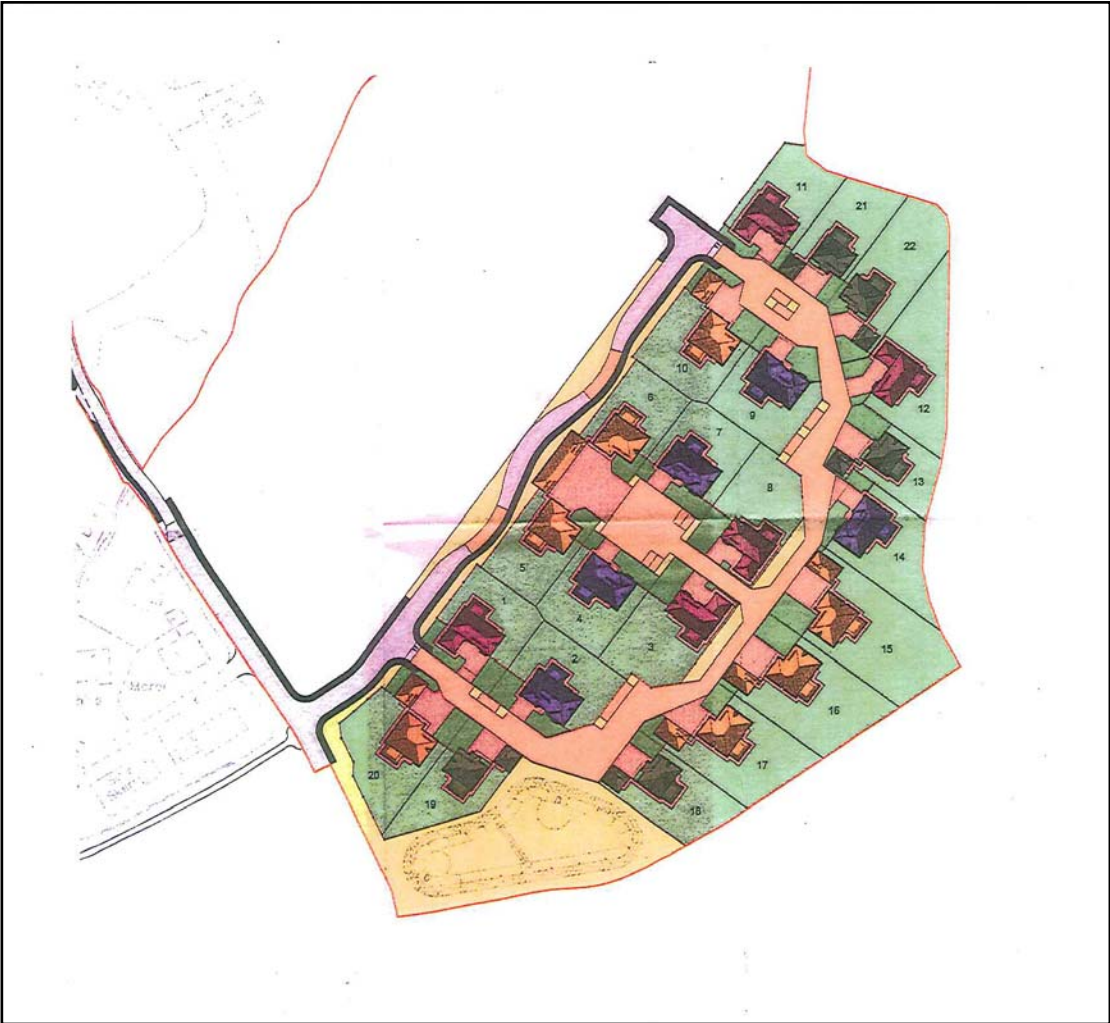
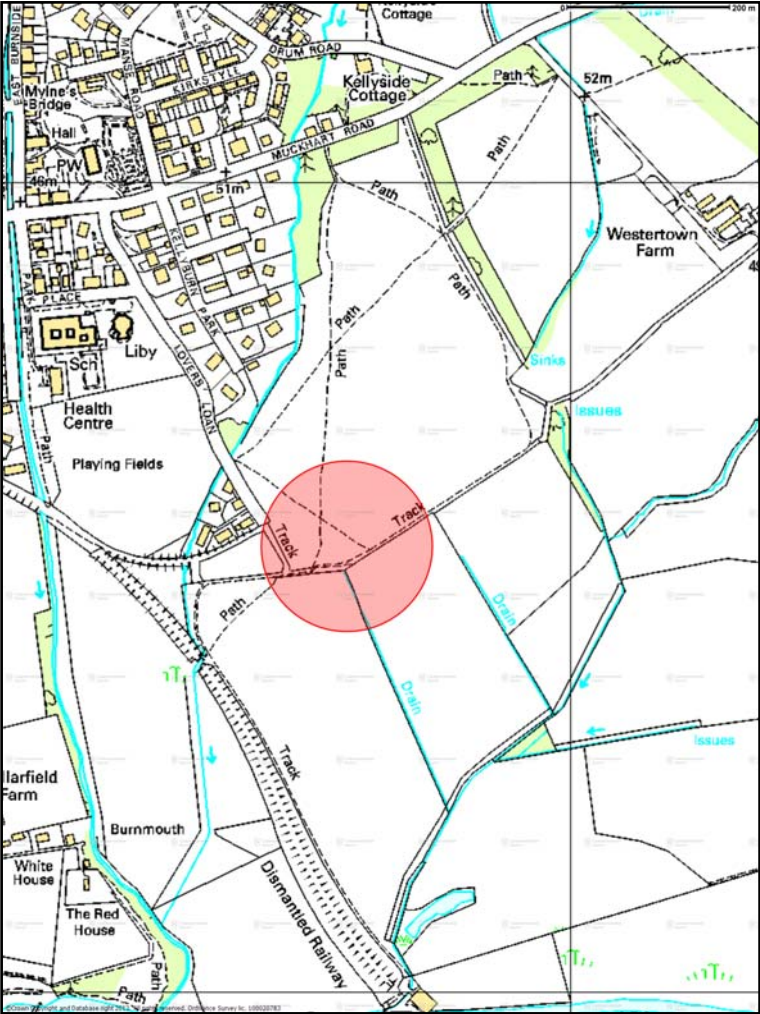
NAME	DESIGNATION	TEL NO / EXTENSION
ALASTAIR MACKENZIE	BUILDING STANDARDS & LICENSING TEAM LEADER	2554

### Approved by

NAME	DESIGNATION	SIGNATURE
IAN DOCTOR	SERVICE MANAGER REGULATORY SERVICES	



APPENDIX 1





## APPENDIX 2

CONSULTEE	SUGGESTION	SUPPORTING COMMENTS
Councillor Campbell	<p>(1) Play Fair</p> <p>(2) Syke</p> <p>(3) Gowan/The Gowans</p> <p>(4) Gowan Lea</p>	<p>William Playfair was the foremost Scottish architect of his day. He designed the main building of Dollar Academy in 1818 and this is still known today as the Playfair Building. It is a Grade A Listed Building and probably the most iconic in Clackmannanshire. It is a well known and respected name in Dollar.</p> <p>An old Scots word meaning a small stream or water course, a cleft in the ground.</p> <p>An Scots word for a daisy.</p> <p>A daisy meadow.</p>
Strathdevon Primary School	<p>(1) Harviestoun Sword</p> <p>(2) Maeatae Park</p> <p>(3) Legge Way</p>	<p>As a sword was dug up many years ago in the area and it is thought to be a viking sword from the battle of Dollar in 877AD</p> <p>This pict tribe once lived in Dollar.</p> <p>James Legge, a famous sinologist, once lived in Dollar.</p>
Dollar History Society	<p>(1) Rev. Angus <b>Gunn</b></p> <p>(2) J. E <b>Kerr</b> of Harviestoun</p> <p>(3) James <b>Macarthur-Moir</b></p> <p>(4) Crauford <b>Tait</b></p> <p>(5) Rev. Thomas <b>Forrest</b></p>	<p>Was Minister of Dollar Parish Church from 1860 to 1910, 50 years.</p> <p>Owner of Harviestoun Estate. Breeder of the world famous Aberdeen Angus cattle and local benefactor. He gifted Dollar Glen, now managed by National Trust for Scotland.</p> <p>Proprietor of Hillfoot House. Local Benefactor. He bought Burnside Church, now the Burnside Hall and gifted it to Dollar Parish Church in 1913.</p> <p>An earlier owner of Harviestoun Estate, builder of the Tillicoultry - Dollar turnpike road in 1806, still in use today. His youngest son Archibald Campbell Tait became Archbishop of Canterbury.</p> <p>Vicar of Dollar who was burned at the stake in 1538.</p>
Mactaggart & Mickel Homes	Lovers Loan	Continuation of the name is the most rational and ultimately least confusing name. Lovers Loan is a pleasing name and would suit the site. It keeps the development contextual to the area.

