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Report to Planning Committee

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Date of Meeting: 2nd September 2010

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**Subject:** Planning Application 10/00159/FULL - Demolition of Existing Devon Equestrian Centre Building and Construction of SSPCA National Wildlife Centre with 2 Houses for Management Accommodation at Equestrian Centre, Fishcross - Report of Handling

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**Applicant:** Scottish Society for the Prevention of Cruelty to Animals (SSPCA), Kingseat Road, Halbeath, Dunfermline

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**Agent:** Barr Construction, 100 Inchinnan Road, Paisley

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**Prepared by:** Keith Johnstone, Principal Planner

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**Electoral Ward:** Clackmannanshire Central

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## 1.0 Purpose

- 1.1. This is a report of handling of the above noted planning application. The report assesses the proposed development in the context of the Clackmannanshire Development Plan and other material considerations, including consultation responses and representations. The report makes a recommendation to Committee based on this assessment.
- 1.2. The Council has an interest in the planning application, as owner of the application site, and this is the reason for the application being reported to Committee for a decision.

## 2.0 Recommendations

- 2.1. The application is recommended for **APPROVAL** subject to the undernoted conditions:
  1. Before any works start on site, samples of all external materials to be used on the buildings and hard surfaced areas shall be submitted to and approved in writing by the Council, as planning authority. Thereafter, the development shall be completed in accordance with the approved details.
  2. Before any works start on site, an environmental investigation / risk assessment which assesses the nature and extent of any contamination on the site shall have been submitted to and approved in writing by the

Council. The assessment shall be carried out by a suitably qualified person and shall include:-

- a) A report which identifies the nature, extent and types of contamination on the site;
- b) An assessment of the potential risks from the contamination and ground gas to major receptors according to current guidance (Model procedures for the Management of Land Contamination) and BS10175.
- c) A remediation and validation scheme that includes measures to deal with contamination if found, to ensure that the site is made suitable for its approved uses. The scheme shall include;
  - a site specific conceptual model
  - a rationale for the works to be undertaken
  - the proposed remediation objectives
  - remediation criteria
  - a timetable of works and site management measures
  - the measures for verification and validation

Thereafter, the developer shall implement and complete the recommendations of the approved assessment and scheme unless otherwise agreed in writing by the Council.

3. Before any works start on site, details of the proposed means of treating and disposing of waste water from the site shall have been submitted to and approved in writing by the Council as planning authority, in consultation with SEPA. Thereafter, the development shall be completed in accordance with the approved details unless otherwise agreed by the Council.
4. Before any works start on site, a scheme of landscaping shall have been submitted to and approved by the Council. It shall include:-
  - a) A survey showing all existing trees and other planting within the site which shall be retained or removed.
  - b) Details of the type, number and location of all new trees, shrubs and hedgerows to be planted within the site.
  - c) The arrangements for implementation and future maintenance of all landscaped areas to ensure the successful establishment of the approved landscaping works.

Thereafter, the development shall be completed in accordance with the approved details.

5. Further to Condition 4 above, the scheme of landscaping shall include;
  - (a) planting along the north and eastern boundaries of the main area within the site using native plant species designed to create a visual buffer between the development and neighbouring properties.
  - (b) native hedge or shrub planting to define the boundaries of the houses and to screen the refuse storage area from the Beam Engine House.
6. (a) No trees within the site shall be lopped, topped or felled without the prior approval of the Council, as Planning Authority.

- (b) Before the start of any work on site, protective fencing shall be erected around all trees and hedges which are to be retained as part of the development. The fencing shall be erected in accordance with BS5837 (2005), as amended, inspected by a representative of the Council and thereafter, shall remain in place for the duration of the construction work on the site.
7. Before any works start on site, details of the proposed scheme for surface water treatment for the site shall have been submitted to and approved in writing by the Council. The scheme shall be designed in accordance with the guidance contained in "The SUDS Manual (C697)" and shall include two levels of treatment unless otherwise agreed by the Council, in consultation with SEPA. Thereafter, the development shall be completed in accordance with the approved scheme.
  8. Before any works start to construct buildings within the site, details of the location and specification of all mechanical plant within the site shall have been submitted to and approved in writing by the Council, as planning authority. The details shall include information on the predicted hours of operation, noise levels and any measures to mitigate noise levels from receptors outwith the site. Thereafter, the development shall be completed in accordance with the approved details.
  9. Before any works start on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority;
    - (a) details of the location, design and colour of all means of enclosure within and around the site.
    - (b) details of the location and design of any external lighting within the site.
    - (c) a Construction Management Plan including details of the location and layout of any construction compound, contractor parking and material storage area and the measures to be used to safeguard the safety of other users of the Core Paths and the fabric of the Beam Engine House during the construction period.
    - (d) details of the provision of a minimum of 3 cycle parking spaces within the site.

The development shall be completed in accordance with the approved details.

10. No construction work shall take place, no machinery shall be operated and no construction related deliveries shall be received at the site outwith 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturday and at no time on Sundays or local bank holidays without the prior approval of the Council, as Planning Authority.
11. Before any works start on site, details of the arrangements to provide and maintain a visibility splay of 2.5m x 90m to the north of the junction of Shavelhaugh Loan with the access to the site shall have been submitted to and approved in writing by the Council. Within this splay, there shall be no obstruction to visibility over 1 metre in height above carriageway level.
12. The parking spaces annotated on the approved Site Plan shall be delineated in white paint before the occupation of the buildings.
13. Unless otherwise agreed in writing by the Council as planning authority, the two houses hereby approved shall not be occupied until the wildlife

centre buildings shown on the approved plans have been completed and brought into use.

### Reasons for Conditions

1. In the interests of visual amenity
2. To consider these details yet to be submitted and to minimise the risk to human health.
3. To consider these details yet to be submitted and to prevent pollution.
4. To ensure the effective implementation of the landscaping works in the interests of visual amenity.
5. In the interest of visual amenity.
6. In the interest of visual amenity.
7. To ensure adequate protection of the water environment.
8. To consider these details still to be submitted in the interests of the amenity of the area.
9. To consider these details yet to be submitted.
10. To safeguard residential amenity.
11. In the interests of road safety.
12. In the interests of road safety.
13. To accord with the provisions of Development Plan Policies ENV3 and EN18.

2.2 It is further recommended that planning permission is granted subject to the prior registration of a Section 75 Agreement between the Council and the applicant, the terms of which would:

- restrict the occupancy of the two house units only to persons that are engaged full time in the management of the wildlife centre.
- prevent the houses being sold or otherwise disposed of separately from the wildlife centre.

### 2.3 Reasons for Decision

- 1.0 The proposals would involve the redevelopment of vacant and underused brownfield land for a purpose that requires a countryside location and which would be compatible with the uses and amenity of surrounding land.
- 2.0 The development could be accommodated without having an averse impact on residential amenity or road safety.
- 3.0 The use of a suitably worded condition could ensure that the waste water drainage arrangements could be satisfactorily addressed having regard to the advice from SEPA and Scottish Water.

4.0 The proposals would achieve a satisfactory standard of design and would not adversely affect the setting of the Beam Engine House or the character of the area.

5.0 The National Centre would provide sustainable development which would bring permanent jobs to the area and enhance the profile and status of Clackmannanshire as a location to develop "Green Business".

6.0 The proposals therefore comply with the Council's adopted Development Plan and there are no material considerations that would indicate that the application should be refused.

### 3.0 Background to the Proposals

3.1 The application site comprises an area of brownfield land which has been developed in the past firstly as a colliery and then to accommodate the former Devon Equestrian Centre. The equestrian centre has been vacant for over 11 months and has been largely underused for a long period of time.

3.2 The proposed national wildlife centre would involve the demolition of the existing equestrian centre building and the construction of:

- a veterinary hospital
- indoor/outdoor seal and swan facilities, including pools
- several aviaries
- mammal enclosures
- a garage/workshop building
- water tanks
- two houses to provide accommodation for the site manager and assistant manager to enable them to provide security and overnight care and feeding of the animals on a continuous basis.

3.3 In addition to the land within the boundary, the SSPCA would also purchase the adjacent Beam Engine House and approximately 23 ha of land to the north and west of the equestrian centre. The Beam Engine House, which is a Scheduled Monument, would be used to provide an emergency helpline facility and the office facilities within the building would be retained for this purpose. The applicant has stated that the remaining land would be managed to enhance its amenity and nature conservation value. The SSPCA has indicated that the fields next to the proposed houses may be used to accommodate additional enclosures related to the recuperation of animals and birds at a future date. However, this does not form part of the current application and planning permission would have to be sought at a later date.

3.4 The development is intended to provide a purpose built wildlife rescue centre for the treatment and recuperation of wild mammals, birds and amphibians from throughout Scotland. It would also incorporate a modern oiled bird cleaning facility. The centre would provide employment for 12-14 full time staff supplemented by up to 8 seasonal workers. The development would replace the existing Wildlife Centre at Middlebank near Dunfermline which can no longer cope with the demands placed on it. It was originally built to deal with

oiled bird incidents but has evolved into a wildlife rescue centre. The new Centre could deal with over 5000 casualties per year which represents a 40% increase in capacity compared with the existing facility. The applicant predicts that the demand will increase due to the closure of other private rescue centres.

#### 4.0 Consultations

4.1 Roads and Transportation have no objection to the application on the basis that there is a locational justification for the houses and their occupation was tied to the operation of the wildlife centre. A suitable visibility splay to the north at the junction with Shavelhaugh Loan should be provided and maintained. *Comment. The issues relating to the houses are discussed in Section 6.0 below. The advice relating to the visibility splay could be regulated using a suitably worded planning condition. The applicant has provided information on the predicted frequency and type of traffic that would be generated by the development. It predicts an average 2 vehicle movements per hour over a normal working day. The traffic impact would be less than could be generated if the equestrian centre use was fully operational.*

4.2 Environmental Health has advised that:

- Following a visit to the existing facility near Dunfermline, they do not consider that the proposal should result in noise or odour nuisance.
- A detailed ground investigation/risk assessment would have to be submitted for the approval of the Council however this could be made conditional if permission is granted
- The hours of construction should be regulated
- The Animal Welfare Officer confirms that the proposed management accommodation is necessary to provide 24 hour care and supervision throughout the year as well as an out of hours reception.

4.3 SEPA has lodged an objection to the application on the ground of lack of information relating to waste water drainage. They have advised that they would consider removing their objection if they receive evidence that a connection to the public sewer is unfeasible due to either technical difficulties or the cost of connection. SEPA would also require information to demonstrate that a private treatment plant would be possible at this location and advise that surface water drainage should be provided in accordance with the SUDS Manual (C697). *Comment. The applicant has discussed the drainage proposals with SEPA and has also been in consultation with Scottish Water to establish whether a connection to the foul sewer at Devonside would be feasible. They have been unable to conclude this consultation at the time of completing this report. However, it is considered that given the land area that would be within the control of the applicant and the positive advice from their agent about the feasibility of using a private treatment plant, there is sufficient evidence that a suitable drainage system could be provided. This could be regulated by a planning condition which would require the arrangements for waste water drainage to be approved before work commences on site.*

- 4.4 Scottish Water has advised that they have no objection to the application. They advise that there is sufficient capacity to provide a public water supply and that the developer would have to carry out works to the supply if they consider it necessary to ensure there is no loss of service to existing customers. The response also states that there is no public sewer in the vicinity of the site.
- 4.5 Historic Scotland have confirmed that they are satisfied that the development would not have an adverse impact on the setting of the Beam Engine House. Consequently, they have no objection to the application. They also highlighted that if any alterations to the building were proposed, an application for Scheduled Monument Consent would be required. *Comment: There is no proposal to alter the building and the current accommodation would be adequate to be used as an emergency contact centre.*
- 5.0 Representations
- 5.1 A total of 3 neighbouring properties were notified of the application and an advertisement was placed in the local press for Neighbour Notification and Public Interest reasons. In response, 4 representations have been received from the following parties:
- a. Mr Alan Jenkins, Hillview, Fishcross
  - b. Mr Peter Howson, 1 Howetown, Fishcross
  - c. Mrs Linda Howson, 1 Howetown, Fishcross
  - d. Mrs Elizabeth Patton, 50 Fir Park, Tillicoultry
- 5.2 The main planning issues raised can be summarised as follows:
- a. the existing public water supply is inadequate for such a development. *Comment: Scottish Water has confirmed that they would ensure that there would be no loss of service to existing customers.*
  - b. further surface water drainage to existing ditches or culverts to the north and south of the site would exacerbate their existing poor condition which require to be maintained and repaired. *Comment: The applicant has confirmed that it is intended that the development would be served by a surface water drainage system which would use ground infiltration. The culvert to the south would not be affected by the drainage system. If a discharge to the ditch to the north was necessary then it would be upgraded to a suitable standard.*
  - c. the existing two Core Paths that pass the site should be safeguarded if the development proceeds. These are used by horse riders including those using the Riding for the Disabled group based at the neighbouring riding centre. *Comment: The development would not alter or adversely affect the Core Path routes which comprise the section of road from Shavelhaugh Loan to the site and a path which connects the road to Shavelhaugh Loan via Howetown. The Council's Access Officer is satisfied that the development would take account of the Core path routes. The frequency of traffic generated by the development would not result in a material increase on the level that could be generated by the current lawful use of the site, which had the potential to attract significant numbers of visitors.*

- d. will the vegetation along the road from Shavelhaugh Loan be cut back to improve visibility and allow the full width of the road to be used.  
*Comment: This section of road is outwith the site boundary and the direct control of the applicant and therefore such works could not be enforced under the terms of the planning permission. However, the applicant has voluntarily agreed to carry out the works if the relevant owners permission can be obtained.*

## **6.0 Planning Considerations**

6.1 The application requires to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

6.2 The key issues in relation to the application are considered to be: Development in the Countryside; Design and Amenity; Environmental Impacts; Drainage and Economic Impact.

### **6.3 Development in the Countryside**

The site is located within a countryside area as defined by the Proposals Map on the adopted Clackmannanshire Local Plan. The relevant policy guidance is contained in Clackmannanshire and Stirling Structure Plan Policies ENV3 and H6 and Local Plan Policy EN18. The proposed Centre would accord with these policies given that:

- the proposed facility would be dependent on a countryside location
- the Centre would be located on a previously developed site which is currently vacant
- the existing building would not be suitable for the proposed use
- the design and scale of the buildings would respect the existing character of the area and would be screened by the existing planting
- there would be a suitable access from the public

6.4 The proposal also includes the erection of two houses to provide accommodation for the Centre manager and the assistant manager. The proposed locations would be adjacent to the Centre to provide effective supervision of the facilities while offering a degree of privacy. The houses would be one and a half storeys in height and with a footprint of 11.9m in length by 7.5m in width. The Development Plan states that new residential accommodation will not normally be acceptable unless:

- The operational requirement for the accommodation can be clearly justified
- The business must provide the main source of livelihood for its occupant
- The new house is directly related to an existing business, and
- Where the above points are met, a Section 75 Agreement is entered into to limit occupation to a person solely or mainly employed in the

business and tying the house to the land associated with that business

6.5 The assessment of the application has considered the operational information relating to the proposed Centre provided by the applicant, the accommodation and staff arrangements at the existing Wildlife Centre near Dunfermline which the proposal would replace, and the independent advice from the Council's Animal Welfare Officer. This has concluded that there is a need for two houses as part of the National Wildlife Centre development and accord with the relevant Development Plan policy guidance based on the following reasons:

- there are operational and animal welfare reasons that require staff to be accommodated at the site to provide supervision, feeding, security and reception on a twenty four hour basis
- there are no existing buildings within or close to the site that could be used to provide suitable residential accommodation
- the proposed Centre would replace an existing facility where two houses have been provided for staff to ensure the facility is effectively operated and there is always sufficient cover when one or the other is off site or on holiday
- the proposed scale of the development would be significantly greater than the existing Centre both in terms of the site of the facilities and the number of casualties that could be handled each year. This would support the applicant's requirement for two houses at the site
- the unique scale, character and nature of the development proposal which would provide a national rescue centre for wild animals
- the development would not comprise a new business but involve the relocation of an existing business. The applicant has previously confirmed that the funding for the Centre is in place
- The proposed locations would allow effective supervision of the boundaries of the Centre that abut the access road and the areas that may contain animal accommodation in future.

#### 6.6 Design and Amenity

The proposed design and scale of the buildings would not adversely affect the existing character or amenity of the area or the amenity of the nearest properties. The setting of the Beam Engine House would also be safeguarded. The size of the proposed buildings have been reduced since the original submission to meet budget constraints which has resulted in the buildings being pulled further back from the site boundaries and neighbouring properties. The application would accord with Local Plan Policy EN11.

#### 6.7 Environmental Impacts

The assessment has concluded that the proposed facility would not be likely to result in nuisance to neighbours from noise or odour or activity. The existing Centre was visited by officers from the Service and Environmental Health and the evidence from this facility demonstrated that the impact from

the animals would not be likely to create a nuisance to neighbouring residents or significantly increase the environmental impacts that could be associated with the lawful use of the site as an Equestrian Centre. There have been no representations from the residents neighbouring the site. The Contaminated Land Officer has raised no objections to the development subject to the approval of a suitable risk assessment. The proposal accords with Local Plan Policies EN14 and EN15.

#### 6.8. Drainage

SEPA has objected to the application and this has been discussed in paragraph 4.3 above. Although the applicant has been unable to conclude its investigation with Scottish Water about the feasibility of connecting the development to the public sewer by the time this report had to be completed, which would then allow SEPA to reconsider its objection, the applicants agents have advised that they are satisfied that a suitable drainage scheme could be provided to satisfy SEPA. Given the consultation that the agent has already undertaken with SEPA and Scottish Water to progress this issue and the ability to use a planning condition to ensure the details can be agreed before work starts on site it is considered that there would be insufficient grounds to withhold planning permission.

#### 6.9. Economic Impact

The proposed development would bring 14 permanent jobs to the area as well as 9 seasonal jobs as well as creating opportunities during the construction phase. The creation of the National Wildlife Centre would also be likely to raise the profile of Clackmannanshire and complement the efforts to highlight the attractiveness of the area as a place to live and work.

#### 6.10. Summary

Taking account of the above considerations and the relevant policies in the Development Plan, it is concluded that the proposed development would accord with the objectives and policies of the Development Plan subject to the proposed conditions and the conclusion of a Section 75 Agreement. The representations and consultation comments received, and discussed in paragraph 5.2 and paragraphs 4.1 - 4.5 above respectively, do not indicate that planning permission should be withheld.

### **7.0 Sustainability Implications**

- 7.1 The proposal would involve the re-use of previously developed land for a purpose compatible with the countryside location.
- 7.2 The development would meet the necessary drainage standards to safeguard the environmental quality of the area.
- 7.3 The applicant proposes to manage their landholding to enhance its nature conservation value.

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

- (1) **Our Priorities 2008 - 2011** (Please double click on the check box )

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

**(2) Council Policies** (Please detail)

**8.0 Equalities Impact**

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

Yes  No

**9.0 Legality**

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

**10.0 Appendices**

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

**None**

**11.0 Background Papers**

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


Yes  (please list the documents below) No

- Clackmannanshire And Stirling Structure Plan
- Clackmannanshire Local Plan
- Consultation Responses
- Letters of Representation

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
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**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
John Gillespie	Head Of Community & Regulatory Services	

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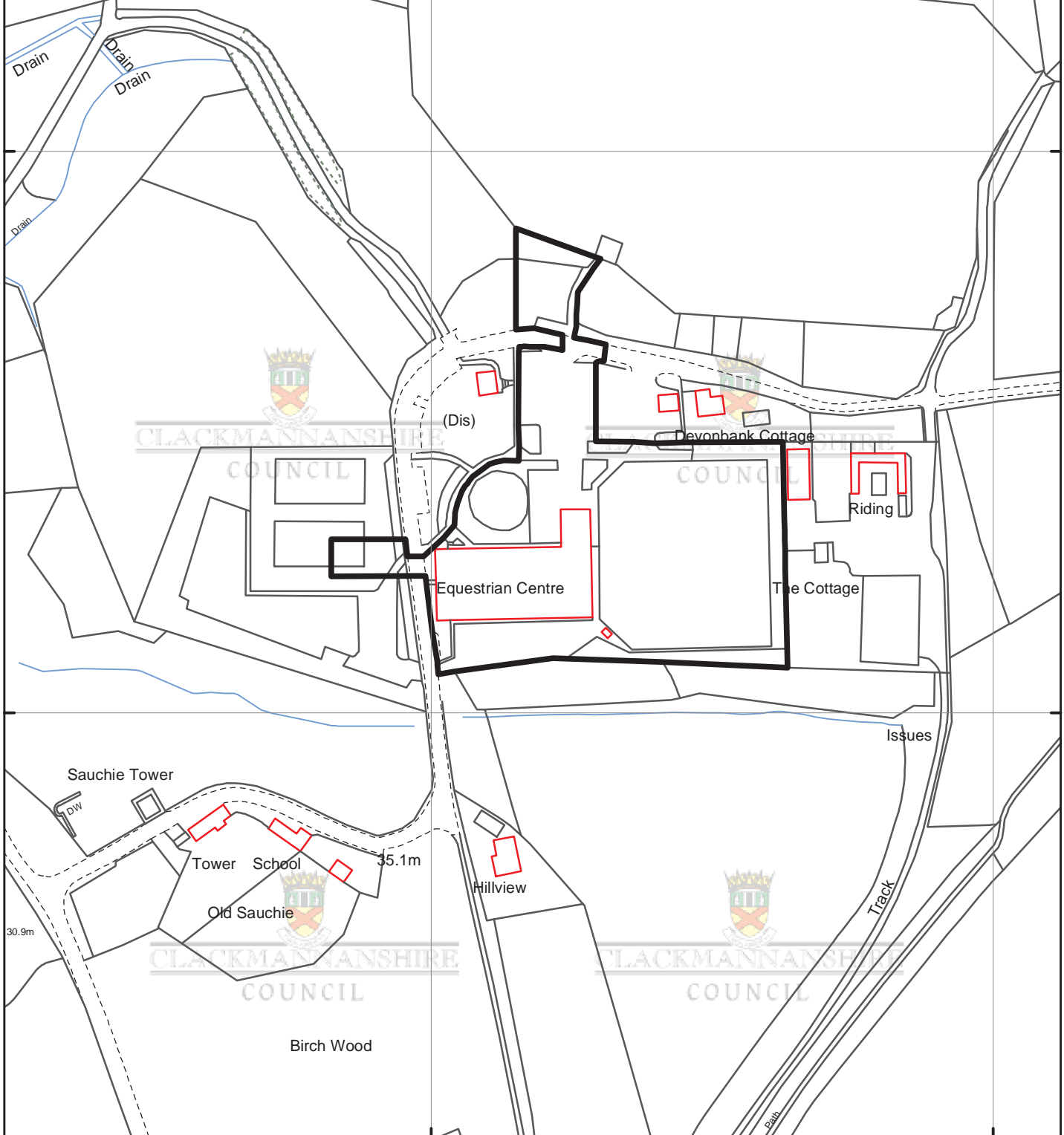
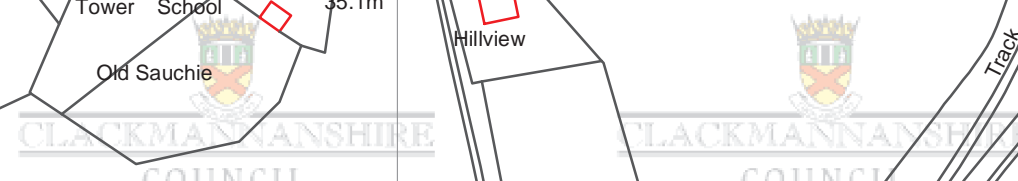
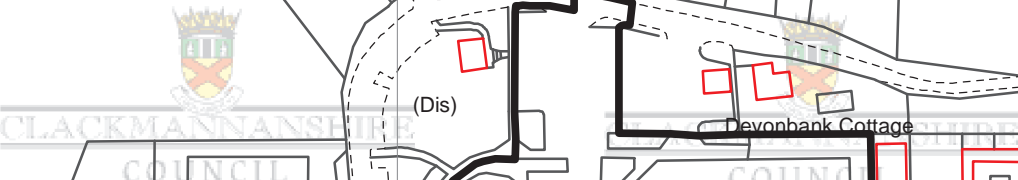
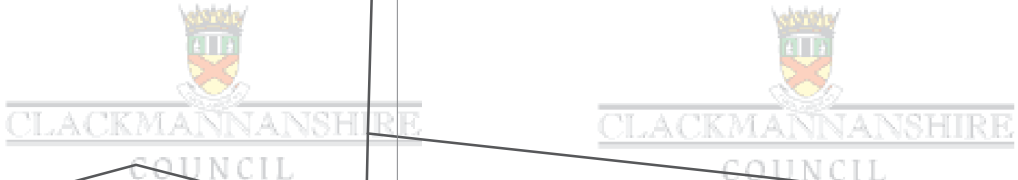
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Date:  
24-Aug-2010

**10/00159/FULL - Devon Equestrian Centre, Fishcross  
Demolition Of Existing Devon Equestrian Centre Building And Construction  
Of The National Wildlife Centre With 2 No Houses For Scottish SPCA**

**Ward: Clackmannanshire Central**

**OS Grid Ref: NS 897 957**

**Scale: 1:2,500**



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