

KEY INFORMATION

Ward Balgillo

Proposal

Erection of riding school for the disabled, tack room and outdoor riding centre

Address

Land to North of Linlathen Nursing Home
Arbroath Road
Dundee

Applicant

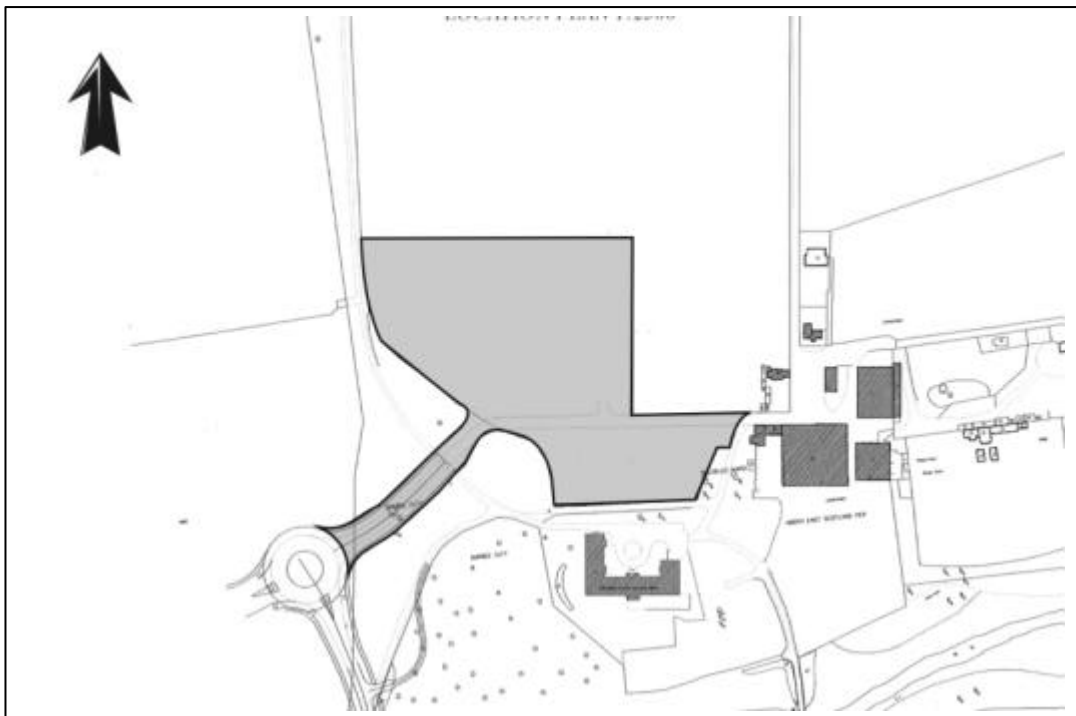
The Brae Partnership
c/o Royal Dundee Liff Hospital
Dundee DD2 5NF

Agent

KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee DD5 3AA

Registered 5 June 2006

Case Officer C Walker



Disabled Riding School Proposed at Linlathen

The erection of a riding school for the disabled is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

Although the open countryside protection policy in the adopted Local Plan does not make provision for this development, it is considered that due to the nature of the development it could only be accommodated in an open countryside location.

SUMMARY OF REPORT

- Planning permission is sought to erect a riding school for the disabled on the site, comprising a large indoor arena and an outdoor arena. A new access road is proposed to serve the development.
- The site is allocated as Open Countryside in the adopted Local Plan and Policy 74 contains a presumption against unallocated development in this area.
- At the time of writing this report, no public comment on the application had been received.
- The proposed development is for a use that can only be provided in an area of open countryside.
- It is proposed that planning conditions be attached to minimise further tree felling and to ensure that adequate replacement planting is carried out.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a riding school for the disabled on the site. The proposal comprises a large 1,800 sq. metres indoor arena and an additional 540 sq. metres of stable and office accommodation, all housed in an agricultural style building. This building would have a maximum height of 7.5 metres and it is proposed to clad it in light green and grey coloured metal cladding.

To the east of the indoor arena it is proposed to form an outdoor arena occupying some 3,200 sq. metres of ground and to the south it is proposed to provide 20 parking spaces as well as spaces for horse boxes. Land is also available for an additional 20 spaces should they be required in the future.

A new access road is proposed to serve the development running north westwards from a recently formed roundabout at the northern end of a new road running from the A92 Arbroath Road. This road will cut through an area of woodland to the south west of the site, which is protected by a TPO. A number of trees in this woodland, along the line of the proposed new road, have been felled without consent.

A tree report has been submitted with the application. It notes that the trees on the site make a significant contribution to the visual amenity of the area and the wildlife habitat. It also notes that recent felling has taken place and that this felling will have a detrimental effect on the ability of all the remaining trees to withstand unusually strong winds from the south west.

The report accepts that with the recent felling of trees, the proposed development will not result in significant additional felling. It states that there are mature trees on the site that would be desirable to retain.

The submitted plans indicate an extensive SUDS pond to the south of the site to accommodate surface water run off but more recently the applicants have indicated that they would wish to provide soakaways instead.

The applicants already have consent for a similar facility at Liff to the west

of the city but cannot proceed with that option.

SITE DESCRIPTION

The site comprises some 2.5 ha of land at Linlathen. The bulk of the site is the south western part of a large field currently in tillage. The site also includes land for a proposed new access road which is a woodland area protected by a TPO.



To the east of the site are farm buildings and cottages at Linlathen Farm. To the south is Linlathen Nursing Home. To the north and west is agricultural land.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.



Dundee Local Plan Review 2005

The site is allocated as Open Countryside in the adopted Local Plan and Policy 74 contains a presumption against unallocated development in this area. The exceptions to this policy focus on housing proposals in building groups and are not relevant to the current site.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

The Council's Local Agenda 21 policies promote the protection of the environment.

SITE HISTORY

There is no relevant planning history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening Policy 78 of the adopted Local Plan. At the time of writing this Report no public comment had been received.

CONSULTATIONS

SEPA have no objection to the development since effluent will be taken to a public sewer.

Scottish Water is prepared to accept effluent in the public sewer although initial treatment will need to be carried out on site.

The Council's Forestry Officer notes that 25 trees protected by a TPO have been felled and that moving the access road further to the north would mean fewer trees would need to be felled to accommodate the development. He also states that new planting proposals need to be submitted.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not

b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

Policy 74 of the adopted Local Plan does not make provision for this development. It contains a blanket presumption against new development in open countryside unless the development is located within an existing building group, involves the restoration of an existing building worthy of retention or is supported by an agricultural justification. As none of these exceptions apply here it is concluded that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

1 Open Countryside Use

The proposed development is for a use that can only be provided in an area of open countryside. Both the scale of the building proposed and the requirement for a large outdoor arena mean that this development cannot be sited within the built up area. In addition there is a requirement for access to land for grazing and paths for pony trekking. It is considered that since there is no possible site for the proposed development other than in an area of open countryside, then this fact provides a justification for the development even although it is not provided for under Policy 74.

2 Impact on Trees

The unauthorised felling of trees protected by a TPO is a matter of concern. Furthermore the access route to the development will lead to a requirement for further tree felling. This has impacts both in terms of the loss of trees and the potential for further tree loss as a result of damage during construction or storm damage. The proximity of the proposed indoor arena to the woodland area increases the risk of damage.

Since most of the damage has already been done, the best course of action is to minimise further felling and to ensure that adequate replacement planting is carried out.

In order to minimise further damage to or felling of trees, it is recommended

that planning conditions be attached, should Members be minded to support the application, to ensure the exact alignment of the access road and the position of the indoor arena are such that the maximum number of trees are protected. This may well lead to a requirement that the indoor arena be sited further to the east, but there is ample room within the application site to do this. Proposals for new planting should be of a scale and nature to compensate for the fact that a number of healthy mature trees have already been felled and further trees will be lost as a result of the proposed development.

3 Drainage

Although proposals for drainage have not been fully developed, there is sufficient ground within the site to ensure that a satisfactory solution can be achieved. It is recommended that a planning condition to cover this matter could be attached, should Members be minded to support the application.

It is concluded from the foregoing that sufficient weight can be accorded to the fact that this development could not be accommodated other than in an open countryside location such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the proposed building is functional in nature but it will have the appearance of a large agricultural building which is appropriate for this location.

CONCLUSION

Although the open countryside protection policy in the adopted Local Plan does not make provision for this development, it is considered that due to the nature of the development it could only be accommodated in an open countryside location.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission

- 2 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples

- 3 Exact details of the proposed access route to the site, which shall ensure that the impact on the existing trees is minimised, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. In particular the access route shall be accompanied by an amended arboricultural report which shall detail the measures to be employed to protect trees to be retained on the site.

- 4 Exact details of the siting of the indoor arena, which shall ensure that the impact on the existing trees is minimised and that all buildings and areas of hardstanding are sited outwith the canopies of trees, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. In particular the building shall be relocated further to the east if this is required to ensure the protection of trees. The siting of the building and the formation of hardstandings shall be accompanied by an amended arboricultural report which shall detail the measures to be employed to protect trees to be retained on the site.

- 5 Details of the planting of trees within and adjacent to the application site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. The proposed planting shall be of a scale and nature to compensate for the recent and proposed felling of a large number of mature trees protected by a tree preservation order. The approved planting

scheme shall be fully implemented within 6 months of the first use of the indoor arena building. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

- 6 Details of the drainage of the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. In particular surface water generated by the development shall be attenuated within the site and foul water shall be discharged to the public sewer.
- 7 Details of any boundary enclosures shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

- 6 To ensure that the site is adequately drained.
- 7 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 to protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development
- 4 to protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development
- 5 To compensate for the felling of mature trees within and adjacent to the application site and to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.