



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

Meeting of the Planning Committee

Thursday 21 June 2018 at 9.30 am

**Venue: Council Chamber, Kilncraigs,
Greenside Street, Alloa, FK10 1EB**

Date	Time
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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 Development and Environment Services related to Building Standards.

13 June 2018

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 21 JUNE 2018 at 9.30 am.

**GARRY DALLAS
Executive Director**

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| 1. | Apologies | -- |
| 2. | Declaration of Interests
Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer. | -- |
| 3. | Confirm Minutes of Meeting held on 26 April 2018
(Copy herewith) | 05 |
| 4. | Planning Application 18/00045/FULL – Change of Use And Alterations to Hotel To Form 11 No. Flatted Dwellings and Listed Building Application 18/00046/LIST Alterations To Hotel To Form 11 No. Flatted Dwellings at Castle Campbell Hotel, 11 Bridge Street Dollar – report by the Principal Planner
(Copy herewith) | 09 |
| 5. | Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House at 10 Gannel Hill View, Devon Village, Fishcross – Enforcement Update (Copy herewith) | 29 |
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Planning Committee – Committee Members (Membership 10 – Quorum 4)

Councillors

Wards

Councillor	Donald Balsillie (Chair)	2	Clackmannanshire North	SNP
Councillor	Phil Fairlie (Vice Chair)	3	Clackmannanshire Central	SNP
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	George Matchett, OPM	1	Clackmannanshire West	LAB
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Chris Dixon	4	Clackmannanshire South	IND
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Bill Mason	5	Clackmannanshire East	CONS



**MINUTES OF MEETING of the PLANNING COMMITTEE held within the Council
Chamber, Kilncraigs, Greenside Street, ALLOA, FK10 1EB, on THURSDAY 26 APRIL
2018 at 9.30 am.**

PRESENT

Councillor Donald Balsillie, Chair (In the Chair)
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Bill Mason
Councillor Tina Murphy
Councillor Derek Stewart

IN ATTENDANCE

Alan Finlayson, Team Leader, Planning and Building Standards
Grant Baxter, Principal Planner
Lee Robertson, Solicitor, Legal & Democracy (Clerk to the Committee)
Gillian White, Committee Services

PLA(18)39 APOLOGIES

Apologies for absence were received from Councillor Phil Fairlie, Councillor George Matchett, QPM, Councillor Chris Dixon and Councillor Helen Lewis.

PLA(18)40 DECLARATIONS OF INTEREST

None

PLA(18)41 MINUTES OF MEETING: PLANNING COMMITTEE 22 MARCH 2018

The minutes of the meeting of the Planning Committee held on Thursday 22 March 2018 were submitted for approval.

Moved by Councillor Donald Balsillie. Seconded by Councillor Martha Benny.

Decision

The minutes of the meeting of the Planning Committee held on 22 March 2018 were agreed as a correct record and signed by the Chair.

PLA(18)42/

PLA(18)42 PLANNING APPLICATION

Application for Planning Permission – Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House (Variation of condition 1 of Planning Permission 17/00095/FULL to Extend Permission for a Minimum Period of 1 Year at 10 Gannel Hill View, Devon Village, Fishcross, Clackmannanshire, (Ref. 18/00037/FULL)

A report was submitted by the Principal Planner which provided an assessment of the above noted planning application against the provisions of the Local Development Plan and other material considerations, and provided a recommendation on the application. Mr Grant Baxter, Principal Planner attended the meeting to present his recommendation to Committee.

Attending

Mrs Alexandra Chalmers, Objector
Mrs Madeleine Walls, Objector
Ms Alexandra Chalmers, Objector
Mr Thomas Chalmers, Objector

The Chair advised that the Applicant, Mr Steve Smith, had requested that consideration of the Planning Application be deferred as he was unable to attend due to work commitments. The Chair confirmed he had declined the applicant's request as the applicant had adequate notice of the meeting.

The Chair set out the procedure to be followed for the Committee and Objectors and advised that Mrs Madeleine Walls had confirmed that she would make representation on behalf of the objectors.

The Committee heard representation from Mrs Walls on behalf of the objectors. The Committee then had the opportunity to put questions to both the Principal Planner and Mrs Walls.

Motion

That Committee approves the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Martha Benny..

Amendment

That the Committee add to the recommendation that enforcement action is taken today.

Moved by Councillor Tina Murphy. Seconded by Councillor Derek Stewart.

The Chair agreed to incorporate the amendment into his substantive motion.

Decision

The Committee unanimously agreed to **REFUSE** the application for the following reason:

1. The siting and occupation of the caravan on the house plot since September 2014 has not resulted in significant progress on house construction towards a stage of habitation. The continued siting and occupation of the caravan is beyond what could reasonably be considered a temporary period and given its location, visual appearance, proximity and relationship with the surrounding households, would have an unacceptable impact on residential amenity for surrounding households.

PLA(18)42/

The Committee also unanimously agreed to give authority to the Development Services Manager in respect of any enforcement action deemed necessary to require cessation of occupation of the caravan and its removal from site.

However, having taken advice from the Principal Planner and the Team Leader, Planning and Building Standards and following further debate, the Committee agreed not to proceed with enforcement action today, but that enforcement action will be commenced promptly with the formal notice served on the Applicant no less than 14 days from the date of this meeting (26/04/18).

Action

Principal Planner

Ends: 10:25 am

Report to Planning Committee

Date of Meeting: 21 June 2018

**Subject: Planning Application ref: 18/00045/FULL: Change Of Use
And Alterations To Hotel To Form 11 No. Flatted
Dwellings**

and

**Listed Building Application ref: 18/00046/LIST:
Alterations To Hotel To Form 11 No. Flatted Dwellings**

at Castle Campbell Hotel, 11 Bridge Street, Dollar

Report by: Grant Baxter, Principal Planner

1.0 Purpose

- 1.1. The purpose of this report is to provide an assessment of and recommendations on the development proposals for the now vacant Castle Campbell Hotel on Bridge Street, Dollar. Both planning and listed building applications have been submitted in relation to the proposals, and the application is being reported to the Committee, following a referral request by a local Member.
- 1.2. The former Castle Campbell Hotel sits on the south side of Bridge Street, and the junction with West Burnside and is a two-storey (with basement) 19th Century hotel building with basement. It has a painted harling finish, ground floor bay windows and steps leading to the main porched entrance on Bridge Street. A three-storey elevation to West Burnside sits hard against the road edge and the rear (south) elevation faces onto an enclosed parking courtyard. The roofs are clad in slate and contain three stone chimneys. The building comprises lounges, dining room, bar, function suite, nine bedrooms, kitchen and other ancillary accommodation.
- 1.3. The building is a Category C listed building and sits within Dollar Conservation Area. It also lies in Dollar Town Centre as identified by the Clackmannanshire Local Development Plan (LDP) adopted 2015. It closed as a hotel approximately 4 years ago and has lain vacant since then.
- 1.4. The proposals involve change of use and mainly internal alterations to the building, to form 11No. flats. (1 x three bedroomed, 2 x two bedroomed and 8 x one bedroomed).

2.0 Recommendations

2.1. Planning application ref: 18/00045/FULL is recommended for approval for the following reasons:

2.1.1. The possible future retention of the building as a hotel or other commercial use has been assessed in accordance with LDP policies, and it is concluded that there is sufficient justification to approve this application converting the premises to flats. The hotel use ceased 4 years ago and the evidence before the Planning Service is that there is no realistic prospect of an ongoing hotel use being re-established at the site and no evidence that any other commercial use would be viable in the building.

2.1.2. The proposals would secure the sensitive restoration of a currently vacant and dilapidated prominent listed building with Dollar Conservation Area.

2.1.3. The proposals are considered to comply with the relevant provisions of the adopted Local Development Plan, and material considerations do not indicate that the applications should otherwise not be supported.

2.2. And subject to the following conditions and reasons:

Conditions

1. Before any works commence on site, a construction and traffic management plan shall have been submitted to and approved in writing by the Council. It shall identify delivery times, parking and associated signage and hours of operation for the duration of the construction phase. Once approved, the development shall be carried out in accordance with the approved plan.

2. Within three months of the date of this Planning Permission, arrangements for payment of the following contributions to the Council shall have been submitted to and approved in writing by the Council:

a) £12,000 towards school education provision;

b) £2,750 towards public art provision.

Such arrangements shall include timing of the payment. The contributions shall thereafter be made in accordance with such approved arrangements.

3. Before any works commence on site, details of all hard surfacing, soft landscaping and boundary treatment within the rear courtyard area shall have been submitted to and approved in writing by the Council. Once approved, such details shall be completed before first occupation of any approved flatted dwelling.

4. Before any works commence on site, details of all proposed new external finishing materials shall have been submitted to and approved in writing by the Council. Thereafter, the development shall be implemented in accordance with such approved details. The details shall include the following:

- a. Design and specification of all new and replacement windows and rooflights.
 - b. Design and specification of all new and replacement external doors.
 - c. Design and specification of the proposed glazed balcony on the rear elevation.
 - d. Specifications of all new external paint and render finishes.
 - e. Design and specification of all external lighting.
5. All works within the basement level of the building shall, as far as possible, utilise flood resilient materials.

Reasons

1. In the interests of road safety and local amenity.
2. In order to ensure the development contributes to community infrastructure commensurate with the scale and nature of development.
3. In the interests of visual amenity and local environmental quality.
4. In the interests of visual amenity and local environmental quality.
5. In the interests of residential amenity.

2.3. Listed Building application 18/00046/LIST is recommended for approval subject to the following condition and reason:

1. Before any works commence on site, details of all proposed new external finishing materials shall have been submitted to and approved in writing by the Council. Thereafter, the development shall be implemented in accordance with such approved details. The details shall include the following:
 - a) Design and specification of all new and replacement windows and rooflights.
 - b) Design and specification of all new and replacement external doors.
 - c) Design and specification of the proposed glazed balcony on the rear elevation.
 - d) Specifications of all new external paint and render finishes.
 - e) Design and specification of all external lighting.

Reason

1. In the interests of visual amenity and local environmental quality.

Plans to be Approved:

<u>Plan No.</u>	<u>Plan Name</u>
0016/7 – 07	Front & Side Elevations
0016/7 – 03	Existing First Floor Plan
0016/7 – 02	Existing Ground Floor Plan

0016/7 – 08	Existing Rear and Side Elevations
0016/7 – 09	Site Plan & Rear/Side Elevations
0016/7 – 10	Existing Sections A-A & B-B
0016/7 – 11	Proposed Sections A-A & B-B

3.0 Considerations

3.1. Consultations

3.2. Scottish Water: No objections

3.3. Roads: No objections. The normal parking standard for these flats would be 14No. spaces, however only 12No. spaces are to be provided in the parking courtyard. An adopted street-lit footway should connect between entrance of flats to the rear and the existing public footway. A construction management plan should be employed if approved. Whilst there is no record of flood risk, given the proximity to and relationship with Dollar Burn, flood resistant techniques and materials should be used at basement and ground floor. *Comment: The proposed 11No. flats would not generate the same demand for parking that a fully functioning hotel would, during peak times. The parking provision proposed is approximately 2No. spaces short of what the Roads Service would normally require, however, both the previous use and the accessible town centre location are material considerations that would indicate that a slightly reduced parking provision is acceptable. Flats to the rear would be served by an access path linking to West Burnside. Given these would be private flats within a self-contained private parking courtyard, the footway would also remain private. Streetlighting that would be required in connection with an adopted footway would likely detract from the setting of the listed building. In addition, there is no existing public footway to connect to on West Burnside.*

3.4. Dollar Community Council: Object. The site should retain a business use. Concern about limited parking in the site generating demand for on-street spaces by residents. Concern about precedent being set by change of use of licenced premises to residential. A hotel can serve tourists and the community and should be retained, particularly as the community will expand in the future. *Comment: A detailed assessment of the possible future retention of the building as a hotel has been carried out in accordance with LDP policies, as set out in Section 3.0 of this report below, and it is concluded that there is sufficient justification to approve this application converting the premises to flats. The hotel use ceased 4 years ago and the evidence before the Planning Service is that there is no realistic prospect of an ongoing hotel use being re-established at the site. The proposed 11No. flats would not generate the same demand for parking that a fully functioning hotel would, during peak times. The parking provision proposed is approximately 2No. spaces short of what the Roads Service would normally require, however, both the previous use and the accessible town centre location are material considerations that would indicate that a slightly reduced parking provision may be acceptable*

3.5. Representations

3.6. A total of 45No. neighbouring properties were notified of the planning application and both it and the listed building application were advertised in the

local and national press respectively. In response, a total of 25No. parties made representations and these are listed in Appendix 1 to this report.

3.7. Twenty parties objected to the proposals on the following grounds:

3.7.1. There is a need for a hotel to serve local residents and visitors to Dollar and it was busy up until its closure. Provisions of Policy EP15 have not been met to justify change of use. *Comment: A detailed assessment of the possible future retention of the building as a hotel has been carried out in accordance with LDP policies, as set out in Section 3.0 of the report below, and it is concluded that there is sufficient justification to approve this application converting the premises to flats. The hotel use ceased 4 years ago and the evidence before the Planning Service is that there is no realistic prospect of an ongoing hotel use being re-established at the site.*

3.7.2. The building was used by many community groups and space for these is now limited, particularly if the Civic Centre closes. *Comment: The building has been closed for four years. The future of Dollar Civic Centre is not a material consideration to this planning application, however, whilst the Council is withdrawing services operated from the Civic Centre, discussions are ongoing in respect of transferring the facility to the community, for continued future community use.*

3.7.3. The proposed settlement expansion will bring more residents who would use the hotel if retained. *Comment: Land to the south and east of Dollar has been identified for settlement expansion in the LDP (Proposal H47, circa 350 houses). The current status of this proposed expansion is that pre-application enquiries have been lodged by separate landowners, covering the entire site. It is not possible, at this stage, however, to provide any certainty on the timescale for commencement or completion of this development. It would be unreasonable in planning terms to decline this current application on the basis of possible future demand from a planned development as neither the Council nor the applicant in this case have control over delivery of these other future proposals.*

3.7.4. The change of use of other licensed premises, such as the Dollar Arms, has previously been turned down. *Comment: The Planning Service did not support the proposed change of use of the former Dollar Arms to residential use, shortly after its closure in 2007 and that application was withdrawn. The premises have remained vacant ever since.*

3.7.5. The estate agent selling the property claimed it was sold within 5 weeks of being marketed, which suggested that there was little time for potential hoteliers to bid. *Comment: The premises was marketed by a previous agent for six months, before the new agent was appointed and the price reduced, following which it was sold to the applicant. It is understood that there were no bids for the premises from prospective hoteliers.*

3.7.6. Greenspace proposals in the parking courtyard are poor and should be enhanced. *Comment: Final details of courtyard landscaping will be the subject of a planning condition if consent is granted.*

3.7.7. There may be bats present in the building, and these should be checked for in advance of any works taking place. *Comment: A bat survey has been completed at the premises, and the consultant has advised that no evidence of*

bats was found. Any developer will still require to comply with other legislation in respect of protected species.

- 3.7.8. There is scope to retain part of the building for business use and/or self-catering units could be provided. *Comment: The applicant has been asked to examine scope to retain part of the building for commercial purposes by the Planning Service as part of its assessment of this application. A surveyor has highlighted barriers to this in the form of the elevated position of ground floor windows above street level, and the physical barrier that steps present to customers of any retail premises. There is no known demand for office space in Dollar and any commercial premises would require to be physically separated from residential units in the building. This is likely to be prohibitively costly, and would also impact on the historic fabric of the building, specifically around the main foyer area and central stairs.*
- 3.7.9. The development will add to on-street parking problems in Dollar town centre. *Comment: The proposed 11No. flats would not generate the same demand for parking that a fully functioning hotel would, during peak times. The parking provision proposed is approximately 2No. spaces short of what the Roads Service would normally require, however, both the previous use and the accessible town centre location are material considerations that would indicate that a slightly reduced parking provision is acceptable.*
- 3.7.10. The current poor physical state of the building could be addressed through investment in an upgraded hotel facility, and the roof was renovated within the last 20 years. *Comment: This is not specifically a material consideration to this application, however, the building is in a poor state of repair and this development would secure its sensitive restoration.*

Five parties supported the proposal on the following grounds:

- 3.7.11. Glad something is being done as the building has been in disrepair for several years, and investment is welcomed.
- 3.7.12. Residential use is better than another pub.
- 3.7.13. The proposals will save an important listed building which is in a serious state of disrepair and will continue to deteriorate if left vacant.
- 3.7.14. Many pubs/hotels in the area and throughout Scotland have closed in recent years due to the state of the market, and it unlikely that anyone would re-open this as a hotel.
- 3.7.15. The property is long past a viable commercial premises.
- 3.8. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. The Clackmannanshire Local Development Plan, adopted August 2015 (LDP) comprises the development plan. Key policy considerations from the LDP are as follows:
- Policy SC5 - Layout and Design Principles
 - Policy SC9 - Developer Contributions
 - Policy EA22 - Listed Buildings

- EA23 – Conservation Areas
 - Policy EP4 – Non-Employment Generating Uses on Existing or Allocated Business Sites
 - Policy EP15 – Promoting Town Centre Regeneration
- 3.9. The building has a prominent position within Dollar, at the junction of Burnside and Bridge Street, and is to some extent a landmark building in the conservation area, particularly when viewed on approach from the east. Since closing, the physical condition and appearance of the building have deteriorated.
- 3.10. The proposed physical changes to the building are largely internal and would have no significant impact on its character. The foyer/staircase and principal ground floor rooms facing Bridge Street are perhaps the only features of importance within the building, in terms of their proportions and would largely be retained in the proposed scheme.
- 3.11. The nature and extent of proposed external alterations to the building are not significant, and largely involve restoring and retaining the features of importance, such bays windows, canopy of the entrance and railing on the front elevation. Hotel signage would be removed, as well as an unsightly metal fire escape staircase on the rear elevation. Very few new window openings are proposed, and would be in keeping with the pattern and proportions of existing windows, and a small glazed balcony is proposed at first floor level on the rear elevation, where the metal fire escape would be removed from. It is likely that existing windows will require to be upgraded or replaced, and if approval is granted, a condition would be proposed to ensure this is carried out in a manner appropriate to the status and character of the building.
- 3.12. The building is physically capable of accommodating the 11No. flats proposed and this is a density of development that is compatible both with the building's character and its town centre location.
- 3.13. The proposed physical changes to the building are likely to enhance rather than detract from its character and appearance, and are therefore considered to be in accordance with Policies SC5, EA22 and EA23 of the LDP.
- 3.14. The key policy issue in respect of this application is the proposed change of use of the former hotel to residential use. This element of the proposals falls to be considered under two LDP policies; *Policy EP4 – Non-Employment Generating Uses on Existing or Allocated Business Sites* and *Policy EP15 – Promoting Town Centre Regeneration*.
- 3.15. Policy EP4 indicates that this type of change of use will not normally be supported unless one of a list of criteria can be met. These criteria, and a summary of the Service's conclusions on each in respect of this application are set out in the table under paragraph 3.21 below.
- 3.16. Supporting information was initially submitted with the application in response to the policy issues. This comprised a Supporting Statement from the applicant's agent and a letter to the applicant from the selling agent. The Supporting Statement stated:

- 3.16.1. *The hotel stopped trading in 2014 due to a decline in business and the rising cost of repairs, and was put up for sale.*
- 3.16.2. *It was purchased by the owner of Solsgirth House, with the intention of it being used as annexe accommodation associated with that hotel. Solsgirth House closed as a hotel in 2017 and the Castle Campbell Hotel was put up for sale in February of that year. In August a new selling agent re-marketed the property at a reduced price.*
- 3.16.3. *Difficulty in securing lending to finance a hotel venture was a major barrier to anyone seeking to purchase the property and run it as a hotel.*
- 3.16.4. *The closure of a number of other local hotels in recent years is evidence of difficulty in this market.*
- 3.17. The letter from the selling agent (Falconer) advised that one hotelier viewed the property but did not make an offer, based on the cost of repairs, the building layout and perceived lack of a sufficient local market.
- 3.18. Following submission of the application, the Planning Service sought further information from the applicant on marketing and future viability of a hotel or other commercial use in all or part of the building. In response, further information was provided by Falconer, the previous selling agent, and a separate report provided by Smart & Co. Surveyors, which was commissioned by the applicant.
- 3.19. The further information from the previous selling agent indicated that only two offers had been made for the premises, both for residential development. There were no offers involving any commercial element.
- 3.20. The report from Smart & Co Surveyors looked at the building itself and the wider market, and can be summarised as below:
 - 3.20.1. *There has been a general downturn in the hotel and leisure sector, partly fuelled by the smoking ban and lower drink drive limit. Possible future rises in business rates are also a perceived risk to investors in the industry.*
 - 3.20.2. *The steps up to the front door of the premises restrict customer access and therefore potential commercial uses.*
 - 3.20.3. *Given the building's size, any hotel would need to be of "boutique" standard, requiring significant investment in the current building, however it is doubtful that Dollar could provide a sufficient market to make such a hotel financially viable.*
 - 3.20.4. *Retaining part of the building for commercial use is unlikely to be viable as the ground floor door and windows are elevated above street level by steps, thereby restricting access and "visibility" for any retailer.*
 - 3.20.5. *There is no known demand for office-type space in Dollar.*
 - 3.20.6. *Any commercial use would need to be physically separated from residential properties in the same building, and the costs of this are likely to be prohibitive.*

3.20.7. *The report states, in summary, that the likelihood of finding an economically sustainable future for the building as a hotel or other commercial use is remote.*

3.21. Taking account of the Criteria and an assessment against each is set out in the table below:

Policy EP4 Criterion	Planning Assessment
The Council is satisfied that there is sufficient evidence to demonstrate that the building or land does not have an economically viable future for employment generating use.	The evidence submitted with the application, and further analysis provided at the request of the Planning Service indicate that the building does not have a viable future as a hotel, nor that all or part of it would be viable for some other commercial (employment generating) use.
The applicant/owner have demonstrated that genuine attempts to secure a continued employment-generating use have proved unsuccessful.	Whilst it is clear that the applicant has bought the property with the intention of converting it to flats, the evidence submitted of marketing since 2014 indicates that previous attempts to secure an employment generating use have been unsuccessful. Furthermore, analysis of future prospects for on-going employment generating use indicate that any future attempts would also be unlikely to be successful.
The proposed alternative use would be preferable in terms of local and/or residential amenity.	Whilst the building is within the town centre area, adjacent properties are mainly residential and the proposed change of use is likely to provide improved amenity for adjacent residents.
The proposed alternative use would be compatible with existing or proposed uses within adjacent land or buildings.	As noted above, the use as residential flats is entirely compatible with the site's surroundings.
The proposed alternative use would not have significant negative transport impacts.	For the reasons provided earlier in the report, the proposed parking provision is considered to be appropriate for the number of residential units. Therefore any negative transport impacts would not be significant.

- 3.22. In addition to the above considerations, the fact that the property has been vacant for four years must also be borne in mind. Whilst the particular circumstances and intentions of previous and current owners may be seen as not pro-active in re-opening the building as a hotel, this adds weight to the supporting information provided, which confirms that running the premises as a hotel is simply no longer financially viable.
- 3.23. The closure of other licenced premises in Dollar over recent years, including the Dollar Arms, Strathallan Hotel and Lorne Tavern, as well as the nearby Harviestoun Inn at Tillicoultry, only serve to reinforce the evidence that the hotel sector has been in decline in the area. The Service did not support the change of use of the former Dollar Arms to residential use following its closure in 2007, and the premises has remained vacant since. In respect of this current application, and these other examples, it is clear that planning process cannot prevent the closure of businesses faced with challenging market conditions. The Council as planning authority has little or no influence on these market forces nor the closure of businesses, and can only ensure that it applies development plan policies consistently and fairly, as it has done in these previous cases.
- 3.24. Mention has been made by a number of objectors to the allocation of land to the south and east of Dollar for settlement expansion in the LDP (Proposal H47, circa 350 houses), which could provide a new market for a hotel in the town. The current status of this proposed expansion is that pre-application enquiries have been lodged by separate landowners, covering the entire site. It is not possible, at this stage, however, to provide any certainty on the timescale for commencement or completion of this development. It would be unreasonable in planning terms to decline this current application on the basis of future demand from a planned development as neither the Council nor the applicant in this case have control over delivery of these other future proposals.
- 3.25. Policy EP15 seeks to support development that will contribute to town centre regeneration. In this case, the physical enhancement to this prominent heritage building that the development would bring would represent an element of town centre regeneration. The policy seeks to encourage the re-use of upper floor accommodation in existing building for residential use, but resist such use of ground floor commercial premises that would create an inactive frontage to the street.
- 3.26. In this respect, the conversion of all but the ground floor of the building to residential use would be supported by this policy. In respect of the ground floor itself, the change from hotel lounge/dining rooms to private residential accommodation would create less active frontage, however, the elevation of ground floor windows above street level, and set back behind railings does mitigate the impact of this change.
- 3.27. In summary, the proposed change of use has been assessed against Policy EP4, and the evidence before us indicates that more than one of the criteria set out in the policy has been met. In addition ,the proposed restoration of the listed building would bring visual and environmental enhancements to the surrounding area.
- 3.28. The proposed conversion of upper floor accommodation complies with EP15 which supports the re-use of upper floors in town centres for residential use.

Whilst the change of use would create a less “active” ground floor frontage, it is clear that the re-use of the ground floor of the premises alone for commercial use would be unlikely to happen for commercial reasons and due to the physical constraints and related costs of overcoming them. The building has been vacant for several years, and the proposals would ensure an attractive frontage to the street and enhancement of the historic built environment. Therefore they are considered, overall, to comply with Policy EP15.

- 3.29. In respect of developer contributions, the proposals have been considered by the Council’s Developer Contributions Team. In accordance with the Council’s approved Developer Contributions Supplementary Guidance, the 2 x two bedroomed and one three bedroomed flats would attract contributions of £3,500 per flat and £5,000 per flat respectively, and all 11No. flats would attract a public art contribution of £250 per flat.
- 3.30. In summary, the proposals are considered to comply with the relevant provision of the adopted Local Development Plan, and material considerations do not indicate that the applications should otherwise not be supported. This conclusion strikes a balance between the need to see this important listed building within Dollar restored to its former glory, or resisting the proposed loss of a currently closed local hotel, where there appears little prospect of it re-opening for any commercial use, and considers the likely deterioration in the fabric and appearance of the building should permission be refused and it remains vacant.

4.0 Sustainability Implications

- 4.1. The proposed development will restore and reuse a vacant heritage building within Dollar.

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

5.4. Staffing

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".

Appendix 1 – List of Representations

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
Grant Baxter	Principal Planner	2615

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	

Appendix 1 – LIST OF REPRESENTATIONS

18/00045/FULL

OBJECTORS

REPRESENTTEE
NAME AND ADDRESS: Mr Robert Watson
Glencastle Lodge
16 Castle Road
Dollar
Clackmannanshire
FK14 7BE

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mrs Janet Gray
23 Station Road
Dollar
Clackmannanshire
FK14 7EL

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Hector C Brodie
26 Strachan Crescent
Dollar
Clackmannanshire
FK14 7HL

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Peter Kirkwood
8 Sorley's Brae
Dollar
Clackmannanshire
FK14 7AS

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Michael Todd
Seven Bells
11 Park Place
Dollar
Clackmannanshire
FK14 7AA

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Stephen Leitch
1 Princes Crescent North
Dollar
Clackmannanshire
FK14 7BX

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Douglas Dye
1 Lawhill Road
Dollar
Clackmannanshire
FK14 7BG

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mrs M B Jenkinson
19 Strachan Crescent
Dollar
Clackmannanshire
FK14 7HL

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Michael Rice
11 Kellyburn Park
Dollar
Clackmannanshire
FK14 7AD

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Norman Dunning
7 The Ness
Dollar
Clackmannanshire
FK14 7EB

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Robert Morris
Rollandene
21 West Burnside
Dollar
Clackmannanshire
FK14 7DP

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr Stuart Geddes
14 Lower Mains
Dollar
Clackmannanshire
FK14 7LN

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr G Watkins
8A McNabb Street
Dollar
Clackmannanshire
FK14 7DJ

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Sandra Andrews
30D Bridge Street
Dollar
Clackmannanshire
FK14 7DE

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Peter Wands
42 Station Road
Dollar
Clackmannanshire
FK14 7EL

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Dollar Community Council
C/O Mick Rice
11 Kellyburn Park
Dollar
Clackmannanshire
FK14 7AD

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: David M Tait
14 Strachan Crescent
Dollar
Clackmannanshire
FK14 7HL

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr A Robertson
30B Bridge Street
Dollar
Clackmannanshire
FK14 7DE

COMMENT TYPE: Objection

REPRESENTATIONS

REPRESENTTEE
NAME AND ADDRESS: Mr Jonathan Livingstone
Glen Lodge
12 East Burnside
Dollar
Clackmannanshire
FK14 7AX

COMMENT TYPE: Representation

SUPPORT

REPRESENTTEE
NAME AND ADDRESS: Mr John Wilkinson
10 Malcolm Court
Dollar
Clackmannanshire
FK14 7HY

COMMENT TYPE: Support

REPRESENTTEE
NAME AND ADDRESS: Mr H Javed
14 Brewlands Court
Dollar
Clackmannanshire
FK14 7AU

COMMENT TYPE: Support

REPRESENTTEE
NAME AND ADDRESS: Gavin Macdonald
9 Craiginnan Gardens
Dollar
Clackmannanshire
FK14 7JA

COMMENT TYPE: Support

REPRESENTTEE
NAME AND ADDRESS: Harris Siddique
11 Sorley's Brae
Dollar
Clackmannanshire
FK14 7AS

COMMENT TYPE: Support

REPRESENTTEE
NAME AND ADDRESS: Mr Andrew Mackie
24 Bridge Street
Dollar
Clackmannanshire
FK14 7DE

COMMENT TYPE: Support

REPRESENTTEE
NAME AND ADDRESS: Mr K P Smith
24 Murray Place
Dollar
Clackmannanshire
FK14 7HP

COMMENT TYPE: Support

18/00046/LIST – OBJECTORS

REPRESENTTEE
NAME AND ADDRESS: Mr Robert Watson
Glencastle Lodge
16 Castle Road
Dollar
Clackmannanshire
FK14 7BE

COMMENT TYPE: Objection


REPRESENTTEE
NAME AND ADDRESS: Dr Malcolm Hartley
Waterside
15 East Burnside
Dollar
Clackmannanshire
FK14 7AX

COMMENT TYPE: Objection

REPRESENTTEE
NAME AND ADDRESS: Mr David Beidas
2 Crawford Close
Leamington Spa
CV32 7HA

COMMENT TYPE: Objection





Date:
06-Jun-2018

18/00045/FULL – Castle Campbell Hotel, 11 Bridge Street, Dollar
Change Of Use And Alterations To Hotel To Form 11 Flatted Dwellings


Ward: Clackmannanshire East

0 10 20 30 40 50
 Meters

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OS Grid Ref: NS 96 97 NE

Scale: 1:1,250



Clackmannanshire Council
www.clacks.gov.uk

Comhairle Siorrachd
 Chlach Mhanann

Development & Environment
 Tel: 01259 450 000
planning@clacks.gov.uk

27

Short Paper to Planning Committee

Date of Meeting: 21 June 2018

Subject: Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House at 10 Gannel Hill View, Devon Village, Fishcross – Enforcement Update

Report by: Grant Baxter, Principal Planner

1.0 Purpose

- 1.1. This is a short update paper on the above matter as requested by the Committee on 26th April 2018.
- 1.2. At its meeting of 26th April, 2018, the Planning Committee made the following decisions in respect of the above matter:
 - 1.2.1. Refuse the application for planning permission for: Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House (Variation of Condition 1 of Planning Permission 17/00095/FULL to Extend Permission for a Minimum Period of 1 Year at 10 Gannel Hill View, Devon Village, Fishcross for the following reason:

The siting and occupation of the caravan on the house plot since September 2014 has not resulted in significant progress on house construction towards a stage of habitation. The continued siting and occupation of the caravan is beyond what could reasonably be considered a temporary period and given its location, visual appearance, proximity and relationship with the surrounding households, would have an unacceptable impact on residential amenity for surrounding households.
 - 1.2.2. The Committee also unanimously agreed to give authority to the Development Services Manager in respect of any enforcement action deemed necessary to require cessation of occupation of the caravan and its removal from site and that enforcement action will be commenced promptly with the formal notice served on the Applicant no less than 14 days from the date of the meeting.
- 1.3. Subsequently, the Planning Service prepared and served an Enforcement Notice on the owner of the site on 11th May 2018.
- 1.4. The Notice requires:

“Within a period of 28 days from the date on which this Notice takes effect:-

Cease occupation of the static residential caravan.

Remove the static residential caravan from the site.

- 1.5. The Enforcement Notices take effect 28 days after the date of serving unless a written appeal is lodged with Scottish Ministers prior to that date. In this case, the caravan remains on site, and an appeal to Scottish Ministers has been lodged by the owner prior to the expiry of the 28 day period.
- 1.6. The applicant submitted an appeal against the Enforcement Notice to the Planning and Environmental Appeals Division (DPEA) of the Scottish Government, who administer the appeals process, on 7th June. DPEA confirmed on 8th June that the appeal is valid.
- 1.7. The lodging of the appeal prevents the Enforcement Notice from coming into force on the date specified on the Notice. As a result, until the Notice is upheld on appeal, the Council cannot take any formal action in respect of the breach of planning control.
- 1.8. Planning and Legal Services are now preparing the Council's response to the appeal, which is required within 21 days of the appeal being received and declared valid.
- 1.9. The Planning Service will provide a further update report to the Committee upon conclusion of the enforcement appeal. The owner has until 26 July 2018 to appeal against the refusal of the related planning application.

2.0 Sustainability Implications

- 2.1. None

3.0 Resource Implications

3.1. Financial Details

- 3.2. 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

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

3.4. Staffing

4.0 Exempt Reports

- 4.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

5.0 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

6.0 Equalities Impact

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

7.0 Legality

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

8.0 Appendices

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

None


9.0 Background Papers

- 9.1 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	



**THIS PAPER RELATES TO
ITEM 06
ON THE AGENDA**

Development Services



Planning Enforcement Charter

June 2018

Contents

- * Forward
- * A Guide to planning enforcement – contacting us
- * How we investigate alleged breaches of planning control
- * What we do about breaches of planning control
- * Enforcement powers and procedures – the enforcement toolkit
- * Our commitment to service standards
- * The Council's Complaints Procedure
- * Contacts
- * Appendix 1

Foreward

Clackmannanshire Council as a planning authority is responsible for enforcing planning rules. This is a complicated area and we want you to understand the importance of what we do and have confidence in the enforcement service that we provide.



The Charter has been reviewed and updated for 2018. This review reflects my appointment as Convenor of the Planning Committee and also the introduction of the Planning (Scotland) Bill 2017 by Scottish Government. The Bill will strengthen processes, engagement and participation in the planning system and introduce measures to improve enforcement powers available to the Council as a planning authority.

This Charter explains the work of the Council's Enforcement service. It describes the investigation work that takes place, what we take into account in deciding whether there is a breach of planning control and what further action is appropriate. The Charter also tells you the standard of service you can expect and what to do if you are not satisfied with the outcome.

We do not always have to take enforcement action and it will not always be in the public interest to do so. To help to try and avoid the need for enforcement action at any time, please contact the Council's Development Service if you plan to carry out any work. Planning officers will be happy to advise you on whether you need any form of permission.

I hope this Charter explains to you how these decisions are taken and, as we have set out our service standards, I am confident that you will be able to rely upon a high level of customer service.

Councillor Balsillie
Planning Committee Convenor

A Guide to planning enforcement – what is a breach and how do you contact us

Most forms of development need planning permission from the Council. It is always advisable to contact us to check before you start work

We can give you the correct advice, and tell you whether planning permission or some other permission is required. This will help to avoid us making further enquiries. If you send us accurate details of what you intend to do, we will reply by email or letter

You can contact us at planning@clacks.gov.uk

In addition to this advice from officers, you can also apply for a Certificate of Lawful Use or Development from the Council.

Sometimes development may take place without permission or before permission has been given. A developer may also carry out work differently to what was approved by the Council.

We will investigate all alleged breaches of planning control including whether development is in accordance with the approved plans or planning conditions. This might include::

- Building or engineering work being carried out without planning permission
- The change of use of a building or an area of land
- Development not complying with approved plans
- Development not complying with conditions attached to a permission
- The display of advertising on buildings or land. Please note that the wording or images on adverts are not covered by planning control and would be a matter for the Advertising Standards Authority
- Unauthorised work to a listed building or protected trees

The objective of planning enforcement is to resolve the problem rather than necessarily punish the mistake. Any action taken has to be proportionate to the nature and scale of the breach, and the sensitivity of the location

Enforcement is a discretionary power. This means that, even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action.

The Council does not have to take action on a specific breach of planning control and will often decide that no action is necessary

Any decision will be based upon the circumstances of the case and relevant planning policy.

It is the developer's responsibility to ensure that any necessary permission has been obtained before starting work.

The Council is not required to nor able to monitor all developments all of the time. Therefore, members of the public, Community Councils and groups have a vital role in reporting and monitoring potential breaches of control, including whether development is following the approved plans or planning conditions. If you have any concerns, you should tell us. You can use the [Report It](#) function on the home page of the Council's website, you can phone or visit the Council offices at Kilncraigs, Greenside Street, Alloa. However, we recommend that you follow your enquiry up in writing or by email. Contact details are provided on page 16 of this document. If you want to report a suspected breach of planning control, it is essential that you provide us with as much relevant information as possible.

Please include

- The address of the property concerned and details of the owner of the property or the person involved if known
- Details of the suspected breach of planning control, with times and dates if relevant
- Your name, telephone number, email and postal address
- Information on how the breach affects you or the harm it is causing
- Whether or not you wish the enquiry to be treated confidentially

We will keep your details confidential, unless the Council is required to release information by law or as a result of a ruling from the Scottish Information Commissioner.

The Council will not normally investigate anonymous reports of potential breaches of planning legislation unless there are extenuating circumstances. This is to avoid the submission of vexatious reporting but also so that enquirers can be updated on the progress of an enforcement enquiry.

Our enquiries will relate entirely to relevant planning legislation. Some complaints, such as disputes regarding boundaries, land ownership or rights of access, relate to matters over which the Council, as a planning authority, has no control or responsibility. Similarly, some complaints may relate to matters outwith planning legislation, but where the Council nevertheless has an interest eg as landlord, or in relation to environmental or building safety legislation. Such enquiries will be redirected accordingly, and we will tell you the steps we have taken. There is a contacts list at the end of this Charter which includes details of other services in the Council.

How we investigate alleged breaches of planning control

When we get an enquiry, we may:

- Visit a site to record the circumstances, take photographs and assess any relevant approved plans. Planning officers have the right to enter land or property to establish if there has been a breach of planning control or to establish if a formal notice has been complied with
- Check planning applications and decisions related to the site
- Check any previous correspondence relating to the site or the alleged unauthorised development
- Obtain additional information about land ownership and use, associated activities, interest in the land, constraints or legal issues
- Contact the party being complained about to get relevant information

If we contact you for information, please help us by responding quickly.

We are happy to discuss issues over the telephone although any information should preferably be submitted in writing. This will help to avoid a formal notice being served (see “other powers” on page 11) and avoid any delay in clarifying the planning position. You can provide whatever additional information you wish. If you think it would be helpful to speak to an officer, we will try to make suitable arrangements.

We will prioritise breaches of planning control which are or could be significant. This would include circumstances where the breach:

- Was or had the potential to result in serious harm
- Involved unauthorised works to a listed building or protected tree
- Involved a breach of a planning condition which affects amenity or safety

The time taken to respond to a case can vary. Progress can be delayed for the gathering of further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to regularise the breach of control, a review of a decision of the Council’s Appointed Officer, or an appeal against a decision of the Council, can also take time.

We recognise that delays can be a source of frustration to those submitting information. We will try to keep interested parties informed of progress on a case, but you can contact the case officer for an update at any time.

If we decide that there is no breach of planning control, we will advise the complainant and explain the reasons for the decision. The case will then be closed. If we decide that there is a breach of planning control, further investigation will be carried out to establish the severity of the situation and decide what further steps, if any, should be taken by the Service.

What we do about breaches of planning control

If a breach of planning control has occurred, we can:

- Tell the relevant parties that they are in breach and ask that the unauthorised activity or development ceases and/or is removed
- Ask for a retrospective planning application and advise on the relevant issues. If an application is submitted, formal enforcement action will usually be suspended until the application is decided
- Offer to negotiate an improved or acceptable development solution
- Consider taking formal enforcement action
- Offer the opportunity to apply for a Certificate of Lawful Use or Development, a procedure that was introduced to allow anyone to obtain a formal Council decision on whether or not the development is lawful
- Decide to take no action

Even if a breach of planning control has occurred, the Council may decide only to take limited action, or take no formal action at all. What matters is whether the breach of planning control unacceptably affects the wider public interest or public amenity, the natural or built environment and safety, as expressed in the development plan. In practice, this is likely to mean that only a relatively small number of cases will result in formal enforcement action.

The type of enforcement action will also be in proportion to the seriousness of the breach. This usually depends on the nature and scale of the development and the sensitivity of the location.

The Council is more likely to take enforcement action in cases where a retrospective planning application has not been submitted, and the unauthorised development has resulted in or is likely to cause unacceptable harm to people, land or buildings.

The Council will not normally serve an Enforcement Notice simply to regularise a situation if the unauthorised development is acceptable in planning terms. We will encourage the submission of a retrospective planning application and may serve a notice which requires an application for planning permission to be submitted.

The Council will offer a reasonable period of time to remedy a breach of planning control, depending upon the case. We will take enforcement action where the unauthorised development has not been remedied within that time and appears contrary to planning policy, unless there are exceptional circumstances. However, we will take prompt or immediate enforcement action where the unauthorised development is causing serious harm to residential amenity, public safety or protected land or buildings.

Where a breach relates to a small business or the self employed, the Council will try to remedy the breach without harming the viability of the business.

This could include temporary measures to allow a business to mitigate the impact or to relocate.

The Council will not normally take enforcement action against unauthorised development by householders that only marginally exceeds permitted development limits. Nor will action be taken against minor or technical breaches that cause no unreasonable harm.

Some breaches of planning control relate to quite specific areas of legislation, such as tree preservation orders (or trees in conservation areas), listed buildings and advertising. Works to a protected tree or a listed building require the Council's permission. The felling of a protected tree, or the carrying out of work that affects the character of a listed building without the Council's prior approval, or the display of an advert in contravention of legislation is a criminal offence. The Council may seek the prosecution of the owner or other parties who have committed the offence by reporting the offence to the Procurator Fiscal (PF). The decision whether or not to prosecute rests with the PF and is based on the information submitted and whether or not it is in the public interest.

Enforcement powers and procedures – the enforcement toolkit

Enforcement action has to be taken within the following time limits:

- A four year limit – this applies to building, engineering and other operations and change of use to a single house. After 4 years following the breach of planning control, the development becomes lawful, and no enforcement action can be taken
- A ten year limit – this applies to all other development: principally the change of use of buildings or land, and breaches of condition. After the years the development becomes lawful, and again, no enforcement action can be taken

Types of Notices

Details of all enforcement notices served by the Council are entered in an [Enforcement Register](#). The register is available for inspection at Kilncraigs, Greenside Street, Alloa and details are published on our website at the above link.

There are a variety of notices and powers available to the Council for breaches of planning control. For most, a minimum 28 day period applies before any notice comes into effect. Notices include:

- **Breach of Condition Notice (BCN)**. Used to enforce the conditions applied to any planning permission and served on any person carrying out the development and/or any person having control of the land. There is no right of appeal, and any contravention of the notice may lead to a prosecution. However, instead of prosecution, the Council could serve a **Fixed Penalty Notice**. By paying the fixed penalty (£300 or £225 if paid within 15 days) the person in breach can no longer be prosecuted, but the requirements of the BCN remain in force.
- **Enforcement Notice**. This is generally used to deal with unauthorised development. There are similar notices and powers to deal with listed buildings and advertisements. An Enforcement Notice will:
 - Describe the breach of planning control;
 - describe the steps to be taken to remedy the breach;
 - specify the timescales for taking the remedial action;
 - explain the consequences of failing to comply with the notice;
 - summarise the grounds of appeal

There is a right of appeal to the [Scottish Government](#) and if an appeal is made, the terms of the notice are suspended until a decision is reached.

Failure to comply with an enforcement notice may either lead to the Council serving a Fixed Penalty Notice, or seeking a prosecution. Again, by paying the fixed penalty £2000 or £1500 if paid within 15 days) the person in breach can no longer be prosecuted. Failure to comply may also result in the Council taking Direct Action to remedy the breach (see “Other Powers” on page 11).

- **Listed Buildings Enforcement Notice.** This must be served on the current owner, occupier and anyone else with an interest in the property. The procedures are similar to those outlined for Enforcement Notices. Breaches of listed building control are a serious matter. It is a criminal offence to undertake unauthorised works to demolish, significantly alter, or extend a listed building in a manner that affects its character.
- **Stop Notice.** This is used in extremely serious cases where unauthorised activity must be stopped urgently. When a Stop Notice is served, the planning authority must also issue an Enforcement Notice. There is no right of appeal against a stop notice and failure to comply is an offence. An appeal can be made against the accompanying enforcement notice. If a stop notice is served without due cause, or an appeal against the enforcement notice is successful, the Council may face claims for compensation. We therefore assess the use of Stop Notices very carefully.
- **Temporary Stop Notice.** Similar to a stop notice, but takes effect as soon as the Council displays a copy of the notice on the land to which it relates. The notice ceases to have effect 28 days after it is first displayed.
- **Notice Under Section 33(A) Requiring Application for Planning Permission for development already carried out.** We will actively consider the use of such a notice to encourage the submission of a retrospective planning application for development that appears to comply with relevant planning policy guidance. This in turn, allows us to consider granting planning permission, possible with conditions to make development acceptable. If a retrospective application was not submitted within the prescribed period, we would decide whether enforcement action was appropriate.

Other Powers

- **Advertisement Enforcement Notice.** This is similar to an enforcement notice but relates to unauthorised advertisements. There is a right of appeal to the Scottish Government.
- **Replacement Tree Notice.** Where a tree protected by a Tree Preservation Notice (TPO) is removed, uprooted or destroyed in contravention of the order or any condition of consent given under a TPO, the Council can issue this notice requiring the owner of the land

to plant a tree or trees. There is a right of appeal to the Scottish Government.

- **Planning Contravention Notice (PCN).** We will use this to get information about activities on land where a breach of planning control is suspected and we have received no reply to an earlier enquiry. We serve this notice on the owner or occupier, or on a person believed to have an interest in the land or who is carrying out operations on the land. They must provide information about the operations being carried out on the land and any conditions or limitations applying to any planning permission already granted. Failure to comply with the notice within 21 days of it being served is an offence and can lead to a find in the courts.
- **Notice under Section 272 (of the Town and Country Planning (Scotland) Act 1997).** This provides powers to obtain information on interests in land and the use of land. Failure to provide the information required is an offence.
- **Notice under Section 179 (of the Town and Country Planning (Scotland) Act 1997 (Amenity Notice).** This allows us to serve a notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area, and sets out the action that needs to be taken to resolve the problem within a specified time. The Council has the power to take direct action following any non-compliance with the notice.
- **High Hedge Notice.** The High Hedges (Scotland) Act 2013 came into force on 1st April 2014. It aims to provide a solution to disputes over the effects of high hedges but only where neighbours have not been able to resolve matters amicably. If the Council conclude that action should be taken, it will issue a High Hedge Notice to require remedial action to be taken. More detailed guidance about the process is available on the Council's [website](#). There are rights of appeal to the Scottish Government.
- **Interdict and Interim Interdict.** An interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly and the Council will only seek interdicts in serious cases or where enforcement notices have been ignored in the past. Breaching an interdict is treated as contempt of court and carries heavy penalties.
- **Direct Action.** If a person in breach does not comply with the terms of an enforcement notice within the time specified, we can enter the land and carry out the specified work. The Council will normally seek to recover any costs it incurs from the landowner.

Have you been granted planning permission? If so, please make sure that you comply with the following:

Initiation and Completion of Development. Developers are required to tell the Council when work is to start on development which has planning permission, and then later when the development is complete. We in turn can then check the development complies with the approved plans and any conditions, particularly those associated with the start and bringing into use of the development. We will issue relevant forms for completion when planning permission is granted for development.

Display of Notice While Development is Carried Out. For certain categories of development, the developer must display a sign on the site with information on the development and where people can view the planning permission and decision notice. Failure to do so is a breach of planning control.

Our commitment to service standards

- We will deal with all enforcement enquiries in an even-handed manner, in accordance with the Council's core values of:
 - Commitment, trust and partnership
 - Openness and accountability
 - Respect and dignity
 - Equity, fairness and inclusion
- We will maintain the confidentiality of customers when this is requested, except where we are legally obliged to disclose details
- We will keep any complainant informed of progress. This will normally mean writing to them within 21 days of receiving the enquiry confirming what progress has been made
- We will notify the complainant of the outcome of the case within 5 working days from the case being closed, with an explanation of the outcome
- We will acknowledge receipt of a written enforcement enquiry within 3 working days
- We will visit the site within 14 days in cases where a visit is deemed necessary or more urgently if required
- We will give you clear information in plain English and tell you how to contact us if you need more information
- We will make sure you can meet the relevant officer in the planning service
- If an enquiry can't be dealt with by the planning service, we will send it to the appropriate service in the Council, where applicable
- We will make enquiries and take action proportionate to each case. If we decide not to take action, we will explain why
- We will keep an up to date register of all enforcement notices we serve and publicise this online

The Council's complaints procedures

We hope that you will be satisfied with our planning enforcement service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any problems.

We will consider all comments and complaints made about the way an enforcement enquiry was dealt with. Some people may disagree with the outcome of an enforcement enquiry, but, of itself, that is not grounds for complaint. As noted previously, there is a separate appeals procedure for a recipient of an enforcement notice.

In the first instance, complaints should be discussed with the member of staff involved. If you are dissatisfied, you should contact the Planning & Building Standards Team Leader (contact details are on page 16) who will explain how your enquiry has been handled. If you still remain dissatisfied with our explanation of the circumstances you can use the Council's complaints procedure or email Customer Services, providing us with as much detail as possible, including names, places, dates and let us know how we might put matters right.

Full details about making a complaint can be found on the [Comments and Complaints](#) page on our website

Contacts

To make enquiries about any development taking place in Clackmannanshire, please contact us by:

Post Planning & Building Standards Team Leader
 Clackmannanshire Council
 Kilncraigs
 Greenside Street
 Alloa
 FK10 1EB

Phone 01259 450000

Email: planning@clacks.gov.uk

Online Click on the [Report It](#) page on our website

The Council is here to advise on the need for planning permission for any type of development, the processes involved and the merits of the proposal. Using our service will help you to avoid potential enforcement action.

The planning service has officers dedicated to:

- Business and commercial development
- Residential development
- Householder development

You can contact the relevant officer on the telephone number and email address above

This Charter focuses on the enforcement of planning control. However, the Council has a number of other enforcement duties and responsibilities:

Dangerous Buildings – please contact the Building Standards Service at buildingstandards@clacks.gov.uk

Noise, Odour Nuisance, Food Safety & Abandoned Vehicles – please contact the Environmental health Service at ehealth@clacks.gov.uk

Licensing – please contact the Licensing Service at licensing@clacks.gov.uk

Other Useful Contacts

Directorate of Planning and Environmental Appeals

4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Tel 01324 696465
Email dpea@scotland.gsi.gov.uk

Directorate of the Built Environment

Victoria Quay
Edinburgh
EH6 6QQ

Tel 08457 741741
Email modernisingplanning@scotland.gsi.gov.uk

Planning Aid for Scotland (covers planning advice)

3rd Floor, 125 Princes Street
Edinburgh
EH2 4AD

Tel 0131 220 9730
Helpline 0300 323 7602

Advertising Standards Agency (covers suitability or wording or images)

71 High Holborn
London
WC1V 6QT

Tel 020 7492 2222

Health & Safety Executive

Belford House
59 Belford Road
Edinburgh
EH4 3UE

Fax only 0131 247 2121

Public Services Ombudsman

SPSO Freepost

Tel 0800 377 7330
Web www.spsso.org.uk

National Housebuilding Council (NHBC)

NHBC House
Davy Avenue
Knowhill
Milton Keynes
MK5 8FP

Tel 0800 035 6422
Web www.nhbc.co.uk

Scottish Environment Protection Agency (for pollution to air, land or water,
waste management, fly tipping)

Strathallan House
Castle Business Park
Stirling
FK9 4TZ

Tel 03000 99 66 99
Web www.sepa.org.uk

Report to Planning Committee

Date of Meeting: 21st June 2018

Subject: **Street Naming Report for Development at Former Forth Valley College, Branshill Road, Sauchie**

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

1.0 Purpose

- 1.1. To decide on the name of new streets for the development at the former Forth Valley College, Branshill Road, Sauchie.
- 1.2. In order to assist the decision process, the report sets out the results of the consultation exercise seeking suggested names for new streets in the development.
- 1.3. This development consists of the erection of 145 dwellings, the layout of which lends itself to 2 new streets. A location plan, Appendix 1 and a site layout plan, Appendix 2 are enclosed for ease of reference.

2.0 Recommendations

- 2.1 It is recommended that the Committee consider the suggestions included in Appendix 3 and approve 2 new street names.

3.0 Considerations

- 3.1. The consultation and research process involved contacting the Ward Councillors, the Community Council, local schools and known heritage groups and other interested parties. A full list of the consultees' responses is enclosed at Appendix 3.
- 3.2. The Council is committed, via a Tri-Council agreement (Clackmannanshire, Falkirk and Stirling) to adopting particular street naming and numbering conventions and must therefore consider these prior to approving a street name or number. Guidance within that convention states that consideration should be given to ensure names are distinctive... *"no repeating or similar sounding names within the same scheme, development, or area. The practice of using the same name for several streets, differentiated by suffixes such as 'street', or 'road', etc, perhaps within a larger multi-street development, is not acceptable. This is to minimise any potential confusion that may arise in delivering services,*

particularly emergency service response, in areas with similar sounding street names".

- 3.3. Accordingly, the "officer comments" column in Appendix 3 identifies proposals that are not considered suitable relative to the guidance included within the Tri-Council Conventions.
- 3.4. The Royal Mail Address Development Centre will still require to be consulted on any names chosen by the Committee to ensure they are acceptable to them.

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. Finance have been consulted and have agreed the financial implications as set out in the report. Yes
- 5.3. There are no 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
- 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)

Tri-Council Street 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 - Site Layout
- Appendix 3 - Consultee Returns

11.0 Background Papers

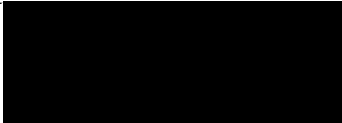
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

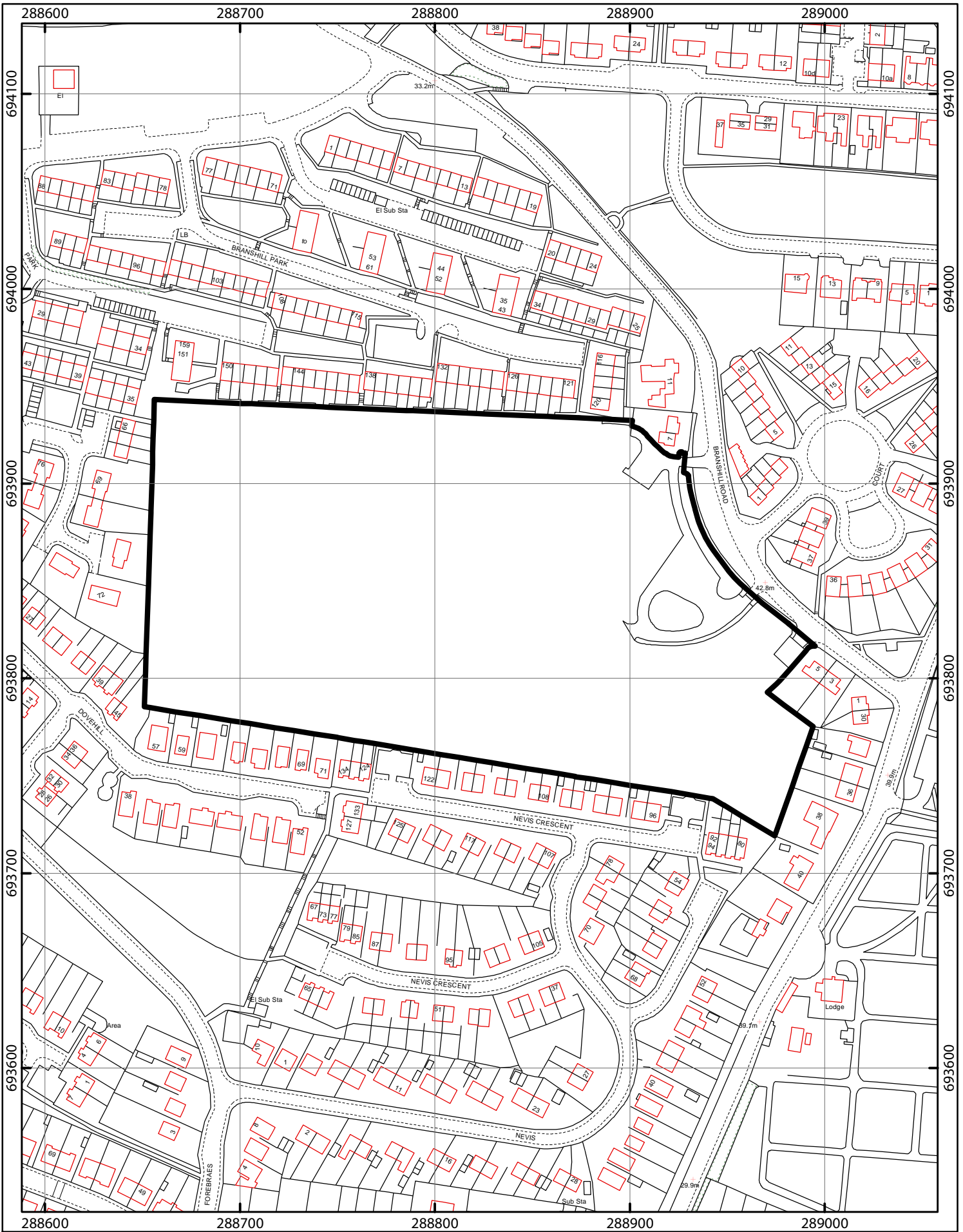
Yes (please list the documents below) No


Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Allan Finlayson	Planning & Building Standards Team Leader	2621

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Service Manager	





Date:
07-Jun-2018

**Appendix 1 – Street Naming and Numbering Report for 18/00026/BW
Development at Former Forth Valley College, Sauchie**


Ward: Clackmannanshire Central

0 20 40 60 80 100
Meters

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OS Grid Ref: NS 8882 9383

Scale: 1:2,500

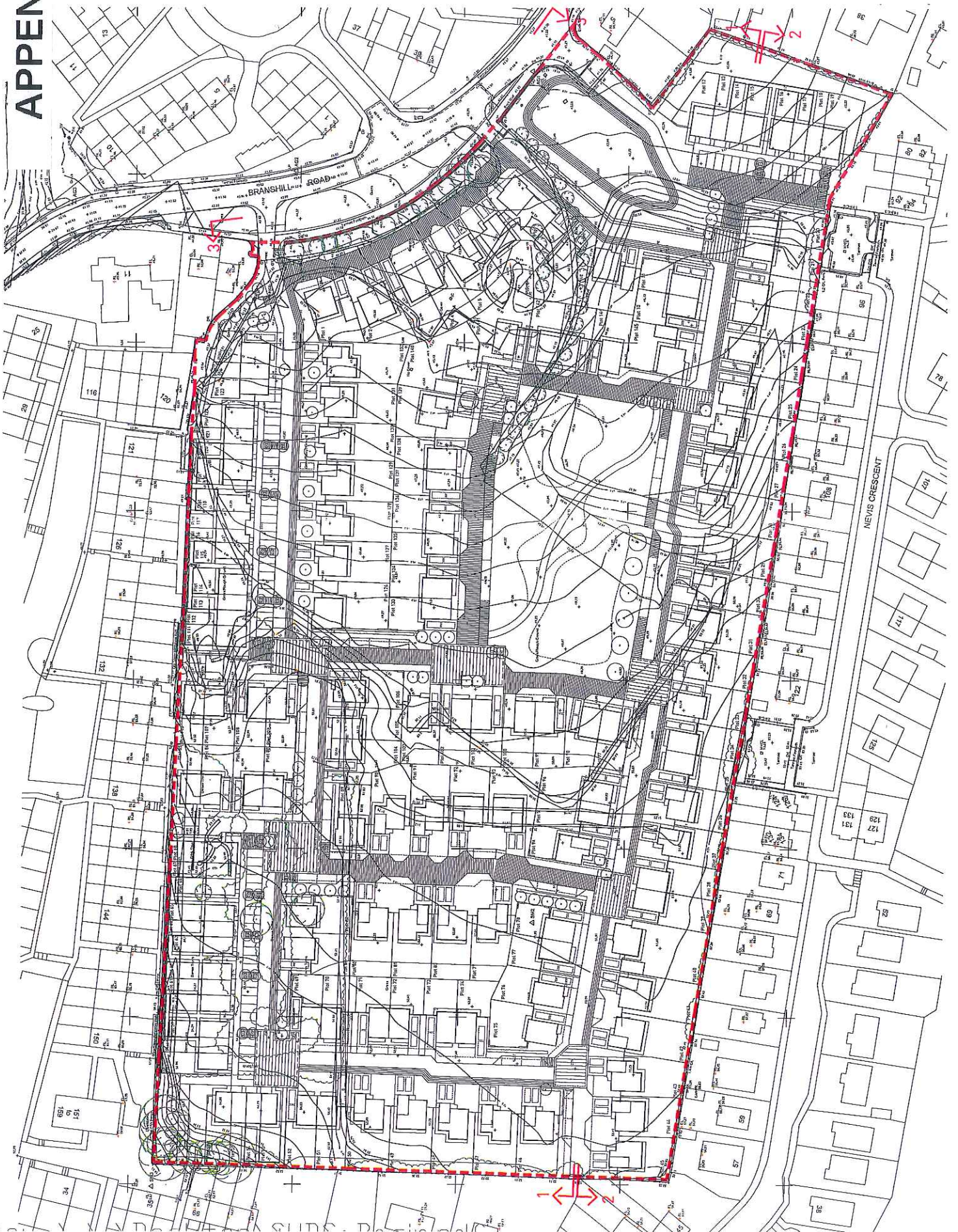


Clackmannanshire Council
www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

Development & Environment
Tel: 01259 450 000
buildingstandards@clacks.gov.uk

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APPENDIX 3

CONSULTEE	SUGGESTION	SUPPORTING COMMENTS	OFFICER'S COMMENTS
Benmore Homes	<p>(1) Cherry Tree</p> <p>(2) Willow</p> <p>(3) Academy Grange</p>	<p>(1-2) To reflect the existing trees which form a boundary to the front of the site on Branshill Road.</p> <p>(3) Reflecting the former educational use of the site.</p>	<p>(1) No conflict</p> <p>(2) Possible conflict - Similar name already in existence in the same post code (FK10) is: The Willows, Tullibody</p> <p>(3) Conflict – Similar name already in existence in the same postcode (FK10) is: Academy Street, Alloa</p>
Archives & Records Management Officer	<p>(1) Mine/Colliery</p> <p>(2) Hospital/Ward ...</p>	<p>(1) Remembering Branshill of the 1700s, built for the workers at the Pompee Coal Workings, according to Sauchie & Alloa: a People’s History. Branshill was the site of an early coal hill, and later there were primitive steam pumping engines here and at an old Pompee pit.</p> <p>(2) To mark the sire of the old Sauchie Hospital (Combination Hospital for Infectious Diseases), across Parkhead Road, next to Sunnyside Cemetery. County Hospital was also nearby, on Ashley Terrace.</p>	<p>(1) No conflict</p> <p>(2) Conflict – Similar name already in existence in the same postcode (FK10) is: Ward Street, Alloa</p>

	(3) Old College	(3) To mark the site of the former Forth Valley College campus. Originally called Clackmannan College , it began by offering day release classes for local industry and commerce, It was set up by the County Education committee in 1963 to address a need for textile education, and over the years it diversified into other subject areas. The college moved to its Branshill Road campus in July 1970 and remained there or 41 years before moving to its new Devon Road site in October 2011.	(3) No conflict
Building Standards Service	(1) Silver Birch ... (2) Oak Tree	(1-2) In keeping with the theme from the suggestion made by the developer, these are trees which are to be planted within the development as per the planting schedule.	(1) Possible conflict - Similar name already in existence in the same post code (FK10) is: Birchwood, Sauchie (2) No conflict