
Report to Planning Committee

Date of Meeting: 25th January 2018

Subject: Planning Application Ref 17/00198/FULL – Erection of Garden Centre Including Indoor and Outdoor Sales Areas, Coffee Shop, Associated Parking, Service Area and Temporary Manager`s Accommodation at Former Glenochil Nursery, Menstrie

Report by: Principal Planner

1.0 Purpose

- 1.1. The Report provides an assessment of the above application for planning permission having regard to the relevant provisions of the adopted Clackmannanshire Local Development Plan (LDP) and any other material planning considerations, including the advice received from consultees and representations from third parties. It provides a recommendation on the application.
- 1.2. The proposal is for a Local Development which would normally be determined by Appointed Officers. However, in accordance with the Council`s Scheme of Delegation for such applications, this application requires to be determined by the Planning Committee as the Council has an interest in the application as owner of the site, and we have received representations from third parties against the proposals.

2.0 Recommendations

- 2.1. It is recommended that the application is APPROVED, subject to the following conditions and reasons;

Conditions

1. For the avoidance of doubt, this permission only approves the installation of temporary residential accommodation for a manager of the approved garden centre. The permission for the manager`s accommodation shall cease on 31st January 2023. By that date, the residential use and occupation of the accommodation shall cease and the accommodation shall be removed from the site by 31st March 2023, unless otherwise approved by the Council as planning authority

2. The occupation of the residential accommodation hereby approved shall be limited to someone employed full-time in the running of the garden centre business or a dependant of such a person living with him or her.

3. Before any works commence on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority;

(a) The design of the construction and foundations of the manager`s accommodation which shall demonstrate that the structure can be readily removed from the site at the expiry of the temporary permission.

(b) The design and colour of the materials to be used on the exterior of the building and hard surfaces within the site.

(c) The location, design and colour of any means of enclosure within or around the site. This shall include measures to screen the west and north boundaries of the rear garden area of Glenochil Bungalow, unless otherwise agreed by the Council, as planning authority.

(d) The arrangements to manage surface and foul drainage within the site. The surface water arrangements shall be designed in accordance with the SUDs Manual (C697) published by CIRIA.

(e) The location and design of a pedestrian/cyclist access to the garden centre entrance from the footway on the A91 in the south west part of the site.

(f) The specification and location of any external lighting within the site. The lighting shall be designed and installed in accordance with the advice contained in the Institution of Lighting Engineer`s Guidance Note for the Reduction of Obtrusive Light (2011), unless otherwise agreed in writing by the Council, as planning authority.

(g) The location and specification for any externally mounted plant or equipment within the site.

(h) The proposed arrangements to provide public art as part of the development.

(i) The location and design of measures to provide cycle parking and electric vehicle charging facilities within the site for customers and staff.

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

4. Before any works commence on site, a landscaping plan 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 shall include details of plant species, plant sizes, planting distances, the arrangements for

plant protection, implementation and establishment and future maintenance. Unless otherwise agreed by the planning authority, it shall include the following;

- a) The retention of the woodland area abutting the east of the site and details of a management plan designed to sustain and enhance the visual amenity and biodiversity value of the woodland.
- b) Planting between the carpark area and the west boundary of the curtilage of Glenochil Bungalow
- c) The retention of the hedgerow along the south boundary of the site and the existing trees around the boundary of the site.
- d) Proposals for planting to supplement the existing planting around the perimeter of the site.

Thereafter, the landscaping plan shall be implemented in accordance with the approved details.

5. Unless otherwise agreed in writing by the Council, as planning authority, no part of the garden centre hereby approved shall be taken into use prior to the completion of the following measures to a standard adoptable by the Council;
 - a) The upgrading of the footway adjacent to the A91 with an asphalt surface finish between the pedestrian access required under Condition 3e) of this permission and the junction of Victoria Terrace and the A91.
 - b) The provision of bus boarder kerb facilities at the bus stops on either side of the A91 nearest to the site and the installation of dropped kerbs on the A91 to enhance crossing facilities to the bus stop. A footway with asphalt surface shall be installed to link the crossing point to the bus stop on the south side of the A91 if required.
6. No trees, shrubs or hedges within the site shall be removed, lopped or topped without the prior written approval of the Council, as planning authority.
7. The proposed customer parking spaces as shown on the approved Location Plan shall be fully completed prior to the commencement of use of the garden centre.
8. A visibility splay of 2.4m by 165m at the junction of the site access and the A91 shall be permanently retained within the site boundary and no visual obstruction of any kind shall be permitted within the splays within the site.
9. The hours of operation for service deliveries and/or collections from the site shall be restricted to between the hours of 0800-1900 only, unless otherwise agreed in writing by the Council, as planning authority.
10. Unless otherwise agreed in writing by the Council, as planning authority,

- a) Within the indoor sales areas annotated on the approved Block Plan (Dwg No 16 038-03), at least 75% of the floorspace shall be used for the sale of goods listed in the Schedule below. Any areas used in connection with the café use shall be excluded from this calculation.
- b) Within the covered and uncovered outdoor sales areas annotated on the approved Block Plan (Dwg No 16 038-03) at least 95% of the sales area shall be used for the sale of goods listed in the Schedule below.

Schedule of Garden Centre Goods for Sale

Trees. Shrubs, Perennial plants and flowers. Annual plants and flowers. Pot plants. Seeds. Bulbs. Herbs. Tree stakes and plant supports. Turf. Topsoil and mulches. Compost. Peats. Gravel. Sands and grit. Grobags. Propagators and related accessories. Weedkillers. Pesticides. Fungicides. Lawn care equipment and garden machinery. Terracotta gardenware and plantware. Troughs and planters. Garden, plant, or flower related pottery, stoneware and glassware. Cut flowers. Dried, silk and artificial flowers. Rustic poles. Fencing and related accessories. Wood preservatives. Garden ornaments. Gardening related books and gifts. Barbeques and related equipment, fuel and accessories. Greenhouses and related equipment and accessories. Conservatories and related equipment and furniture. Garden furniture. Garden sheds. Garden lighting and irrigation equipment. Floral art materials. Christmas trees and decorations. Garden play equipment, toys games and related accessories. Garden related wrought ironwork. Garden ponds and pools, and related aquatic equipment and accessories. Hot tubs and spas. Pond fish and related equipment and accessories. Flagstones. Walling. Rockery materials. Gardening gloves. Gardening related clothing and footwear. Gardening tools, equipment and related accessories. Ancillary goods relating to the above goods.

11. Further to Condition No 10 above, the gross retail sales areas (both covered and uncovered areas) within the site approved by this planning permission shall be limited to within the area outlined in green on the approved Block Plan (Dwg No 16 016- 02), unless otherwise agreed in writing by the Council, as planning authority.

Reasons

- 1 The proposed erection of temporary accommodation, as opposed to a permanent building, is considered to satisfy the requirements of Policy SC24 (Residential Development in the Countryside) of the Clackmannanshire Local Development Plan (LDP).
- 2 To ensure that the residential accommodation is occupied by persons solely or mainly employed in the running of the approved garden centre business to accord with the requirements of the Clackmannanshire Local Development Plan, including Policies SC23, SC24 and EA8.
- 3 To consider these details yet to be submitted and in the interests of complying with the requirements of LDP Policy SC24, visual and residential amenity, the quality of ground and surface water, the character of the surrounding area, and encouraging sustainable transport.

- 4 In the interests of visual amenity and to safeguard and enhance the landscape character of the site and the surrounding area which is designated Green Belt.
- 5 In order to ensure the implementation of these works, in the interests of encouraging trips to the garden centre by more sustainable modes of transport than the private car.
- 6 In the interests of visual amenity.
- 7 In the interests of road and pedestrian safety.
- 8 In the interests of road safety.
- 9 To safeguard residential amenity.
- 10 To ensure that the use of the site remains predominantly that of a garden centre, as proposed in the planning application, and to accord with the provisions of the adopted Clackmannanshire Local Development Plan as they relate to the site.
- 11 For the avoidance of doubt.

2.2 Reasons for Decision

1. Subject to the proposed conditions, it is concluded that the development would accord with the provisions of the adopted Clackmannanshire Local Development Plan.

2. There are no other material considerations which would outweigh the Development Plan support for the development and justify withholding permission.

2.3 Plans Relating to the Decision

- 17 016-01 – Location Plan
- 17 016-06 – Existing Site Plan
- 17 016-02 – Block Plan
- 17 038-03 – Proposed Block Plan – Sales Areas
- 16 038 – 04 – Proposed Elevations
- 16 038 – 05 – Manager’s Accommodation Elevations

3.0 Considerations

3.1. Background

3.2. The site comprises a generally rectangular area of land extending to 1.9 Ha which is located on the north side of the A91 to the east of the houses at Victoria Terrace near Menstrie. It previously was used as a plant nursery and a small area was used for community growing. These uses have ceased or have been relocated and the site is now vacant. The site is accessed from the A91 via an adopted bellmouth. The majority of the site contains hardstandings and gravel surfaced areas together with some grassed areas to the east and north. There is hedging along the A91 frontage and trees and shrubs on the north boundary and between the site and the house known as Glenochil

Bungalow. The house, which is in separate ownership is surrounded by the application site and is served by the same access from the A91.

- 3.3. The site is currently owned by the Council and would be sold to the applicant should planning permission be granted together with the area of mature woodland located to the east of the site which extends to approximately 0.8 Ha. This woodland area is not within the application site boundary and there are no proposals to develop it.
- 3.4. The development would comprise the erection of a garden centre building on the western half of the site. This would include a mix of internal and external sales areas, with approximately half of the latter under canopy roofing. The building would include internal areas at either end, with a café located at the western end. The site would sell garden centre products, a gift shop and a café which would only be open when the garden centre is trading. The building would be finished with a mix of cladding and glazing and incorporate a multi pitched roof. The ridge height would be approximately 6.0 metres above ground level. Carparking would be formed to the east of the building next to the main entrance comprising 140 spaces and a service yard would be located on the west side of the building.
- 3.5. The applicant also seeks permission for temporary residential accommodation within the site to house a manager for the garden centre. The accommodation would be located in the north east part of the site to the east of the access road adjacent to the woodland area. The details submitted with the application comprise a bespoke single storey building with a pitched roof. It would measure 4.2 metres to ridge height and have a building footprint of approximately 75 square metres. The proposed floor plan comprises 2 bedrooms and a living/kitchen room. The applicant has stated that the provision of on site management accommodation would be necessary to provide adequate security for the stock and premises based on their experience from the other garden centre sites that they operate. The applicant has also confirmed that they would not object planning conditions imposed by the Council which would regulate the occupation of the house to someone employed, full time in the management of the garden centre business and to prevent its separate disposal from the garden centre. Following negotiations with the Service, the applicant has agreed to amend the application to replace the originally proposed permanent residential accommodation with a temporary structure which would provide accommodation for a manager while the business was established. This would comprise a design which could be easily removed from the site once it was no longer required or approved. This change was to accord with the policy requirements of Clackmannanshire LDP Policy SC24 (Residential Development in the Countryside). For the reasons set out in Section 6 below (paragraph 6.8), our recommendation is to support temporary accommodation only as agreed with the applicant on the basis that this results in a development compliant with planning policy and would not disadvantage the operation of the garden centre business.
- 3.6. The applicant has advised that the development would create approximately 30 jobs. They currently operate 5 other garden centres across Central Scotland
- 3.7. The site is allocated as Proposal Site B18 in the adopted Clackmannanshire Local Development Plan. This designation indicates that the site would be

suitable for a commercial leisure/ tourism use compatible with a Green Belt location.

4.0 Consultations

- 4.1. Roads and Transportation advise that they have no objections in principle to the development. Advice is provided in relation to a number of issues, including; their consideration that there is insufficient evidence to justify changing the 60 mph speed limit on the A91 at the site access by extending the 40 mph speed limit from Victoria Terrace to the site access; to promote sustainable travel, a pedestrian/ cyclist access should be provided from the site to provide a convenient link to a path that connects Victoria Terrace with Hillfoots Road and the path should be suitably surfaced; to promote public transport access, the existing bus stops nearest to the site should be upgraded to include bus boarder kerbing and a crossing point incorporating dropped kerbs provided on the footways; the rate of car and cycle parking should be provided in accordance with the Roads Service guidelines; any residential use should be restricted to someone engaged in the running of the business; the provision of a suitable standard of visibility splay at the site access; and the suggestion that infrastructure is provided within the site to support the public use of electric vehicles and charging. Comment – *the proposed access and parking provision is considered acceptable to accommodate the proposed re-use of the site without any unacceptable increase in risk to road safety. A total of 140 parking spaces would be provided within the site together with an additional overflow parking area. The applicant has confirmed that they can maintain the recommended visibility splays at the existing site access where they lie within the site. They have agreed to provide a pedestrian/cyclist access at the south west corner of the site to create a convenient link for pedestrians to and from the footway on the west side of Victoria Terrace which continues towards Menstrie, the bus stops, and the footpath link from Victoria Terrace to Hillfoots Road and fund the measures to upgrade the links to the existing bus stops from this new access. An electric customer vehicle charging facility would also be incorporated. These measures would be regulated by planning conditions. It is not considered feasible or reasonable to require the developer to provide a direct link from the site to Hillfoots Road or upgrade the existing remote path as;*
- i) *the applicant does not have control over the land, and*
 - ii) *as the Council is the owner of the development site, there is no requirement for developer contributions to upgrade the existing footpath link referred to above.*
- 4.2. Environmental Health has raised no objections to the application.
- 4.3. SEPA has advised that it has no objection to the application. It advises that if a private foul drainage system is proposed then this would have to satisfy the regulatory requirements administered by them. Surface water run off should be designed in accordance with the SUDS Manual. Comment – *final details of the foul and surface water drainage arrangements can be satisfactorily addressed by a planning condition.*

- 4.4. Scottish Water has advised that it has no objection to the application. It notes that there is sufficient capacity for a public water supply while the nearest public sewer is approximately 700 metres away in Menstrie. Comment – *it is likely that a private foul treatment system will be installed given the distance to the public sewer, final details of which would be regulated by a planning condition.*

5.0 Representations

- 5.1 A total of 4 neighbouring properties were notified of the application and the application was publicised in the Alloa Advertiser for neighbour notification reasons. In response, 4 representations were received from the following parties;

- L and A Spowage, Glenochil Bungalow, Menstrie
- J Gardiner, Lanley Steading, Menstrie
- G Spowage, 3 Victoria Terrace, Menstrie
- C Ford, Mairtoun Hill Steading, Menstrie

- 5.2 The first 2 parties above live adjacent to the site and Glenochil Bungalow is surrounded by the site which reflects its original function as once being part of the nursery landholding. The main issues raised can be summarised as follows;

- Three of the four representations include a comment that they are generally supportive of the proposed garden centre use but also highlight a number of issues of concern. Comment – *the intimation of support is a material consideration. We have sought to address the areas of concern raised as discussed below.*
- There are no details of how foul and surface water would be managed. The neighbouring properties including Victoria Terrace are all served by private septic tanks. The septic tank for Glenochil Bungalow is located outwith the curtilage of this property and within the application site, while the outfall for the property at Lanley Steading enters a watercourse on the north boundary of the site. Comment – *The applicant has been investigating the drainage options and the finalised details will be regulated by a planning condition. The drainage designs would have to achieve a satisfactory standard. In the absence of a connection to the foul sewer, a foul drainage system would be required, and its design would be regulated by SEPA and Building Standards. The surface water drainage, including for the parking areas, would be designed in accordance with SUDS principles. There are no proposals by the applicant to alter the existing drainage arrangements which serve the 2 neighbouring houses. The applicant has been made aware of the concerns. The owner of Glenochil Bungalow has confirmed that they have legal rights to access the septic tank and this would be enforceable under civil law rather than through planning legislation.*

- The potential impact on residential amenity and privacy. A minimum 10m wide landscaped and fenced area should be provided between the west boundary of Glenochil Bungalow and the proposed carpark to the west, no delivery vehicles should enter or leave the site between 1900 and 0800 and the premises should not be lit up at night Comment – *it is considered that adequate screening should be maintained and provided between the carpark area and the property at Glenochil Bungalow to safeguard the amenity of the house and its rear garden area although it is acknowledged that previous uses and activities at the site have resulted in the public and members of groups visiting the site on a regular basis. This would be regulated by planning condition. The existing planting around the perimeter of the site could be reinforced to create a satisfactory level of screening. It is not proposed to alter the boundary enclosures adjacent to the houses on the west side of the site since these are considered suitable to achieve an acceptable standard of residential amenity, having regard to the proposed layout. The applicant has advised that service vehicles would not normally operate outwith these hours and this could be regulated by a planning condition. It is not considered reasonable or necessary to regulate the hours that lighting could operate. However, in the interests of residential amenity and the visual amenity and character of the area, the design and operation of the lighting would be regulated by a planning condition to ensure the risks of light pollution or light nuisance are minimised and managed to an acceptable degree.*
- It is suggested that the 40mph speed limit in force between Menstrie and Victoria Terrace is extended out from its current extent at Victoria Terrace to also include the site access. Comment – *Roads have not objected to the proposed access arrangements for the development which would enter and egress onto a derestricted section of road. The previous uses and activities on the site also generated commercial and private vehicle movements which utilised the access as it presently exists. Roads have highlighted that a restriction of the speed limit has to have regard to a number of factors, including the surrounding environment, otherwise limits can be ineffective. While Roads are not persuaded that the scale of the likely change in the traffic environment would be significant based on the submitted details, it would be possible for this to be kept under review once the development is implemented. It is not considered necessary to withhold permission based on the proposed access arrangements.*
- The existing shrubs at the entrance should be maintained to allow driver visibility at the junction with the A91 and the hedge along the frontage maintained for safe pedestrian use. Comment – *a condition would be attached to ensure the recommended visibility splays within the site boundary are maintained. It would not be reasonable to regulate the future maintenance of the hedge by way of a planning condition however, if the hedgerow impeded safe access along the footway in the verge area of the public road, this could be addressed by the Council, as roads authority.*

- The provision of a house for manager's accommodation would be contrary to local planning policy as the site is within the Green Belt
Comment – *this point is considered in Section 6.0 below.* .
- The future use of the woodland area to the east of the site should be clarified. Comment – *the woodland area is not part of the development site but would also be acquired by the applicant as part of the land sale. The applicant has advised that the woodland would be retained and has agreed to provide a management plan for the woodland if the development proceeds. This could be regulated using a planning condition. This should secure the enhancement of this area and help sustain its landscape and ecological value.*
- The existing trees along the north boundary should be retained to help screen the development from the north. Comment – *there are no proposals to remove any existing trees along the north boundary. Whilst the development is not considered to result in any significant adverse impact on the existing appearance of the site from this direction, there is scope to include additional tree or shrub planting along this boundary to help screen the development. This would form part of the Landscaping Plan, required by condition.*
- If the development hopes to attract walkers and cyclists who use Hillfoots Road, consideration should be given to upgrading the standard of the road to make it safer for all users. Comment – *the development would not have any direct impact on the safety or level of traffic on Hillfoots Road and such works could not be made conditional on permission being approved for development on the former nursery site.*

6.0 Planning Considerations

6.1 Local Development Plan

- 6.2 The application must be determined in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. The development plan comprises the adopted Clackmannanshire Local Development Plan (LDP). While the site lies within a countryside area, within an area designated as part of the Green Belt and within part of the Clackmannanshire Green Network as defined in the LDP, it is also allocated as part of Business and Employment Proposal Site B18 in the LDP.
- 6.3 The associated Development Guidelines for Proposal Site B18 identifies the site as being suitable for commercial leisure/ tourism uses compatible with a Green Belt location. It also identifies a number of factors which any proposals should have regard to. It is considered that the proposed garden centre use would generally be compatible with the allocation for B18 set out in the Guidelines and that the factors identified have or could be satisfactorily addressed.
- 6.4 The most relevant Policies in the LDP are considered below.
- 6.5 Policy SC9 (Developer Contributions) – the Policy states that where new development has an impact on infrastructure capacity or gives rise to the

need for environmental mitigation measures, developers mitigate the impact by contributing new or improved infrastructure or facilities. *Comment – subject to the proposed conditions relating to works to improve accessibility at the nearest bus stops, a section of footway and the provision of public art, the application is considered to have satisfied the terms of this Policy*

6.6 Policy SC12 (Access and Transport Requirements) – the Policy provides support for development where it can be safely and conveniently accessed by a choice of travel modes including walking and cycling as well as motor vehicles. *Comment – Roads and Transportation have no objection in principle to the development. Subject to the proposed measures to enhance accessibility of the site regulated by the conditions, it is considered that the proposals would accord with this Policy.*

6.7 Policy SC23 (Development in the Countryside – General Principles) – the Policy states that new development will normally be directed to urban areas unless the applicant can demonstrate that the proposal satisfies the criteria set out in the Policy. These include; a requirement for a countryside location; its compatibility with the surrounding area; it maintains or enhances the amenity and landscape character of the area; and the access and servicing arrangements would be adequate. Proposals for the conversion of existing buildings of traditional value, or re-use of a building considered worthy of retention and which would improve the amenity of the area, will normally be supported. *Comment – It is considered that the principle of establishing a garden centre use on the site would not be contrary to this Policy having regard to the collective weight of the following factors;*

- i) the allocation of the site as part of Proposal Site B18 in the LDP. This provides support for commercial leisure/tourism related uses compatible with a Green Belt location, and the nature of the garden centre use is considered to be compatible with this.*
- ii) The character of the site, which is essentially brownfield and which contains a number of buildings and was previously used for horticultural activities,*
- iii) The proposed design and layout of the garden centre is considered to satisfy the criteria contained in the Policy, subject to the proposed conditions. The proposed provision of a manager's house as part of the development is discussed in Policy SC24 below.*

6.8 Policy SC24 (Residential Development in the Countryside) – The Policy states that in addition to the criteria in Policy SC23, residential development should also meet at least one of the following criteria in order to be supported;

- i) the proposal is integral to, and is necessary for, the full-time management of an existing and well established countryside business such as farming or tourism development, and which has not previously incorporated residential accommodation; or*
- ii) it involves the replacement of an existing house on the site; or*
- iii) where accommodation is required in association with a new countryside business, a temporary consent may be granted for a temporary*

accommodation until such time as the business it is associated with becomes established.

Comment – As discussed above, the Service is satisfied that the garden centre use would satisfy the criteria in Policy SC23 given the allocation in the LDP. The Service has examined the proposal for a manager’s house, including the information from the applicant which sets out the operational and security needs in their experience for accommodation as part of the garden centre operation. We have concluded that in terms of Policy SC23, the planning merits of including on-site accommodation is finely balanced, but would be justifiable in principle having regard to the following factors;

- i) the operational requirements set out by the applicant including the value of stock associated with the use.*
- ii) the character of the existing site including the presence of a number of buildings most of which would exceed the size and scale of the accommodation proposed, and*
- iii) the wider environmental, economic and landscape benefits associated with re-developing a redundant site in a prominent location.*
- iv) The house known as Glenochil Bungalow was once part of the site and formerly provided accommodation for the nursery use. However, the operational needs of the former use changed and it is understood that this house has had no operational role for at least 30 years. It is not available to the applicant and it is not considered reasonable to expect a third party to contribute to supervision of the development.*

Having concluded that the principle of a manager’s house would accord with Policy SC24, this Policy also sets out 3 criteria and states that at least one of these must be met for residential development to be supported. We consider that only the third criterion in the Policy would be applicable to the application which states; “where accommodation is required in association with a new countryside business, temporary consent may be granted for the siting of a mobile home or similar, until such time as the business or activity it is associated with has become established”. The applicant has agreed to amend the original application to include temporary accommodation rather than a permanent house as requested by the Service. This was negotiated as we considered that permanent residential accommodation would not have accorded with any of the criteria set out in Policy SC24 and therefore with the Policy. Given the location of the site within Green Belt as well as countryside, we do not consider that an exception to this Policy would be justified and could set an unwelcome precedent for other proposals for residential development other Green Belt and countryside areas. We consider, however, that it would be reasonable and appropriate to proceed with the application on the basis of initially approving temporary accommodation only, for the following reasons;

- i) The absence of a permanent building is not considered to be so integral to the implementation of the garden centre development proposed by the applicant to jeopardise or prejudice its implementation.*

- ii) *This approach would mean that the residential accommodation would not be contrary to the advice in Policy SC24. The applicant has indicated their agreement to this approach.*
- iii) *The accommodation could be approved for a period of up to 5 years to allow for the garden centre to be established, after which the applicant could seek permission for a permanent house as provided for by Policy SC24.*
- iv) *The occupation of the temporary accommodation could be effectively regulated by a planning condition. Any subsequent proposal for a permanent house is likely to also require the conclusion of a Section 75 Obligation to regulate the occupation and prevent its separate disposal from the garden centre. On balance, it is therefore considered that the proposal for a permanent house from the outset would not accord with the requirements of Policy SC24.*

On the above basis, we consider that the temporary accommodation would not be contrary to Policy SC24.

- 6.9 Policy SC25 (Business Development in the Countryside) – The Policy states that in addition to the criteria in Policy SC23, the development should be supported by an appropriate business plan and either, the use requires a countryside location, or it forms an extension to or diversification of an existing enterprise. Comment – *The application is not supported by a business plan. However, given the applicant already operates 5 other garden centres, the site is allocated for business and employment use in the LDP, and the proposed garden centre use is considered consistent with the LDP allocation, these factors are considered to mitigate the fact that the application does not fully comply with the policy wording.*
- 6.10 Policy EA1 (Clackmannanshire Green Network) – The Policy seeks to ensure development will respect and where possible enhance the Green Network, which contributes to the environmental quality and outdoor recreation opportunities in the area. Development should not result in the reduction of the connectivity, quality or extent of the network. Comment – *the woodland area and hedgerow fronting the site are considered to make the most significant contribution to Green Network interests and these would be retained as part of the development. The applicant has agreed to prepare a management plan for the woodland area and additional planting would be incorporated within the development. This would compensate for the removal of a number of trees to accommodate the proposed layout. The development is not considered to be contrary to this Policy.*
- 6.11 Policy EA2 (Habitat Networks and Biodiversity) – the Policy seeks to protect and enhance habitats and landscape features which contribute to biodiversity habitat. Comment – *based on the proposals, the application is not considered to be contrary to this Policy.*
- 6.12 Policy EA4 (Landscape Quality) – The Policy requires that development should be designed and located so that the landscape quality and visual characteristics of the surrounding area is maintained and wherever possible enhanced. Comment – *the development would retain most of the landscaping which makes a positive contribution to the character of the surrounding area.*

The landscaped setting of the site would ensure the proposed development could be sensitively integrated within the area and overall, the re-use of the vacant site would maintain and improve the overall landscape quality of the area. The development would not be contrary to this Policy.

- 6.13 Policy EA7 (Hedgerows, Trees and Tree Preservation Orders) – The Policy seeks to ensure existing trees and hedgerows are retained. Comment – *as discussed above, the proposals are considered to comply with this Policy.*
- 6.14 Policy EA8 (Green Belt) – The Policy states that new development will not normally be permitted within Green Belt areas except where it meets at least one of the criteria in the Policy. These include; essential development associated with a countryside use; horticulture and market gardening; and recreational uses that are compatible with an agricultural or natural setting. New development should enhance the quality and distinctive character of the Green Belt area. Comment – *although the site is within the Green Belt, it is brownfield and is allocated for redevelopment in the LDP. As discussed under Policies SC23 and SC25 above, the proposed garden centre development is considered to be consistent with the allocation and associated Guidelines in the LDP. The proposed recommendation for temporary accommodation is considered to accord with Policy SC24. Given the overall enhancement of the appearance of the site if the development proceeds and the policy position outlined above, the development is not considered to be contrary to this Policy.*
- 6.15 EA9 (Managing Flood Risk) – The Policy seeks to ensure development is not at an unacceptable risk of flooding or will not result in an unacceptable increase on flood risk elsewhere. Comment – *Neither SEPA nor the Council’s Flooding Officer has raised any flooding concerns. The development would incorporate SUDS and is not considered to be contrary to this Policy.*
- 6.16 EA11 (Environmental Quality) – The Policy seeks to ensure development would not result in any unacceptable impacts on the environmental quality of the area such as from noise, air or light pollution. Comment – *Environmental Health has not raised any objections and as discussed in Section 5.0 above, subject to the proposed conditions, the development is considered to accord with this Policy.*
- 6.17 In conclusion, we are satisfied that, subject to the proposed conditions, the garden centre development would not be contrary to the provisions of the LDP. We are also satisfied that the provision of manager’s accommodation associated with the garden centre use would be justified in terms of Policy SC24 but only if it consisted of temporary accommodation until the business was established. This forms the basis of our recommendation.

7.00 Other Material Considerations

- 7.01 The following material considerations have also been taken into account in our assessment of the application.
- 7.02 Consultees have not objected and any issues identified are not considered to prevent the development of the garden centre proceeding.

- 7.03 A discussed in Section 5.0 above, the representations from third parties have been carefully considered and it is not considered that they raise any issues which would justify withholding permission for the proposed garden centre. 3 of the 4 representations support the principle of the use of the site as a garden centre. The comments relating to the proposed manager`s house have been discussed in Section 6.0 above and we have concluded that the proposal for temporary accommodation until the garden centre business is established as per our recommendation would not be contrary to the LDP. The accommodation is not considered to result in any unacceptable impacts on amenity.
- 7.04 It is considered that the proposed garden centre use would secure a suitable use for this vacant site which would complement the established character and visual amenity of the area. The existing area of woodland to the east of the site would be retained and managed by the applicant if the development proceeded.
- 7.05 The proposed garden centre would generate significant local employment opportunities. The applicant has estimated 30 jobs would be created by the development. The development would also attract visitors to the area which would have a positive effect on tourism in Clackmannanshire.
- 7.06 Having regard to the above considerations, it is concluded that these would not provide justifiable or sufficient grounds to outweigh the level of Local Development Plan support for the development or would provide support to withhold planning permission.

8.0 Resource Implications

8.01 *Financial Details*

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

Yes

- 8.03 Finance has been consulted and have agreed the financial implications as set out in the report.

Yes

9.0 Exempt Reports

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

10.0 Declarations

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

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

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input checked="" type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input checked="" 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 checked="" type="checkbox"/> |

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

11.0 Equalities Impact

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

Yes No

12.0 Legality

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

13.0 Appendices

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

None

14.0 Background Papers

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

Yes (please list the documents below) No

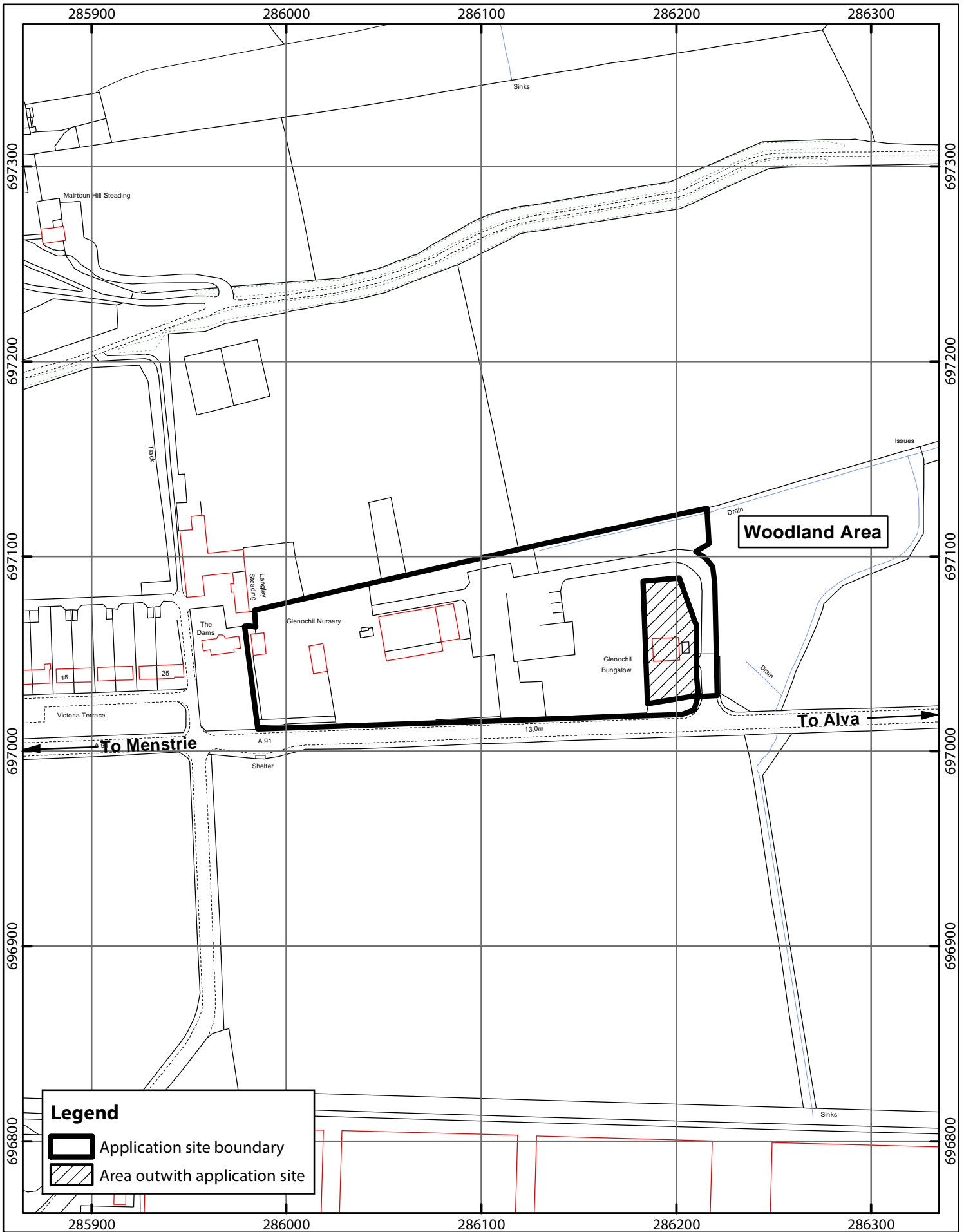
- Adopted Clackmannanshire LDP
- Glenochil Nursery Site Development Brief, Clackmannanshire Council, March 2015
- Supplementary Guidance – SG 4 – Water, SG6 – Green Infrastructure, SG8 – Woodlands and Forestry

Author(s)



NAME	DESIGNATION	TEL NO / EXTENSION
Keith Johnstone	Principal Planner	2614

Approved by

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Planning & Building Standards Team Leader	
Julie Hamilton	Development Services Manager	



Legend

-  Application site boundary
-  Area outwith application site



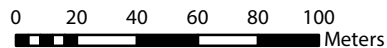
Date:

12-Jan-2018

17/00198/FULL – Glenochil Nursery, Menstrie
Erection Of Garden Centre Including Indoor And Outdoor Sales Areas, Coffee Shop, Associated Parking, Service Area And Manager's Accommodation

Ward: Clackmannanshire West

OS Grid Ref: NS 86 97 SW



Scale: 1:2,500

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Clackmannanshire Council

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