



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Planning Committee

Thursday 31 October 2024 at 9.30 am

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



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.

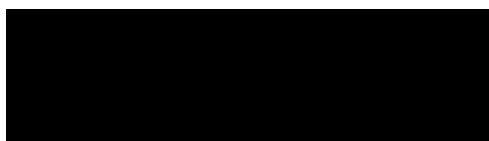
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23 October 2024

A MEETING of the PLANNING COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on THURSDAY 31 October 2024 at 9.30 AM



**KEVIN WELLS
Strategic Director (Place)**

B U S I N E S S

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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 from the Planning Committee on 2 May 2024 (Copy herewith)	05
4. Application for Approval of Reserved Matters (Ref 24/00031/MS) - Residential Development of 51 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage And Associated Works (Phase 1b) at Land At Branshill, Branshill Road, Sauchie – report by Keith Johnstone, Principal Planner (Copy herewith)	09
5. Street Naming Report for Development of Land at Branshill, Branshill Road, Sauchie – report by Grant Baxter, Planning & Building Standards Team Leader (Copy herewith)	33
6. Unauthorised change in use of land to use for storage including the storage of 2 Steel Shipping Containers, 2 No Mechanical Diggers and storage/parking of multiple Motor Vehicles, and installation of heras type mobile fencing to enclose the Site at Land to the North of Alexandra Street (A908) and West of Devonpark Mill Access Road, Devonside, Tillicoultry – report by Keith Johnstone, Principal Planner (Copy herewith)	43

Planning Committee – Committee Members (Membership 10 – Quorum 4)

Councillors

Wards

Councillor	Denis Coyne (Chair)	5	Clackmannanshire East	CONSERVATIVE
Councillor	William Keogh (Vice Chair)	2	Clackmannanshire North	LABOUR
Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Mark McLuckie	1	Clackmannanshire West	LABOUR
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONSERVATIVE
Councillor	Fiona Law	2	Clackmannanshire North	SNP
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP
Councillor	Bryan Quinn	4	Clackmannanshire South	SCOTTISH GREEN
Councillor	Kenneth Earle	4	Clackmannanshire South	LABOUR



**MINUTES OF MEETING of the PLANNING COMMITTEE held in the COUNCIL CHAMBER,
KILNCRAIGS, ALLOA, on THURSDAY 2 MAY 2024 at 9.30 AM.**

PRESENT

Councillor Denis Coyne (Convener)
Councillor William Keogh (Vice Convener)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Phil Fairlie
Councillor Fiona Law
Councillor Mark McLuckie
Councillor Jane McTaggart
Councillor Bryan Quinn

IN ATTENDANCE

Grant Baxter, Planning and Building Standards Team Leader
Keith Johnstone, Principal Planner
Lee Robertson, Senior Manager, Legal and Governance (Clerk to the Committee)
Melanie Moore, Committee Services, Legal and Governance (Minute)
Gillian White, Committee Services, Legal and Governance

PLA(24)01 APOLOGIES

None.

PLA(24)02 DECLARATIONS OF INTEREST

None.

**PLA(24)03 CONFIRM MINUTES OF THE LOCAL REVIEW BODY HELD ON 22 MAY
2023**

The minutes of the Local Review Body held on Thursday 22 May 2024 were submitted for approval.

Decision

The minutes of the Local Review Body held on Thursday 22 May 2024 were agreed as a correct record and signed by the Chair.

**PLA(24)04 CONFIRM MINUTES OF THE PLANNING COMMITTEE HELD ON 28
SEPTEMBER 2023**

The minutes of the Planning Committee held on Thursday 28 September 2023 were submitted for approval.

Decision

Subject to the amendment, the minutes of the Planning Committee held on Thursday 28 September 2023 were agreed as a correct record and signed by the Chair.

PLA(24)05 PLANNING APPLICATION

Application for Approval of Reserved Matters ref: 23/00219/MSC – Approval Of Matters Specified in Conditions related to 10/00153/PPP For Site Masterplan (Conditions 3 and 5a) Including Land For Houses Open Space, Play Provision, Landscaping, Roads, SUDS And Other Infrastructure And Option Of Land For School, Land At Branshill, Branshill Road, Sauchie.

The report, submitted by Keith Johnstone, Principal Planner, provided an assessment of this application which is a Matters Specified in Conditions (MSC) application for the approval of the Masterplan for the site granted planning permission in principle (PPP) on appeal on 16 May 2023 for houses, school and associated works on land west of Branshill Road, Sauchie. The assessment has had regard to the terms of the PPP and associated Section 75, the provisions of the Development Plan and other material considerations, including advice from consultees and representations received from third parties.

Attending

Gavin Lloyd, Agent (Bracewell, Stirling)

The report was introduced by Keith Johnstone, Principal Planner. Members of the Planning Committee had the opportunity to put questions to Mr Johnstone.

Motion

That Committee approves the application subject to the conditions and reasons set out in the report.

Moved by Councillor Denis Coyne. Seconded by Councillor Jane McTaggart.

Decision

The Committee agreed unanimously to approve the application subject to the conditions and reasons set out in the report.

Action

Principal Planner

PLA(24)06 PLANNING APPLICATION

Application for Approval of Reserved Matters ref: 23/00182/MSC – Residential Development of 157 Houses with Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage And Associated Works (Phase 1) at Land At Branshill, Branshill Road, Sauchie.

The report, submitted by Keith Johnstone, Principal Planner, provided an assessment of this application which is a Matters Specified in Conditions (MSC) application for the construction of 157 houses with associated roads, footpaths, drainage and landscaping on land which was granted Planning Permission in Principle (PPP) on appeal on 16 May 2023. The assessment has had regard to the terms of the PPP, the provisions of the Development Plan and any other material considerations, including advice from consultees and representations received from a third party.

Attending

Gavin Lloyd, Agent (Bracewell, Stirling)

The report was introduced by Keith Johnstone, Principal Planner. Members of the Planning Committee had the opportunity to put questions to Mr Johnstone.

Motion

That Committee approves the application subject to the conditions and reasons set out in the report.

Moved by Councillor Denis Coyne. Seconded by Councillor Kenneth Earle.

Decision

The Committee agreed unanimously to approve the application subject to the conditions and reasons set out in the report.

Action

Principal Planner

The Convenor adjourned the meeting at 11.09 am for a comfort break before the next item of business. The meeting resumed at 11.19 am with 10 members present.

Councillor Quinn left during the next item (11.47am)

PLA(24)07 PLANNING APPLICATION

Planning Application ref: 24/00001/FULL – Installation And Operation of A 25MW Battery Energy Storage System (BESS) Including Battery Storage Containers And Associated Inventers, Transformers, Substations, Security Fencing, CCTV, Landscaping, Drainage And Access Onto B9140 – Land At Bankhead Farm South Of Twentyfive Acre Wood, Fishcross, Clackmannanshire.

The report, submitted by Grant Baxter, Planning and Building Standards Team Leader, provided an assessment of and makes a recommendation on the above noted planning application. The application requires to be determined by the Planning Committee as, due to the site area, it falls into the “Major” category of developments.

Motion

That Committee approves the application subject to the conditions and reasons set out in the report.

Moved by Councillor Denis Coyne. Seconded by Councillor William Keogh.

Amendment

To add an additional condition that 1% of the development value will be set aside for the provision of either on site or off site public art.

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

During debate on the amendment it was agreed to delegate to the officers the responsibility to discuss the opportunity to provide a contribution to public art with the developer. Therefore both Councillor Balsillie and Councillor Benny agreed to withdraw their amendment.

Decision

The Committee agreed unanimously to approve the application for the reasons set out in the report.

The Planning and Building Standards Team Leader has delegated approval to discuss the opportunity to provide a contribution to public art with the developer.

It was also agreed that an Informative Note would be added to the Decision Notice to ask the developer to extend the scope of the Noise Impact Assessment to include an assessment of any potential adverse impact from operational noise from the development on wildlife and livestock including horses.

Committee also asked that the developer be asked to provide evidence of any bond arrangements that will be in place between the developer and the landowner to guarantee that the site will be restored to its original condition in the event that the developer is unable to do so.

Action

Planning and Building Standards Team Leader

Ends: 12.09 pm

Report to Planning Committee

Date of Meeting: 31st October 2024

Subject: Application for Approval of Reserved Matters (Ref 24/00031/MSC) - Residential Development Of 51 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage And Associated Works (Phase 1b) at Land At Branshill, Branshill Road, Sauchie

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. The Report provides an assessment of the above application which is a Matters Specified in Conditions (MSC) application for the construction of 51 houses with associated roads, footpaths, drainage and landscaping on part of an area of land which was granted Planning Permission in Principle (PPP) on 16th May 2023 for residential development following an appeal to Scottish Ministers. The assessment has had regard to the terms of the PPP, the provisions of the Development Plan and any other material considerations, including advice from consultees. It provides a recommendation on the application.
- 1.2. The application has been referred to Committee for decision making as the proposed number of houses exceeds the threshold for a local development (50 or more) and therefore the application cannot be determined under the Council's Scheme of Delegation.

2.0 Recommendations

- 2.1. The application is considered to satisfy the requirements of the related PPP and comply with the relevant provisions of the Development Plan and it is concluded that there are not any material considerations which would justify withholding permission. It is therefore recommended that the application is APPROVED subject to the following conditions:-
1. The development hereby approved shall be implemented in accordance with the plan(s) and documents approved as part of this application, and the conditions and requirements of the Planning Permission in Principle Ref 10/00153/PPP, unless otherwise agreed in writing by the planning authority.

2. The following details in the Transport Assessment by DBA dated March 2024 have still to be approved;
 - i) the finalised scope and design of the proposed measures to mitigate the impact of the development on the capacity and safety of the surrounding road network.
 - ii) the finalised routes and designs of the off site Active Travel Improvement Works, including the links between the site and Craighbank Primary School, and to Sauchie and Alloa town centres including the National Cycle Route 767 where it meets the A908 and along Branshill Road leading to Parkhead Road.
 - iii) the details of the design and specification of works to upgrade the condition of the existing private road located on the east side of the site which connects Ten Acres and the B908 to an active travel route, or an alternative arrangement to provide the link.
 - iv) the details within the Travel Plan, including the Residential Travel Pack
 - v) the timetable and arrangements for implementation of the works approved in i) to iv) above.

Before any construction works start on site, the details to address the above points shall have been submitted to and approved in writing by the planning authority.

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

3. Prior to construction works commencing on site, the following details shall have been submitted to and approved in writing by the planning authority;
 - a) Details of the design, specification, drainage and arrangements for future ownership and maintenance of the footpath annotated on the approved Site Layout Plan between Plots 47 and 48 which would connect the public road to the tree belt to the north of the site.
 - b) Details of existing and finished ground levels and finished floor levels, in relation to a fixed datum (preferably Ordnance Survey) and including levels immediately adjacent to the site.
 - c) An assessment of the risk of flooding to houses from surface water (overland flow) during design storm conditions, prepared by a suitably qualified person.
 - d) An assessment of the risk of groundwater flooding within and adjacent to the site, prepared by a suitably qualified person.
 - e) A detailed specification for the drainage details including SUDs specification, materials and planting and arrangement for ongoing maintenance.

Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed by the planning authority.

4. The development shall be implemented in accordance with the Best Practice Measures to Safeguard Otters and Badgers during construction activities as set out in the Conclusions Section of the Preliminary Ecological Appraisal Report by Acorna Ecology Ltd dated April 2023.
5. The development shall be implemented in accordance with the assessment and recommendations set out in the Tree Survey Report, Arboricultural Impact Assessment Including Tree Protection Plan prepared by Julian Morris Professional Tree Services dated January 2024 and in accordance with the requirements of BS 5837(2012). This shall include the provision of protective fencing along the south boundary of the existing tree belt which shall be inspected by a representative of the Council before construction works commence on site and shall remain in place for the duration of the construction work within each respective phase.
6. The houses hereby permitted shall not be occupied until:

a) any remediation works approved as part of the Remediation Strategy report by Fairhurst dated July 2024 (document number 155955/GL/RS/R02) shall have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with part 1 (b, c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Planning Authority and fully implemented thereafter;

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the Planning Authority. Such report shall include:

- i) details of the remediation works carried out and
- ii) results of verification sampling, testing and monitoring and
- iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

If during the development work, areas of contamination are encountered, then the applicant shall immediately notify the Planning Authority. The nature and extent of any contamination found shall be fully assessed by way of a site investigation and an adequate site investigation report and remediation strategy shall be submitted to and approved by Planning Authority in writing. Any remediation work agreed shall be fully implemented and a remediation verification report submitted to and approved in writing by the Planning Authority.

7. Before any development commences on site, details of a Construction Environmental and Traffic Management Plan shall have been submitted to and approved in writing by the planning authority. The Plan shall include;
 - a) Details of the proposed phasing and predicted timescales for implementation of the development in relation to Phases on neighbouring

land, including arrangements to minimise the potential impacts of the most intrusive operations on the surrounding area.

b) Measures to minimise the risk of nuisance from noise, vibration, dust, external lighting and litter generated during the construction phase, including potential impacts on the amenity of nearby residents and wildlife interests. This shall include consideration of the deployment of control of sediments and oil pollution, during the construction period and measures to avoid any adverse impacts on the woodland areas adjoining the site.

c) Arrangements to regulate plant operation, activity and vehicle movements on site. Operations or vehicle movements or loading and unloading from which noise is audible at the nearest noise sensitive premises shall only be carried out between 0800 and 1800 hours Monday to Friday and 0900 and 1400 hours on Saturdays, and shall not be carried out at any time on Sundays without the prior agreement in writing of the Planning Authority.

d) The arrangements to minimise and mitigate the environmental and road and pedestrian safety impacts of HGV delivery movements travelling to and from the site.

e) The location, size and layout of the site compound and setting down/ materials storage areas to serve the development and the arrangements to accommodate and manage off street parking demand for operatives working on the site.

f) Details of the arrangements to communicate and liaise with neighbouring residents and landowners and manage site related impacts during the construction period.

Thereafter, the construction works shall be implemented and completed in accordance with the approved Construction Environmental and Traffic Management Plan, unless otherwise agreed in writing by the planning authority.

For the Following Reasons

1. To retain effective control over the development.
2. In the interests of sustainable travel and road and pedestrian safety.
3. Insufficient details have been submitted with the application and to ensure the risks from all potential sources of flooding have been satisfactorily addressed.
4. To ensure that local habitat and species are protected during construction and post development.
5. In the interests of visual amenity and to minimise any impact on the biodiversity value of the woodland and trees.
6. To ensure that any ground contamination that may be present is subject to appropriate remediation measures as specified and undertaken, to ensure the health and safety of future occupants of the proposed development as well as construction workers and others.
7. To help safeguard the amenity of the area during the construction phases of the development.

2.2 Note to Applicant - Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See Section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

2.3 Reasons for Decision

1. This is a Matters Specified In Conditions (MSC) application which follows the granting of Planning Permission in Principle (PPP) (ref 10/00153/PPP) for development of land for houses, school and associated works on a site allocated for such uses in the adopted LDP. It would comprise implementation of one of the phases of a long-standing LDP housing proposal site.
2. Subject to the proposed conditions, the application is considered to accord with the requirements of the PPP and associated Section 75 Obligations and the relevant policies of the Clackmannanshire Development Plan, comprising NPF4 and the adopted Clackmannanshire LDP.
3. Subject to the proposed conditions, the issues raised by consultees can be satisfactorily addressed or are not judged to provide sufficient or reasonable grounds to withhold permission.
4. The proposed development is considered to deliver a suitable quality of development in terms of layout and design, placemaking, environmental impacts and standards of amenity and positively contribute to the development of the overall site which has PPP.
5. On balance, it is considered there are no other material considerations which would outweigh the development plan support for the development and justify withholding permission.

Approved Plans and Reports

4043-01-004	LOCATION PLAN
4043-01-201 F	REVISED PHASE 1B SITE
4043-01-205 B	REVISED FINISHES AND BOUNDARIES
4043-01-111 C	ILLUSTRATIVE MASTERPLAN
4043-01-112 A	ILLUSTRATIVE MASTERPLAN 2
4043-01-202	SECTION A-A AND B-B
4043-01-203	SECTION C-C AND D-D
4043-02-600	URBAN CORRIDOR -
4043-02-601	URBAN CORRIDOR -
4043-02-602	URBAN CORRIDOR -
4043-02-603	URBAN CORRIDOR - FOOTPATHS THROUGH OPEN SPACE.
4043-02-604	URBAN CORRIDOR - FOOTPATH TO EXISTING WOODLAND
466-16-10B	LANDSCAPE STRATEGY - REV B
51-129-01B	LANDSCAPE PROPOSALS - SHEET 1 OF 3
51-129-02C	LANDSCAPE PROPOSALS - SHEET 2 OF 3

51-129-03B	LANDSCAPE PROPOSALS - SHEET 3 OF 3
132068/9002 B	COMPOSITE SITE
148227/9004 A	INDICATIVE MINERAL INSTABILITY ZONES
154223/9002 A	COMPOSITE SITE PLAN - CONSOLIDATION OF MINE WORKINGS
154223/9003 A	CONSOLIDATION LAYOUT OVERVIEW
S-PH1-2-ROBC	ROUTE OF BUILD SITE LAYOUT PHASE 1A AND !B.
S450-P5	2023 LYNWOOD HOUSE TYPE STONE AS
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S450-P6	2023 LYNWOOD HOUSE TYPE STONE OPP
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S455-P6DA	2023 BELLWOODDA HAZELWOOD HOUSE TYPE STONEOPP.
S457-P1	2023 EASTWOOD HOUSE TYPE FLOOR PLANS
S457-P1DA	2023 EASTWOODDA FERNWOOD HOUSE TYPE PLAN
S457-P2	2023 EASTWOOD HOUSE TYPE ELEVATION STONE
S457-P2DA	2023 EASTWOODDA FERNWOOD HOUSE TYPE ELEVATION
S457-P4	2023 EASTWOOD HOUSE TYPE FLOOR PLANS
S457-P4DA	2023 EASTWOODDA FERNWOOD HOUSE TYPE PLAN
S457-P5	2023 EASTWOOD HOUSE TYPE ELEVATION STONE OPP
S458-P6DA	2023 BURLWOODDA MAPLEWOOD HOUSE TYPE STONE
S459-P1	2023 CHERRYWOOD HOUSE TYPE FLOOR PLANS AS
S459-P1DA	2023 CHERRYWOODDA GREENWOOD HOUSE TYPE PLANS
S459-P4	2023 CHERRYWOOD HOUSE TYPE FLOOR PLANS OPP
S459-P4DA	2023 CHERRYWOODDA GREENWOOD HOUSE TYPE OPP
S459-P7	2023 CHERRYWOOD HOUSE TYPE ELEVATION STONE
459-P7DA	2023 CHERRYWOODDA GREENWOOD HOUSE TYPE ELEVATIONS
S459-P8	2023 CHERRYWOOD HOUSE TYPE ELEVATION STONE OPP
S459-P8DA	2023 CHERRYWOODDA GREENWOOD HOUSE TYPE ELEVATION STONE OPP
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S465-P4DA	2023 SANDALWOODDA CEDARWOOD HOUSE TYPE PLANS
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S465-P8	2023 SANDALWOOD HOUSE TYPE ELEVATION STONE AS.
S465-P8DA	2023 SANDALWOODDA CEDARWOOD HOUSE TYPE ELEVATIONS.
S551-P1	2023 ALFORD HOUSE TYPE FLOOR PLANS AS
S551-P4	2023 ALFORD HOUSE TYPE FLOOR PLANS OPP
S551-P7	2023 ALFORD HOUSE TYPE ELEVATIONS STONE AS
S551-P8	2023 ALFORD HOUSE TYPE ELEVATIONS STONE OPP
S553-P5	2023 HAZELFORD HOUSE TYPE STONE AS
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S553-P6	2023 HAZELFORD HOUSE TYPE STONE OPP
S553-P6DA	2023 HAZELFORDDA HARFORD HOUSE TYPE STONE OPP

Revised Remediation Strategy, July 2024 - 155955/GL/RS/R02

Archaeological Evaluation Written Scheme of Evaluation - Guard Archaeology
2023

Tree Survey Report, Julian Morris Jan 2024

3.0 **Considerations**

3.1. Background

- 3.2. The application relates to a further phase of residential development on land which was granted planning permission in principle (PPP) in May 2023 following an appeal to Scottish Ministers against the refusal by the Council. The application for PPP (Ref 10/00153/PPP) was for development of land for houses, school and associated works including open space, roads and landscaping on a site extending to approximately 53.0 Ha on mainly agricultural land immediately to the north west of Sauchie. The PPP approved up to 1,000 houses on the whole site.
- 3.3. The application site extends to approximately 2.3 Ha and comprises an area of land abutting Phase 1a to the east, the tree belt which encloses the PPP site to the north and the proposed spine road to the south. The spine road will serve the whole site as annotated on the approved Site Masterplan. The land within the site slopes down from north to south.
- 3.4. The proposal is for 51 houses which would form an extension to the approved house layout within Phase 1a. The applicant is Miller Homes and they will develop Phases 1a and 1b of the site. The site would be accessed from

extensions to the approved road layout within Phase 1a and from a short extension westwards of the spine road. This road will connect to the B908 from a new roundabout which was approved by application Ref 23/00182/MSc and which is under construction. 18 of the houses would front the spine road and the remaining houses would form an extension to the approved layout within Phase 1a and link into its road layout. The proposed houses would be a mix of detached and semi detached 2 storey buildings. Street frontages would also include individual tree planting and hedgerows within plots as approved within Phase 1a, and a landscaping strip included along the northern boundary of the site next to the existing tree belt.

3.5. Planning History

- 3.6. The site forms part of the large site which has been allocated for mainly residential development in the adopted Clackmannanshire LDP and previous Local Plans for over 13 years.
- 3.7. The applicant was granted PPP in May 2023 for development of land for houses, school and associated works following an appeal to Scottish Ministers against the Council's refusal of the application (Ref 10/00153/PPP). The PPP was granted subject to conditions and a Section 75 Obligation between the applicant and the Council.
- 3.8. The detailed design and layout (Matters Specified in Conditions application (MSC)) for the first phases of the development (Phases 1a and 2a) were approved by Planning Committee at its meeting on 2nd May 2024 (Ref 23/00182/MSc). The Committee also approved the details of the Masterplan for the overall development site (Ref 23/00219/MSc). The principle of the development has been established by the PPP which reflects the allocation in the LDP. This MSC application has to be assessed against its compliance with the conditions attached to the PPP (the Matters Specified in Conditions) applications and Masterplan and the Section 75 as well as the relevant provisions of the Development Plan and any other material considerations.
- 3.9. Two applications relating to Phase 2a to amend the house types approved by application 23/00182/MSc have also recently been approved under the Council's Scheme of Delegation. These comprised relatively minor changes to the house designs rather than to the layout to reflect the designs of the housebuilder who will be developing this part of the site. The applications were for 49 houses on Plots 72-118 and Plots 149-150 (Ref 24/00148/FULL) and 37 houses on Plots 119-148 and Plots 151-157.
- 3.10. The terms of the Section 75 Obligation are summarised in the Table in Appendix 1 to this report. The terms would not prevent the determination of this MSC application for Phase 1b.
- 3.11. Consultations
- 3.12. Transportation have no objections. They had highlighted a number of points most of which were related to issues also considered and regulated through the Road Construction Consent (RCC) process which they administer, as roads authority. These are summarised below;

- a) The number and distribution of visitor parking spaces within the site should be revised to ensure they are evenly spread throughout the site. Vehicle turning facilities designed to an adoptable standard should be provided within the site until the carriageway is extended to connect into the next phase of the development on the land to the west of the site. They would be removed once the road is extended.
- b) The roads drainage will be reviewed and approved as part of the RCC approval process.
- c) There should be no obstruction to the required visibility within the splays at road junctions. Any splays should be outwith any garden or private ground and should be offered for adoption as part of the public road.
- d) Garage doors should be a minimum distance of 5.5 metres to the rear of the footway.

Comment – the applicant has submitted additional information to address the above points and Transportation are now satisfied that the design would be satisfactory. These can be regulated by the RCC process and do not require to be regulated by planning conditions. The Section 75 Obligation regulates the arrangements to agree the design, specification and costs of the Off Site Transport Works which also will also be summarised in the Transportation Assessment. These details are being finalised at the time of compiling this Report. It is considered reasonable to include a planning condition which would regulate the commencement of development of Phase 1b until the specification of the works required by the Section 75 have been agreed in consultation with Transportation.

- e) The purpose of the footpath link from the site to the north boundary should be clarified. *Comment – this path would provide a link from this part of the site to the tree belt which runs along the north boundary of the site to provide access to the informal footpath network on the land which provides a link between the B908 in the east and the Core Path network to the west. Transportation has confirmed that this link would not be adopted by the roads authority. The applicant has confirmed that the path would be maintained by a factor and this arrangement is considered acceptable.*
- f) The applicant should demonstrate that no house is under risk of flood risk under design storm conditions from overland flow. This is usually achieved by ensuring the finished ground floor level of any house is sufficiently above other hard surfaces and garden areas. *Comment – this could be effectively regulated using a planning condition which would require additional information relating to flood risk from overland flow and groundwater to be submitted for approval to ensure the issues have been satisfactorily addressed.*

3.13. Environmental Health has not objected to the application. They have noted that the Air Quality Impact Assessment submitted with the application indicates that any impact on air quality would be insignificant, ranging between negligible for Nitrogen Dioxide to a slight impact for some particulate emissions. The Assessment is based on the houses being fitted with gas boilers but if this wasn't the case, the Assessment should be reviewed. The

report does not cover impacts during the construction phase. A Noise Impact Assessment to address the potential impact from noise from the B908 and the nearby builders' merchants operation would be required if the houses in Phase 1b were to be built before those in Phase 1a. This is due to the fact the houses in Phase 1a will act as a barrier to noise from these sources affecting Phase 1b. If the houses were to include ground or air source heat pumps instead of gas boilers, an assessment of potential noise impact should be provided. The construction activities should be regulated by a Construction and Environmental Management Plan (CEMP). Comment – *the houses are designed to have gas boilers. The Air Quality Assessment demonstrates that there would be no significant adverse impacts. The impacts on air quality associated with the construction phase are not considered to be significant and would be capable of being satisfactorily mitigated by the requirements of a CEMP to minimise the risk of emissions to air. The site is not close to existing potential sources of noise such as the B908 or commercial premises and development on Phase 1a will take place before or concurrently with this Phase. Therefore, it is considered that a Noise Impact Assessment would not be necessary. The environmental impacts and standards associated with the development are considered to be satisfactory. A condition can be attached to require a CEMP to be submitted and approved similar to the one approved for the previous phases to regulate the construction phase within this site.*

- 3.14. The Contaminated Land Section has raised no objection and have advised that they are satisfied that the pre commencement risk assessment required by Condition 5 f) of the PPP has been completed by the applicant to allow works to commence. Further details of the remediation strategy will be required before any houses can be occupied. Comment – *this can be included as a condition.*
- 3.15. Regional Archaeologist has no objection. He is satisfied that the pre development requirements for archaeological assessment required by the PPP (ref 10/00153/PPP) have been satisfactorily discharged by the applicant. Comment – *the applicant has undertaken an extensive archaeological assessment of the whole PPP site including Phase 1b in advance of MSC applications having been determined. This assessment has not identified any significant archaeological interests within the site.*
- 3.16. SEPA has advised that it has no objection to the proposed development and that they have no concerns around flood risk for the site. The site is considered to be outwith the flood risk area of the nearest watercourses. The proposed ground works are not considered to reduce the floodplain capacity in any way. Surface water run off would be a matter for the local authority to consider and not SEPA. Comment – *this advice is consistent with that provided for the previous phases of development at 1a and 2a. A condition would be attached which would require additional information relating to flood risk from overland flow and groundwater to be submitted for approval to ensure the issues have been satisfactorily addressed.*
- 3.17. The Coal Authority has advised that it has no objections. It has confirmed its advice following the submission by the applicant of additional information which demonstrates to their satisfaction that; ground consolidation works are not required within Phase 1b; and that this information satisfactorily addresses the requirements of Condition 5 of the PPP (ref 10/00153/PPP). Comment – *it*

is concluded that there are no outstanding issues related to risk from legacy coal mining associated with this application.

3.18. Scottish Water has no objections. They have carried out a capacity review and have advised that there is sufficient capacity to provide a public water supply and foul only connection to Alloa WWTW. The applicant will have to submit a Pre- Development Enquiry to Scottish Water before any technical application to connect can be submitted and Scottish Water will undertake a more detailed appraisal at that time. The cost of any mitigation works deemed necessary is to be met by the developer. Surface water will not be accepted into its combined sewer system. Comment – *the details submitted with the application shows that surface water would not be directed to the combined sewer.*

3.19 Publicity and Representations

3.20 There were no notifiable neighbours and the application had to be publicised in the Alloa Advertiser for neighbour notification reasons.

3.21 No representations or objections have been received in response to the publicity.

4.0 Planning Assessment

4.1 This is a MSC application and the principle of the development has already been established by the granting of PPP Ref 10/00153/PPP. The key considerations are its compliance with the terms of the PPP (see para 5.1.6 below) and the relevant provisions of the Development Plan which are discussed below.

4.2 The site is located within the settlement boundary of Sauchie as defined by the adopted LDP. It comprises part of the larger Housing Proposal Site H16 (Sauchie West) which allocates the land for residential development. During the Planning Appeal for the PPP application for the site, the Reporter had regard to relevant provisions of NPF4 before determining the Appeal, concluding there was no conflict between the NPF4 and the relevant LDP policies as they affect the assessment of the application.

4.3 The most relevant policy provisions of the Development Plan are considered to comprise;

4.4 NPF4 Policies

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 6 – Forestry, woodland and trees
- 7 – Historic assets and places
- 9 – Brownfield, vacant and derelict land and empty buildings
- 11 – Energy
- 13 – Sustainable transport
- 14 – Design, quality and place
- 15 – Local living and 20 minute neighbourhoods
- 16 – Quality homes
- 18 – Infrastructure first

- 19 – Heat and cooling
- 20 – Blue and green infrastructure
- 21 – Play, recreation and sport
- 22 – Flood risk and water management
- 23 – Health and safety

4.5 Clackmannanshire LDP Policies

- SC5 – Layout and design principles
- SC6 – Additional design information
- SC7 – Energy efficiency and low carbon development
- SC9 – Developer contributions
- SC10 - Education, community facilities and open spaces
- SC12 - Access and transport Requirements
- SC20 – Water and drainage infrastructure and capacity
- EA2 - Habitat networks and biodiversity
- EA7 – Hedgerows, trees and TPOs
- EA9 – Managing flood risk
- EA11- Environmental quality
- EA12 – Water environment
- EA25 - The development of brownfield, unstable and contaminated land

4.6 The development is on a site allocated for residential development within the settlement boundary as defined by the LDP. The development of the site is considered to contribute to local living and compact urban growth. The location and layout of Phase 1b does not contain any significant areas of landscaping, habitat creation or open space although these will be provided as part of the development of other phases within the PPP site. The property frontages will include sections of hedgerows and tree planting which would have a positive impact on nature recovery and compensate for the loss of 2 trees within the site. Houses would include electric vehicle charging facilities. The application is not considered to be contrary to the objectives of NPF4 Policy 1.

4.7 Policy 2 seeks to ensure development will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and be designed to be capable of adapting to current and future risks from climate change. On balance, it is considered that the objectives of this Policy would be achieved having regard to; the proposed design and layout which incorporates measures to ensure houses are energy efficient and benefit from passive solar gain; the selection of key materials from sustainable sources or which include recycled products; and the inclusion of photovoltaic roof panels to generate some renewable energy. The review of flood risk has taken account of predicted impacts due to climate change. The application is not considered to be contrary to the objectives of NPF4 Policy 2.

4.8 The site comprises land that was part of a field in agricultural use and this had a relatively low biodiversity value. The development would however require the removal of 2 small mature hawthorns which were remnants of a former hedge which extended towards the east boundary of the field. Approximately 35 trees would be planted along the street frontages and hedgerows would be planted to enclose front garden areas. Shrubs and trees would be planted along the north boundary of the site. A number of reports have been submitted to help assess the potential impact of the development on the

natural habitat interest within or adjacent to the site. These comprise; a Tree Survey Report including Arboricultural Impact Assessment and Tree Protection Plan (Jan 2024); an Arboricultural Constraints Report (May 2023); a Preliminary Ecological Appraisal Report (April 2023) and a Landscape and Visual Impact Assessment (June 2023). The information in the reports indicate that; the habitat and biodiversity value of the land within Phase 1b is low; there was no evidence of protected species within the site; and that the development would not have any significant adverse impact on existing trees within the tree belt next to the northern boundary of the site; while the 2 hawthorns that have to be removed within the site do not make a significant contribution to the area due their size and isolated nature and their loss would be outweighed by the contribution from the proposed planting within the site. The proposed layout and site levels would complement the landscape strategy for the PPP site approved as part of the Masterplan details.

- 4.9 Policies 3, 6, 20, EA2 and EA7 seek to protect and enhance natural habitats, species, nature networks, trees and hedgerows and landscape quality. It is concluded that the proposed development would not be contrary to these Policies given the absence of any significant adverse impacts associated with the proposed development on the site and the net benefit that would be achieved from the replacement planting that would be undertaken.
- 4.10 Policies 13 and SC12 provide support for developments which; improve or enhance active travel infrastructure including suitable links to local facilities; are compatible with the sustainable travel hierarchy; are accessible by public transport; provide vehicle charging points; incorporate safe crossing points and measures to reduce vehicle speeds; and mitigate any impact on local public access routes. Proposals which generate large numbers of trips should be supported by a Transport Assessment (TA) and Travel Plan. The proposed development is essentially an extension to Phase 1a which along with Phase 2a was approved in May 2024. The proposed layout and infrastructure is considered to be compatible with sustainable travel hierarchies and support active travel trips within the site and would connect with active travel paths to be created through the PPP site and to informal paths to the north of the site. Transportation have no objections to the proposed road and street design and the details will be regulated through the Road Construction Consent process which they administer. The road layout, which includes sections of shared road to encourage lower vehicle speeds, is considered to support placemaking principles including making streets attractive to all users and not weighted in favour of the private car. Overall, the proposed layout is considered to be acceptable. The Section 75 Obligation links development on the site to the agreement and delivery of off site transport infrastructure works mainly focused on delivering suitable active travel routes between the site and Craigbank Primary School and towards Sauchie and Alloa town centres but also improvements to the capacity of the junctions where Fairfield Road meets Parkhead Road and at the existing roundabout where the B908 meets the A908. At the time of compiling this Report, the final scope of these off-site works had still to be agreed by the Council. Although the delivery of the works is regulated by the terms of the Section 75 Obligation which covers the specification, costing and phasing of the off site infrastructure works, it is considered that a condition should also be attached if permission is granted for this application to tie implementation of any permission to the approval of the off-site works. Subject to such a condition, and the terms of the Section

75, it is concluded that the application would not be contrary to Policies 13 and SC12.

- 4.11 Policies 14, SC5 and SC6 seek to ensure developments are designed to high standards and are consistent with the 6 qualities of successful places set out in NPF4 and Designing Places and Designing Streets Guidance. The application has been supported by a number of documents which demonstrate how the layout and site design would be consistent with the 6 qualities. This includes a Design and Access Statement, illustrations of the hierarchies of streets and footpath links, Landscape Strategy and Open Space and SUDs Strategy. The amended layout is considered to respond positively to the policy requirements having regard to the topography of the site, the terms of the Masterplan approved by the previous application Ref 23/00219/MSC, the design and layout approved for Phases 1a and 2a (Ref 23/00182/MSC), and the access arrangements. It is considered that the application is not contrary to Policies 14, SC5 and SC6.
- 4.12 Policy 15 supports the delivery of development which accords with the principle of local living. Phase 1b would form part of the wider development where it is considered that the proposed internal layout and path network and the improvements to active travel routes outwith the site which would be delivered by the development would allow residents to meet the majority of their daily needs within a reasonable distance of their homes including by walking, wheeling and cycling. Policy 16 seeks to support the delivery of more quality sustainable homes in the right locations. The Policy supports proposals like this one for new homes on land allocated for housing in the LDP. PPP has been granted for residential development on the site and the decision making process considered potential impacts of the development on; housing need; affordable housing; local infrastructure facilities and services; the residential amenity of the area; and the objectives of local living. The terms of the PPP decision inform the detailed proposals for individual phases. The application is considered to accord with the requirements of the PPP. The application is not considered to be contrary to Policies 15 and 16.
- 4.13 It is considered that the proposed development has been satisfactorily designed to promote sustainable development and contribute to a reduction in greenhouse gas emissions to heat the buildings and water. The layout has been designed to maximise solar gain and insulation, glazing and air tightness within the buildings will meet the latest building regulations while houses will be fitted with PV panels to provide an element of renewable energy production and electric vehicle charges will be installed to each house. A site waste management plan will be employed. The application is not considered to be contrary to Policies 11, 19 and SC7.
- 4.14 Policies 18 and SC9 seek to ensure development is served by suitable infrastructure and any impacts are adequately mitigated by the developer. The infrastructure impacts have been addressed as part of the determination of the application for PPP (Ref 10/00153/PPP). When determining the appeal, the Reporter concluded that the impacts of the development on infrastructure would be properly and sufficiently mitigated subject to the requirements of the Section 75 Obligation and planning conditions. The requirements are summarised in the Table in Appendix 1 to this report and cover contributions towards off site transport infrastructure works, education capacity and public art. The Section 75 sets out the arrangements for approval of any details and

the payment of the contributions on a phased basis as phases of development progress. This will be kept under review by the Service to monitor progress. Subject to the proposed conditions, the application is not considered to be contrary to these Policies.

- 4.15 Policies 21 and SC10 support development which will provide well designed and good quality provision for play and recreation for young people and which can be easily and safely accessed. Such facilities will be provided in adjoining phases which will be accessible from houses in Phase 1b. The layout would link with footpath network through the site and with informal paths on surrounding land which provides access to surrounding woodlands and countryside. The application is not considered to be contrary to Policies 21 and SC10.
- 4.16 Policies 22 and EA9 seek to ensure development is not at an unacceptable risk of flooding or will not result in an unacceptable increase on flood risk elsewhere. Policies 20, EA12 and SC20 require development to; protect and where possible enhance the water environment; manage surface water by SUDs which should integrate with and where possible enhance blue - green infrastructure; and provide a Drainage Impact Assessment where appropriate. SEPA has advised that it has no objection to the development on flood risk grounds. The surface water drainage would connect with the system serving the phases previously approved and the design is considered to deliver amenity and biodiversity improvements as well as manage water quantity and water quality issues. The Council's Flooding Officer has advised that further information is required to demonstrate that the potential flood risk from surface water run off (overland flow) during design storm events, and from groundwater, has been satisfactorily addressed including in relation to site layout and the relationship between the ground floor finished floor levels and surrounding land and roadways. It is considered that these issues could be effectively regulated using suitably worded conditions. Subject to these conditions, the application is not considered to be contrary to Policies 20, 22, EA9, EA12 and SC20.
- 4.17 Policies 23 and EA11 seek to ensure development will not result in any unacceptable impact on environmental quality such as from noise or odours or light pollution. As discussed in paragraph 3.13 above, it is concluded that the development on Phase 1b would not result in any unacceptable adverse impacts on the environmental quality of the area and that the houses would enjoy a satisfactory standard of amenity, including in relation to noise impacts. The application is not considered to be contrary to Policies 23 and EA11.
- 4.18 The archaeological assessment has not identified any issues of significance and the Regional Archaeologist has no objections based on the investigations already undertaken. The application is not considered to be contrary to Policy 7.
- 4.19 The site includes areas of land identified by the Coal Authority as being at higher risk from legacy mining issues. The applicant has submitted a Coal Mining Risk Assessment and the Coal Authority has confirmed it is satisfied that the potential risks from legacy mining have been satisfactorily addressed and there would be no mitigation measures required to accommodate the development in Phase 1b. The Contaminated Land Section has raised no objection and a condition would be attached to regulate the submission of a

Remediation Statement which will have to be approved before the occupation of any houses. Subject to this condition, the application is considered to accord with Policy 9 and EA25.

- 4.20 In summary, subject to the proposed conditions, it is concluded that the development would accord with the provisions of the Development Plan.

5.0 Other Material Considerations

- 5.1 A number of other material considerations have been identified which have also informed the assessment of the application. These are summarised below;
- 5.2 The principle of the development has been established by the granting of PPP (ref 10/00153/PPP). The current application has to be assessed against its compliance with terms of the PPP, including the conditions and Section 75.
- 5.3 Having regard to the advice received from consultees, it is considered that subject to the proposed conditions, and taking cognisance of the requirements of the Section 75 and conditions attached to the PPP, their responses would not justify withholding permission.
- 5.4 There have been no representations or objections received from third parties on the application.
- 5.5 The development is considered to be compatible with neighbouring land uses and development and would not adversely affect the established standards of amenity in the area.
- 5.6 The proposed development is considered to accord with the relevant advice published in the Council's Supplementary Guidance relating to; 3 – Placemaking; 4 – Water; 6 – Green Infrastructure; and 7 – Energy Efficiency and Low Carbon Development.
- 5.7 As an MSC application, the proposal must principally be assessed in relation to the compliance with the conditions of the PPP. Our assessment has concluded that the applicant has satisfactorily demonstrated that the proposals would accord with the relevant requirements of the conditions attached to the PPP (Ref 10/00153/PPP) and the terms of the Section 75.
- a) Condition 1 – Duration of permission – *the PPP is extant*
 - b) Condition 2 – Maximum of 1000 houses – *this would increase the total number of houses with detailed approved to 208.*
 - c) Condition 3 – Before construction commences details to be approved as MSCs – *the application addresses this condition.*
 - d) Condition 4 – specified information to be submitted as MSC – *the application accords with this.*
 - e) Condition 5 requires the following details:
 - i. Masterplan for PPP site – *this has previously been approved by MSC application 23/00219/MS.*

- ii. Phasing Plan – *this has been submitted and approved under Ref 23/00219/MS. The applicant has submitted details to show the proposed development would accord with the approved details.*
- iii. Flood Risk Assessment - *this has been submitted and SEPA has confirmed it has no objections and the site is not at risk from fluvial flooding. A condition would be attached to require further details to demonstrate any risks from surface water run-off and groundwater had been satisfactorily addressed.*
- iv. Drainage Impact Assessment – *the drainage details would complement the scheme approved as part of Phases 1a and 2a and the strategy is considered to be acceptable.*
- v. Tree survey – *the application has been supported by Tree Survey Report which is considered to be acceptable and there would not be any significant adverse impact on trees associated with the development.*
- vi. Phase 2 Intrusive investigation – *The Coal Authority has no objection and subject to the proposed condition, the potential risks from contaminated land would be addressed to the satisfaction of the Contaminated Land Section.*
- vii. Construction Method Plan – *A condition is attached to require a site specific Construction and Environmental Management Plan to be submitted for approval.*
- viii. Energy Statement – *details have been provided which are considered acceptable.*
- ix. Transport Assessment – *revised details are still under consideration at the time of compiling this Report. However, a planning condition could be attached to regulate the commencement of development of Phase 1b until the specification of the works have been agreed in consultation with Transportation. This would ensure development would accord with the provisions of the Section 75 Obligation.*
- x. Travel Plan – *an Initial Travel Plan has been submitted, the scope of which is considered to be acceptable. The draft requires further review and this can be regulated using a planning condition.*
- xi. Details of all roads and footpaths, to be designed and constructed in accordance with SCOTS National Roads Guide – *the MS application contains details and has been designed based on SCOTS National Guidance. Transportation do not object. The public roads and paths for will also be subject to approval through the Road Construction Consent process.*
- xii. Public art provision – *details have been submitted with the previous applications for the Masterplan and Phase 1a and 2a which are considered to be acceptable. This comprises a series of installations within the open space area next to the Core Path outwith Phase 1b. The delivery of public art is regulated by the Section 75, and more detail will come forward as part of future MS applications.*
- xiii. Noise Impact Assessment – *a report has been submitted which is considered acceptable.*
- xiv. Air Quality Impact Assessment – *a report has been submitted which is considered to be acceptable.*

- f) Condition 6 – Requires implementation of archaeological evaluation – *the applicant has already undertaken the assessment for the whole site, including Phase 1b, which did not identify any significant findings.*
- g) Condition 7 – requires archaeological mitigation strategy to be approved if any features of interest identified in the evaluation - *No mitigation will be necessary based on the evaluation findings.*
- h) Condition 8 – Requires developer to notify Council of completion of each phase of development on the site – *no action required at this stage.*

5.8 In conclusion, it is considered that subject to the proposed conditions, the application would accord with the Matters Specified in Conditions of the PPP Ref 10/00153/PPP and the associated Section 75 as well as the provisions and policies in the Development Plan. It is concluded there would not be any material considerations which would justify withholding permission.

6.0 Sustainability Implications

6.1 The development relates to a residential expansion site allocated in the Development Plan on the edge of Sauchie. The proposals are considered to accord with the principles of NPF4 in relation to delivering sustainable and liveable places.

7.0 Resource Implications

7.1 Financial Details

7.2 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

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

8.0 Exempt Reports

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

9.0 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 X
- 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)
N/A

10.0 Equalities Impact

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

11.0 Legality

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

12.0 Appendices

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

- Appendix 1 - Table Summarising Terms of Section 75 Obligation agreed as part of PPP for the site (Ref 10/00153/PPP)

13.0 Background Papers

13.1 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

- Adopted Clackmannanshire Local Development Plan 2015
- NPF4, 2023

Author(s)

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Keith Johnstone	Principal Planner	01259 452614

Approved by

NAME	DESIGNATION	SIGNATURE
Grant Baxter	Planning & Building Standards Team Leader	

Appendix 1

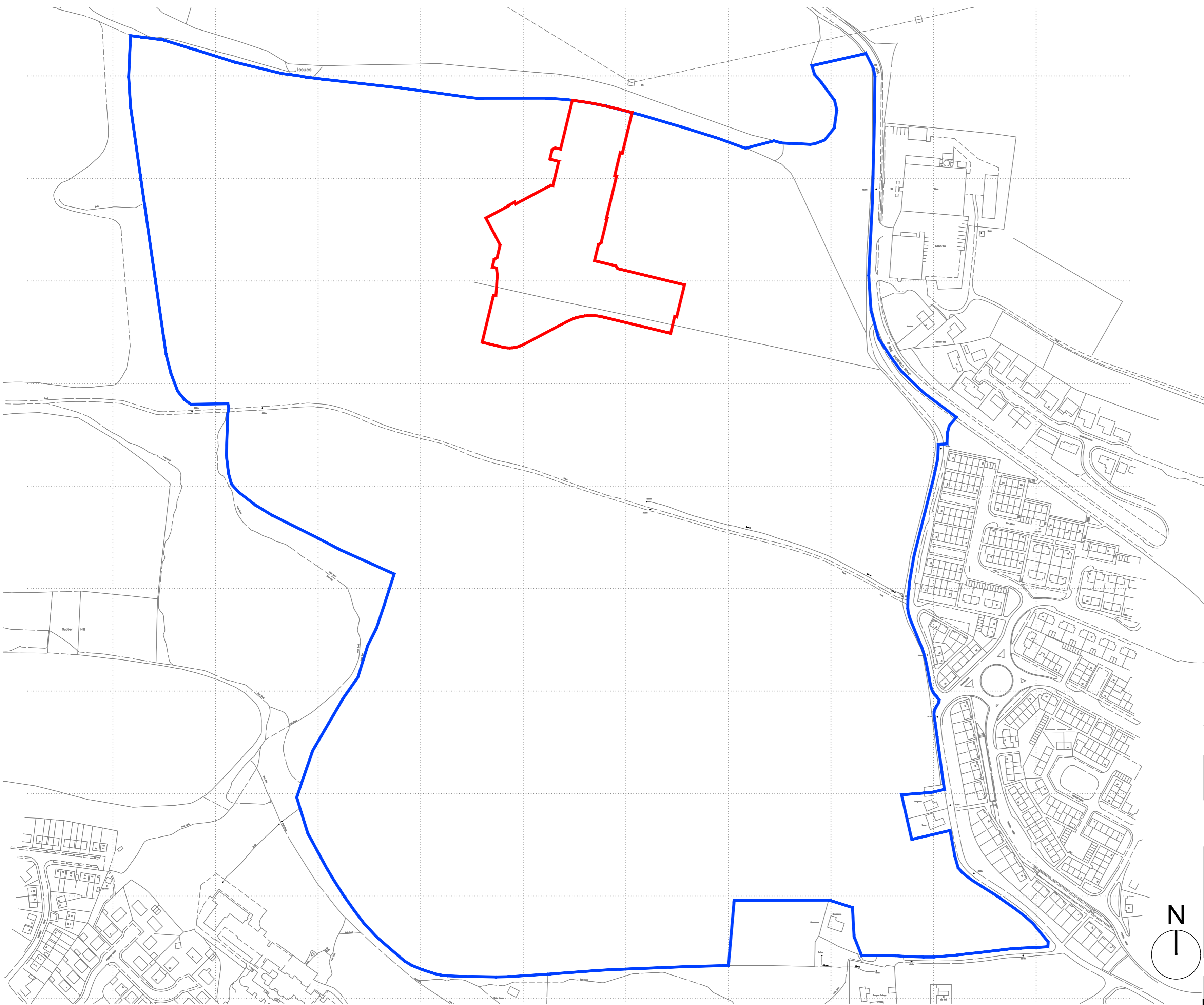
Table Summarising Terms of Section 75 Obligation agreed as part of 10/00153/PPP

Section 75 Obligations

Subject	Requirements	Status
Masterplan	<ul style="list-style-type: none"> • Draft Masterplan to be submitted alongside first application for approval of MSC on the site. • Development shall not commence on the site until the Masterplan has been approved by the Council. Once approved, the development shall be completed in accordance with the Masterplan. • Prior to commencement of development of any Phase, details of the timing and delivery mechanism of any landscaping, open space and play areas, including details of ongoing maintenance and ownership shall be agreed by the Council. 	<ul style="list-style-type: none"> • Masterplan submitted and approved • No open space or play area within Phase 1b
Education	<ul style="list-style-type: none"> • Prior to commencement of development, developer to prepare and submit to the Council for approval, a detailed specification to extend Craigbank PS by 5 class bases and associated works. • Developer and Council to agree cost of approved specification within 60 days of approval • Contribution to be paid in full prior to occupation of 300th house 	<ul style="list-style-type: none"> • Specification submitted to and approved by Council. • Cost to be agreed. • No further actions required at this stage.

	<ul style="list-style-type: none"> • Council has option to give notice that it wants to procure delivery of a new school on the site rather than extend Craigbank Primary School, Notice to be given no later than 6 months after the Council has received the contribution • Developer has to safeguard land within the site for a school. Arrangements for sale of the land set out in the S75. 	
Delivery of Offsite Transport Works	<ul style="list-style-type: none"> • Offsite works required to address impacts of the development on local transport infrastructure. These are to be identified in the Transport Assessment (TA) for the site. • Council and Developer to agree the design, specification and cost of delivering the Off Site Transport Works within 20 working days of approval of the TA • Payment of Offsite Transport Contribution (per house unit) to be paid to the Council by each Phase Developer. The Contribution is calculated as total cost of works divided by the total number of housing units. Payments to be made on each biannual payment date defined in the S75 following occupation of the first house on the Phase. 	<ul style="list-style-type: none"> • Revised TA to be approved at the time of compiling this report • Design and cost of off site transport works currently being assessed by the Council prior to agreement. • No further actions required at this stage.
Public Art	<ul style="list-style-type: none"> • Prior to commencement of development a Public Art Strategy shall be agreed in writing with the Council. This will set out whether art is provided; on site; or using a commuted sum via a contribution; or a hybrid of on site delivery and contribution. 	<ul style="list-style-type: none"> • Public art strategy for on site delivery has been agreed.

	<ul style="list-style-type: none">• If onsite delivery then Strategy to include specification and design of the public art and timescales for installation. If a contribution this to be calculated at £250 per house unit.• If a commuted sum then payment paid by relevant phase developer as each Phase completed.	
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KEY

- PPP APPLICATION BOUNDARY
- PHASE 1b MSC APPLICATION BOUNDARY

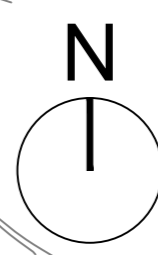
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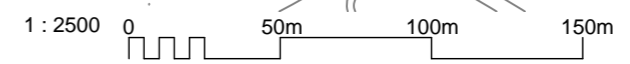
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 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

RESIDENTIAL DEVELOPMENT
 FAIRFIELD, SAUCHIE
 ALLANWATER DEVELOPMENTS LTD

PHASE 1B SITE LOCATION PLAN



SCALE: 1 : 2500	DRAWN: GL
PAPER SIZE: A2	DATE: Feb 2024
DWG No. 4043-01-004	REV. -



Report to Planning Committee

Date of Meeting: Thursday 31 October 2024

Subject: Street Naming Report for Development of Land at Branshill, Branshill Road Sauchie

Report by: Grant Baxter, Planning & Building Standards Team Leader

1.0 Purpose

- 1.1. To decide on the names of new streets for the development of land at Branshill Road, Sauchie (also known as Sauchie West).
- 1.2. The overall development of this site will eventually comprise approximately 1000 new houses built in multiple separate phases over the next decade. At this time it is not yet known how many street names will eventually be required and in order to reduce the number of street naming reports submitted to Committee, it is considered an opportune time to provide a sufficient number of names to cover future phases of the overall development.
- 1.3. The first phase (Phases 1a & 1b) consists of the erection of 122 dwellings, the layout of which lends itself to four new streets (one of which will be the main arterial road running through the development including at later phases).
- 1.4. 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.

2.0 Recommendations

- 2.1 It is recommended that the Committee consider the suggestions included in Appendix 4 and approve the new street names.

3.0 Considerations

- 3.1. The consultation exercise involved contacting the ward councillors, the community council, Sauchie Community Group, local primary schools, the developer 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 councils) to adopting particular street naming and numbering conventions and should 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. In response to the consultation exercise, only one response was received; from the Council's Archives & Records Management Officer, and the "officer comments" column in Appendix 3 identifies individual proposals that are considered to be either inappropriate or not relative to and/or conflict with the guidance included within the Tri-Council Conventions.
- 3.4. The Royal Mail Address Development Centre have been consulted and have confirmed that they have no objections to the names listed in Appendix 4.

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. No
- 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)

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

- Our families; children and young people will have the best 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)

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 – Breakdown of Consultee Returns
- Appendix 4 – List of Suggested Names to be Approved

11.0 Background Papers

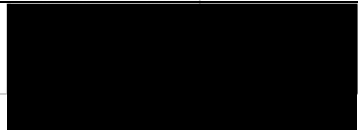
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

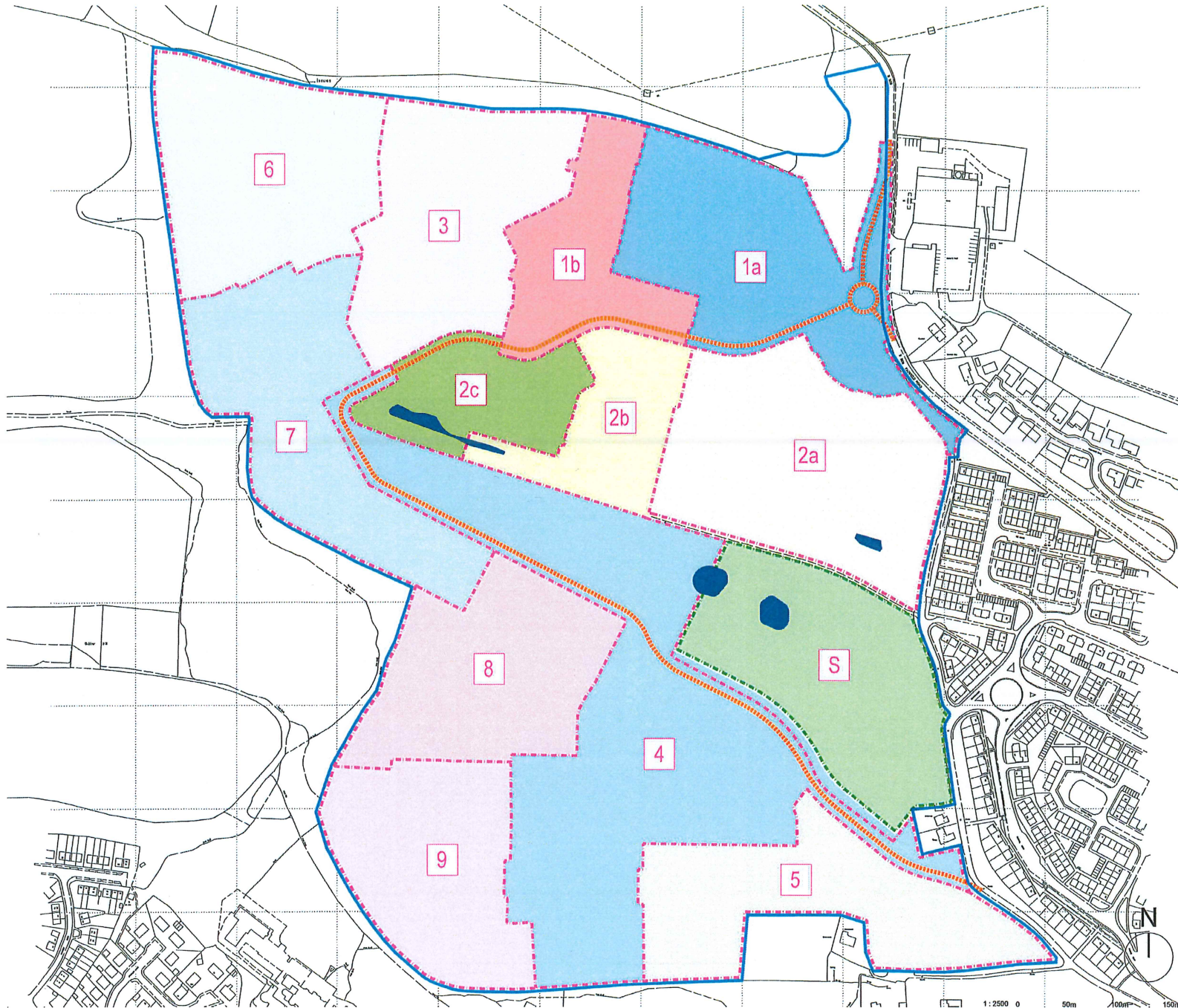
Author

NAME	DESIGNATION	SIGNATURE
Mark Grant	Planning & Building Standards Support Officer	

Approved by

NAME	DESIGNATION	SIGNATURE
Grant Baxter	Planning & Building Standards Team Leader	

APPENDIX 1



- KEY**
- PPP APPLICATION BOUNDARY
 - - - - - PRIMARY SPINE ROAD / REALIGNED B800
 - NEW ROUNDABOUT
 - - - - - SCHOOL SITE BOUNDARY
 - END OF LINE SUDS
 - - - - - CONSTRUCTION PHASE BOUNDARY
 - 1a PHASE 1a HOUSING - 71 UNITS (INCLUDES SPINE ROAD) ANTICIPATED COMPLETION NOVEMBER 2027
 - 2a PHASE 2a HOUSING - 87 UNITS (INCLUDES SUDS) ANTICIPATED COMPLETION NOVEMBER 2027
 - 1b PHASE 1b HOUSING - 51 UNITS (INCLUDES SPINE ROAD) ANTICIPATED COMPLETION NOVEMBER 2028
 - 2b PHASE 2b HOUSING - 38 UNITS (INCLUDES SUDS) ANTICIPATED COMPLETION NOVEMBER 2028
 - 2c PHASE 1c HOUSING - 37 UNITS (INCLUDES SUDS) ANTICIPATED COMPLETION NOVEMBER 2029
 - 3 PHASE 3 HOUSING - CIRCA 100 UNITS ANTICIPATED COMPLETION NOVEMBER 2030
 - 4 PHASE 4 HOUSING - CIRCA 100 UNITS (INCLUDES COMPLETED SPINE ROAD) ANTICIPATED COMPLETION MAY 2032
 - 5 PHASE 5 HOUSING - CIRCA 110 UNITS ANTICIPATED COMPLETION NOVEMBER 2033
 - 6 PHASE 6 HOUSING - CIRCA 100 UNITS ANTICIPATED COMPLETION MAY 2035
 - 7 PHASE 7 HOUSING - CIRCA 100 UNITS ANTICIPATED COMPLETION NOVEMBER 2038
 - 8 PHASE 8 HOUSING - CIRCA 100 UNITS ANTICIPATED COMPLETION MAY 2038
 - 9 PHASE 9 HOUSING - CIRCA 110 UNITS ANTICIPATED COMPLETION NOVEMBER 2039
 - S SCHOOL SITE - POTENTIALLY CIRCA 90 RESIDENTIAL UNITS

E	2/24	Phasing amended	GL
D	8/23	School site note amended	GL
C	6/23	Anticipated phase completion dates added / phasing revised	GL
B	6/23	Phasing revised	GL
A	6/23	Phasing required to suit spine road construction	GL
REV	DATE	DESCRIPTION	DRN

Bracewell Stirling CONSULTING

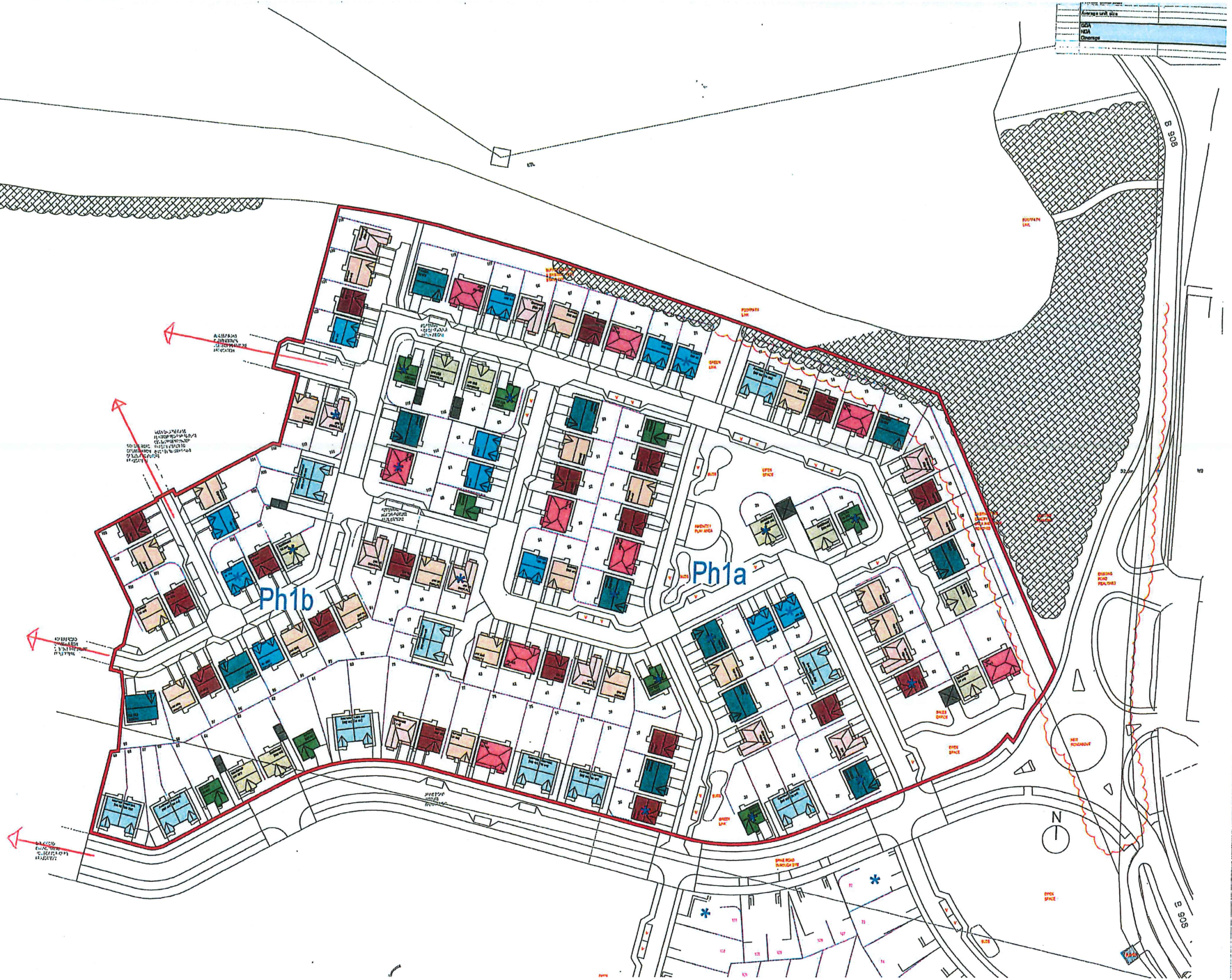
38 WALKER TERRACE, TILLCULLTRY, FK13 8EF 01299 750301
 5 NESS BANK, INVERNESS, IV2 4BF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01831 359054

RESIDENTIAL DEVELOPMENT
 FAIRFIELD, SAUCHIE
 ALLANWATER DEVELOPMENTS LTD

PHASING PLAN

SCALE:	1 : 2500	DRAWN:	GL
PAPER SIZE:	A2	DATE:	Feb 2024

APPENDIX 2



APPENDIX 3 – Breakdown of Consultee Returns

CONSULTEE	SUGGESTION	SUPPORTING COMMENTS	OFFICER'S COMMENTS
Archives & Records Management Officer	<u>Italy Pond</u> (associated names) Bonspiel Broom Stone Button Sweep Gubber (Hill)	Curling pond behind Inglewood House used by the Alloa Curling Club Land west of development site	Used in FK12
	Mine Pit Coal Colliery	Commemorating former mines in the area for example King O'Muirs, Collyland & Auchinbaird	No conflict but the Council has always steered clear of any mention of mine workings previously
	Naysmith	Dr T G Naysmith – Medical Officer for country 1892-1908 and responsible for the erection of the Combination Infectious Diseases hospital	

	Dumyat Myretoun Coalsnaur Craig Leith West Hill	Names of Ochil Hills visible from the site	Conflict – used widely including FK10 Used in FK12 Used in FK11 Conflict – used in FK10
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		Based on minerals in the Ochil Hills (The Ochil Hills – an introduction by L Corbett, E K Roy & RC)	
	Silver Copper Cobalt Iron Lead Calcite		Used in FK12

		Based on wild plants in the Ochil Hills (The Ochil Hills – an introduction by L Corbett, E K Roy & RC)	
	Whin Gorse Bluebell Bell Heather Tormentil		Conflict – used in FK10

	Sorrel White Clover Meadow Buttercup Ladies Mantile Yarrow Blaeberry Harebell Foxglove Wood Sage Rockrose Storksbill Fairy Fax Autumn Hawkbit Field Madder Sundew Bog Asphodel Marsh Marigold Bracken Fern		
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Appendix 4 – List of Suggested Names to be Approved

Bonspiel	Harebell
Stone	Foxglove
Button	Wood Sage
Sweep	Rockrose
Gubber Hill	Storksbill
Naysmith	Fairy Fax
West Hill	Autumn Hawkbit
Copper	Field Madder
Cobalt	Sundew
Iron	Bog Asphodel
Lead	Marsh Marigold
Calcite	Bracken
Gorse	Fern
Bluebell	
Bell Heather	
Tormentil	
Sorrel	
White Clover	
Meadow Buttercup	
Ladies Mantle	
Yarrow	
Blaeberry	

Report to Planning Committee

Date of Meeting: Thursday 31 October 2024

Subject: Unauthorised change in use of land to use for storage including the storage of 2 Steel Shipping Containers, 2 No Mechanical Diggers and storage/ parking of multiple Motor Vehicles, and installation of heras type mobile fencing to enclose the Site at Land to the North of Alexandra Street (A908) and West of Devonpark Mill Access Road, Devonside, Tillicoultry

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. To advise the Committee of planning enforcement options open to the Council following non-compliance with an Enforcement Notice served by the Council on the owner of the land, and seek their approval for further action.

2.0 Recommendations

- 2.1. It is recommended, following review of the options set out in Appendix 1 to this report, that Members give authority to the Planning & Building Standards Team Leader to report the failure to comply with the Enforcement Notice as an offence to the Crown Office and Procurator Fiscal Service (COPFS), and if necessary, to use the other enforcement options as set out in Appendix 1, as deemed appropriate.

3.0 Considerations

- 3.1. The enforcement issue relates to the area of land which adjoins the A908 to the south, the access road to Devonpark Mills to the north and north east and a line of trees and a former shop building to the west. This area extends to approximately 1250 square metres. The land was previously owned by the Council and was sold to the current owner.
- 3.2. Since acquiring the land, it has been used by the owner, without any planning permission, for the storage of two steel shipping containers, JCB and telehandler and storage / parking of multiple motor vehicles. The type and number of vehicles has varied over time but includes minibuses, cars and 4 wheel drive vehicles. This is considered to be an unauthorised and unacceptable material change of use of the site to use for storage (Class 6)

including the siting of the two containers. The site has also been enclosed with heras type mobile fencing, which is also an unauthorised development due to its height exceeding 1.0 metre above ground level and lying within 20.0 metres of a road.

- 3.3. It should be noted that the condition of the derelict building on the site, whilst not part of the breach of planning control, is being monitored by the Building Standards team, and no formal action is considered necessary at this time, whilst the building is fenced off. If, through planning enforcement, or otherwise, the fencing was to be removed, the Building Standards team may need to consider actions under Dangerous Building legislation, if the building remained unprotected and in still its current condition.
- 3.4. The use and appearance of the site have been the subject of ongoing concerns from within the community for some time, and following a period of time when the Planning Service had been seeking to engage with the owner and have assurances and action to address the breach of planning control, the situation did not improve and subsequently, a Planning Enforcement Notice was served on the owner on 13th November 2023 (taking effect one month later) requiring:
- (a) *within a period of six months from the date on which this Notice takes effect, cease the use of the Site for storage and parking and remove from the Site all the items including the 2 shipping containers, mechanical diggers and vehicles and any other equipment.*
 - (b) *within 14 days from removal of the items on the Site and cessation of use of the land for storage required under (a) above, remove the heras type fencing from the Site and reinstate the land to its original condition.*
- 3.5. The owner failed to comply with the terms of the Notice within the compliance period (by 14th June 2024). Before, during and after the Notice period, the Planning Service has had regard to the personal circumstances that the landowner had highlighted to us, including restrictions and delays associated with the Covid 19 pandemic, his employment position including the provision of defence training in Ukraine, his health and the land transfer process after he purchased the land from the Council. He had also cited vandalism to vehicles as a factor in making it more difficult to move them. It is considered, however, that the Service has provided a reasonable period of time and opportunity for the owner to try to address the breaches of planning control.
- 3.6. The owner has recently been in contact with the Service, and officers met on site with him on 25th September 2024. During this meeting, and in subsequent emails, the owner has stated his intentions to clear the vehicles and machinery from the site, demolish the derelict building and remove fencing, with a view to applying for planning permission for a small residential development on the site. Subsequently, two vehicles were removed from the site, but no further action, as at the date of writing this report. The Service will continue to press the owner to address all the matters set out in the Enforcement Notice, and is seeking a further site meeting in this respect.

4.0 Sustainability Implications

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)

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 Appendix 1: Enforcement Options: - Land to the North of Alexandra Street (A908) and West of Devonpark Mill Access Road, Devonside, Tillicoultry

11.0 Background Papers

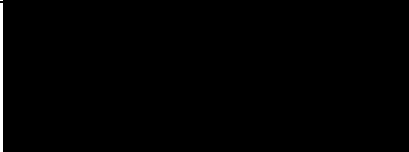
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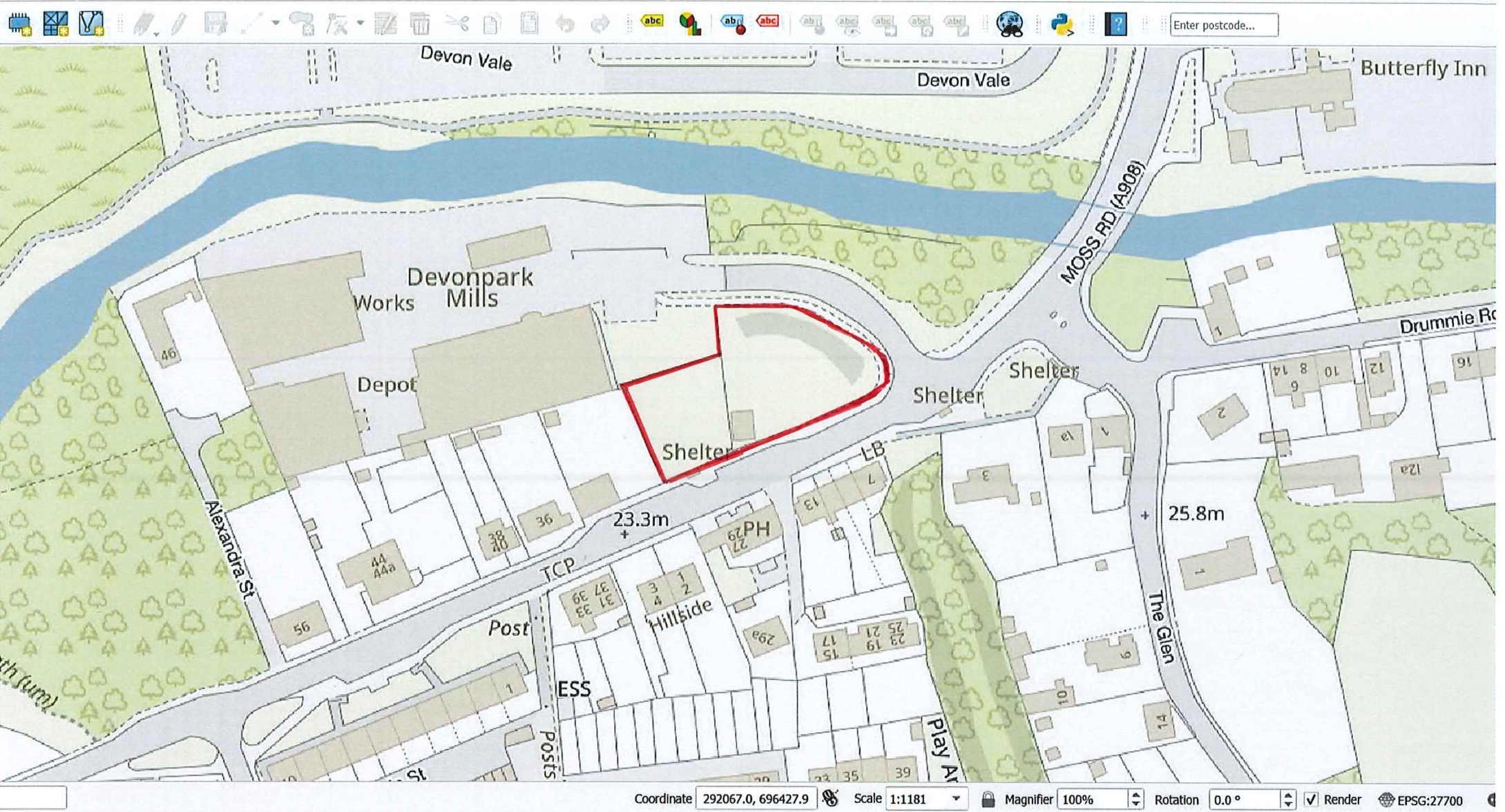
Yes (please list the documents below) No

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

Approved by

NAME	DESIGNATION	SIGNATURE
Grant Baxter	Planning & Building Standards Team Leader	



Land to the North of Alexandria Street (A908) and West of Devonpark



Clackmannanshire Council

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

Appendix 1: Enforcement Options: - Land to the North of Alexandra Street (A908) and West of Devonpark Mill Access Road, Devonside, Tillicoultry

Enforcement Options	Consequences of Non-compliance	Commentary
<p>1. Report the offence of non-compliance to the Crown Office and Procurator Fiscal Service (COPFS) who would decide whether to pursue a prosecution for the offence. This action is under Section 136 of the Act.</p>	<p>This action must be taken within 6 months of the end of the expiry period. If found guilty of an offence, the person may be fined (up to £50,000). If the use continues after conviction, the person may be convicted of a second or subsequent offence.</p>	<p>The Council will incur legal costs in taking a prosecution forward.</p> <p>If prosecution was successful, in determining the amount of any fine, the Court is to have regard to any financial benefit which has accrued or appears likely to accrue in consequence of the offence.</p> <p>Successful prosecution would not directly lead to resolution of the breach of planning control on the site.</p>
<p>2. Serve Fixed Penalty Notice. This action is under Section 136A of the Act.</p>	<p>This Notice can be served following non compliance with an Enforcement Notice. The Notice shall specify the breach and offer the person the opportunity of discharging the offence by paying an amount within the period of 30 days from the date of serving the Penalty Notice.</p> <p>The penalty amount is a prescribed amount, currently set at £2000.</p> <p>The Notice must be served within 6 months of the compliance period in the Notice. The Notice cannot be served after the person has been charged with an offence for not complying with the Enforcement Notice.</p> <p>By paying the penalty imposed by the Notice, the person will discharge any liability for prosecution for the offence.</p>	<p>Upon payment of the penalty, the person will not have to discharge the actions set out in the Enforcement Notice i.e. to remove the containers, vehicles and fencing and the cessation of the storage use.</p> <p>The Council still retain the power to take direct action to remedy the breach and recover the costs of the work from that person once the penalty has been paid.</p> <p>There is no right of appeal against a fixed penalty notice.</p>

<p>3. Direct Action for Non-compliance with an Enforcement Notice. This action is under Section 135 of the Act.</p>	<p>The Council may enter on the land, take those steps required by the Notice and then seek to recover the cost from the owner or lessee of the land.</p> <p>A planning authority taking direct action may sell any materials removed by them from the land unless those materials are claimed by the owner within 3 days of their removal. After any such sale the planning authority shall pay the proceeds to the owner less the expenses recoverable by them from him.</p>	<p>This option will address the breach of planning control on the site. The approach would incur costs to the Council upfront and the recovery of costs may take a protracted period and would be open to challenge.</p> <p>There would be a cost to store the items pending disposal or recovery by the owner. It is likely that quotations would have to be obtained to clarify the costs to remove the items from the land. An initial estimate of this from Facilities Management indicates this could be in the region of £10-15k depending on the number and type of items to be moved.</p> <p>Direct action could be pursued if a prosecution under Section 136 is unsuccessful.</p> <p>It should also be noted that removal of fencing from around the dilapidated building on the site would expose the public to risk, which would require consideration of serving a Dangerous Building Notice under the Building (Scotland) Act, 2003. This could require the building to be fenced off again or to be demolished.</p>
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<p>4. The Council take no further action having served an Enforcement Notice.</p>	<p>None</p>	<p>The Council would not incur any further costs, however the breach may remain unremedied for a considerable period of time. The owner has recently engaged with the Planning & Building Standards Services and initially removed some vehicles. The Services would continue to work with the owner to remedy the breach.</p>
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