
Report to Planning Committee

Date of Meeting: 8th September 2022

Subject: Appeals update

Report by: Grant Baxter, Principal Placemaking Officer

1.0 Purpose

- 1.1. This report updates Members on matters in relation to two recent planning appeals.

2.0 Recommendations

- 2.1. This report is for noting only.

3.0 Considerations

3.1. Sauchie West appeal

- 3.2. Members will be aware of the Notice of Intention issued on 15th June 2022 by the Reporter in respect of the appeal by Allan Water Homes against the Council's refusal of the application for the development of land for houses, school, associated pitches, open space, play provision, landscaping, roads, paths and other infrastructure at Branshill Road, Sauchie (Sauchie West – Ref: 10/00153/PPP). The Notice indicates the Reporter's intention to grant planning permission in principle subject to conditions, and following conclusion of a planning obligation to secure contributions towards primary school infrastructure and public art. The obligation would also cover masterplanning, design statement, phasing, transport assessment and any consequential financial contributions that may be required as well as delivery of a roundabout, parkland and play areas and future maintenance. The Reporter concluded that there was no requirement for affordable housing or secondary education provision.

- 3.3. The Reporter has concluded that whilst a contribution towards primary school infrastructure is required, it is not necessary for the appellant to provide a new primary school as this would not fairly and reasonably relate in scale and kind to the development. The Reporter concluded that the only education contribution required should be based on the cost of an extension to the existing (Craigbank) primary school, however that land should still be safeguarded on the application site for a new school, should the Council

conclude that this is in fact required, instead of extend Craigbank Primary School. This matter would also form part of the planning obligation.

- 3.4. The Reporter provided a period of 16 weeks from the date of the Notice of Intention for the planning obligation to be completed and registered or recorded.
- 3.5. Since receiving the Notice of Intention, officers from Planning, Housing, Education, Property and Legal Services have been meeting regularly to review the Reporter's Notice and agree actions. As two outcomes of this work, a surveyor has been appointed to survey Craigbank Primary School and provide advice on the specification and cost of the required extension.
- 3.6. Officers also have a number of questions regarding the Reporter's conclusions and how these have been arrived at in respect of affordable housing, education contributions, the process for agreeing contributions and the timescale for concluding the planning obligation. As such, a letter has been sent to the Reporter raising these questions. This has been acknowledged and a full response is awaited.
- 3.7. Alloa Park appeal
- 3.8. The Council has received the Reporter's decision, dated 22 August 2022, on an appeal by Allan Water Homes against the Council's refusal of the application for residential development of 91 houses with associated infrastructure and landscaping; and the relocation and provision of two new rugby pitches with associated drainage and infrastructure at Phase 9, Alloa Park, south of, Forth Crescent, Alloa (ref: 21/00107/FULL). The Reporter has allowed the appeal and granted planning permission.
- 3.9. The application was refused by the Planning Committee at its meeting of March 2022, contrary to officers' recommendations for the following reasons:
 1. The Council does not consider that there has been sufficient detailed technical analysis of, or measures to prevent, the potential for the proposed development to cause flooding and drainage issues for adjoining land and property, including the St. Mungo's Primary School site and adjacent existing houses.
 2. The Council does not consider that there has been sufficient detailed technical analysis of, or measures to prevent, the potential for areas within the proposed development, including Alloa Rugby Club facilities, communal open spaces and private gardens, to be detrimentally affected by flooding and drainage issues that have affected previous phases of development at Alloa Park.
 3. The proposed development will result in schools within the catchment area of the development being at full capacity, with no proposed mitigation to address impacts on the school estate.
- 3.10. The Reporter concluded that the principle of the development complies with the provisions of the local development plan, and that matters in relation to flooding and drainage also comply with the relevant provisions of the LDP. The Reporter also concluded that development would not adversely impact on

infrastructure and local services, including education. The Reporter granted planning permission subject to 9 No. Conditions.

4.0 Sustainability Implications

4.1. None

5.0 Resource Implications

5.1. Financial Details

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

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

6.0 Exempt Reports

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

7.0 Declarations

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

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

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".

None

11.0 Background Papers


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

Yes (please list the documents below) No

Author(s)

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Approved by

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