

CLACKMANNANSHIRE COUNCIL

Report to: Planning Committee

Date of Meeting: 28 May 2019

**Subject: Review of Planning Committee Decisions, Major
Developments and Other Areas of Service Delivery**

**Report by: Allan Finlayson, Planning and Building Standards Team
Leader**

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 2018 and March 2019. The report is the latest of a series of annual reports.

2.0 Recommendations

2.1. It is recommended that the Committee notes the progress on planned developments in Clackmannanshire, progress on the Local Development Plan review and other areas of service delivery.

3.1. Progress On Previous Planning Committee Decisions

18/00045/FULL - Change Of Use And Alterations To Hotel To Form 11 No. Flatted Dwellings, Castle Campbell Hotel, 11 Bridge Street, Dollar. Planning permission was granted by Committee on 21st June 2018 however no indication of a development commencement date is known.

18/00108/FULL - Erection Of 95 No. Houses, Land To South, East Stirling Street, Alva. Planning permission was granted by Committee on 21st January 2019 following referral to Scottish Ministers. Development has now commenced.

18/00207/FULL - Change Of Use Of Open Space To Garden Ground, Formation of Driveway And Erection Of Boundary Fence/Gates (Retrospective), 16 Sunnyside Court, Alloa. No further issues have been raised following the grant of planning permission on 8th November 2018.

17/00026/FULL – Extension To Existing Windfarm, Comprising Installation of 3 No. Wind Turbines, Crane Hardstandings, Access Tracks, Temporary Construction Compounds, Borrow Pit and Ancillary Work, Burnfoot Hill Windfarm, Tillicoultry. Planning permission was approved by Committee on 26th October 2017 subject to the conclusion of a legal agreement. This legal agreement was concluded in March 2019 and development can now commence subject to condition compliance.

16/00273/FULL - Erection of 35 No. Houses - Amendment To Planning Application 14/00248/FULL (Erection Of 71 No. Houses With Associated Access Roads, Car Parking And Landscaping), Burnside, Riccarton, Clackmannan. Planning permission was granted by Committee on 24th February 2017. Development is now well underway and first house occupations have now taken place.

16/00218/FULL - Importation, Sorting and Spreading Of Inert Waste Materials Comprising Soil, Sub Soil, Crushed Brick And Stone To Alter Existing Ground Levels To Form Grazing Land, With associated Access Track, Drainage and Landscaping Works (Partly Retrospective) - (Re-Submission of Planning Application 15/00228/FULL), Brandyhill Wood, Fishcross. Planning permission was refused by Committee on 26th January 2017. Since that decision the Service has been pursuing the restoration and remediation of unauthorised works. A detailed update on progress in relation to these matters is provided in paragraph 3.7 of this report.

3.2 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. Detailed proposals have now been approved for the first two phases of housing development, but there are no firm indications yet from the developer on plans to commence construction work. This Service continues to liaise with the developer and their agents in respect of addressing any remaining barriers to development commencement.

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. The Council 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. However, there is no sign of any substantive start on the development and the site has been on the market for some time.

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 were withdrawn following the closure of Longannet Power Station. There is ongoing discussion with the developer to explore options for delivery of the development and necessary supporting infrastructure, specifically education capacity provision. The current offer from the developer does not secure the necessary education infrastructure. Once a decision has been taken by the Council's School Estates Strategy, a report will be brought to the Committee in due course.

It will be clear from the foregoing list that development is progressing on a number of these and other sites. Development Services staff meet 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 development implementation.

3.3 Current pre-application submissions received in relation to potential future Major or significant planning applications.

18/00239/PAN - Erection Of Storage Warehouse Buildings at Midtown, Blackgrange Road, Cambus on land to the south of Midtown Business Park.

19/00002/PAN - Proposed Residential Development at Schawpark Golf Course, Sauchie to the east of the A908, Alloa

19/00007/PAN - Proposed Residential Development at Former Bowling Green, Green Loan, Pool Of Muckhart.

19/00053/PAN – Proposed Residential Development, Live/Work Units, Business Space and Paddock at Former Solsgirth Mine Site, Solsgirth.

3.4 Key Applications Approved Under the Scheme of Delegation

17/00241/MS C - Residential Development (149 No. Houses And Associated Infrastructure And Landscaping), Former Foth Valley College, Branshill Road, Sauchie. This permission has now been implemented and first house occupations have been undertaken.

18/00062/FULL - Formation of Access Onto Public Road, Erection of Japanese Gateway And Walls, Formation of Internal Access Roads and Car Parking, And Installation of Temporary Reception, Staff Welfare and Toilet Cabins - Amendment to Planning Permission 15/00052/FULL

18/00196/FULL - Residential Development Of 15 No Houses At Phase 8 East, South Alloa for Allanwater Homes.

19/00005/FULL - Alteration and Extension to Former Vehicle Maintenance Building and Installation of 9 No Storage Silos to Form Malt Crushing and Bagging Facility (Class 5) at Kelliebank, Alloa for Crisp Malting Group Ltd.

18/00056/FULL - Erection Of Steel Clad Storage Building at Menstrie for Kerry Bio Science.

18/00174/FULL - Change Of Use Of Hotel To Dwelling House And Areas Of Public Open Space To Private Garden Ground, Removal Of External Fire Escape Stair, Installation Of 2 No. Juliette Balconies, Erection of Detached Garage And Boundary Railings, Fencing and Gates at Gean House, Alloa.

18/00202/FULL - Erection Of New Headquarters Building at Kilbagie Paper Mills for Tillicoultry Quarries Ltd.

18/00231/FULL - Erection of New Early Years Nursery With Associated Hard And Soft Landscaping at Menstrie Primary School for Clackmannanshire Council.

19/00003/FULL - Change Of Use Of Agricultural Land and Engineering Works To Form Extended Coach Parking Area And Erection Of Boundary Fencing at Lower Mill Street, Tillicoultry for Woods Coaches.

3.4.1 Members are reminded that details of all planning applications are available on Clackswab. 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.

3.5 Local Review Body (LRB) Decisions

There were two local review decisions during the reporting period:

18/00029/PPP - Erection Of 1 No. House, Harrylayock. Planning permission in principle for the erection of a dwellinghouse in the countryside was granted by the Local Review Board on 9th April 2019 contrary to previous Appointed Officer decision to refuse planning permission on planning policy grounds.

18/00163/FULL - Replace Wooden Windows With White uPVC Windows at 18 Glebe Terrace, Alloa. Planning permission was granted by the Local Review Board on 30th August 2019 contrary to previous Appointed Officer decision to refuse planning permission on planning policy grounds.

3.6 Planning Appeals

There was one planning appeal decision during the reporting period as detailed below. No planning appeals are awaiting a decision.

18/00037/FULL - Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House. Planning permission was refused by Planning Committee on 26th April 2018. An appeal to Scottish Government Reporters (DPEA) sustained the appeal on the grounds that the caravan was permitted development not requiring planning permission. A detailed update on progress in relation to these matters is provided in paragraph 3.9 of this report.

3.7 Enforcement Activity

In the period from April 2018 to March 2019, the Council received 39 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. This is a decrease of 12 from the previous reporting period. These enquiries are being investigated and in the majority of cases, applications for planning permission will be submitted to regularise the situation as the developments are of a minor nature. No enforcement notices were served during the reporting period.

Gannel Hill - On 24th January 2019 Planning Committee decided, in order to address development inactivity at this site, that a Completion Notice should be served on the applicant specifying that the previously approved development should be completed within two years of the date of the serving of this Notice.

Since the last Planning Committee officers in Planning and Legal Services have established through research that no Completion Notices have previously been referred to Scottish Government. This complicated and therefore delayed the progression of the instructions of Planning Committee. However a Completion Notice has now been drafted and will be served following legal searches.

Brandyhill Wood - Following the refusal by Committee of the partly retrospective application (Ref No 16/00218/FULL) for the importation, sorting and spreading of inert waste materials to alter ground levels and associated access track and

landscaping works at Brandyhill Wood, on 26th January 2017, the Service has taken steps to remedy the outstanding breach of planning control relating to unauthorised importation, sorting and spreading of inert waste materials and excavation of subsoil materials within the site. The application was submitted following the withdrawal of an earlier application for a similar proposal (Ref No 15/00228/FULL) and the serving of an Enforcement Notice on the landowner on 5th November 2015.

The Service continues to seek the removal of unauthorised materials and restoration of the land to a satisfactory condition and appearance through dialogue with the landowner and in consultation with SEPA.

Most recently the landowner has undertaken works to remove unauthorised materials that had been deposited on the site and reinstated land including the grading of the land and spreading of soil material. This restored land has now been seeded to grass and hedging has been planted along the frontage of the site

Drainage works and landscaping works have yet to be undertaken but at present, we are satisfied that these actions are likely to secure an acceptable reinstatement of the unauthorised development. A Woodland Management Plan has now been submitted to inform the future maintenance of the wood and this is currently being assessed by officers.

Significant restoration of the site has been implemented following the serving of the enforcement notice however the enforcement case has not been closed given that some breaches of planning legislation are yet to be resolved. Officers will continue to ensure that the site is fully restored in consultation with SEPA who also continue to monitor the site.

3.8 Local Development Plan Review Activity

The current LDP was adopted in August 2015 and currently requires to be reviewed at least every 5 years. Following the 'Call for Issues and Sites' which ended in January 2018, Members were briefed on the submissions at a series of Ward based workshops during June 2018. The general content and priorities for the LDP and MIR were also discussed at these sessions. This enabled the preparation of the MIR to be progressed and a draft was circulated internally over November-December 2018 and to Key Agencies and Members over February-March 2019. In March and April 2019, two drop-in sessions were held which were open for any Member to attend and discuss the finalisation of the MIR. This was concluded with a Member Briefing on 16th May, before the MIR is presented to Council. A Proposed LDP stage will then be progressed to achieve adoption of the LDP Review in 2020.

3.9 Comments and Complaints

Two complaints were received during the reporting period. Both complaints were made by individuals who had previously made objection or representation to planning applications for developments adjacent to their homes. The complaints were received subsequent to the approval to the respective applications.

Investigation of both complaints was undertaken at stage one of the Council's approved Complaints Procedure and neither were upheld. One complaint has progressed to a stage two process as the complainant was dissatisfied with the stage one response and this is currently under consideration.

No new matters were raised in the complaints that had not been considered during the application assessment process and no identification of failings in service delivery has so far been found.

3.10 Planning Performance Framework (PPF)

The Council submitted its 7th Annual Report on its Planning Performance Framework to the Scottish Government in July last year. The Government examined the report against 15 High Level Performance Markers and feedback was provided on 10th January 2019.

The Council's Planning service displayed strong performance in most areas and exhibited continued improvement from the previous year with an increase (from 7 to 9) in the number of green indicators determining good service delivery. Amber indicators decreased accordingly (from 5 to 3) and the Council's only red rating related to the overdue publication of an updated Enforcement Charter that has now been completed.

The Planning Performance Framework is published on the Council's website and the Scottish Government feedback is appended to this report.

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 Financial Details

5.1 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

5.2 Finance has 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)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

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

None

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".

Scottish Government's Planning Performance Feedback, 2017-2018

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)

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Approved by

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Ms Nikki Bridle
Chief Executive
Clackmannanshire Council
10 January 2019

Dear Ms Bridle

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2017/18

I am pleased to enclose feedback on your authority's 7th PPF Report for the period April 2017 to March 2018. Considerable progress has been made since the introduction of the Planning Performance Framework and key markers, although performance still remains variable over some authorities and markers.

As you may be aware, the Planning Bill has recently passed through the second stage of parliamentary consideration, during which the Local Government and Communities Committee voted to remove the proposed provisions on planning performance, provisions to make training for elected members mandatory, and the existing penalty clause provisions. We expect Stage 3 of the bill process to begin in the new year.

Whatever the outcome of the Planning Bill, I believe now is the time to look again at how we measure the performance of the planning system. The High Level Group on Planning Performance recently met to discuss performance measurement and other improvements. I very much hope that we can continue to support ongoing improvements in our planning service and further demonstrate the value which the planning system can add to people's lives. Ministers see an important connection between performance and fees and I am aware that any proposals to increase fees will raise applicants' expectations of an efficient and effective service.

We need to be able to measure performance to provide that crucial evidence to support any increases in fees, to help ensure that authorities are appropriately resourced to deliver on our ambitions. With this in mind, we will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland on matters of the Bill's implementation and planning performance measures going forward.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Kind Regards


KEVIN STEWART

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PERFORMANCE MARKERS REPORT 2017-18

Name of planning authority: **Clackmannanshire Council**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Green	<p>Major Applications The one major application decided during the reported year took 10.3 weeks to process. This is faster than the Scottish average of 33.6 weeks. RAG = Green</p> <p>Local (Non-Householder) Applications Your timescales of 8.8 weeks is slower than the previous year but is faster than the Scottish average of 10.7 weeks. RAG = Amber</p> <p>Householder Applications Your timescales of 5.4 weeks are faster than the previous year and is faster than the Scottish average of 7.3 weeks. RAG = Green</p> <p>Overall RAG = Green</p>
2	Processing agreements: <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>While the one major application did not include to a processing agreement, we note that processing agreements are available to prospective applicants. We look forward to your progress regarding the two major a one non-major application implemented since the reporting period and noted in the report. RAG = Green</p> <p>You state that Planning Processing Agreement (PPA) guidance is available on the council website. RAG = Green</p> <p>Overall RAG = Green</p>
3	Early collaboration with applicants and consultees <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	<p>Your offer pre-application advice to prospective applicants. The percentage of applications subject to pre-application advice has reduced by more than half (8% from 22%), although the report states that this is due to excluding advice on permitted development rights from statistics. RAG = Green</p> <p>The case studies, particularly the Solar Array at Balhearty, provide examples of proportional requests for supporting information in pre-application discussions. RAG = Green</p> <p>Overall RAG = Green</p>

4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Green	No legal agreements took place this reporting year. We note two applications within the reporting period are subject to legal agreement and we encourage you to ensure that these are completed promptly following reaching the minded to grant stage.
5	Enforcement charter updated / re-published within last 2 years	Red	Your enforcement charter is listed as 39 months. We note that it was replaced in June 2018, however this is out with the reporting period.
6	Continuous improvement: <ul style="list-style-type: none"> • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	Your decision-making timescales for major and householder applications are faster than the Scottish average. Your LDP is up-to-date however, your enforcement charter has not been updated and there your number of legacy cases has increased. RAG = Amber You have completed 6 out of 9 of your improvement commitments with the remaining to be continued over the next reporting year. You have identified five targets for next year. We note concerns over capacity of the department and that there are a limited number of measurable improvements for the next reporting year. RAG = Green Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Green	Your LDP was 2 years and 8 months old at the end of the reporting period.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale 	Green	Your LDP is on course to be replaced within the required 5 year period. RAG = Green In case study 2, you stated that enhanced LDP project planning processes have been put in place. These were taken from qualitative research conducted on the application of LDP policy and feed into the updated Development Plan Scheme. RAG = Green Overall RAG = Green
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	We note that your MIR is due to be published in May 2018. We expect your next report will include information about how you engaged elected members and other stakeholders in its preparation.
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
11	Regular and proportionate policy advice produced on information required to support applications.	Amber	Your case studies demonstrate how you provide advice in response to stakeholder's needs. You demonstrate how an application for a Micro Hydro Electricity Generator informed policy advice during the LDP's preparation. However, this is still to be published. The report should clarify what guidance has been published this reporting year. Regular bulletins are released to developers but it is not clear whether these provide clarification on policy.

12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	Restructuring with the building standards department has embedded a more joined up service. You state that the retirement of a member of staff presented challenges to improving service delivery but you have still improved aspects of service delivery for customers such as formalising responses for enquiries to do with householder permitted development.
13	Sharing good practice, skills and knowledge between authorities	Green	Your report states that members of staff are taking leading roles within the Developer Contributions Group and Local Authority Urban Design Forum. You are benchmarking with other local authorities and shared new innovations, such as your electronic plan approval process, to neighbouring authorities.
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Amber	You have not cleared any cases during the reporting year, with 2 cases still awaiting conclusion. Based on this and last year's figures, 1 case reached legacy status during the reporting year. We note that you have provided context on the applications and we hope these are cleared by your next report.
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	Developer Contributions mentioned in the LDP have been clarified in the supplementary guidance. RAG = Green The Developer Requirements team clarify what is required for each application in pre-application enquiries. RAG = Green Overall RAG = Green

CLACKMANNANSHIRE COUNCIL
Performance against Key Markers

Marker		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
1	Decision making timescales						
2	Processing agreements						
3	Early collaboration						
4	Legal agreements						
5	Enforcement charter						
6	Continuous improvement						
7	Local development plan						
8	Development plan scheme						
9	Elected members engaged early (pre-MIR)	N/A	N/A	N/A	N/A	N/A	N/A
10	Stakeholders engaged early (pre-MIR)	N/A	N/A	N/A	N/A	N/A	N/A
11	Regular and proportionate advice to support applications						
12	Corporate working across services						
13	Sharing good practice, skills and knowledge						
14	Stalled sites/legacy cases						
15	Developer contributions						

Overall Markings (total numbers for red, amber and green)

2012-13	5	3	5
2013-14	3	4	6
2014-15	2	1	10
2015-16	1	3	9
2016-17	1	5	7
2017-18	1	3	9

Decision Making Timescales (weeks)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2017-18 Scottish Average
Major Development	-	7.9	16.0	39.3	-	10.3	33.6
Local (Non-Householder) Development	11.4	8.3	6.8	7.4	8.6	8.8	10.7
Householder Development	5.4	5.8	6.1	5.9	5.9	5.4	7.3

