

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION

Applicant

Mrs Gillian Irvine
11 Ellistoun Drive
Tillicoultry
Clackmannanshire
FK13 6NT

Agent

Adele Ellis
The Toll House
Upper Yetts O'muckhart
Clackmannanshire
FK14 7JU

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Erection Of House And Driveway - Application for the Removal of Planning Conditions 5 and 6 of Planning Application 05/00366/FULL.

11 Ellistoun Drive, Tillicoultry, Clackmannanshire, FK13 6NT,

In accordance with your application and plans Ref. No:- 09/00282/FULL dated 1st December 2009

For the following reasons:-

1. The application if approved would allow the proposed new house to be occupied without adequate access road arrangements to serve it, and planning permission would not have been granted for the house in the absence of a package of road improvements being in place. The application is therefore contrary to Policy RES 4 of the Clackmannanshire Local Plan 2004 and the related Supplementary Advice Note, SAN 2.
2. The reasons for the conditions are valid and there are no material changes in circumstances to indicate that they should otherwise be removed or in any other way varied.

Dated

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SERVICES

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NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.
3. Section 59 Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
 - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
 - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition, in respect of the proposed development, or to grant permission for approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to:-

The Head of Administration and Legal Services
Clackmannanshire Council
Greenfield
Alloa FK10 2AD

6. The Notice of Review form is available to download on the Council website at www.clacksweb.org.uk. Alternatively, send an e-mail with your name and address to development_services@clacks.gov.uk and we will arrange to send a form to you.

Notification of Initiation of Development

7. Once it has been decided on the date to start work on the development to which this permission relates, the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Intention of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control. The notification must include:-

- (i) The date on which the development is likely to commence.

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- (ii) The full name and address of the person intending to carry out the development.
- (iii) The full name and address of the landowner if they are a different person.
- (iv) The full name and contact address/details of the site agent or other person appointed to oversee the development.
- (v) The reference number and date of issue of the planning permission.

Notification of Completion of Development

8. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase.

Display of Notice while Development is carried out

9. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-

- (i) The location of the development.
- (ii) Any conditions attached to the planning permission.
- (iii) The name and address of the developer.
- (iv) The date on which planning permission was granted.
- (v) The planning authority reference number.
- (vi) A description of the development.
- (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Development Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.

10. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
11. It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.

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