1.0 Purpose

1.1. The purpose of this report is to provide the Committee with an up to date position statement on previous Committee decisions on planning applications, other significant decisions approved under our Scheme of Delegation, and other key areas of Development Quality Service delivery between April - September 2015. The report is the latest of a series of regular reports prepared on a 6 month cycle.

2.0 Recommendations

2.1. It is recommended that the Committee notes the progress on planned developments in Clackmannanshire, and other areas of work activity contributing to the Development and Environment Business Plan and the use and monitoring of the adopted Clackmannanshire Local Development Plan.

3.0 Considerations

3.1. The Development Quality Operational Plan for 2014/2015 included the planned introduction of Committee reporting arrangements on the progress of the more significant planning applications and developments in Clackmannanshire during the period, plus other areas of work within Development Services. This report is the latest in the series of such papers, following the initial report to Planning Committee in May of this year.

3.2. Progress On Previous Planning Committee Decisions

11/00299/FULL - Extension to Burnfoot Hill Wind Farm (Six Additional Turbines and Access Road), Rhodders Farm, Tillicoultry. Last year, a Reporter from the Department of Planning and Environmental Appeals granted planning permission for this development, subject to conditions. Suspensive conditions have largely been discharged, the turbines are installed and are shortly to become operational. Two other turbines which were approved by Perth and Kinross Council as a separate extension to the original 13 turbine windfarm have also been installed. The Windfarm,
therefore comprises a total of 21 turbines, generating approximately 42MW of electricity. We calculate this to be the equivalent of the entire electricity demand of households in Clackmannanshire.

13/00150/FULL - 32 Houses and 16 Flats, Former Alva Academy Site, Queen Street, Alva. This application was approved in 2013. Some planning conditions are yet to be discharged, and work has yet to start on site.

14/00160/FULL - Erection of 27 Houses, With Access Roads etc, at Former Tullis Factory Site, Tullibody. These proposals, which represent the initial phase of the larger Tullis factory site, were approved by Committee in September last year. Conditions have been discharged and development is well underway.

14/00181/FULL - Erection of 12 Flats and 7 Houses at Former Fairfield School, Pompee Road, Sauchie. This planning application was approved by Committee on 11 September last year, subject to conditions. The school building has been demolished, and work has commenced on the implementation of the permission.

14/00163/FULL - Erection of Supermarket and Land East of Hilton Road, Clackmannan Road, Alloa. This application was approved. Since the decision in October last year, the applicant, Lidl UK, has developed a new store concept, and discussions on amended proposals are ongoing. An amended planning application for a new store design and change to the site layout is expected shortly.

14/00187/FULL - Change of Use of Car Park to Garden Ground at Penny Cottage/Hillfoot Road, Dollar. This application was refused in October 2014. A subsequent application for a reduced area of land between the car park and the applicant's house was refused on 21st April this year (Ref No 15/00047/FULL). The applicant lodged an appeal with Scottish Ministers, and the appeal was successful. The Reporter concluded that, even if there was a future plan to extend the car park, it would add very little extra space and would bring cars undesirably close to the cottage.

14/00191/FULL - Residential Development at The Shore, Alloa. This detailed application was approved. A Section 75 Agreement for an agreed education contribution has been signed, and the planning permission granted. The development is now well underway, making a valuable contribution to the regeneration of the riverside part of the town.

14/00248/FULL - Erection of 71 Houses at Burnside, Riccarton, Clackmannan. Following approval of this development in March this year, there has been no advice from the developer on the implementation of this permission. Officers have noted that the land is again being advertised for sale.

14/00267/FULL - Erection of Single Wind Turbine, Land at Meadowhill, Forestmill. In April, this planning application was refused due to the visual impact of the development in close proximity to the Kincardine to Kinross Road, and resulting conflict with Local Development Plan policy. The applicant appealed to Scottish Ministers, and the appeal was upheld. The decision letter was disappointingly light on its assessment of visual amenity,
the Reporter apparently content that the visual impact would be of little consequence. We await the implementation of the development to judge the impact from the road and other locations.

15/00062/FULL - Demolition of Claremont Primary School and Erection of 29 Houses, Carse Terrace, Alloa - This effectively represents a further phase of the former Alloa Academy site development, which is nearing completion.

15/00052/FULL - Erection of House and Caravan Pavillion and restoration of Japanese Garden, near Dollar - planning permission for this development was granted in July this year. There has been no specific progress on discharging the conditions of that decision, although we understand that some initial work on restoration of the garden may have taken place.

15/00154/FULL - Change of Use of Public Open Space and Footpath to Garden Ground, 8 Kirkton Gardens, Tillicoultry - The Planning Committee decided to refuse planning permission for this development. There have been no further developments. The applicant has 3 months from the date of decision to lodge any appeal with Scottish Ministers.

15/00180/FULL and 15/00182/LIST - Installation of replacement windows (Retrospective) 52 Bridge Street, Dollar - At the most recent Planning Committee, members decided to grant planning permission and listed building consent. There are no conditions on either permission.

3.4 Pre-2014 Major Applications Update.

06/00283/OUT - New Village Development, Forestmill. The Council granted Planning Permission in Principle for the Forestmill Village project in 2011. Permission was granted subject to conditions and there is a separate Section 75 Agreement. An application has been submitted for the first two phases of development together with information for the entire masterplan area. While we have agreed to these proposals in general, they do not adhere to the approved masterplan and indicative phasing plan. We are therefore seeking changes to the Section 75 Legal Agreement as it relates to primary school provision and restoration of the former Meadowhill open cast coal site. There is no scheduled date for a decision on this application. It will be reported to Planning Committee at the earliest opportunity.

11/00219/PPP - Residential Development of Land at the Former Forth Valley Collage, Branshill Road, Sauchie. Planning Permission in Principle was granted in January 2012. The permission expired in January 2015, but was renewed that same month. No detailed proposals have been prepared.

13/00068/FULL - Extension to Outlet Shopping Centre, Sterling Mills, Devonvale, Tillicoultry. This planning permission was granted in June 2013. While other changes to the shopping centre have been implemented, this extension on the east side of the complex has not started. Other investments in the centre have been prioritised and implemented.

10/00036/MSC - Erection of 74 Houses at Land to the East of Lower Mill Street, Tillicoultry. Following an earlier grant of outline planning permission,
these details were approved in December 2010. We have subsequently extended the period for implementation of this development, and preliminary site servicing work has taken place, primarily intended to ensure the permission remains live.

13/00206/FULL - Erection of 39 Flats and 4 Shops With Car Parking, Primrose Street, Alloa. Planning permission for the re-development of this former Coop site was approved in January this year. However, the Council has now secured ownership of the entire site, and is working to bring forward a package of proposals.

09/00188/FULL - Erection of 45 Houses, Helipad and Hanger, Café and Museum etc at Former Solsgirth Mine, by Dollar. This planning permission was granted in May 2011, and amended an earlier proposal for a reduced number of houses. As no housebuilding work has started on site, and the period for commencement has expired, there is no longer an extant planning permission for this site. We would however continue to support the principle of re-development of this brownfield site (it is allocated in part for housing and in part for business in the Local Development Plan), and informal enquiries have been received from a prospective developer.

10/00153/PPP - Development of Land for Housing, School and Associated Open Space and Other Infrastructure at Land at Branshill, Sauchie. In November 2013, the Committee indicated that it was minded to grant Planning Permission in Principle, subject to conditions and subject to a Section 75 Agreement. A draft agreement has been finalised. However, related proposals for opencast coal extraction have been withdrawn following recent announcements on the future of Longannet Power Station. We have therefore re-commenced discussions on the terms of the Section 75 Agreement and an amended masterplan. This will be reported back to Committee as soon as possible.

It will be clear from the foregoing list that while development is progressing on a number of these and other sites, there continues to be evidence of less progress elsewhere. Development Services has set up an internal planning and property liaison group which meets regularly to monitor the progress of sites in the Local Development Plan. We will ensure that prospective developers have enough information to take sites forward to the planning stage, and identify/help remove any barriers to implementation.

3.5 Key Applications Decided Under the Scheme of Delegation

12/00217/MSC - Erection of 22 Houses and Access Road, Land Adjoining Kelly Burn, Lovers Loan, Dollar. This application followed an earlier grant of outline planning permission and was approved in December 2012. Work on the construction of houses and the new access road is nearing completion. Land within the site has been transferred to the Council for a new cemetery. The development also involves a playing pitch, traffic management proposals in Dollar and a contribution towards sport and community facilities. The detailed proposals for the cemetery and playing pitch are awaiting a decision.

13/00286/FULL - Erection of 22 Houses on Site of the Former Hospital, Ashley Terrace, Alloa. This planning permission was granted in April last
Following the discharge of conditions, the applicant has proceeded to implement the permission. The development is nearing completion.

**15/00018/FULL - Erection of 22 No Houses, Stirling Road, Tullibody (adjacent to by-pass)**. Planning permission for flats was originally approved for this site. The amended proposals were approved earlier this year, and development is expected to start very soon.

**15/00001/HH - High Hedge at 17 Glassford Square, Tillicoultry.** This application sought the service of a High Hedge Notice. Officers agreed to the request. A High Hedge Notice was served. An appeal was lodged by the owner. The reporter dismissed the appeal (apart from a short section) and we can report that the work has been carried out to lower the hedge in accordance with the notice.

**15/00037/FULL - Change of Use of Offices to a Hotel and Health Spa, Inglewood House, Alloa.** Detailed permission has been granted for this hotel conversion. The development is underway.

**15/00141/MSC - Demolition of House and Erection of Business Units, Clackmannan Road, Alloa.** This is the detailed proposal for new business accommodation on land east of Alloa Fire Station on Clackmannan Road. It follows the grant of planning permission in principle reported previously.

**15/00176/FULL - Erection of Four Houses, Junction of Pitfairn Road and Burnee, Fishcross.** This site comprises underused land within the village boundary. The proposals will represent a sympathetic scale of infill housing development making use of the existing site infrastructure.

Members are reminded that details of all planning applications are available on Clacksweb. The files contain the approved drawings, decision notice and report of handling. In addition to this, the Service issues a Bulletin to all Elected Members and other interested parties on a weekly basis, the first two sections comprising details of all applications received or decided during that week.

**3.7 Local Review Body (LRB) Decisions**

**15/00260/FULL. Erection of Balcony to Rear of House, 24 Blairdenon Drive, Sauchie.** This application was refused by Appointed Officers under the Scheme of Delegation, due to the potential impact on the privacy and amenity of neighbouring households and consequential conflict with development plan policy. Members of the Local Review Body decided that, on balance, the adverse impacts would be unacceptably high and refused to grant planning permission. The applicant submitted an amended proposal. This too, was refused by Appointed Officers. The applicant has again lodged a Notice of Review and a decision is awaited.

**3.8 Planning Appeals**

(i) 15/00047/FULL. Change of Use of Public Open Space to Garden ground at Penny Cottage and Hillfoots Road, Dollar - see para 3.3.

(ii) Members will recall a consultation from Perth and Kinross Council on proposals for a sand and gravel quarry development near Glendevon...
Reservoir, at Glenquay, north of Muckhart, and just outwith our administrative area. The Council submitted representations against the proposal on two separate occasions, and after a protracted period of time, Perth and Kinross Council decided to refuse planning permission for the development contrary to officer's recommendation. The applicants appealed to Scottish Ministers. We responded to the grounds of appeal, broadly re-stating the Council's objections to the earlier application. The Reporter dismissed the appeal and refused to grant planning permission. She noted that the Local Development Plan does not identify Glendevon Quarry as a mineral site. She noted that the area is well used for recreation and has been subject to considerable investment by the Scottish Woodland Trust. The proposed planting could not be relied upon to safeguard the landscape value and secure the existing recreational value enjoyed by many. Disappointingly, she did not accept our misgivings regarding the adequacy of the traffic analysis with the application nor the potential impact on narrow sections of the A823 within Clackmannanshire, but it is nevertheless reassuring that our representations on a range of issues have contributed to the rejection of this proposal.

3.9 Enforcement Activity

In the 6 months from April to September 2015, the Council received 24 enquiries from members of the public in relation to alleged unauthorised development, that being development that did not have planning permission or was not proceeding in accordance with such permission. These enquiries have been investigated and in the majority of cases, it was found that there was either no breach of planning control, or that where development had taken place without permission, the breach was relatively minor or would almost certainly be granted planning permission were an application to be submitted. As a consequence, we did receive a small number of retrospective applications seeking permission for work that had already been carried out, but no formal notices were served during the period.

3.10 Comments and Complaints

In the 6 month period from April to September 2015 this year, Development Services received one complaint regarding standards of service delivery. This related to a delay in providing access to an archive planning file, and arose due to the unexpected absence of a member of staff. The matter was quickly remedied, and the complainant was provided with the details she had requested and additional background information.

There have been no complaints to the Local Government Ombudsman during the same period.

3.11 Planning Performance Framework (PPF 4)

The Council submitted its 4th Annual Report on its Planning Performance Framework (PPF4) in July this year. Previous versions of the PPF have been subject to review by the Scottish Government. This year however, that exercise has been restricted to only 1 of the 3 principal components, namely the 15 High Level Performance Markers. The remaining sections, namely (i) the official statistics and performance indicators and (ii) the eight categories that define a high quality planning service and, frankly, make up the main body of the report, are excluded from that exercise; an alternative Peer Group
review process has been agreed, managed through benchmarking groups and this process is underway. Clackmannanshire is paired with West Lothian Council and while this is demanding a significant proportion of officer time, is nevertheless proving to be a useful learning exercise.

Returning to the High Level Performance Markers, we now have the Scottish Government's findings, and the feedback is largely positive. The analysis is based on a Red-Amber-Green approach, and the tables below provide a useful summary of outcomes for the last 3 years. The two categories to have consistently received a Red score are both Development Plan related. And since the publication of PPF4, we can of course confirm the adoption of the Clackmannanshire Local Development Plan in August this year as a further mark of progress against Key Marker No 7. Equally, our current Development Plan scheme establishes a strong project management basis for future review.

**CLACKMANNANSHIRE COUNCIL**

**Performance against Key Markers**

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<th>Marker</th>
<th>2012-13</th>
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<td>1 Decision making timescales</td>
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<td>12 Corporate working across services</td>
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<td>13 Sharing good practice, skills and knowledge</td>
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**Overall Markings (total numbers for red, amber and green)**

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**Unconventional Gas Exploration**

Proposals for the extraction of unconventional gas have been the subject of much publicity this year. At the present time, there are no proposals before the Council, as a planning authority, for development of this nature. Equally, no proposals are anticipated at this time.

Licences to explore for and extract gas (a PEDL licence - Petroleum Exploration and Development Licence) are granted by the UK Government.
(the Department of Energy and Climate Change). PEDL Licence 133 is one of six in Scotland, and covers significant parts of Clackmannanshire, Falkirk and Stirling. In relation to this, an application for planning permission for gas extraction at Lethan Moss, Airth, was submitted to both Falkirk and Stirling Councils. In the absence of a decision, the applicants appealed to Scottish Ministers. While a public local enquiry followed, no decision has been issued, primarily due to a separate government ruling on decision making for gas related developments generally - see below. Meantime, proposals have emerged for offshore gas exploration in the Firth of Forth, again under licence, generally in the vicinity of the Grangemouth oil refinery complex.

However, in January this year, the Scottish Government announced that there is to be a moratorium on unconventional gas developments in Scotland, and issued a Direction of Planning Authorities to this effect. At the same time plans were announced to undertake research and further public consultation on the subject, and obtain independent advice and information on the economic, social and environmental aspects of the industry. At the moment, we have little news on the commencement of the research. It is expected to take around four months, and public consultation will follow on. We are advised, therefore, that it is likely to be late 2016 at the earliest before the status of the moratorium is re-considered.

Meantime, the Scottish Government has moved to clarify two further aspects of the moratorium on decision making. Firstly, it has been extended to include underground coal gasification, such as the proposals described by Cluff National Resources in their presentation to Members on 15th May 2015. Secondly, confirmation has been issued that the restriction does not include the drilling of boreholes for the purposes of core sampling, which for example, comprises the type of exploratory drilling which has been approved on land just south of Forestmill, off the minor road to Brucefield.

Members will be advised of any further change to the moratorium. Or the emergence of proposals affecting Clackmannanshire, at that time.

4.0 Sustainability Implications

4.1. The Planning etc (Scotland) Act 2006 requires planning authorities to carry out the planning functions in a manner that contributes to sustainable economic development. The decisions and service activity summarised in the report comply with this obligation.

5.0 Resource Implications

5.1. Financial Details

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

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐
6.0 **Exempt Reports**

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

7.0 **Declarations**

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

(1) **Our Priorities**  
(Please double click on the check box ☑)

- The area has a positive image and attracts people and businesses ☑
- Our communities are more cohesive and inclusive ☐
- People are better skilled, trained and ready for learning and employment ☐
- Our communities are safer ☐
- Vulnerable people and families are supported ☐
- Substance misuse and its effects are reduced ☐
- Health is improving and health inequalities are reducing ☐
- The environment is protected and enhanced for all ☑
- The Council is effective, efficient and recognised for excellence ☑

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

Not Applicable

8.0 **Equalities Impact**

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

9.0 **Legality**

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

10.0 **Appendices**

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

None
11.0 Background Papers

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

Yes ☑ (please list the documents below) No ☐

Planning Performance Framework
Clackmannanshire Local Development Plan
Planning Enforcement Charter

Author(s)

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Approved by

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