
Report to Planning Committee

Date of Meeting: 5th December 2019

Subject: Planning Application 19/00179/FULL - Amendment To Planning Permission Ref 10/00036/MSC - Substitution Of 74 No. Amended House Types – Land to the east of Lower Mill Street, Tillicoultry

Report by: Grant Baxter, Principal Planner

1.0 Purpose

- 1.1. This report provides an assessment and recommendation on a planning application in relation to proposals for land east of Lower Mill Street, Tillicoultry. The planning application is being reported to the Committee, following a referral request by a local Member.
- 1.2. Site Location
- 1.3. A location plan for the site is provided within this report. In addition, a link to Google's [Street View](#) provided showing the principal view of the site:

2.0 Recommendations

- 2.1. Planning application ref: 19/00179/FULL is recommended for APPROVAL subject to the conditions and reasons set out in permissions 03/00174/OUT, 10/00036/MSC & 10/00037/MSC and the related Section 75 Agreement as modified, and the following additional conditions:
 1. The southern edge of the development platform shall be modified as shown on drawing number 155178/21/001 or an alleviation swale/channel to be designed and constructed to the east of the development platform to intercept and redirect overland flows as recommended in the JBA Consulting letter dated 11 October 2019. Before any works commence on site, exact details of the above measures, including a phasing plan for their implementation in the overall development, shall have been submitted to and approved in writing by the Council as Planning Authority, and thereafter the approved measures shall be implemented in accordance with such approved details.
 2. Before any works commence on site a revised site layout plan incorporating the following elements shall have been submitted to and approved in writing by the Council as planning authority:

- a) Revised details of the access road between Lower Mill Street and the first house plots in the development to show a single width road with passing places and the 2m wide footways on both sides, to be replaced with a 3m wide multi-user route along its north side.
- b) Final details of road levels and culvert structure where the access road from Lower Mill Street passes over the flood alleviation channel.
- c) Revised internal road design and geometry to include shared surfaces, junction squares and narrowed carriageways to provide natural traffic calming.
- d) Removal of the section of remote footpath shown on the north side of the northern section of road within the housing development and this incorporated into a re-designed section of shared surface road.

Once approved, the development shall be completed in accordance with all such approved details.

2.2. Reason for Decision

2.3. The application proposes houses on a consented and partially implemented site identified in the LDP for housing. It would implement the consented scheme and in doing so, provide 74No. affordable homes, along with associated infrastructure, including flood alleviation measures approved by the Council and SEPA and landscape proposals for the remaining undeveloped site.

2.4. The application complies with the adopted LDP and there are no material considerations to indicate that it should not be approved.

2.5. Approved Plans

2.6. As set out in Appendix 2

3.0 Considerations

3.1. Background

3.2. The site comprises the north eastern portion of an agricultural field that lies to the south east of Tillicoultry. The site lies to the south of houses on Hareburn Road and is bounded to the east by a road serving Chapelle Crescent, sewage treatment works and allotments. The allotments themselves form part of the site's southern edge. The site is open to the remainder of the field to the south and west. The field itself extends west to Lower Mill Street, with Tillicoultry Burn lying on the opposite side of this road. It also adjoins Tillicoultry Sewage Treatment Works on the eastern boundary and its southern edge is formed by the River Devon. A disused railway embankment is a significant landscape feature, running north east to south west across the southern part of the site. The land generally slopes downwards towards the river at its southern edge.

- 3.3. The site is allocated in the Clackmannanshire Local Development Plan, adopted 2015 as Housing Proposal site H43 (74 units). This allocation reflects an extant planning permission for 74No. houses on the site and which was approved in detail in 2010 and has been partially implemented by virtue of construction of a section of cycle path in the north west corner of the site. As a result of those works, planning permission is secured in perpetuity.
- 3.4. The current planning application effectively seeks to complete that which has already commenced but with a different range and design of houses. House positions and overall site layout would also remain largely as approved.
- 3.5. The detailed planning approval that currently exists on the site was granted (following the grant of outline planning permission and Section 75 Agreement) subject to the implementation of a flood management scheme approved by SEPA and the Council. The scheme is designed to protect the site from flood risk arising from both the River Devon and Tillicoultry Burn during the 1 in 200yr (0.5%) flood event, and ensure that adjoining properties are not put at increased flood risk as a result of the development. The key elements of the scheme are as follows:
 1. Reduction in developable area from 7.35Ha to 2.9Ha confined to north west portion of the site, and resultant reduction in house numbers from circa 130 to 74.
 2. Formation of a raised (by 0.6m) development platform to protect proposed houses from remaining flood risk, using material excavated from the existing railway embankment on the site. It should be noted that this methodology also entails the removal of a layer of peat from under the proposed development platform, prior to upfilling.
 3. Formation of a flood alleviation channel around the north and west sides of this platform in order to direct flood water away from development and towards a wetland area within the southern and western parts of the overall site, and ultimately draining to the River Devon.
 4. A strategic landscape plan including wetlands and path network for the undeveloped remainder of the site.
- 3.6. The current planning application seeks to complete the approved and commenced development but includes changes, principally to house types, in terms of internal layouts and elevational design and finish. The massing of the scheme, ground and floor levels and overall width and depth of houses would remain as approved.
- 3.7. Consultations
 1. SEPA: No objections on flood risk grounds provided that an additional condition is imposed; *“The southern edge of the development platform to be modified as shown on drawing number 155178/21/001 or an alleviation swale/channel to be designed and constructed to the east of the development platform to intercept and redirect overland flows as recommended in the JBA Consulting letter dated 11 October 2019.”* The proposed condition would reduce the risk of increased flooding to open space to the southeast and adjoining allotments. Comment: *The*

applicant has confirmed that the proposed condition is acceptable to them.

2. Roads: No objections, based on existing detailed consent being in place. Detailed design comments on internal road layout and design, based on Designing Streets principles. The previously approved flood prevention measures have been re-assessed against current methodologies and modelling, and are considered satisfactory subject to SEPA's proposed additional condition. *Comment: Planning conditions can be used to ensure the necessary adjustments to internal road design and SEPA have confirmed no objections subject to an additional condition which the applicant can comply with.*
3. Scottish Water: No objections, however water and drainage capacity can only be confirmed through submission of a Pre-Development Enquiry (PDE) to Scottish Water. *Comment: The PDE form will normally only be submitted to Scottish Water by the applicant after planning consent is in place, and any necessary upgrades to water or drainage infrastructure shall be agreed at that time. Scottish Water are aware of the existing planning consent for this site.*
4. The Coal Authority: No objections. The site lies within the Development High Risk Area, however the application only proposes changes to house types on an approved site. The site contains two thick coal outcrops which may have been worked at shallow depths. The applicant's technical consultant has addressed this through the submission of technical reports in respect of this risk. *Comment: The approved planning application contains a site investigation report and environmental risk assessment.*
5. Environmental Health: No comments.

3.8. Publicity and Representations

- 3.9. A total 63No. neighbouring proprietors were notified of the planning application and a neighbour notification advert was placed in the Alloa Advertiser on 31 July 2019. In total 12No. representations have been made by the parties listed in Appendix 1. The points raised are summarised below:

1. Concern regarding increased surface water, ground water and fluvial flood risk to adjacent allotments resulting from raised ground levels to construct the development. Concern about possible damage to drainage system serving the allotments during construction. *Comment: Planning consent is in place for the approved housing development on the site which involves reduction in height of the railway embankment, uplifting the development platform for housing and forming a flood alleviation swale around the north and west sides of the site. The applicant has proactively chosen to re-assess these proposals on the basis of current flood risk methodology and modelling, to ensure they comply with current standards. As noted from SEPA's response, this has been confirmed, subject to a minor change to the southwest corner of the site or introduction of a swale along the eastern boundary, which would reduce flood risk to the allotments and adjacent open space. The applicant has advised that these changes will be implemented. Therefore, whilst the*

current planning approval could be implemented, these new proposals provide for additional flood protection for adjoining allotments and open space.

2. The allotments site includes poultry, which may give rise to complaints from new residents who will live closer to allotments than existing houses. *Comment:* *It is common for allotment sites to be in close proximity to housing. The Council's Environmental Health team have made no adverse comments in this regard.*
3. No neighbour notification to allotments or flats in Chapelle Crescent about the application. *Comment:* *Neighbour notification procedures have been carried out correctly. The allotments do not have a postal address, and therefore no neighbour notification can be sent, however as such the application was advertised in the local press. Not all flats within Chapelle Crescent are within the notifiable distance of the application site boundary, and those that are have been notified.*
4. There is no evidence that the change in flood risk has been assessed, and the site remains at risk from flooding. The approved scheme is several years old and requires to be re-assessed. The flood risk may also be increased to downstream properties as a result of development. *Comment:* *As noted above, the originally approved flood management scheme has been re-assessed using current methodology and modelling and is considered appropriate by the Council and SEPA (subject to one additional condition).*
5. Concern regarding capacity and future maintenance of the flood alleviation swale. *Comment:* *The swale has been confirmed as of suitable capacity and the existing planning permission includes an agreement relating to its future maintenance.*
6. The Council should engage with the local community flood group and allotments association and they requested a meeting with planning officers. *Comment:* *Planning and Transportation officers met with community representatives, including from the flood group and allotments association, to discuss the application as requested prior to the conclusion of the application assessment process. The applicant has given a commitment to liaise with the allotments association and other groups as the development progresses in respect of boundary enclosures and other matters. The Planning Service will facilitate such discussions.*
7. Concern about further damage to drainage system serving Chapelle Crescent flats and structural damage to the flats. *Comment:* *This is not a material planning consideration.*
8. The railway embankment should be preserved as an historic feature. *Comment:* *The approved scheme involves reduction in the height of the railway embankment to provide fill material for the housing site. It is possible that an alternative groundworks scheme may come forward that would retain the embankment in its current form, however this cannot be confirmed at this time. The planning permission will allow for a suitable alternative scheme to be brought forward.*

9. Traffic will use roads that are already in need of repair. *Comment: Construction of the development will be subject to a construction traffic management plan approved by the Roads service.*
 10. A higher proportion of the house types should be wheelchair accessible. Additional carparking provision should be provided including parking for wheelchair accessible units. *Comment: The Council's Housing Service have been consulted and have raised no concerns regarding housing mix, and the Roads service's parking standards will be adhered to.*
 11. Objection to the development being 100% affordable housing. *Comment: The Council's Housing Service has been consulted and has raised no concerns regarding housing mix. The development will now deliver 100% rather than 25% affordable housing.*
 12. Objection to proposed changes in finishing materials. *Comment: The proposed change in finishing materials is considered appropriate to the character of the area.*
- 3.10. Local Development Plan
- 3.11. The site is identified in the Clackmannanshire Local Development Plan (LDP), adopted 2015 as Housing Proposal H43 (74 units). The application would comply with this.
 - 3.12. Policy SC2 of the LDP supports the delivery of affordable housing , and expects new developments of over 20No. houses to provide a proportion of affordable housing or a commuted sum towards provision elsewhere. Condition 4(b) of the original outline planning permission calls for an assessment of need and programme for provision of affordable housing within the site. The current application will now deliver 100% affordable housing, including 8No. wheelchair accessible bungalows. It is intended that the development, when complete, will be owned and managed by Kingdom Housing Association.
 - 3.13. Policy SC5 of the LDP sets out layout and design principles in accordance with the place-led approach of the Scottish Government's Designing Places policies. Whilst the proposals are based on a housing layout that pre-dates this policy approach, the proposals have been able to incorporate a number of the elements of the place-led approach, such as active travel connectivity throughout the site and with adjacent networks, a connected shared surface road system that will naturally calm traffic speeds and provide opportunity for play and strong built frontages facing streets.
 - 3.14. Policy SC12 deals with access and transport requirement for new developments. The proposed development layout has planning approval, however the details of street design have been enhanced since the original consent, and with the addition of comments from Roads incorporated into planning conditions, the development can provide a high quality streetscape environment for residents.
 - 3.15. Policy EA1 supports the protection and enhancement of Clackmannanshire's Green Network, and that new developments contribute to these objectives. In this case, the built element of this site is restricted to the northeast corner of

the site, amounting to less than one third of the whole LDP housing allocation. The plans include a detailed landscape scheme to create and manage a large area of wetland, including a path network for the remainder of the site.

- 3.16. Policy EA9 deals with managing flood risk and sets out the Council's policy in respect of new developments that may be affected by flooding. As already noted, the existing planning consent for the site includes measures to address flood risk to the site and adjoining land. The approved scheme includes a raised development platform, provision of compensatory storage and a flood alleviation channel. This scheme has been re-assessed in light of current flood methodology and modelling and is acceptable to the Council and SEPA, with the requirement for a further measure required by SEPA to provide additional protection to adjoining open space and allotments.
- 3.17. In summary, the application complies with the relevant provisions of the Local Development Plan.
- 3.18. Provisions of the Existing Planning Permission
- 3.19. The application seeks to amend the house types on an existing and partially implemented planning permission. That permission was granted via an original outline planning permission (now PPP), two separate MSC approvals; one for the housing, landscaping, roads and drainage and the other for the partial removal of the railway embankment to provide fill material for the housing development platform, and a Section 75 Agreement.
- 3.20. Whilst no other changes are proposed to these permissions other than in respect of house types, the applicant continues to explore an alternative site stabilisation method that would significantly reduce the amount of upfill material required from the disused railway embankment. The scope for such an amended scheme to be brought forward will remain if planning permission is granted.
- 3.21. As the proposal seeks to effectively implement the consented scheme with amended house types, any permission will require to tie the permission to the original consents, as well as add other planning conditions, as required by SEPA and the detailed design elements specified by Roads.
- 3.22. In addition, the terms of a Section 75 Agreement between the previous land owner and the Council, pertaining to formation of roads, paths, visibility splays and completion and future maintenance of the flood alleviation channel will continue to apply.

4.0 Conclusion and Recommendation

- 4.1. The application proposes 74No. houses on a consented and partially implemented site identified in the LDP for housing. The site has lain dormant for several years, following the granting of outline and detailed consents for housing and associated infrastructure, including flood alleviation measures approved by the Council and SEPA.
- 4.2. This application would implement the consented scheme and in doing so, would provide 74No. affordable homes, whereas the consented scheme would have provided no more than 19 affordable units.

- 4.3. The associated groundworks to support the housing development, including partial removal of peat, partial excavation of the disused railway embankment, and upfilling of land to create a development platform, remain as proposed, however alternative and less invasive set of groundworks may come forward if technically feasible.
- 4.4. The flood prevention works previous approved, including the raised development platform and flood alleviation channel have been reappraised in the context of current flood risk modelling and methodology and have been endorsed by the Council and SEPA. The endorsement by SEPA has proposed an additional flood alleviation measure to benefit adjoining allotments and open space, and which the applicant has confirmed can be provided and this is the subject of a planning condition.

5.0 Sustainability Implications

- 5.1. None

6.0 Resource Implications

6.1. *Financial Details*

- 6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes
- 6.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.4. *Staffing*

7.0 Exempt Reports

- 7.1. 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)

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 Objectors

Appendix 2 – List of Approved Plans

11.0 Background Papers

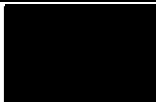
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

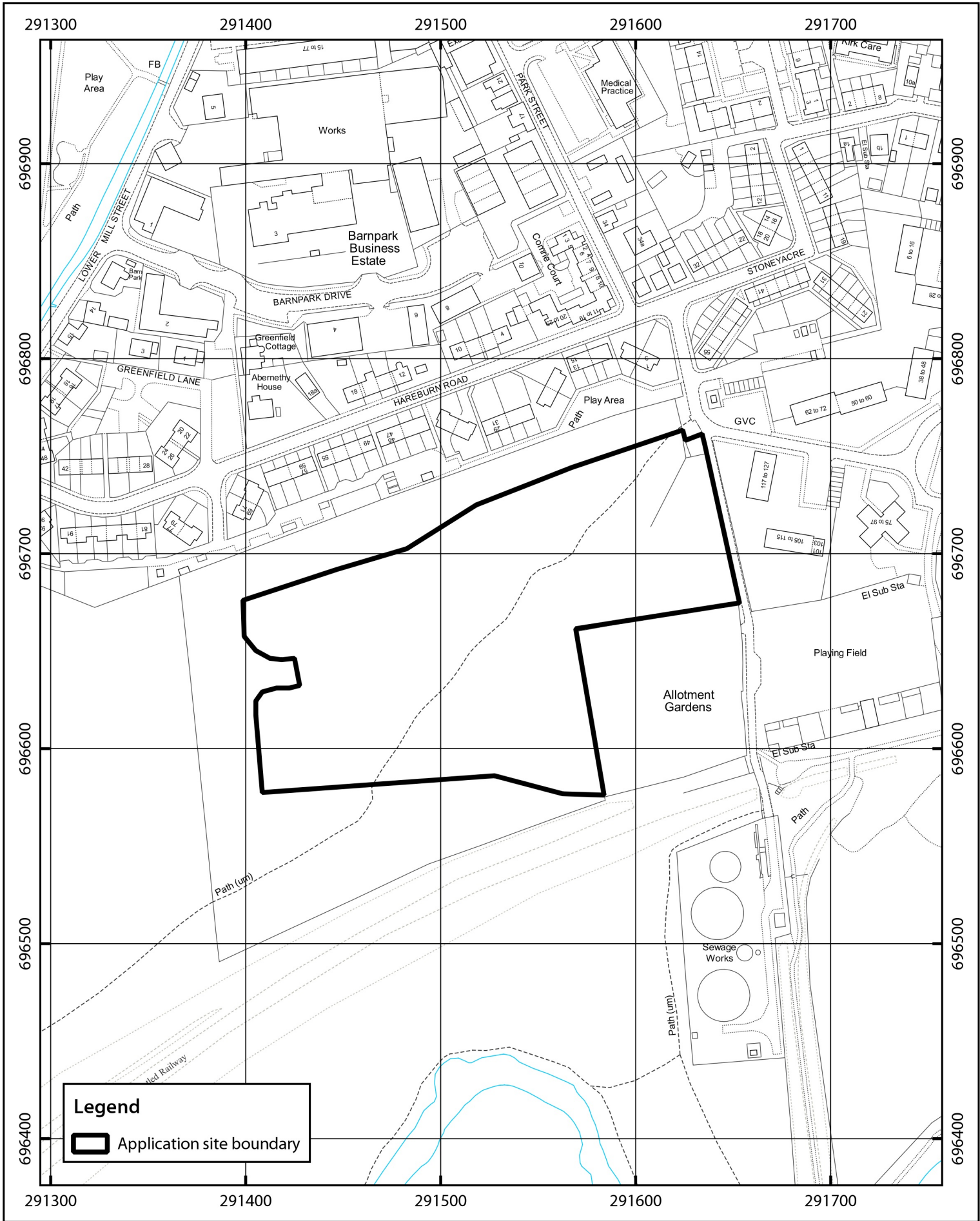
Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	2615

Approved by

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Planning & Building Standards Team Leader	
Julie Hamilton	Service Manager, Development	



Legend

 Application site boundary

19/00179/FULL – Land To The East, Lower Mill Street, Tillicoultry

Amendment To Planning Permission Ref 10/00036/MSC - Substitution Of 74 No. Amended House Types

Ward: Clackmannanshire North

Date: 21 Nov 2019

OS Grid Ref: NS915966

Scale: 1:2,500

Clackmannanshire Council

www.clacks.gov.uk

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APPENDIX 1 - LIST OF OBJECTORS

Tillicoultry Community Council

Mr Bill Nicholls, 1 Belmont Drive, Tillicoultry, FK13 6QA

Ms Frances Reid, 81 Chapelle Crescent, Tillicoultry, FK13 6NL

Mr Owain Carter, 95 Chapelle Crescent, Tillicoultry, FK13 6NL

Miss Debbie Straiton, 103 Chapelle Crescent, Tillicoultry, FK13 6NL

Mr David Page, 5 Elistoun Drive, Tillicoultry, FK13 6NT

Mrs Gail Walker, 8 Elistoun Drive, Tillicoultry, FK13 6NT

Mr Warren Bailie, 6 Kingseat Drive, Tillicoultry, FK13 6RE

Mr Nicholas Ellis, 16 Hareburn Road, Tillicoultry, FK13 6DB

Miss Sarah Barnes, 34 Moss Road, Tillicoultry, FK13 6NS

Mr Allen Goldie, 37 Union Street, Tillicoultry, FK13 6DE

Dr Clare Wilson, 28 Upper Mill Street, Tillicoultry, FK13 6BE

APPENDIX 2 – LIST OF APPROVED PLANS

Drawing No	Title
L(00) 001	Proposed Site Plan
L(00) 010	House Type A – Plans & Elevations
L(00) 011	House Type B – Plans & Elevations
L(00) 012	House Type C – Plans & Elevations
L(00) 013	House Type D – Plans & Elevations
L(00) 014	House Type E – Plans & Elevations
L(00) 100	Street Elevations 01
L(00) 101	Street Elevations 02
L(13) 100	Proposed Floor Levels
L(90) 002	Location Plan
L(90) 100	Landscaping Plan
L(90) 200	Phasing Plan
15517B/21/001	Flood Mitigation Proposals Initial Model Results Flood Alleviation Report Flood Risk Update