



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

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

Local Review Body

Tuesday 15 November 2022 at 9.30 am

**The meeting will take place via
Video Conference (MS Teams)**

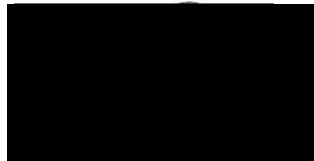
Scheme of Delegation: Duties and Responsibilities Delegated to Committees

Local Review Body

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

7 November 2022

MEETING of the LOCAL REVIEW BODY will be held via Video Conference, on TUESDAY 15 NOVEMBER 2022 at 9.30 AM.



**LEE ROBERTSON
Solicitor, Legal Services**

B U S I N E S S

	Page No.
1. Apologies	--
2. Declarations of Interest Members should declare any financial or non-financial interests they have in any item on this agenda, identifying 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. Notice of Review: Garden Fence Proposals (Planning Application Reference: 21/00261/FULL) at 16 Sunnyside Court, Alloa, FK10 2AH	
Applicant: Miss Olivia Gillies	
Documents enclosed:	
a. Notice of Review Application (including photographs)	05
b. Letter from the Clerk to Miss Gillies 21/03/22	17
c. Response to Clerk from Miss Gillies 22/03/22	19
d. Letter of Confirmation from Clerk 29-03-22	21
e. Notices to interested parties 29/03/22	23
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g. Applicant response to interested party's comments 21/03/22	37
h. Planning Application including plans	39
i. Report of Handling	49
j. Decision Notice	55

Members of the Local Review Body:

Councillor Denis Coyne (Convener)

Councillor Jane McTaggart

Councillor Mark McLuckie

Substitutes:

Councillor Donald Balsillie

Councillor Martha Benny

Plans and papers relating to the applications and reviews can be viewed online at www.clacks.gov.uk



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: planning@clacks.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100492311-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="REDACTED"/>
First Name: *	<input type="text" value="Olivia"/>	Building Number:	<input type="text" value="REDACTED"/>
Last Name: *	<input type="text" value="Gillies"/>	Address 1 (Street): *	<input type="text" value="REDACTED"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="REDACTED"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="REDACTED"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="REDACTED"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Clackmannanshire Council

Full postal address of the site (including postcode where available):

Address 1:

16 SUNNYSIDE COURT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ALLOA

Post Code:

FK10 2AH

Please identify/describe the location of the site or sites

Northing

693288

Easting

288727

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Garden Fence Proposals at 16 Sunnyside Court, Alloa

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The proposals would allow privacy to the rear garden ground which do not exist if the fence is not permitted. This is the only property in Sunnyside Court that does not have a 1.8m high fence around the side and rear. Children, pets, access to clothes lines and existing sheds have no security to this rear and side areas of the garden ground. There have been occasions when items have been stolen from the rear of the property due to easy access from the road and public footpath to the rear.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

I would also add that there are no off street parking at 18,20, or 22 Sunnyside Court therefore there is no requirement for cars reversing onto Sunnyside Court. Part 3 of the refusal refers to "parking spaces " at the front where in actual fact it is only one space required. The reason for the removal of the existing parking bay to the south east area is to maximise the useable garden.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to Photograph attachments

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00261/FULL

What date was the application submitted to the planning authority? *

02/11/2021

What date was the decision issued by the planning authority? *

17/12/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Miss Olivia Gillies

Declaration Date: 27/01/2022

14:27

4G 




Home

11 November 2021 07:58

Edit



14:27

4G 



12 November 2021
17:55

Edit



14:27

4G 



16 November 2021
18:24

Edit



14:27

4G 



17 November 2021
19:29

Edit



14:27

4G 



19 November 2021

17:22

Edit



14:28

4G 



20 November 2021

10:34

Edit








Legal and Governance

 Kilncraigs, Greenside Street, Alloa, FK10 1EB
 Telephone: 01259 450000

Lee Robertson

Direct Contact: Senior Manager – Legal and Governance

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 21/00261/FULL

Your Ref:

Date: 21 March 2022

 Miss Olivia Gilles
 16 Sunnyside Court
 ALLOA
 FK10 2AH

Sent By E-Mail to:



Dear Miss Gilles

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Thank you for your correspondence received on 27 January 2022 enclosing a Notice of Review application form, in respect of Planning Application Reference Number 21/00261/FULL - Proposed Fence Alterations and Creation of Parking to Front of House.

Unfortunately, the Council will not be able to accept your notice of review as submitted. I have examined your notice of review and note that you have raised a number of new matters which were not before the planning authority at the time it decided your application (or at the time expiry of the period of determination) which in the officer's view are not material to the application.

In terms of the application you have not provided an explanation as to why you are raising these new matters, why they were not raised with the appointed officer before your application was determined and why you consider they should be considered in your review. Unless you can demonstrate that these new matters could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances, then unfortunately, the notice of review cannot proceed on that basis. The relevant legislation restricts the ability of parties to introduce new matters at the review stage unless they are material to the determination of the case.

I have noted below the reasons for review raised in your Notice of Review, that were not detailed within the original Planning Application:

- **privacy of garden**
- **only property without fence to side / rear**
- **security reason due to thefts from rear garden**
- **no parking at 18-22 Sunnyside Court**
- **' parking spaces' referred to in report when only one required** - proposed block plan indicates a driveway along the whole front of the property, lacks clarity around quantity of cars
- **Car parking on corner (photographs)**
- **Hedge at No. 18 (photograph)**



Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

Given the volume of additional information you have raised within your notice of review, you may wish to contact the Planning Service with a view to discussing your options around submitting the new information, perhaps through a new planning application with all the information being made available to the planning officer.

Alternatively, if you wish your review to be considered (i) as submitted, with the additional information, you should provide an explanation as to why you are raising these new matters, why they were not raised with the appointed officer before your application was determined and why you wish them to be considered in your review (Note: you should demonstrate that these new matters could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstance); or (ii) submit a new application under deduction of the new information which will allow the application to be accepted and reviewed.

I look forward to hearing from you on how you wish to proceed.

Yours sincerely



**Senior Manager – Legal and Governance
Clerk to the Local Review Body**



Fw: *Confidential: Application for review of Planning Application Reference 21/00261/FULL - Acknowledgement and Response

Olivia Gillies to: LRB@clacks.gov.uk, Mark Stoddart ,
Councillor Earle, Ryan Campbell

22/03/2022 08:19

History: This message has been replied to and forwarded .

1 attachment



Letter of Acknowledgement 21-03-22.pdf

Dear Lee,

I refer to your recent letter dated 21st March 2022 regarding the above and would comment as follows:-

Paragraph 2 & 3: Pre Planning discussion took place in the form of an email sent to Mark Stoddart (Planning) and Councillor Earle on 24th September 2021 (See details below.)

Paragraph 4 and Bullet Points:

1. Privacy of Garden is the key element in this application.
2. It is the only property without a screen fence to provide privacy in Sunnyside Court. (Not noted in letter but the Planning Officer would see this on his site inspection carried out during the Planning Process.)
3. Security Reasons are obvious and should have been noted during the Planning Officer's site inspection.
4. There are NO off street parking provision to any of the houses at 18-22 Sunnyside Court and visibility issues are not required .
5. "Parking Spaces" The block plan clearly indicates 1 No. Car space.
6. Car Parking on the Corner (Photograph). The car in the photograph does **not** belong to the applicant and is parked on this corner every day causing an obstruction to any vehicle entering and leaving Sunnyside Court.
7. Hedge / Tree at 18 Sunnyside Court (Photograph) This was indicated on the plans to prove that the occupant of this address would not even see the proposed screen fence from the living room window.

Paragraph 5 & 6: Given the above , and the fact that the information has been relayed to Planning and Councillor Earle, we feel that this application could be resolved amicably.

Alternatively, if someone could clearly indicate the way to present this "additional information", please feel free to respond.

May I suggest a further meeting on site with a Planning representative and Councillor Earle to discuss the issues face to face.

I look forward to your early response.

Regards

Olivia Gillies and Ryan Campbell

Email below sent to mstoddart@clacks.gov.uk

And kearle@clacks.gov.uk on 24th September 2021

“ Dear Mark ,

I refer to your letter dated 1st September and your site visit on 16th September 2021 to inspect the recently erected fence at the side and front of our property.

Firstly we would like to apologise for any wrong doing following the erection of the 1.8m fence as we were not aware this contravened any Planning issues .

We have asked a friend to produce drawings of the existing site layout and to prepare a proposed site layout outlining our desires for consideration by the Council. (Please refer to the above attachments .)

The proposed site layout plan indicates the removal of the existing driveway and relocating this to the front of our property. The fence at the front and around the radius area at the corner would be reduced in height to 1m as suggested in your email .

The 1.8m would be retained and extended at the former driveway this providing us with privacy and security for our dog and possible children in the future. Currently our rear and side garden is totally exposed the front, side and rear thus creating security issues for us.

This would allow a more acceptable visibility splay for road users as the fence would be reduced to 1m high and the existing driveway would become redundant. There are no driveways to the front of the houses at 18-20 Sunnyside Court , therefore visibility from the front at these addresses are not required.

We also understand that we would require a Minor Roadworks Consent Application from your Roads Department to form the new dropped kerb arrangement and that the new driveway would be mono-blocked or similar to prevent loose chippings or the likes to spill onto the footpath . (Could you please provide a copy of this application for our use.)

We trust the above will be viewed as an acceptable solution and if so , we can arrange for the alterations to be made in the near future.

Kind regards,

Olivia Gillies and Ryan Campbell “



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson
Direct Contact: Solicitor
Telephone: 01259 452087
Email: LRB@clacks.gov.uk
Our Ref: 21/00261/FULL
Your Ref:
Date: 29 March 2022

Miss Olivia Gilles
16 Sunnyside Court
ALLOA
FK10 2AH

Sent By E-Mail to:



Dear Miss Gilles

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Thank you for your e-mail received on 22 March 2022 which provided further information as requested in my letter to you dated 21 March 2022. The Notice of Review is now in order and can proceed.

Interested parties have been sent a copy of your Notice of Review and accompanying documents. These interested parties have until 12 April 2022 to make representation on the information contained in your Notice of Review and accompanying documents.

Representations received from interested parties will be copied to you and you will have a further 14 days from receipt of these representations in which to submit any further comments you may wish to make.

I have also provisionally scheduled a meeting of the Local Review Body for Thursday 28 April 2022 at 9.30 am, which will be confirmed as soon as possible.

The Council will make a copy of the review documents available for inspection on the Council's website www.clacks.gov.uk until such time as the Review is determined.

Yours sincerely



**Solicitor
Clerk to the Local Review Body**


Legal and Governance

 Kilncraigs, Greenside Street, Alloa, FK10 1EB
 Telephone: 01259 450000

 Direct Contact: Lee Robertson
 Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 21/00261/FULL

Your Ref:

Date: 29 March 2022

 Ms Janice Donnelly and
 Mr Brian Wardlaw
 13 Acorn Drive
 Tullibody
 FK10 2QB

Dear Ms Donnelly and Mr Wardlaw

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Ms Olivia Gilles
Site Address:	16 Sunnyside Court, ALLOA, FK10 2AH
Description of the Application:	Proposed Fence Alterations and Creation of Parking to Front of House
Planning Application Ref No:	21/00261/FULL

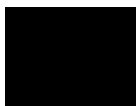
As an interested party to the original planning application, it appears that you may have an interest in this Notice of Review.

A copy of the notice of review is attached and other documents related to the review may be inspected at www.clacks.gov.uk. These documents can also be accessed by searching on either the application reference number, postcode, or a single line of an address. **As an interested party, you have the opportunity to make further representation to the Local Review Body. Your representation should be sent to me at the above e-mail address no later than 14 days from the date of this letter.**

Copies of representations made regarding the application, other than those to be treated in confidence, will be sent to the applicant and will be considered by the Local Review Body when determining the review.

The Council will make a copy of the review documents, any notices and any procedure notes available for inspection on the Council's website www.clacks.gov.uk until such time as the Review is determined.

Yours sincerely


**Solicitor
 Clerk to the Local Review Body
 Enc.**



Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson
Direct Contact: Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 21/00261/FULL

Your Ref:

Date: 29 March 2022

Mr Ian and Mrs Morag Penman
42 Sunnyside Court
Alloa
FK10 2AH

Dear Mr and Mrs Penman

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Ms Olivia Gilles
Site Address:	16 Sunnyside Court, ALLOA, FK10 2AH
Description of the Application:	Proposed Fence Alterations and Creation of Parking to Front of House
Planning Application Ref No:	21/00261/FULL

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Yours sincerely



**Solicitor
Clerk to the Local Review Body
Enc.**



Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson
Direct Contact: Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 21/00261/FULL

Your Ref:

Date: 29 March 2022

Mr and Mrs Greig
34 Sunnyside Court
Alloa
FK10 2AH.

Dear Mr and Mrs Greig

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

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Yours sincerely



**Solicitor
Clerk to the Local Review Body
Enc.**



Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson
Direct Contact: Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 21/00261/FULL

Your Ref:

Date: 29 March 2022

Mrs Sheila Menzies
84 Sunnyside Court
Alloa
FK10 2AH

Dear Mrs Menzies

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Ms Olivia Gilles
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Yours sincerely



**Solicitor
Clerk to the Local Review Body
Enc.**



Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson
Direct Contact: Solicitor

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 21/00261/FULL

Your Ref:

Date: 29 March 2022

Mr Stuart Cullen
Roads and Transportation
Clackmannanshire Council
Kilncraigs
ALLOA
FK10 1EB

Sent by e-mail to: roads@clacks.gov.uk

Dear Mr Cullen

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Ms Olivia Gilles
Site Address:	16 Sunnyside Court, ALLOA, FK10 2AH
Description of the Application:	Proposed Fence Alterations and Creation of Parking to Front of House
Planning Application Ref No:	21/00261/FULL

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Yours sincerely

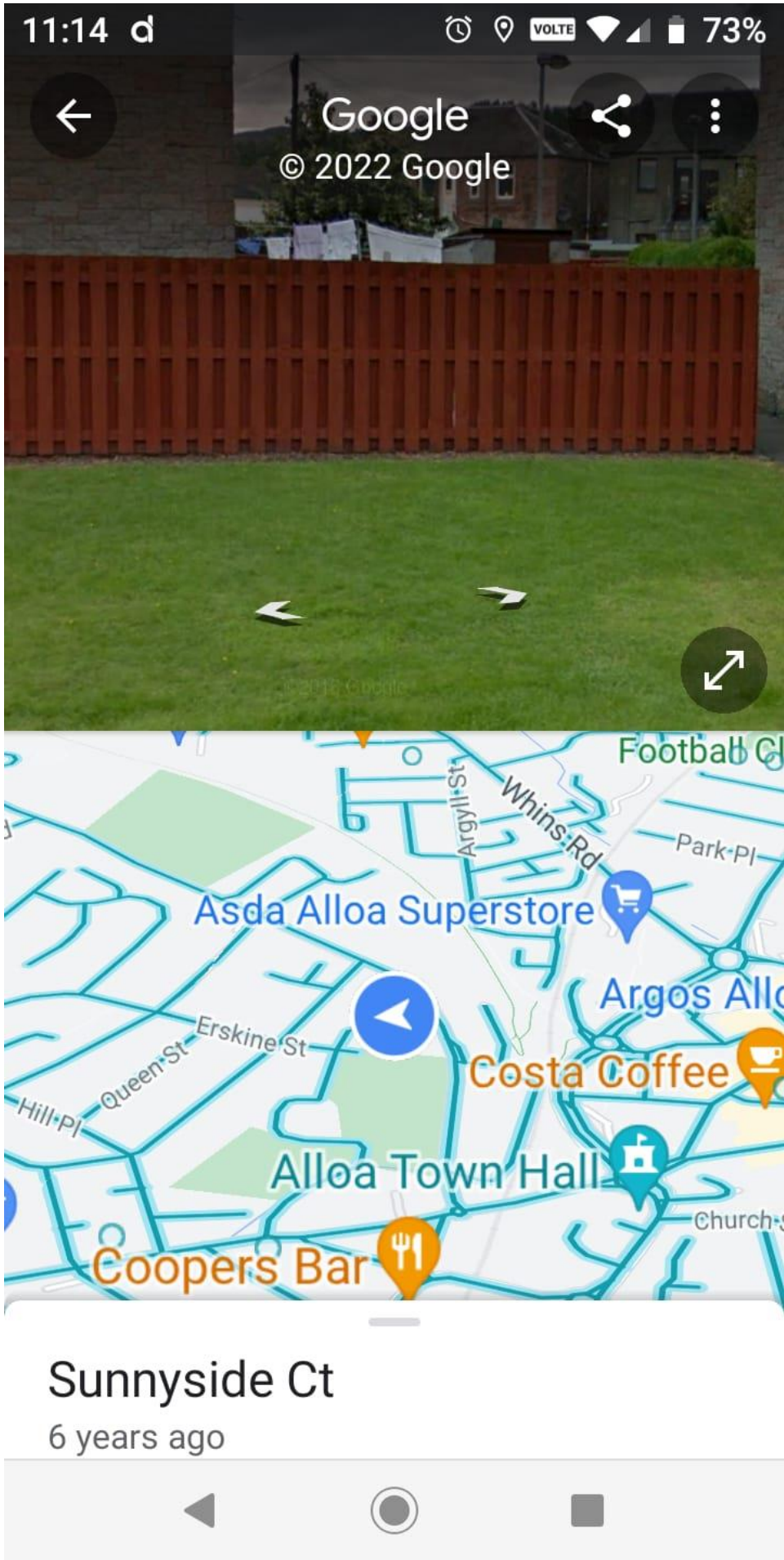


**Solicitor
Clerk to the Local Review Body
Enc.**

E-mail from Janice Donnelly and Brian Wardlaw (Enclosing 4 photographs)

Hi,

I own properties at 40 and 86 Sunnyside Court, Alloa. I am against the planning permission for 16 Sunnyside Court because of the following reasons, I have enclosed photos from Google maps of the street to show that that land was council land before it was fenced in. They have already created a driveway to the side that doesn't bother anyone but it seems they do not use it. As per the photos there was a big fence at the back of the property which was replaced with a smaller one. For security they should build a gate across their existing driveway. If a new driveway was installed they would still have a security problem. Cars have always parked on the other side of the street across where they want their new driveway to have access so it would take away 2 parking spaces to give them access to their new driveway. Their existing driveway doesn't bother anyone except them and wanting more garden space when the photos I've attached clearly show that they acquired that council land for themselves for garden space and the driveway already installed. They are lucky they have a driveway nevermind taking away parking spaces for other residents so they have a driveway where they want one, as I've said they already have a driveway. Put gates across this driveway then all problems will be solved. If they wanted more parking spaces they should give back the land they acquired and build parking spaces there, again look at the Google map photos of land before they fenced it off for themselves. I am totally against this application.





11:12 d

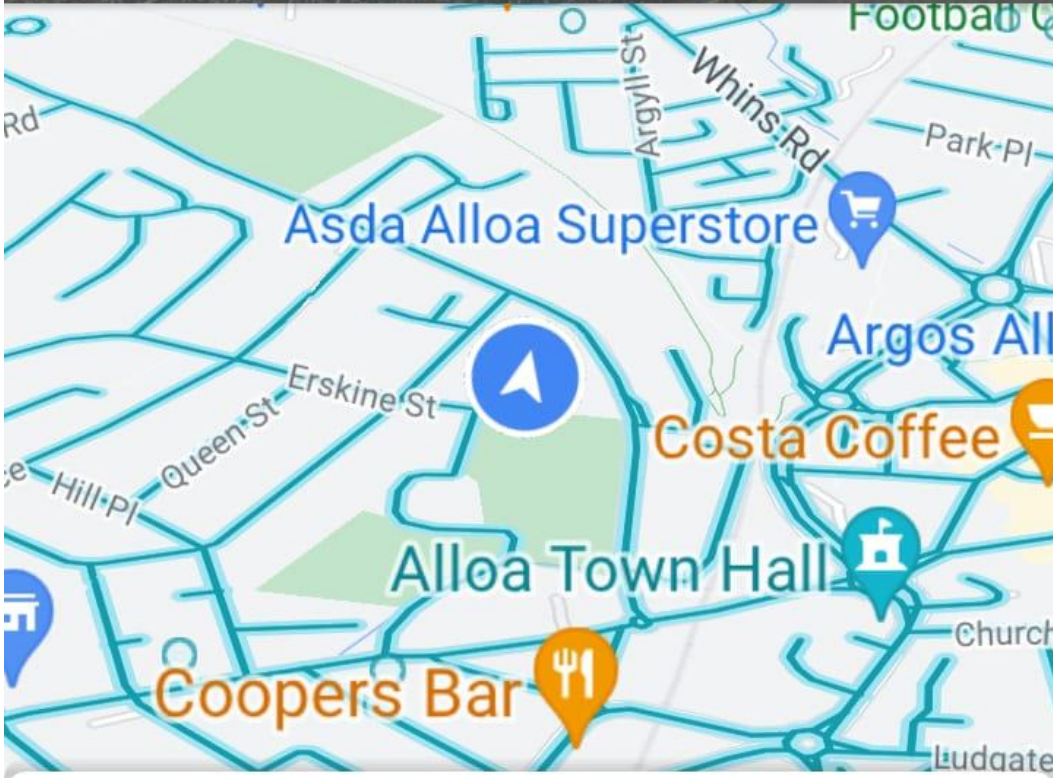
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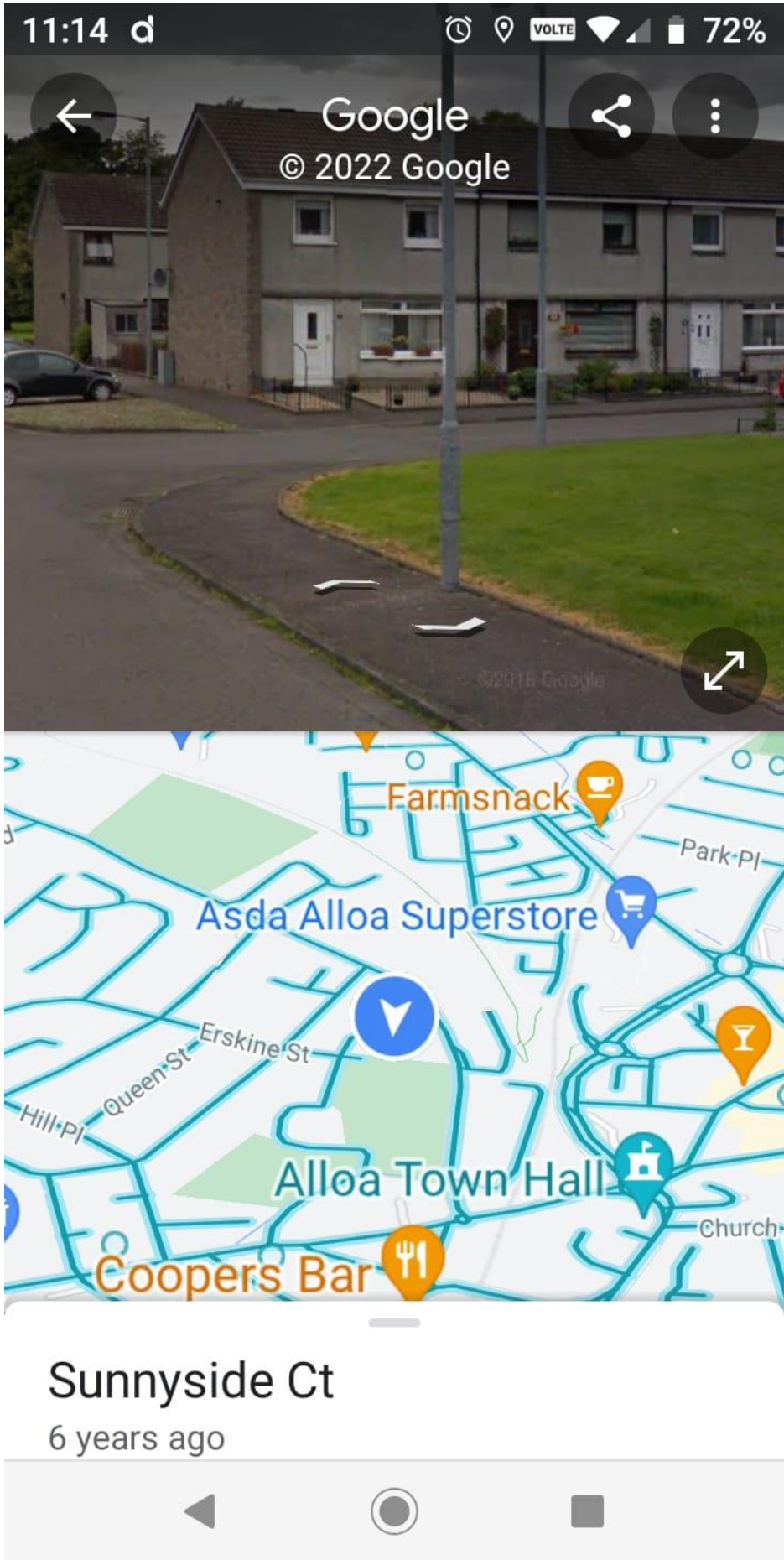


© 2022 Google



82 Sunnyside Ct

6 years ago



E-mail from Morag and Ian Penman

Dear Sir/Madam,

Our objection to the planning of the proposed fence alteration and creation of parking to the front of the house that was submitted still stands.

Quoted by the owners, they are the only people that don't have a 1.8meter fence around the side and rear of their house.

This is not true as not everyone has a high fence. If they do, it only goes to the gable end of their house, not round a blind corner adjoining the front garden.

Quoted by the owners, they have had items stolen from their garden.

We have stayed in Sunnyside Court since the houses were built and never had anything stolen from our property or damaged.

Parking in the court. On numerous occasions, I have approached the council and councilor Earle to take the cobbled islands away from the back of the court, which would give us more parking spaces, as they are all uneven, full of weeds, and quite dangerous in the winter and make the court so untidy. The council's answer was there are enough parking spaces at the back of the court.

I don't know whether your client is aware that the grass area around the front and side of the house belonged to the council and, as this was the only grass area in the court, it should never have been sold to the previous owner, then this situation for the new owners wanting to access a drive at the front of the house would never have arisen.

If they are allowed to have a drive at the front of their house, neighbouring houses next to and directly opposite could apply for the same and there's no reason they couldn't be granted the same then there would be congestion.

Look forward to hearing from you concerning this matter.

E-mail from Mr John Greig & Janet Greig

Dear Sir/Madam,

Objection to Fencing at 16 Sunnyside Court, Alloa

Further to your recent correspondence with regard to the appeal made by Miss Gillies. I still wish to object to this application and take issue with some of the information contained within the appeal. We have been resident of 34 Sunnyside Court for 47 years and have never had any items of washing stolen from our washing line. Has Miss Gillies reported this to the police and can she provide police reference to evidence this claim. We have never had a 6ft fence round our rear garden and not every other garden in Sunnyside court does either. The claim that they are the only property in Sunnyside court not to have a 1.8 m fence around the rear and side is therefore incorrect. The main issues we have is the height of the fence on the corner makes it a blind corner and you do not have view of cars coming round. The roads department have also said that they do not support the application on grounds of road safety and that is the reason for the refusal 17th December 2021. I take it the councils position is not changed and the new appeal will also be refused on the grounds of safety and the fact that they did not apply for this size of fence to be put in.

I would appreciate a response to my email on the above matters.



**Re: *Confidential: Fw: Application for review of Planning Application
Reference 21/00261/FULL - Interested Party Responses**

Olivia Gillies to: Local Review Body

21/04/2022 20:29

Cc: "LeeRobertson@clacks.gov.uk", Ryan Campbell

History: This message has been replied to.

Thanks for your email. Please find below our response.

Kind regards

Olivia Gillies & Ryan Campbell

Response to neighbours comments

First of all, as a young couple recently moved into the area and looking to start a family, it is disappointing to hear of our “neighbours” objections. Although we feel, perhaps they haven’t been given all the evidence of our proposal plans as some objections mention the fence protruding from the front of the house as it does currently but in our block plan it clearly shows that the fence will be dropped back to the gable end of the house. A lot is also mentioned of our garden ‘used to be council land’. This may be the case but it no longer is and is part our property.

In response to Morag and Ian Penman. As clearly stated in our block plan the fence will be retreated back to the gable end of the house to remove visibility splays on the corner but also note there is a Toyota celica that parks on the corner every day which is more of a danger. We agree that the parking in the court is poor this is mainly due to another 2 Toyota celica’s that have been abandoned there and have not moved since we moved in over a year ago. We also agree the houses across or next to us could apply for their own drive and that’s up to them to do so. However the suggestion that it would cause “congestion” is ludicrous as cars in drives wouldn’t be on the street.

In response to Mr John & Janet Greig. Never once was it stated that anything had been stolen from our washing line. It was stated that as we are the end terrace our washing line is visible to the whole street. We have however had a food waste bin taken from the garden. As it is only a food waste bin we don’t find it appropriate to waste police time chasing a culprit but we believe we have a right to a private and secure garden which the 1m fence erected when we moved in did not provide. As stated in our response to Morag & Ian Penman our block plan shows the fence will be moved back to the gable end of the house to remove the blind corner.

In response to the owner of properties 40 and 86. It is disheartening to hear a response in a tone of such bitterness and resentment presented from someone who doesn’t actually reside in the court. The google maps photos provided are irrelevant as the street no longer looks like this. Whether they agree or disagree with the land being bought by the previous owners of our property that is not of our concern, perhaps they should take it up with the previous owners and not direct their frustrations towards us. I would like to know how this person knows we barely use the drive as we always have one car parked in it and the other in the court. If they had seen the block plan it would clearly show that our back and side garden would be fenced off with drive at front thus solving our security and privacy issue. We are baffled as to how a driveway at the front would take away spaces from other cars, the cars could still park there. The comment “they should give back the land they acquired” strikes as petty and immature as we have stated the land is part of our property when we purchased it. Any issues should be

taken up with the previous owners.

In response to the roads department. While being 1m shy of the depth we hope that a compromise can be met. With the fence being moved back to the gable end of the house, it opens up more length of parking space along the front/ front side of the house and becomes quite substantial. As shown in our block plan proposal it would only be for one car.

Sent from my iPhone



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: planning@clacks.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100492311-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Fence Alterations

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Unaware that Planning Permission was required

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Sunnyside Court"/>
First Name: *	<input type="text" value="Olivia"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Gillies"/>	Address 1 (Street): *	<input type="text" value="16 Sunnyside Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Alloa"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Clackmannanshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Fk102ah"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Clackmannanshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="16 SUNNYSIDE COURT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ALLOA"/>
Post Code:	<input type="text" value="FK10 2AH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="693288"/>	Easting	<input type="text" value="288727"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Discussion to reach a compromise on the erection of the 1.8m high screen fence to provide privacy

Title:

Mr

Other title:

Planner

First Name:

Mark

Last Name:

Stoddart

Correspondence Reference Number:

21/00038/NOPP

Date (dd/mm/yyyy):

21/10/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

297.36

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Domestic Garden Ground

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Existing Refuse Bin Storage

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Miss Olivia Gillies

On behalf of:

Date: 25/10/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss Olivia Gillies

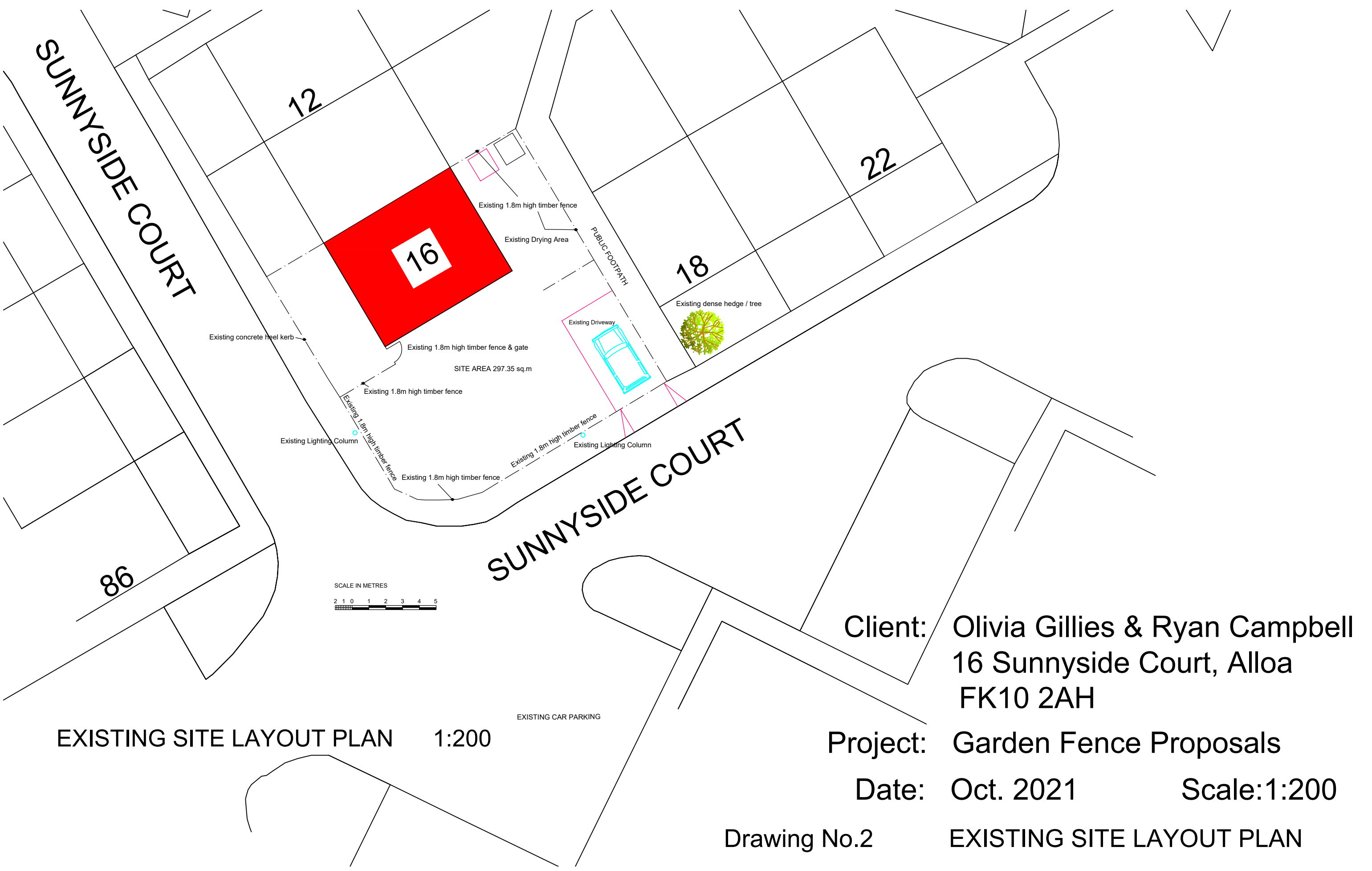
Declaration Date: 25/10/2021

Payment Details

Online payment: XXXXXXXXXX

Payment date: 25/10/2021 20:20:00

Created: 25/10/2021 20:20



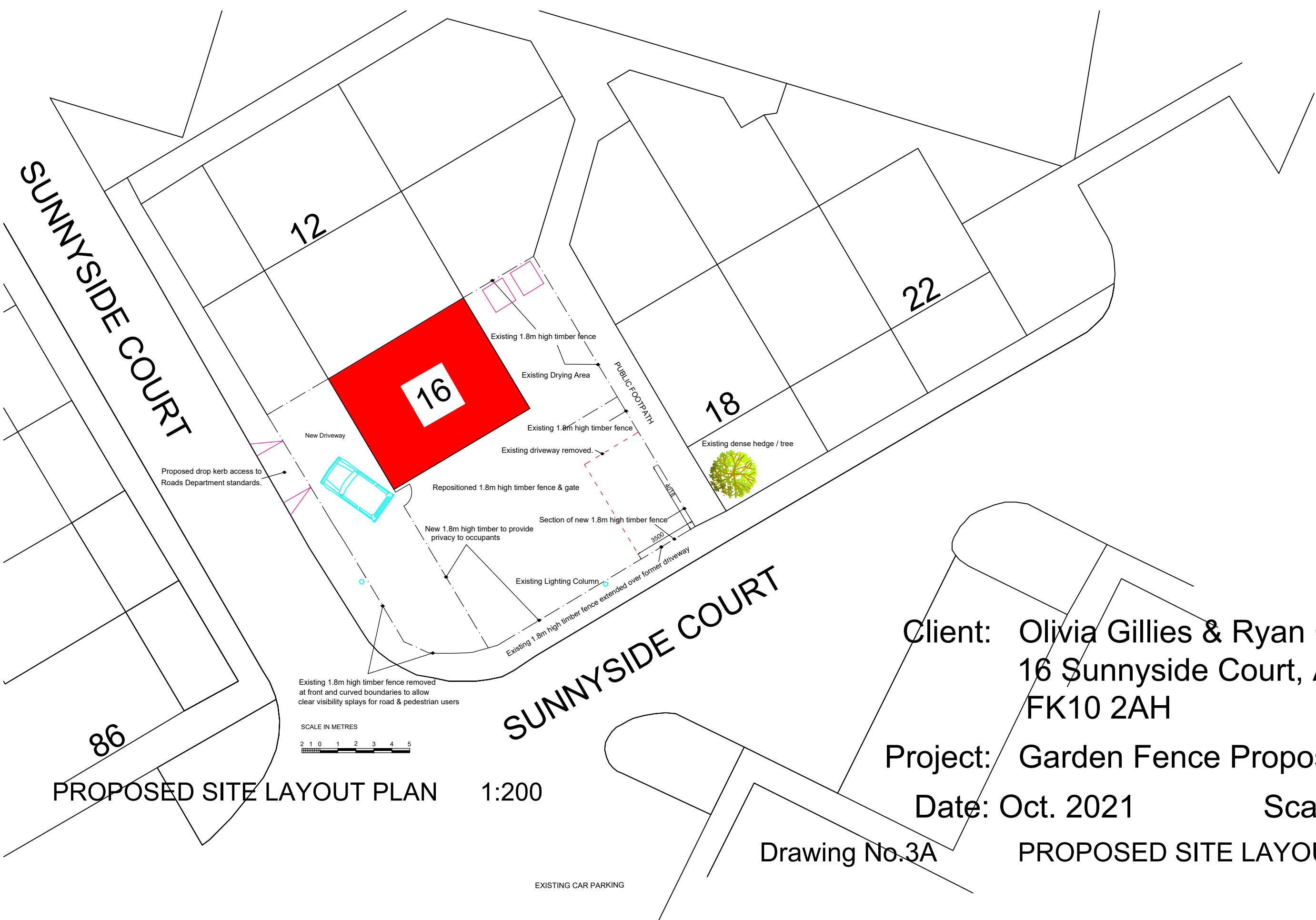
EXISTING SITE LAYOUT PLAN 1:200

Client: Olivia Gillies & Ryan Campbell
 16 Sunnyside Court, Alloa
 FK10 2AH

Project: Garden Fence Proposals

Date: Oct. 2021 Scale:1:200

Drawing No.2 EXISTING SITE LAYOUT PLAN



PROPOSED SITE LAYOUT PLAN

1:200

Drawing No.3A

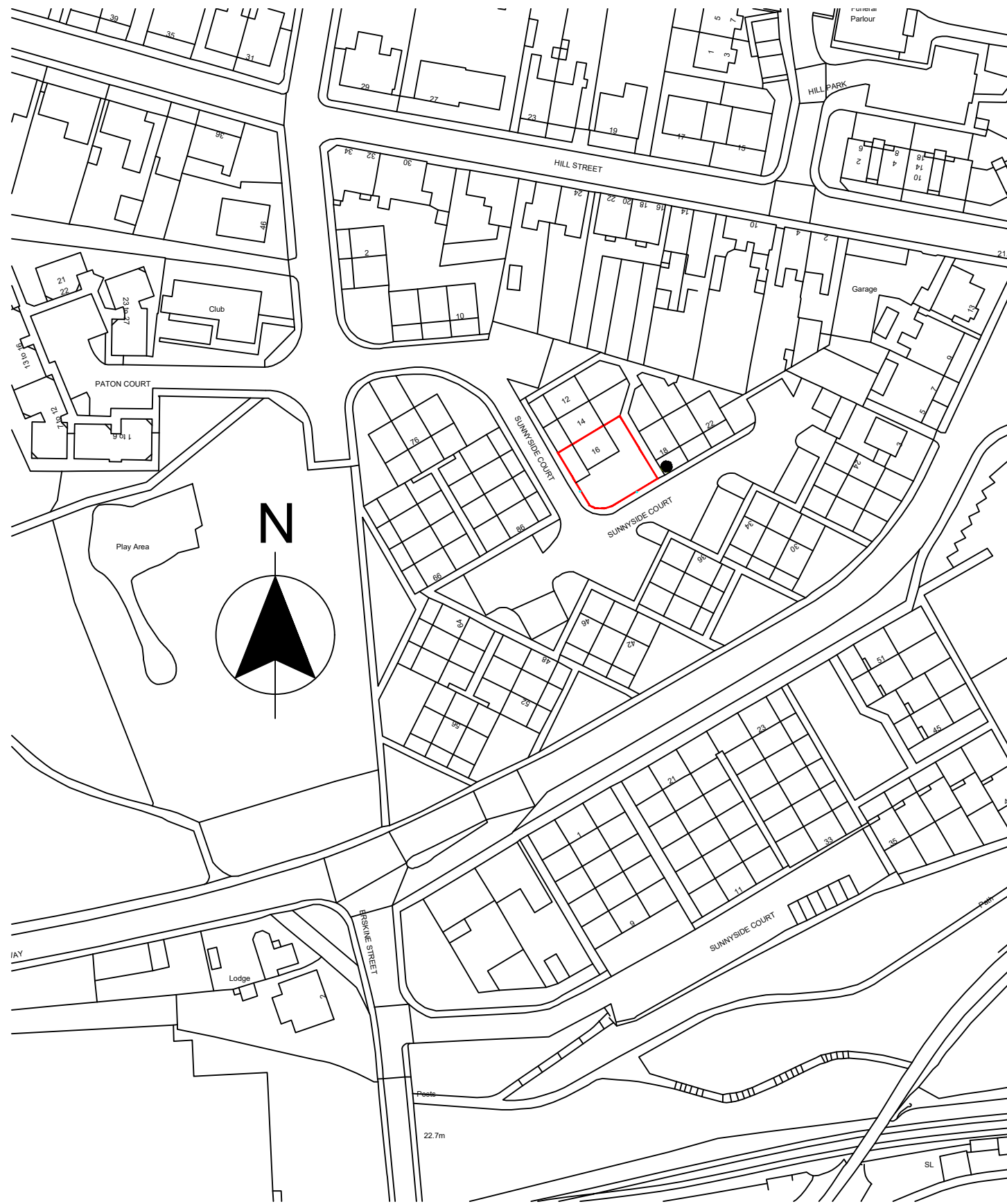
Client: Olivia Gillies & Ryan Campbell
 16 Sunnyside Court, Alloa
 FK10 2AH

Project: Garden Fence Proposals

Date: Oct. 2021

Scale:1:200

PROPOSED SITE LAYOUT PLAN



LOCATION PLAN

1:1250



BLOCK PLAN

1:500

Client: Olivia Gillies & Ryan Campbell
 16 Sunnyside Court, Alloa
 FK10 2AH

Project: Garden Fence Proposals

Date: Nov. 2021 Scale: As Shown

Drawing No.1A LOCATION PLAN & BLOCK PLAN

**COMMUNITY & REGULATORY SERVICES
CLACKMANNANSHIRE COUNCIL**

<p>REPORT OF HANDLING PLANNING APPLICATION DELEGATED REPORT</p>
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Application Ref. No. 21/00261/FULL Date of Site Visit: 20th August 2021.

Description of Proposal **Proposed Fence Alterations and Creation of Parking to Front of House.**

Location: **16 Sunnyside Court, Alloa, FK10 2AH.**

1. **The Proposed Development**

This application is for a 1.8 m high fence running from the corner of the front elevation of the house to the rear of the footpath on the south side of the property, the fence continuing along the southern boundary of the property, then returning along the eastern boundary to meet the existing fence at the rear of the property. Off street carparking is proposed to the front of the house.

This application was submitted as the owner of the property has erected a 1.8 m fence along the western and southern boundaries of the property. The owner was informed that the fence required planning permission due to its height and general advice was given on the concerns of the Planning department and Roads department. This application has then been submitted by the owner.

The house is a single storey end terrace. The property was extended in 2018 (18/00207/FULL), by incorporating a piece of open space to the south into the garden through a change of use. A driveway was formed along the eastern side of the property and 1 m high fences / gates approved for the boundary of the enlarged garden. This was applied for by a previous owner. A public path runs along the eastern side of the property.

2. **Summary of Consultation Responses**

Roads and Transportation – have objected to the creation of new off street carparking to the front of the house as

they do not favour proposed vehicle access arrangements where an absolute minimum driveway length of 5m cannot be achieved at right angles to the road. This would be the case here if any permission were granted. Driving in to or exiting from a driveway at right angles is a basic access design requirement that promotes safe use of plot accesses by drivers. Accesses which are not formed in this way means drivers cannot always easily see in both directions and will require performing more complicated manoeuvres in using the driveway than should be necessary at a plot

access. Over time such access arrangements can lead to unsafe driving techniques being adopted when using the access and this increases the accident potential and in residential locations this will obviously involve an increased risk to pedestrians. Comment – Noted and addressed in the report.

Contaminated Land Officer – The case officer has checked the historic records and confirmed that the Council does not hold any historic record that the site was contaminated in the past.

3. Neighbour Notification and Publicity

Number of Neighbours Notified	28	Number of Objections	4
		Number of Other Representations	0

4. Summary of Representation.

Objections were received from the following parties.

Mr and Mrs Greig, 34 Sunnyside Court, Alloa, FK10 2AH.
Janice Donnelly and Brain Wardlaw, 13 Acorn Drive, Tullibody, FK10 2QB.
Mrs Sheila Menzies, 84 Sunnyside Court, Alloa, FK10 2AH.
Morag & Ian Penman, 42 Sunnyside Court, Alloa. FK10 2AH.

The fence will create a blind corner and create a danger for vehicles and pedestrians. Comment. *The proposed position of the fence does not conflict with Roads advice on visibility splays for leaving or entering the street. The relocation of the fence away from the western side of the property means that visibility splays are not compromised.*

The proposed car parking will obstruct drivers parking across the street in front of their houses. There is already a lack of parking within the street. Comment. *It was noted on the site visit that a number of cars were parked on the side of the street opposite the front garden of No. 16 Sunnyside. Due to these cars, it would not be possible to enter the property at a right angle as required by the Council's Roads Department.*

5. Summary of Supplementary Statements

None.

6. Summary of Section 75 Planning Obligations.

None.

7. Site History/Background

18/00207/FULL - Change Of Use Of Open Space To Garden Ground, Formation of Driveway And Erection Of Boundary Fence/Gates (Retrospective) – Approved and completed.

8. Planning Assessment

(a) Local Development Plan

i. Policies

The relevant Development Plan Policy is Policy SC8 (Domestic Developments).

Clackmannanshire's Local Development Plan policy SC 8 states that the Council will normally approve alterations to houses provided that the development, by virtue of its siting, design, scale or massing does not detrimentally affect the character or appearance of the building, site or surrounding area.

From the information provided in the application, and comments, if any, received from third parties, we conclude that :-

- The proposed 3.9 m deep car parking is substandard in depth (the recommended minimum is 5 m), there would be difficulty in entering and leaving the property and a large area of the front garden would need to be converted to a hard surface to allow cars to enter, park and leave the site in a safe manner. Due to the limited amount of space to the front of the house (approximately 3.9 m from the rear of the footpath to the front elevation), it would not be possible to enter the property at a right angle to the street.
- There is currently an existing carpark and access that complies with Roads guidance and does not create a hazard to roads users and pedestrians.
- The proposed 1.8 m high fence along the southern boundary would create a solid feature in a streetscape that features open gardens to the front. The fence would be forward of the building line on this part of the street. The fence would limit visibility around the entrance /exit of the public footpath on the eastern side of the property.
- The proposed materials will not adversely impact on the character of the house. Wooden fences are common for properties of this type

Accordingly, it is deemed that the proposals are contrary to Policy SC 8 of the Local Development Plan.

ii. Proposals

For the following reasons the proposal is deemed unacceptable.

- The position and height of the fence has an adverse impact on the streetscape and character of the area.
- It is atypical of the properties in this part of the street.
- The height of the fence would limit visibility around the entrance /exit to the public footpath that runs along the eastern side of the property.
- The fence would be forward of the building line of the houses to the east of the property.
- The proposed parking to the front of the house is substandard in terms of depth and would not allow vehicles to safely enter or exit the property.

Our assessment of this proposal takes account of the applicant's house, the position of, and alterations to, neighbouring properties, and any consequential predicted change to standards of amenity.

iii. Supplementary Guidance

The proposal does not accord with the guidance on householder developments in Supplementary Guidance No.10 - Domestic Developments.

(b) Other Material Considerations

None.

9. Recommendation

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

That the application for the fence and car parking to the front of the house be REFUSED.

Reasons for Refusal

1. The southern section of the fence would adversely impact on the open streetscape and character of the area being a solid feature and being forward of the building line of the houses to the east of the property.
2. The southern and eastern section of the fence would create a hazard as it would limit visibility around the entrance / exit to the public path running along the eastern side of the property.
3. The proposed car parking spaces to the front of the property are substandard in terms of depth, would require complicated manoeuvres to use and there is

a complying car parking space and access already in place within the property.

Reasons for Decision

1. The proposal fails to meet the criteria of Policy SC 8 of the Clackmannanshire Local Development Plan.
2. The proposal does not comply with guidance contained in Supplementary Guidance No.10 - Domestic Developments.

Plan Numbers Relating to the Decision

Plan 1 Block Plan as Existing, Plan 2 Block Plan as Proposed, Plan 3 Location Plan and Block Plan.

10. Checklist

The application does involve development of land in which the Council has an interest	<input type="checkbox"/>
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	<input checked="" type="checkbox"/>
The charge for advertising this application has been paid or is not required	<input checked="" type="checkbox"/>
Any publicity period has expired	<input checked="" type="checkbox"/>
The recommendation requires authorisation by the following Appointed Officers:	
Development Quality Team Leader	<input checked="" type="checkbox"/>
Development Services Manager	<input type="checkbox"/>
The recommendation/decision has secured added value which is recorded in Uniform	<input type="checkbox"/>
Two complete sets of plans to be approved are attached, or identified from the electronic file	<input type="checkbox"/>
The electronic file requires annotated plans which are attached	<input type="checkbox"/>

There are instructions to Business Support attached to this report/file

Site Notice & Note to Applicant required for National, Major or Bad Neighbour development

Coal Authority Householder Referral Area Note to go with Decision

Coal Authority Standing Advice Note to go out with Decision

Signed M.S. (Case Officer)

Date 15/12/2021

Signed  (Team Leader)

Date 17/12/2021

CLACKMANNANSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
REFUSAL OF PLANNING PERMISSION

Applicant

Miss Olivia Gillies
16 Sunnyside Court
Alloa
Clackmannanshire
FK10 2AH

Agent

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

Proposed Fence Alterations And Creation Of Parking To Front Of House

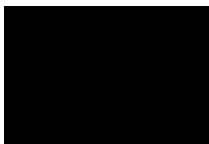
16 Sunnyside Court, Alloa, Clackmannanshire, FK10 2AH,

in accordance with your application and plans Ref. No:- 21/00261/FULL dated 2nd November 2021

For the following reasons:-

1. The southern section of the fence would adversely impact on the open streetscape and character of the area being a solid feature and being forward of the building line of the houses to the east of the property.
2. The southern and eastern section of the fence would create a hazard as it would limit visibility around the entrance / exit to the public path running along the eastern side of the property.
3. The proposed car parking spaces to the front of the property are substandard in terms of depth, would require complicated manoeuvres to use and there is a complying car parking space and access already in place within the property.

Dated: 17 December 2021



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DEVELOPMENT SERVICES

Reasons for Refusal

1. The proposal fails to meet the criteria of Policy SC 8 of the Clackmannanshire Local Development Plan.
2. The proposal does not comply with guidance contained in Supplementary Guidance No.10 - Domestic Developments.

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.
3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-
 - (a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.
 - (b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.
4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.
 - (i) If decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at LRB@clacks.gov.uk. Once completed the form should be returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body
Resource & Governance – Legal Services
Clackmannanshire Council
Kilncraigs
Alloa FK10 1EB
 - (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal, within three months from the date of this decision, with the Planning and Environmental Appeals Division (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our website, or you can request paper forms from:

Planning and Environmental Appeals Division
Scottish Government
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk

FK1 1XR

Telephone 01324 696400

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

