



**Clackmannanshire
Council**

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Greenfield, Alloa, Scotland, FK10 2AD (Tel.01259-450000)

Planning Committee

Thursday 2 September 2010 at 9.30 am

Venue: Council Chamber, Greenfield, Alloa, FK10 2AD

For further information contact Finance and Corporate Services, Clackmannanshire Council, Greenfield, Alloa, FK10 2AD
Phone: 01259 452106 Fax: 01259 452230 E-mail: chiefexecutiveservice@clacks.gov.uk

Date	Time
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PLANNING COMMITTEE

The Planning Committee is responsible for taking decisions on planning applications and enforcement, dealing with regulatory issues arising in the fields of Building Control, Trading Standards, Environmental Health and non liquor licensing, all in line with Council policy.

25 August 2010

A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Greenfield, Alloa, on THURSDAY 2nd SEPTEMBER 2010 at 9.30 am.

**ELAINE McPHERSON
Head of Strategy and Customer Services**

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1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minute of Planning Committee Meeting held on Thursday 18th March 2010 (Copy herewith)	01
4. Report of Handling on Planning Application - Erection of confectionery factory (Class 5) with associated offices, cafeteria and shop at land to the rear of Glentana Mill, West Stirling Street, Alva (Ref. 10/00143/FULL) - report by Principal Planner (Copy herewith)	05
5. Report of Handling on Planning Application - Demolition of existing Devon Equestrian Centre Building and construction of SSPCA National Wildlife Centre with 2 houses for management accommodation at Equestrian Centre, Fishcross (Ref. 10/00159/FULL) - report by the Principal Planner (Copy herewith)	21

COMMITTEE MEMBERSHIP – PLANNING COMMITTEE

Councillors

Wards

Councillor Alastair Campbell (Convener)	5	Clackmannanshire East	CON
Councillor Tina Murphy (Vice Convener)	1	Clackmannanshire West	SNP
Councillor Kenneth Earle	4	Clackmannanshire South	LAB
Councillor Mark English	4	Clackmannanshire South	SNP
Councillor George Matchett	1	Clackmannanshire West	LAB
Councillor Walter McAdam	2	Clackmannanshire North	SNP
Councillor Bobby McGill	2	Clackmannanshire North	LAB
Councillor Harry McLaren	5	Clackmannanshire East	LAB
Provost Derek Stewart	3	Clackmannanshire Central	LAB
Councillor Gary Womersley	3	Clackmannanshire Central	SNP



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**MINUTE OF MEETING of the PLANNING COMMITTEE held within the COUNCIL
CHAMBER, GREENFIELD, ALLOA, on THURSDAY 18Th MARCH 2010 at 9.30 am.**

Present:

Councillor Alastair Campbell (Convener)
Councillor Tina Murphy (Vice Convener)
Councillor Kenneth Earle
Councillor Mark English
Councillor George Matchett
Councillor Bobby McGill
Councillor Harry McLaren
Councillor Derek Stewart

In Attendance:

Stephen Bell, Head of Development Services
Ian Duguid, Principal Planner
David Thomson, Legal Services Manager (Clerk to the Committee)

PLA(10)135 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor Walter McAdam, MBE and Councillor Gary Womersley.

PLA(10)136 DECLARATIONS OF INTEREST

Councillor Murphy declared a non-financial interest in agenda item 4 (Report on Handling on Planning Application Ref. 09/00019/FULL) as the Council's representative on Ochil View Housing Association. Councillor Murphy stated that as she took no part in the business planning of Ochil View she would take part in the debate and vote on this item.

PLA(10)137 MINUTE OF MEETING HELD ON THURSDAY 21st JANUARY, 2010

The Committee unanimously approved the minute of the Planning Committee Meeting held on Thursday 29th October 2009 as a correct record of proceedings. The minute of the meeting was signed by the Convener.

PLA(10)138 REPORT OF HANDLING ON PLANNING APPLICATION

Erection of 39 Houses with Associated Roads, Footpaths, Drainage and Landscaping at Playing Pitch and Open Space and former Builders Yard, Keilarsbrae, Sauchie, Clackmannanshire (Ref: 09/00019/FULL)

A report of the handling on the above noted planning application was submitted by the Principal Planner. The report considered the application proposals in the context of the Council's Development Plan, other material considerations, consultation responses and representations. The application had been referred to the Planning Committee for decision as the Council owns part of the application site.

Oral representation were made by:

Colin Machin, Machin Associates, Agents for the Applicant; and
Kenneth Archbold, Objector

Motion

To approve the application subject to the terms and conditions as set out in the report. The reasons for approval are:

1. The proposals involve redevelopment of a vacant and derelict brownfield site.
2. The proposals involve development of affordable housing on the former builders yard, which is identified for housing in the adopted Local Plan.
3. The proposals enable the provision of compensatory recreational facilities in lieu of the kick about pitch on the site.
4. The proposals involve a high quality of development design and layout that take account of the new Government policies on residential development and will enhance the site and surroundings.
5. The proposals therefore comply with the Council's adopted Development Plan and there are no material considerations that would indicate that the application should not be approved.
6. The Finalised Alteration to the Local Plan proposes the whole site for housing development and is therefore a significant material consideration in support of the application.

Moved by Councillor Alastair Campbell, seconded by Provost Derek Stewart.

Decision

The Committee agreed unanimously to approve the motion, subject to the conditions laid out in the report.

Action

Head of Development Services

On behalf of Councillor Gary Womersley, Councillor Mark English asked that the Committee members recognise and acknowledge the contribution of Stephen Bell as Head of Development Services to the Planning Committee, Development Services itself, the Council and Clackmannanshire.

The Committee agreed unanimously with Councillors Womersley's statement.

Ends: 10.03 am

CLACKMANNANSHIRE COUNCIL

Report to Planning Committee

Date of Meeting: 2nd September 2010

Subject: Planning Application 10/00143/FULL - Erection of Confectionery Factory (Class 5) With Associated Offices, Cafeteria and Shop at Land to the Rear of Glentana Mill, West Stirling Street, Alva - Report of Handling

Applicant: Mrs Tilly Confectionery, Barnpark Business Estate, Tillicoultry, FK13 6BP

Agent: Machin Associates, 30 Ludgate, Alloa, FK10 1DS

Prepared by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire North

1.0 Purpose

- 1.1. This is a report of the handling of the above planning application, submitted to Clackmannanshire Council on 4th June 2010. The report assesses the proposed development in the context of the Clackmannanshire Development Plan, and other material considerations, including consultation responses, any representations and the Finalised Alteration to the Clackmannanshire Local Plan. 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 following conditions:
 1. Before any works start on site, samples of all external materials to be used on the building 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, details of all boundary markers and/or means of enclosure shall have been submitted to and approved in writing by the Council, as planning authority. The specification and finishes of the enclosures shall be of a high quality where they are visible from public areas. Once approved, the details shall be completed prior to occupation of the building.
3. Before any works start on site, a tree protection plan for all trees to be retained within or adjacent to the site shall have been submitted to and approved in writing by the Council, as planning authority. The plan shall be prepared by a suitably qualified person and comply with the requirements of BS5837 (2005). Once approved, the tree protection measures shall be carried out in full in accordance with BS5837 (2005) before any works start on site and shall remain in place for the duration of construction works.
4. Before any works start on site, a scheme of landscaping shall be submitted to and approved in writing by the Council, as planning authority. The scheme shall include;
 - (a) a plan showing existing trees and hedgerows to be retained;
 - (b) details of the type, number and location of plants to be planted on or near to the site and shall comprise mainly native species
 - (c) hard and soft landscaping to compensate for the loss of existing trees within and adjacent to the site and to integrate the development with the surrounding area including the entrances from the car park and Cochrane Park and the adjacent Scout Hall. This shall include consideration of planting on land adjacent to the site;
 - (d) arrangements for the implementation, establishment and future maintenance of the landscaping.
5. Before any works start on site, a detailed specification of the external security measures to be employed to minimise the risk of crime within the site and on adjacent land, including the land containing the Scout Hall, shall have been submitted to and approved in writing by the Council, as planning authority in consultation with Central Scotland Police. The specification shall include the provision of appropriate external security lighting, boundary markers and CCTV. Thereafter, the development shall be completed in accordance with the approved specification prior to the commencement of use of the building unless otherwise agreed in writing by the Council, as planning authority.
6. No developments shall start on site until the Council, as planning authority, has received and, in consultation with SEPA, has approved a Flood Risk Statement prepared by a suitably qualified person which assess the impact of the 1:200 year storm event in the Carnaughton Burn on the development hereby approved including the effect of a blockage in the existing culvert south of the site. The statement shall demonstrate that the development would not be at an unacceptable risk of flooding and would not be likely to increase the risk of flooding on land downstream of the site. Thereafter, the development shall be completed in accordance with any

recommendations in the Statement.

7. Before any works start on site, details of the design and location of the measures for the collection and management of surface and roof water drainage within the site shall have been submitted to and approved in writing by the Council, or planning authority. The details shall be designed in accordance with SUDS (The SUDS Manual, C697, CIRIA 2007) and include two levels of treatment unless otherwise agreed in writing by the Council. Thereafter, the development shall be completed in accordance with the approved details.
8. Before any works start on site, details of the following shall have been submitted to and approved in writing by the Council, as planning authority;
 - (a) the location and detailed specification of the ventilation system for the production area and cafe and kitchen;
 - (b) an assessment of the predicted noise, vibration and odour from the mechanical extract system and any other mechanical plant within the building produced by a suitably qualified person; and any measures required to mitigate the impact to safeguard the amenity of neighbouring land.
 - (c) details of external waste storage facilities and the measures to screen these from public view.
 - (d) provision of a 3.0 m wide footpath access to the Scout Hall to the north of the building, including any revisions to the site layout plan to accommodate the access path.
 - (e) the specification and arrangements to provide disabled parking spaces and cycle parking within the carpark or site in accordance with the requirements of the Council's Development Roads Guidelines and Specification.
 - (f) the specification and design of the means of access from the existing carpark to the proposed service road and the proposed store on the east elevation.

Thereafter the development shall be completed in accordance with details approved above prior to the commencement of use of the building.

9. Before any works start on site, a travel plan for the development shall have been submitted to and approved in writing by the Council. The plan shall include details of the measures for both staff and visitors and the arrangements for implementation and monitoring. The Plan shall be prepared in accordance with the guidance contained in PAN57 - Planning for Transport and Good Practice Advice for Developing Travel Plans published by Clackmannanshire Council.

Thereafter, the developer shall comply with the recommendations of the approved travel plan.

10. No construction work shall take place, no machinery shall be operated and no deliveries shall be received at the site outwith 0800 - 1800 hours Monday to Friday, 0800 - 1300 hours on a Saturday and at no time on Sunday or local Bank Holidays, unless otherwise agreed in writing by the Council, as planning authority.
11. No part of the floor space within the eastern part of the building and annotated as cafe, cafe kitchen and shop on the approved drawing titled Proposed Plans and Elevations (No 1475/1.02A) shall be used for General Industrial (Class 5) or Business (Class 4) uses as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997, or any such Order revoking or re-enacting the Order, without the prior written Consent of the Council, as planning authority.
12. This permission hereby approves the use of the building as a food manufacturing unit with associated visitor cafe and shop. In the event that the use of the cafe and/or visitor facilities at the premises cease for a period exceeding 3 consecutive calendar months, the industrial activities in the building shall cease no later than 3 months from the end of the above period, unless otherwise agreed in writing by the Council, as planning authority.
13. Notwithstanding the provision of Class 10 (1) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992, and any subsequent Order revoking or re-enacting the Order, the net retail floor space within the building shall not exceed 100 m2 unless otherwise agreed in writing by the Council, as planning authority.

Reasons for Conditions

1. In the interests of visual amenity.
2. To consider these details yet to be submitted in the interests of visual amenity.
3. In the interests of local environmental quality and visual amenity.
4. To ensure the proper implementation of the landscaping in the interests of visual amenity.
5. Insufficient details have been submitted, to minimise the risk of crime and antisocial behaviour within and in the vicinity of the site and in the interests of personal safety.
6. Insufficient information has been submitted to assess the potential impact of floor risk from the Carnaughton Burn on the development.
7. To consider these details yet to be submitted and to ensure surface water is properly controlled and treated.
8. To consider these details yet to be submitted in the interests of visual amenity, local environment quality and to maintain a suitable access to adjacent land.

9. These details have still to be submitted by the developer.
 10. To safeguard residential amenity.
 11. To ensure the building is used for its intended and approved purpose given the sensitivity of the site and its surroundings and the exceptional justification for Class 5 (General Industrial) use at this location.
 12. To ensure the building is used for its intended and approved purpose given the sensitivity of the site and its surroundings and the exceptional justification for Class 5 (General Industrial) use at this location.
 13. To retain effective control over the retail element of the development given its location outwith the town centre boundary of Alva and the provisions of Policy JOB6 of the Clackmannanshire Local Plan 2004.
- 2.2. However, before the Council can issue the decision notice, it has to notify the Scottish Ministers as required by the Town and Country Planning (Notification of Applications)(Scotland) Direction 2009. This is because of the outstanding objection relating to flood risk from SEPA which is a statutory consultee.
- 2.3. Reasons for Decision
1. The proposals would be within part of the land identified for business use by Policy J25 (Glentana) of the Clackmannanshire Local Plan 2004. The proposed development of a manufacturing unit with an associated visitor cafe and shop and display kitchen would be a compatible and complementary use of the site having regard to the established uses within the adjacent Glentana Mill and the surrounding land including the Johnstone and Cochrane Parks and community facilities.
 2. The proposals would involve a high quality of design and layout that would complement and integrate with the surrounding land.
 3. The impact on access and parking associated with the proposals could be adequately met by the proposed layout and the existing parking and access roads adjacent to the site.
 4. The use of a suitably worded condition could ensure that flood risk has been adequately assessed in accordance with Local Plan Policy EN4 (Water Resources), the guidance in Scottish Planning Policy and the advice from SEPA and the Council's Roads and Transportation Unit.
 5. The proposed development would not have an unacceptable adverse impact on the amenity or safe functioning of adjoining premises subject to the terms of the planning conditions.
 6. The proposal would provide an opportunity for the expansion of an existing local business which would help sustain existing employment, generate additional jobs and provide an attraction for visitors to the Clackmannanshire Area. This would result in a significant economic benefit to the local economy.

7. The proposals, on balance, comply with the Council's adopted Development Plan and there are no material considerations that would indicate that the application should not be approved.

2.4. Section 75 Obligations

- 2.4.1. None.

3.0 **Background to the Proposals**

- 3.1. The site extends to approximately 0.27 hectares and comprises part of an area of public open space and a storage building and yard located to the rear of the Glentana Mill. The landscaped open space provides an attractive link from the Glentana Mill and car park to the Johnstone and Cochrane Parks. The store building abuts the park and Scout Hall grounds and its removal would enhance the amenity of the area.
- 3.2. The site is bounded to the west by mature and semi mature trees and the Carnaughton Burn, to the north by the Scout Hall and parkland and to the east by the car and bus parking area which serves the park and adjacent buildings including Glentana Mill.
- 3.3. The proposal is to erect a confectionery factory (Class 5) and associated cafe and shop for visitors and office accommodation. The approximate floor spaces within the building associated with these activities would be;
 - manufacturing 800m²
 - cafe 315m²
 - shop 73m²
 - offices 156m²
 - display kitchen 23m²

The manufacturing area would be located in the western part of the building and the visitor facilities within the eastern section. These are connected by the entrance to the building. The proposed design incorporates a mix of glazing, render and cladding with pitched roofs. There would be feature glazing on the north facing elevation from the cafe and office space affording views to the park and Ochil Hills. The maximum ridgeline level would be 8.2 metres and the eaves level would be approximately 4.0 metres.

- 3.4. The main entrance would be accessed from the car park at the rear of Glentana Mill and the car park would provide parking for visitors. The existing coach park/turning area would remain. The manufacturing activity would be serviced from a service road to the south and west of the building which would be accessed from the existing car park. A pedestrian entrance would also be provided on the north side of the building which would be accessed from the existing footpath to the Cochrane Park past the entrance to the Scout Hall.
- 3.5. The proposal would represent a significant investment and expansion of an existing local company which principally produces tablet, fudge and macaroon bars. The business has outgrown its current premises in Tillicoultry due to the predicted growth in sales of its products including to outlets across the United Kingdom. The development would ensure that production would meet the

significant quality assurance requirements of the distributors and would introduce a visitor based experience comprising cafe, shop and display kitchen. The current business employs 10 staff and the applicant predicts that the development would create a further 14 jobs over 3 years related to the increase in production and 8 - 10 jobs within the cafe giving a total of 34 jobs.

- 3.6. The site is located within the settlement boundary of Alva in the Clackmannanshire Local Plan 2004. The site occupies part of Local Plan Policy Site J25 (Glentana).

4.0 Consultations

- 4.1. Roads and Transportation do not object to the principle of commercial development at this location subject to; the provision of adequate parking provision to serve the development and the existing premises; the submission of a Travel Plan; an assessment of the likely impact of a 1:200 storm event on the risk of flooding from the Carnaughton Burn which is adjacent to the site; and consideration of the means of maintaining access to the Scout Hall. Comment *It is considered that the advice from Roads can be satisfactorily addressed having regard to the following points:*

- *the existing car park at the rear of the Glentana Mill contains 67 parking spaces and 8 disabled parking spaces in addition to a large coach turning/parking area. The proposed development would require 39 spaces based on the relevant Council's parking maxima ratios. Given the existing number and availability of spaces within the car park; the agreement by the applicant to prepare a Travel Plan to reduce reliance on the private car; the level of surplus spaces normally available in relation to the demand for parking generated by existing adjacent premises; and the policy approach to apply parking maxima ratios; it is considered that the parking demand generated by the proposal could be satisfactorily met by the existing car park without creating an unacceptable risk to road safety or the generation of on-street parking demand on nearby roads;*
- *the submission of a Travel Plan could be regulated by a planning condition;*
- *the applicant has confirmed that the proposed service access arrangements would be suitable for their business operation, having regard to the frequency and size of delivery vehicles;*
- *the proposal would alter the existing access arrangements for the Scouts by removing the existing footpath link from the bus turning area. The parking area is currently used by those using the Hall. The Scout Group also uses the footpath from the turning area to drive vehicles to the Hall to load/unload equipment. However, there is also a footpath link to the Hall from the carpark in Cochrane Park which would also provide a convenient access to the Hall if the building was erected. The access road in Cochrane Park would allow vehicles to park close to the entrance to the Hall. It is considered that the alternative arrangements that would be available if the development took place would be reasonable and would not prejudice the continued use of the Hall.*
- *the applicant has submitted information relating to flood risk which is under consideration by SEPA.*

4.2. SEPA object to the application on the grounds of lack of information relating to flood risk from the Carnaughton Burn. They recommend that a suitable flood risk assessment be undertaken. They also advise that a condition should be attached to any subsequent permission requiring two levels of SUDS surface water treatment. *Comment* The Service has also requested information on the effect on flood risk on the development and areas downstream of the site. The applicant has submitted information to SEPA to try to address their concerns but SEPA's response to the adequacy of the information has not been received at the time of writing this report. However, as discussed in paragraph 6.8 below, it is considered that a condition could be attached to ensure the risk is satisfactorily addressed before work commences on site. The use of suitable SUDS to treat surface water could be requested using a planning condition. As SEPA has objected on the grounds of flood risk, the application would have to be notified to the Scottish Ministers before the Council could grant planning permission as required by the Town and Country Planning (Notification of Applications (Scotland) Direction 2009.

4.3. Land Services advise that a detailed tree survey should be submitted to assess the impact of the development on existing trees within and adjacent to the site. They note that the building would result in the loss of a number of mature trees on the western boundary due to their proximity to the construction area. They also highlight the following:

- pedestrian access from the car park to Johnstone Park should be maintained;
- the coach turning area is used by funfairs.

Comment A tree survey has been submitted which confirms that the development would result in the removal of 5 mature trees on the east side of the Burn as well as approximately 27 standard trees which had been planted within the open space within the site boundary. The mature trees are part of a row running along the burn from the Mill building which create a screen between the Cochrane Park and the Glentana Mill site as well as making a significant contribution to the amenity of the area. Their retention would require the building and service road to be moved approximately 10 metres away from the trees. The Service has sought to retain the trees by asking the applicant to relocate the building further to the east to avoid the root protection area. They have reviewed the layout and building position but have concluded that there is no practicable alternative layout to achieve the root protection exclusion zone for the trees while accommodating the required layout of the building within the site. They would be willing to provide compensatory planting if permission was granted. The proposal would not prevent access to Johnstone Park from the car park or the use of the coach turning area.

4.4. Environmental Health have no objection in principle but advise that further information should be provided including:

- a specification for the ventilation system for the production area;
- details of the proposed mechanical plant to allow an assessment of potential noise, vibration and odour from them;
- the provision of waste storage facilities.

They also advise that construction hours should be regulated. Comment *Given the nature of the proposals and the distance from the nearest residential properties, it is considered that these issues could be satisfactorily regulated using planning conditions to require the details to be approved by the Council before works commence.*

- 4.5 The Police Community Safety Officer has advised that the design and layout of the development should include measures to deter this risk of vandalism or other crime at the site and the adjacent Scout Hall. There are records of anti social behaviour in the vicinity of the site. Comment *The applicant has stated that they have no objection to incorporating measures within the development minimise the risk of crime including in consultation with the Scouts. This could be regulated using an appropriately worded planning condition.*
- 4.6 Alva Community Council has commented that they have no objections to the principle of the development provided it does not impact on the use of the neighbouring premises occupied by the Scouts and Parkland Alva Pensioners Association. Comment *The proposed development could be accommodated without having an unacceptable impact on neighbouring uses. This is discussed in Section 6.0 of the report below.*
- 4.7 Scottish Water has no objection to the application and advise that there is sufficient capacity to service the development.
- 4.8 Argyll, Stirling and the Trossachs Tourist Board were consulted on the application but have not responded to the consultation.

5.0 Representations

- 5.1 A total of 4 neighbouring properties were notified of the application and a Neighbour Notification advertisement was placed in the local press on 10th June 2010. Two representations have been received from the following parties;
- 1st Alva Scout Group (4th Clackmannanshire) c/o Dickies Wells, Alva
 - Lynn Blyth, Ochils Coffee Mill, Unit 1, Glentana Mill, West Stirling Street, Alva.
- 5.2 The Scout Group is in principle in agreement with the proposed development but have concerns about following issues;
- (a) the loss of the existing vehicular access to the Hall. Comment - *this issue has been addressed in section 4.1 above.*
 - (b) the increased risk of crime and vandalism to their property if the boundary between the factory and Hall is a high wall and no external lighting was provided - Comment *There are already problems relating to antisocial behaviour within the Hall grounds verified by the Community Safety Officer. The Hall is currently enclosed by high hedgerows and a wall on the north boundary which make the property secluded from adjoining paths, car parks and open space. The proposed building would also enclose 2 sides of the Hall but the applicant has offered, in consultation with the Scout Group, to install and maintain security measures covering the building and Scout Hall to*

improve the existing situation. This could include external security lighting, CCTV and boundary railings to replace the existing wall on the north boundary of the Hall. The Service and the Police Community Safety Officer consider that the provision of such measures would result in a net improvement in terms of measures to deter the risk of crime. Their inclusion could be regulated using a planning condition.

5.3 The representation from the neighbouring cafe business has raised the following concerns;

(a) It is unlikely that two cafes could survive in such close proximity to each other. Comment - *this would not be a material planning consideration.*

(b) They were not made aware of the proposal when they signed a 3 year lease earlier this year. Comment - *This is not a material consideration in the assessment of the application.*

(c) A factory should not be situated on the edge of park land Comment - *This issue is considered in the next section of the report.*

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; The Principle of the Development; Design and Amenity; Environmental Impacts; Access and Parking; Flood Risk; and Economic Impact.

6.3 Principle Of The Development

The site is currently allocated for business use (Class 4/5) as part of Policy J25 (Glentana) in the 2004 Local Plan. Although the site is identified for these uses, the associated Development Guideline states “ Existing use : visitor centre, shop and café. Change of use and conversion of existing units for Class 4 Business Purposes“. The proposal would involve new build within land covered by Policy J25. The Development Guideline only refers to conversion of the existing buildings and further new build development was not anticipated when the Guideline was prepared. Notwithstanding this position, there are a number of factors which would provide support for the principle of the development in relation to Policy J25 and these can be summarised as follows;

- It is considered that the specific uses and nature of the proposal, which combines a food manufacturing unit with a visitor attraction (cafe/display kitchen/shop), would make it consistent with the provisions of Policy J25. The proposal would create a visitor experience that would be unique in Clackmannanshire but would also be compatible with and enhance the established function of the Mill as a visitor facility which includes retail and cafe uses.
- Conditions are proposed which would restrict the change of use of the visitor attraction part of the building and the use for manufacturing without the cafe/shop uses without the further approval of the Council as planning authority. These controls are considered necessary given the potential adverse impacts

that an unfettered permission for Class 5 use of the site could have on the amenity of the area and the existing uses on adjacent land.

- Local Plan Policy JOB3 (Small Business) provides support for appropriate new business opportunities within settlements and states that businesses will be encouraged to locate on sites allocated for business use on the Proposals Map and suitable brownfield sites. The proposal would accord with this Policy.

It is concluded that the proposal would accord with the objectives of Policies J25 and JOB3. Furthermore, the proposal would also be consistent with the provisions of Local plan Policy JOB12 (Tourism) in terms of the location within the settlement boundary and the criteria in the Policy. The proposed retail element would be consistent with the objectives of Local Plan Policy JOB6 (New Shopping Facilities) given the shop would be related and ancillary to the manufacturing process. There are also retail uses already established within the Glentana Mill.

6.4 In terms of the Finalised Local Plan Alteration 2009, the site is within part of the Housing Opportunity Site H907. The relevant Development Guideline states that the site has potential for mixed use development including a new tourism development opportunity. The terms of the Guideline and the conclusions in Paragraphs 6.5 and 6.6 below demonstrate that the proposed development would be consistent with the objectives of this designation. This designation would have less weight than the Development Plan position in the adopted 2004 Local Plan.

6.5 Design and Amenity

The proposed design of the building would achieve a suitable standard which would not detract from the established character of the area. The layout and design would respond to the location in terms of the appearance from the car park, the standard of finishes and the orientation of the main glazing areas towards the park and the Ochil Hills. Although the development would result in the removal of several mature trees on the west boundary, there is scope to provide compensatory planting including on the west side of the burn to help offset the loss and integrate the building within the park land setting. The building would be close to the Scout Hall but this would not have an unacceptable impact on the existing standard of amenity enjoyed by this property. The applicant would also provide security measures to reduce the risk of crime or anti social behaviour at both premises. The removal of the existing store building would enhance the appearance of this part of the park. The proposals would accord with Local Plan Policies EN11 (Enhancing Environmental Quality).

6.6 Environmental Impacts

The manufacturing process would fall within Class 5 (General Industrial) and there would be potential for nuisance from noise, odour or vibration associated with this use class. However, the nature of the business (confectionery production and cafe) would mean that the environmental impacts would be unlikely to create a nuisance to existing neighbours. The proposed conditions would require details of the mechanical plant to be submitted to and agreed by the Council before works could commence to ensure their effectiveness and impact would be considered. This approach would accord with the advice from Environmental Health and the guidance in

Local Plan Policy EN15 (Planning and Environmental Protection).

6.7 Access and Parking

The issues relating to parking and servicing raised by Roads and Transportation have been addressed in paragraph 4.1 of the report above. The site is accessible by public transport and cycle parking and additional disabled spaces would have to be provided. The applicant would also have to submit a Travel Plan. It is considered that the proposal would not result in an unacceptable impact on road safety and the location would be accessible by modes of transport other than the private car.

6.8 Flood Risk

The applicant was advised to carry out an assessment of flood risk by the Service prior to the receipt of the consultation response from SEPA. Given the nature of the surrounding land and the size and catchment of the Carnaughton Burn, it is not envisaged that flood risk issues would prevent development taking place. However, a suitable assessment is required given the proximity of the burn to the site. An initial assessment has been carried out by the applicant and the details have been submitted to SEPA but its response has not been received at the time of completing this report. If their response is not be received before Committee meets, this could be regulated by a suitably worded condition so that both the Council's interests as flooding authority and that of SEPA would be satisfied.

6.9 Economic Impact

The proposal would enable an existing local business to expand in response to the predicted demands on output which cannot be met from their existing facility. Furthermore, the proposal would diversify the business by creating a local visitor attraction based on the manufacturing process. If successful, the business would employ a further 14 manufacturing jobs and 8 - 10 jobs in the cafe facility while attracting visitors to the area which is likely to have an economic benefit locally. This economic impact would be significant in a Clackmannanshire context and particularly welcome in the present economic climate.

6.10 Summary

Taking account of the above considerations and the relevant policies in the Council's Development Plan, it can be concluded that the proposals would accord with the objectives and policies of the Development Plan. The Finalised First Alteration would be a material consideration and would also provide support as discussed in paragraph 6.4 above. The representations received on the application would not indicate that permission should be withheld as discussed in paragraphs 5.2 and 5.3 above. The proposed conditions are set out in Section 2.0 of the report and deal with issues including flood risk, landscaping and the use of the building.

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 | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer | <input type="checkbox"/> |
| Vulnerable people and families are supported | <input type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input type="checkbox"/> |
| The environment is protected and enhanced for all | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input type="checkbox"/> |

(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

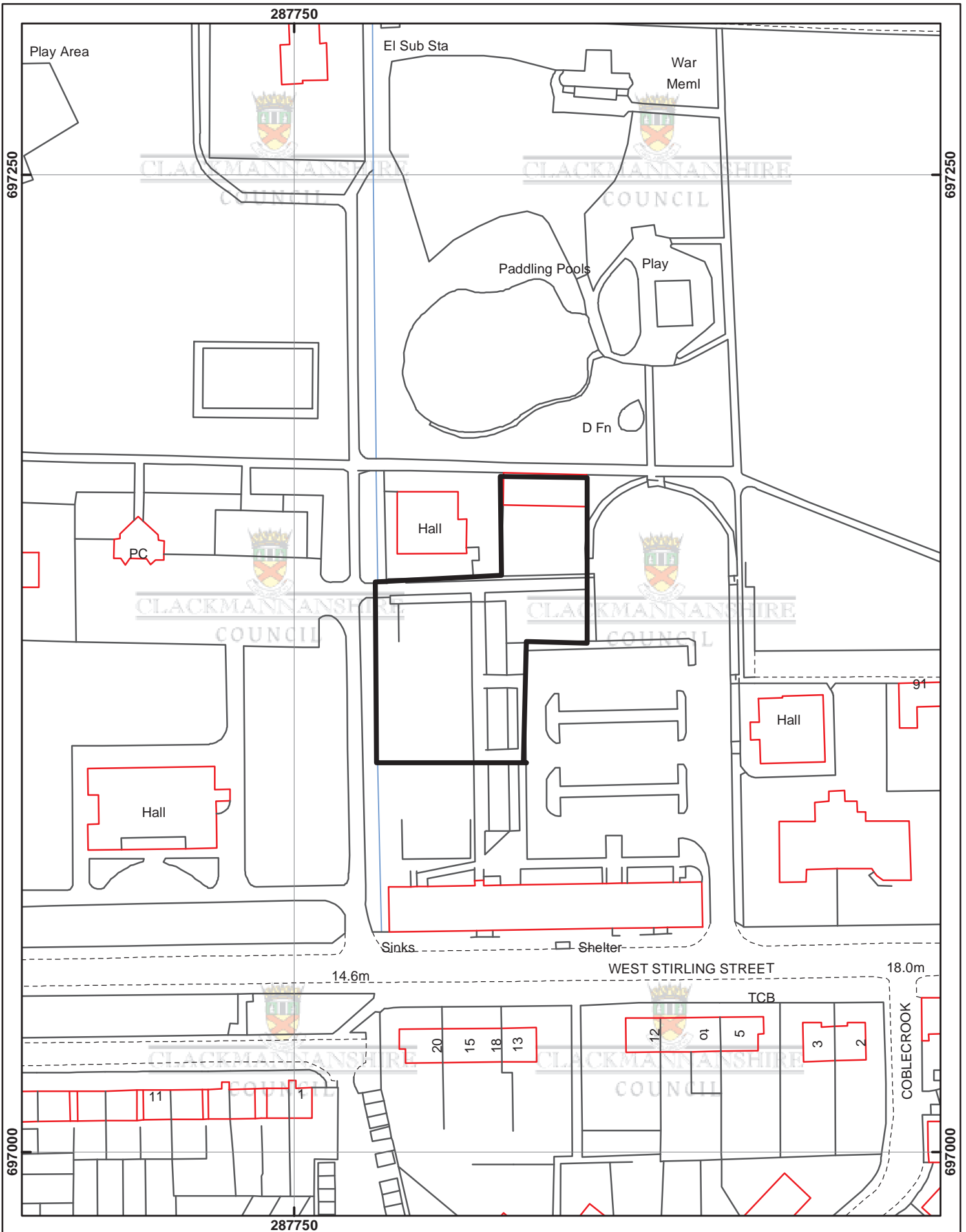
- Clackmannanshire And Stirling Structure Plan
- Clackmannanshire Local Plan
- Consultation Responses
- Letters of Representation

Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	452614

Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head of Community & Regulatory Services	



N



Date:
24-Aug-2010

**10/00143/FULL - Land To The Rear Of Glentana Mill, West Stirling Street, Alva
Erection of Confectionary Factory (Class 5)
With Associated Offices, Cafeteria and Shop**

Ward: Clackmannanshire North

OS Grid Ref: NS 877 971

Scale: 1:1,250



Clackmannanshire Council

www.clacksweb.org.uk

Services to Communities
Kilncraigs
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Alva
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Report to Planning Committee

Date of Meeting: 2nd September 2010

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

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

Agent: Barr Construction, 100 Inchinnan Road, Paisley

Prepared by: Keith Johnstone, Principal Planner

Electoral Ward: Clackmannanshire Central

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 adverse 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)

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Keith Johnstone	Principal Planner	452614

Approved by

NAME	DESIGNATION	SIGNATURE
John Gillespie	Head Of Community & Regulatory Services	

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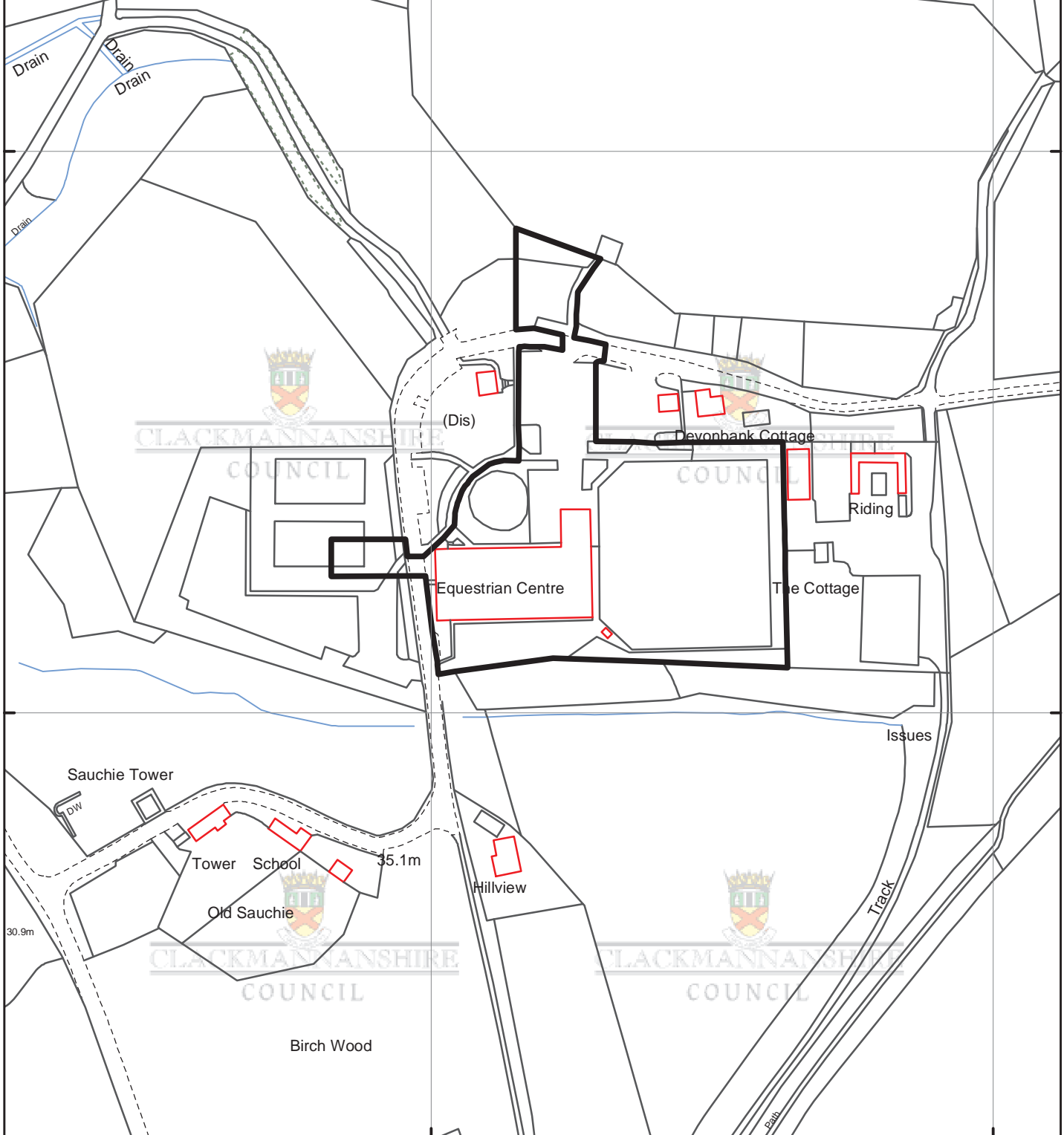
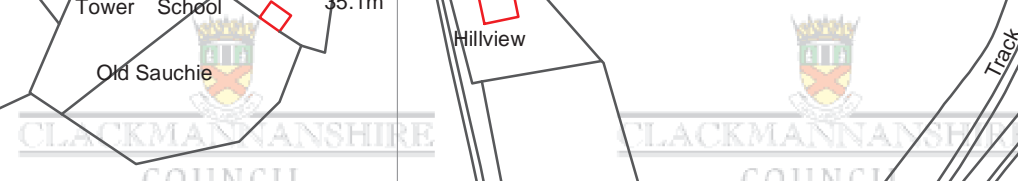
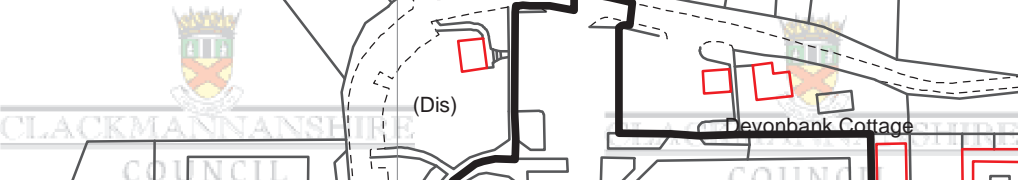
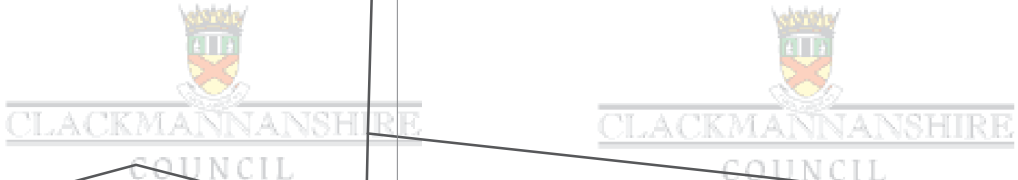
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Date:
24-Aug-2010

**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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