NOTICE OF MEETING

A MEETING of the PLANNING & REGULATION PANEL will be held as a Virtual Meeting by MICROSOFT TEAMS on TUESDAY 1 JUNE 2021 at 10.00 a.m.

In accordance with Section 43 of the Local Government in Scotland Act 2003 the Chair has agreed that this meeting will be conducted in such a manner as to allow remote attendance by Elected Members.

This meeting is being held in private on public health grounds in accordance with Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020; as it is likely that, if members of the public were present at a physical meeting, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

Please note that the meeting will be held via Microsoft Teams and a recording will be made publicly available on the Council’s website following the meeting.

JULIA MCAFEE
Chief Officer – Governance
Clerk to the Council
25 May 2021

A G E N D A

1) APOLOGIES AND SUBSTITUTIONS

2) DECLARATIONS OF INTEREST

3) URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

4) MINUTES – 27 APRIL 2021 (Pages 1 – 8)
5) **RIVER SOURCE HEAT PUMP INSTALLATION INCLUDING PUMP HOUSE AND PIPE MAINS; ERECTION OF GLASSHOUSES AND ANCILLARY BUILDINGS; CONSTRUCTION OF RAINWATER RESERVOIR, ACCESSSES, HARDSTANDINGS AND PARKING; UPGRADE EXISTING ACCESS ROAD AT LAND AT BANDEATH INDUSTRIAL ESTATE, THROSK - 19/01002/FUL – HEARING**

Report by Senior Manager – Infrastructure (Pages 9 – 42)

6) **ERECTION OF DWELLING HOUSE AND GARAGE AT LAND 80M NORTH EAST OF BARLOCH, STIRLING - MR DAVID FOTHERINGHAM - 20/00836/PPP – HEARING**

Report by Senior Manager – Infrastructure (Pages 43 – 52)

7) **CREATION OF DWELLINGHOUSE MOSTLY ON THE FOOTPRINT OF AN EXISTING REDUNDANT STONE AND BRICK FARM BUILDING AT LAND AND BUILDING AT FORDHEAD FARM, STIRLING - MR RICHARD LAMB - 21/00096/FUL**

Report by Senior Manager – Infrastructure (Pages 53 – 60)

(For further information contact Karen Swan, Committee Officer on 01786 233081 or David McDougall, Governance Officer on 01786 233068)
MINUTES of MEETING of the PLANNING & REGULATION PANEL held by Virtual Meeting on MICROSOFT TEAMS, ON TUESDAY 27 APRIL 2021 at 10.00 am

Present

Councillor Alasdair MacPHerson (in the Chair)

Councillor Neil BENNY
Councillor Alistair BERRILL
Councillor Danny GIBSON
Councillor Graham HOUSTON
Councillor Jeremy MCDONALD
Councillor Jim THOMSON

In Attendance

Jane Brooks-Burnett, Senior Planning Officer
Christina Cox, Planning & Buildings Standards Service Manager
Ritchie Gillies, Planning Officer
Mark Henderson, Senior Media Officer
Iain Jeffrey, Senior Planning Office
Richard Lewington, Planning Officer
Kieran McFarlane, Graduate Planning Officer
Peter McKechnie, Senior Planning Officer (Acting)
Michael Mulgrew, Planning Development Management Team Leader
Neil Pirie, Senior Development Control Officer
Carla Roth, Solicitor – Litigation (Governance)
Angela Simpson, Access & Sustainable Travel Officer
Stephen Spiers, Development Control Officer
Amy Thorogood, Graduate Planning Officer
Jean Houston, Governance Officer (Governance) (Clerk)

Also in Attendance

Mr Tom McDonald
Mr Gerry Woods

Prior to the start of the meeting, Councillor MacPherson as Chair of this Planning & Regulation Panel welcomed and thanked everyone for attending the meeting via MS Teams. He updated the meeting on the procedures related to MS Teams and the protocols that both Members and Officers should adhere to throughout the meeting.

Recording of meeting started

The Chair asked the Clerk to carry out a roll call of all Members participating in the meeting.
PL354 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Douglas Dodds. No substitute Member was present.

PL355 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL356 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL357 MINUTES

The following minutes were submitted for approval:

Planning and Regulation Panel on 30 March 2021

Decision

The Planning & Regulation Panel approved the Minutes of the Meeting on 30 March 2021 as an accurate record of proceedings.

ORDER OF BUSINESS

The Chair intimated his intention to alter the order of the Agenda. The items were taken in the order minuted below.

At 10.04am the Panel agreed to adjourn
in terms of Standing Order 75

Recording of meeting was stopped

The Meeting reconvened at 10.10am
with all Elected Members (previously noted) and Councillor Berrill present

Recording of Meeting resumed

PL358 INSTALLATION OF 6NO. GLAMPING PODS, WITH ACCESS TRACK, PARKING AREA AND ASSOCIATED GROUND WORKS AND DRAINAGE FOR THE PURPOSE OF SHORT TERM HOLIDAY LETS AT LAND 450M SOUTH EAST OF MEIKLE DRUMQUHARN, BALFRON STATION - MR MARK HAMIL - 20/00878/FUL

This application sought to install six “Glamping Pods” including new access track, parking area, groundworks to install the pods and form paths and including foul drainage proposals for the purposes of short term holiday lets on land four hundred and fifty metres south east of Meikle Drumquharn, Balfron Station.
The application was being reported at this Panel, as it had received more than five objections. This report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Member questioned the lack of a Hearing and was assured that correct procedures had been followed and no Hearing had been requested.

Members raised concerns about the proposed sewage treatment plant, parking provision for maintenance vehicles, potential noise from the generator and visual and landscape impact.

*At 10.40am the Panel agreed to adjourn in terms of Standing Order 75

*Recording of meeting was stopped

*The Meeting reconvened at 10.50am with all Elected Members (previously noted) present*

*Recording of Meeting resumed*

**Motion**

“That the Planning & Regulation Panel agrees to approve the application subject to the conditions set out at Appendix 1 to this report; and additional conditions to

a) mitigate the impact of generator noise; and

b) ensure a suitable maintenance regime for the biodisc treatment plant.”

Proposed by Councillor Alasdair MacPherson and seconded by Councillor Graham Houston.

**Amendment**

“That the Planning & Regulation Panel refuses the application on the basis that:

a) the proposals were contrary to Policy 1.1, as it was considered they would result in an adverse landscape and visual impact; and

b) the proposals were contrary to Primary Policy 9 as it was considered they would have a detrimental impact on the landscape character.

as set out in the Adopted Stirling Council Local Development Plan 2018.”

Proposed by Councillor Alistair Berrill and seconded by Councillor Jeremy McDonald.

On the roll being called the Members present voted as follows:—

**For the amendment (3)**

Councillor Alistair Berrill
Councillor Danny Gibson
Councillor Jeremy McDonald
Against the amendment (4)

Councillor Neil Benny
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

The amendment fell by 4 votes to 3

For the Motion (4)

Councillor Neil Benny
Councillor Graham Houston
Councillor Alasdair MacPherson
Councillor Jim Thomson

Against the Motion (3)

Councillor Alistair Berrill
Councillor Danny Gibson
Councillor Jeremy McDonald

The Motion was carried 4 votes to 3.

Decision

The Planning & Regulation Panel agreed to approve the application subject to the conditions set out at Appendix 1 to this report; and additional conditions to
a) mitigate the impact of generator noise; and
b) ensure a suitable maintenance regime for the biodisc treatment plant."

(Reference: Report by Senior Manager – Infrastructure, dated 29 March 2021, submitted)

PL359 ERECTION OF DWELLING HOUSE AND DETACHED GARAGE AT LAND SOUTHEAST AND REAR OF 20 UPPER GLEN ROAD, PENDREICH ROAD, BRIDGE OF ALLAN - MR IAIN MCCUSKER - 20/00653/FUL

This application was being referred to Planning Panel as there had been more than five objections.

This report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Decision

The Planning & Regulation Panel agreed to approve the planning application subject to the conditions and reasons as set out in Appendix 1 to this report.

(Reference: Report by Senior Manager - Infrastructure, dated 29 March 2021, submitted)
PL360 CONVERSION OF FORMER STABLES/GRANARY AND FORMER COW SHED TO DWELLING HOUSE AT STABLES OUTBUILDING AT MEIKLE CANGLOUR FARM, CANGLOUR, CHARTERSHALL, STIRLING - MR & MRS S WARD - 21/00030/FUL

The proposal was being considered by Planning and Regulation Panel as five or more objections have been received, and the Officer’s recommendation was for approval.

This report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Decision

The Planning & Regulation Panel agreed to approve the application, subject to the conditions listed in Appendix 1 to the Report.

(Reference: Report by Senior Manager – Infrastructure, dated 29 March 2021, submitted)

At 11.20am the Panel agreed to adjourn
in terms of Standing Order 75

Recording of meeting was stopped

The Meeting reconvened at 11.30am
with all Elected Members (previously noted) present

Recording of Meeting resumed

The Chair outlined the procedures to be followed for Planning & Regulation Panel Hearings,

PL361 RIVER SOURCE HEAT PUMP INSTALLATION INCLUDING PUMP HOUSE AND PIPE MAINS; ERECTION OF GLASSHOUSES AND ANCILLARY BUILDINGS; CONSTRUCTION OF RAINWATER RESERVOIR, ACCESSES, HARDSTANDINGS AND PARKING; UPGRADE EXISTING ACCESS ROAD AT LAND AT BANDEATH INDUSTRIAL ESTATE, THROSK - 19/01002/FUL – HEARING

Detailed planning permission was sought by Bandeath Holdings Ltd to develop land on the north western edge of Bandeath Industrial Estate, which lies to the north of small settlement of Throsk, to form a river source heat pump facility (recovering heat from the River Forth) to supply heat to glasshouses (for the growing of foodstuff) and a local district heating scheme alongside necessary infrastructure associated with the development.

This application was a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The development was not considered to be significantly contrary to the Development Plan and so under the Council’s Scheme of Delegation for Determining Planning Applications should be determined by Planning and Regulatory Panel.
This report formed the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Hearing request had been made within timescales according to procedure in order to have the opportunity to address the Panel.

Applicant

Tom McDonald (Project Architect for Bandeath Holdings Ltd) accompanied by Mr Gerry Woods (Technical Director Bandeath Holdings Ltd) gave an overview of the project in support of the application.

He stated that as the planning department’s report covered the main planning issues clearly and fairly, he would limit himself to more general comments, and along with Mr Woods would be happy to respond to questions.

They were very enthusiastic about their overall concept which aimed to harness Green Energy and future-resilient technologies, stimulating growth and regeneration in the Eastern Villages area. Judging by the enthusiastic approaches they were receiving, they were confident that if this first project was approved, it would stimulate follow-on developments in various ways.

Apart from the energy generation and food production at the core of this application, they were currently in advanced discussions with a range of organisations including “national and international players” about projects focussing on next generation housing issues, transport and clean fuel issues, IT possibilities and others.

Throsk Industrial Estate was proving to be a near ideal location for all these prospects – not least because of its potential for infrastructural “connectivity” to most of Central Scotland.

In the current application, there were two main threads: Glasshouses and Heat Pumps. Their special vision here was to realise that heat pumps in an area not obviously close to many potential “customers”, could provide green energy to a much wider area once the initial system was in place, addressing government aspirations as well as individual user requirements. Fortunately, this tidal reach of the River Forth is very well suited in both technical and environmental terms.

Glasshouses utilising state of the art hydroponics and growth lighting would provide that initial demand and reinvigorate a traditional Scottish activity while reducing food imports and carbon footprint and increasing food security for a staple crop. Uniquely in this country, they were already in advanced discussions with a specialist Dutch glasshouse builder and a highly regarded Belgian grower - foremost international experts - who are very keen to get this part of the project moving. Brexit and its effect on trading, together with their own “home-grown” issues, make investment in Bandeath very attractive to them.

While talking about future development, Mr McDonald wished to make it entirely clear that in response to feedback from the pre-application presentation to the local community, they had decided to withdraw the Waste to Energy proposals from this application. Subsequent developments elsewhere – especially Viridor at Polmont – closed the window of opportunity so that it was no longer a realistic proposition.
They saw this application as a first step in a unique concept addressing key future objectives for reducing carbon and food miles, creating new circular economies and new employment, and offering a model for similar approaches elsewhere— but they think there would be few sites in Scotland as ideal as Bandeath.

Mr Woods further stressed that there would be no application for Waste to Energy proposals on this site in the future and further emphasised the suitability of the location.

Objectors

It was confirmed that no objector was in attendance at the meeting.

The Chair raised a point of order with the Solicitor and Planning & Buildings Standards Service Manager. On the National Planning Framework Call for Ideas website, there was a document by Bandeath Holdings Ltd (BHL) that contained the statement “a Letter of Intent had been agreed in principle between BHL and Stirling Council for the proposed heat generated at Bandeath to service the district heat requirements of the Council’s tenants on Bandeath Industrial Estate as well as the neighbouring village of Throsk”. Given that the Council had not expressed an interest in this application he welcomed comments and also asked whether this needed to be referred to the Scottish Government.

The Planning & Buildings Standards Service Manager responded that to the best of her knowledge the Council had not entered into any undertaking with BHL of the sort mentioned. She went on to say that even if the Council had done so, as long as that did not influence this planning decision, there was no planning or procedural implication from the Panel proceeding to take its decision at this meeting. Whilst she would need to check any need to refer to Scottish Ministers, the Panel could still take a “minded to grant” or other decision today.

The Applicant responded to concerns raised regarding previous Waste to Energy proposals, now withdrawn, and confirmed that any proposals to provide heat to tenants were proposed from the river source heat pump. The Applicant also provided information on likely employment prospects that could potentially benefit the local community.

The Applicant provided some clarification on the river source heat pump system in response to questions concerning any impact on the river temperature and salinity, and gave an assurance that the river would continue to be navigable, with a licence being required.

There remained some concerns by Members regarding matters of land ownership. It was confirmed that the Report of Handling should have given details that the Council was part land owner and this was now established for the sake of transparency. Regardless, ownership did not have relevance to determination of the planning application.

The Chair brought to attention Planning Advice Note 82 Local Authority Interest Developments, which offered advice on proposals where the local authority had an interest. The Planning Development Management Team Leader confirmed there was no requirement to refer the application to Scottish Ministers as the proposals were in line with the Local Development Plan.
Legal advice given was that interest had not been made sufficiently clear to the Panel prior to this meeting and that perhaps the decision should be deferred to the next meeting; it should have been made clear whether there was any material benefit to Stirling Council should this development be approved so that there was transparency.

At 12.35pm the Panel agreed to adjourn in terms of Standing Order 75

Recording of meeting was stopped

The Meeting reconvened at 12.45pm with all Elected Members (previously noted) present

Recording of Meeting resumed

On the basis of the legal advice given, Members agreed that the Hearing should be adjourned to the next meeting of the Panel so that they could be satisfied that there was no conflict.

Decision

The Planning & Regulation Panel agreed to adjourn proceedings and to reconvene this Hearing, with the same Members present, at the next meeting of the Planning & Regulation Panel.


The Chair declared the Meeting closed at 13.10pm
Purpose & Summary
Detailed planning permission is sought by Bandeath Holdings Ltd to develop land on the north western edge of Bandeath Industrial Estate, which lies to the north of small settlement of Throsk, to form a river source heat pump facility (recovering heat from the River Forth) to supply heat to glasshouses (for the growing of foodstuff) and a local district heating scheme alongside necessary infrastructure associated with the development.

This application is a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The development is not considered to be significantly contrary to the Development Plan and so under the Council’s Scheme of Delegation for Determining Planning Applications should be determined by Planning and Regulatory Panel.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Hearing request has been made within timescales according to procedure in order to have the opportunity to address the Panel.

Recommendations
Planning & Regulation Panel is asked to:
1. approve the application subject to the conditions set out in Appendix 1.

Resource Implications
Not applicable.
Legal & Risk Implications
Not applicable

1. Background
1.1. The site forms part of an Employment site (B21: Bandeath West) allocated in the Stirling Local Development Plan 2018.

2. Considerations

The Site
2.1 The site extends to 18.64 hectares and lies to the north of Throsk at the rear of Bandeath Industrial Estate. The site is generally level and was formerly used for agricultural production as arable or grazing. The Industrial Estate is accessed off the A905 and part of the estate, where the development is proposed, sits within a loop of the River Forth resulting in the river lying to the west, north and east of the site. The River Forth is tidal at the site location.

2.2 The site is bounded to the north by a track with evidence of former rail lines and munitions stores which operated from around 1865 to 1978. The store buildings remain present and are dotted around the land. To the east of the site is a road with undeveloped land and dog kennels. To the southwest there is an industrial unit with a couple of concrete bases, used to store timber and for parking HGVs, and a timber frame manufacturer.

The Proposal
2.3 The proposal comprises three main development elements: i) River Source Heat Pump and associated pipework and infrastructure; ii) Energy centre and associated infrastructure; and iii) Glasshouses and ancillary buildings. The proposed development would provide a commercial glasshouse and packing facility for the growing of tomatoes. The proposal includes an energy centre to supply electrical power and heat to the proposed glasshouse derived from the river source heat pump. It is envisaged that the development will generate approximately 15MW: 6MW to be utilised for the growing of foodstuffs in the glasshouses and the remainder to be used to supply the wider district heat network.

2.4 The abstraction supply infrastructure (two river water intakes, the below ground pump house chamber and supply pipework) will deliver river water to the Energy Centre via an array of centrifugal pumps. The Energy Centre will house up to 6 heat exchanger pumps with a heat output capacity of up to 2.5MW. Exhaust water will be returned to the River Forth approximately 110m downstream of the intakes and conveyed by gravity through a buried precast concrete box culvert which obliquely intersects the riverbank at approximately 40 to 45 degrees to ensure the direction of discharge flows are sympathetic with the River Forth.
2.5 Pump House: The pump house will have a floor area of approximately 36 metres by 10 metres and will be just under 6 metres in height, measured from ground level to the ridge (4.5 metres to eaves). It will also include an underground chamber which will be 10 metres by 12 metres and will be 3 metres below ground. Low temperature water is to be pumped from the pump house to the energy centre through heat exchangers to supply heat to the glasshouses.

2.6 Energy Centre: The energy centre is to be combined with ancillary areas (ancillary areas include: reception area, packing area, loading docks, canteen/toilets, plant, storage rooms, irrigation room and office) all housed within one overall building which will have a height of approximately 9 metres when measured to the ridge (5.8 metres eaves height) and the building’s footprint will be approximately 3,366m² (36 metres by 93.5 metres). This building is to be finished in goosewing grey insulated cladding. This building is to abut the southern elevation of the glasshouse.

2.7 Chimneys within Energy Centre Building: There are to be a number of chimneys protruding through the roof of the combined energy centre building including two emission stacks (CHP engine exhaust and CHP engine air intake), a couple of CHP engine chimneys and a boiler chimney. The tallest of these chimneys extends to a height of approximately 15 metres (6 metres above the ridge height).

2.8 Tanks and Coolers: Two insulated vertical heat store tanks on concrete bases are to be located adjacent to the packing and welfare area (which is part of the energy centre combined building). The tanks will be 20 metres in diameter and 12 metres in height. There is also a much smaller CO2 tank (4 metres diameter and 10 metres high) and an oil tank (5 metres by 2 metres, 1.8 metres in height) adjacent to the heat store tanks as well as an array of dry air coolers to be located adjacent to the energy centre.

2.9 Glasshouses: The glasshouses (to the north of the energy etc. building) are proposed to cover an area of approximately 7.4 hectares (320 metres by 225 metres). The glasshouses are to be constructed with ridges and gutters along the roof every 4 metres. The overall height of the glasshouses to the ridge is to be 7.3 metres and 6.5 metres to the eaves. The lower portion (first 2 metres above ground level) of the walls of the glasshouses are to be insulated cladding panels with glazing above. The tomatoes are to be grown in controlled hydroponic conditions in above-ground channels.

2.10 Reservoir: A rainwater reservoir is proposed to the north of the glasshouses. The reservoir will cover approximately 0.6 hectares (25 metres in width, 145 metres in length and approximately 5 metres in depth capable of storing 14,000m³ of water) and will store rainwater collected from the glasshouse roof for use in watering and feeding the plants.

2.11 Parking Provision: 35 standard parking spaces and 2 accessible spaces are to be provided as well as 4 Sheffield cycle racks. Most of the aforementioned aspects of the development (glasshouses, energy centre and combined uses building, parking, external tanks and coolers and reservoir) will be secured within a 1.8 metre high fence.

2.12 Road Upgrading: The existing industrial estate access road narrows to a single track with passing places as it extends north to the site. This proposal includes the upgrading of the access junction to reflect the industrial standard access road within the remainder of the estate.
Previous History

2.13 Whilst there is no previous planning history on this site of relevance to this application, Powercrofters (Scotland) Ltd submitted a Planning Application in Principle (10/00215/PPP) for an Energy from Waste development on a site to the east of the current site in April 2010. The application was refused and the subsequent appeal (PPA-390-2020) dismissed.

Consultations

Scottish Environment Protection Agency (East):

2.14 It is noted that the proposed development is outwith the functional floodplain of the River Forth. SEPA has no objection to the proposed development on flood risk grounds.

2.15 Air Quality: SEPA has no objection on air quality grounds.

2.16 SUDS: The details provided by consultants appear satisfactory (Millard Drainage plan table 26.3 proposes swale and filter trench for site and access roads).

NatureScot:

2.17 Position Summary: There are natural heritage interests of national and international importance close to the site, but in NatureScot's view, these will not be adversely affected by the proposal.

2.18 Appraisal Summary: The proposal is close to the Firth of Forth Special Protection Area and Site of Special Scientific Interest. The proposal is likely to have a significant effect on the qualifying interests of the sites, particularly those species of birds that commonly use coastal fields as feeding and roosting sites. Consequently, Stirling Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help Stirling Council do this NatureScot advise that their view, based on the information provided, is that the proposal will not adversely affect the integrity of the Firth of Forth Special Protection Area.

Environmental Health:

2.19 Air Quality: No objection subject to a condition regarding a Construction Environmental Management Plan (CEMP).

2.20 Lighting: Reviewed the information provided and are satisfied with the response subject to conditions.

2.21 Noise: Environmental Health/WSP did not have any concerns with regard to the construction noise levels and that the operational noise levels could be satisfactorily conditioned.

2.22 Ground Investigation: Following Environmental Health/WSP’s review, a number of issues were still considered outstanding. As it was proposed to address these issues within forthcoming phase 2 works, Environmental Health/WSP had no further queries and await receipt of phase 2 reporting and assessments. In order to ensure that phase 2 assessments are completed as currently proposed, Environmental Health/WSP recommend the inclusion of conditions.
Roads Development Control:
2.23 Transport Development Team had no objection to the proposal submitted, subject to the following conditions being applied to any consent granted:

2.24 Vehicular access; Pedestrian footway provision; Specification and details of cycle parking provision and storage; Construction Traffic Management Plan; Surface water drainage system; Waste collection provisions; and, Travel Plan.

Planning & Policy (Archaeology):
2.25 The proposed development has the potential to impact directly on previously unrecorded archaeological remains, however, as their precise location and nature is unclear there is insufficient reason to oppose the application. Therefore, if the development does proceed, it is recommended that a condition for the Programme of Archaeological Works is included.

Bridge & Flood Maintenance:
2.26 No objection subject to conditions:

2.27 Finished Floor Levels are set in accordance with the flood risk assessment recommendations with buildings at 7.30m AOD minimum, and the pump house at 6.99m AOD.

2.28 Sustainable Urban Drainage Systems are included in the design to address the increase in hardstanding. This may include rainwater harvesting given the intended business purpose.

Clackmannanshire Council:
2.29 No objection. Comments regarding visual and landscape impacts relating to:

2.29.1 Retention, where practicable, of existing vegetation around the site, particularly on the eastern boundary.

2.29.2 Provision of additional shrub and tree planting on the eastern side of the buildings to reduce the impact from the buildings and plant.

2.29.3 Consideration of the treatment of the glazed walls of the glasshouses to minimise the risk of reflective glare during the day and light pollution in the evening.

Scottish Water:
2.30 No objection. Water: Sufficient capacity in the Turret Water Treatment Works. Foul: Proposed development will be served by Bandeath Waste Water Treatment Works.

Marine Scotland:
2.31 No response received.

Throsk Community Council
2.32 Objected to the application. They noted that this proposal only represents part of the overall development presented to the community as it omits the waste to energy facility. The Community Council considered it was necessary to clarify whether the waste to energy facility had been dropped completely or would be applied for at a later stage.
Representations

2.33 1 representation was received from the Scottish Wildlife Trust. Comments made with regard to the lack of details on the in-river infrastructure, queried why moorings were necessary and commented that care should be taken with regard to non-native invasive species that may be encountered during the works. They also suggested that suitable landscaping would mitigate against the loss of grassland.

Local Development Plan

2.34 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application:

2.35 Primary Policy 1 (Placemaking); Policy 1.1 (Site Planning); Policy 1.2 (Design Process); Policy 1.3 (Green Infrastructure and Open Space); Policy 2.4 (Safeguarding Employment Land and Property); Policy 2.5 (Employment Development); Primary Policy 3 (Provision of Infrastructure); Policy 3.1 (Addressing the Travel Demands of New Development); Policy 3.2 (Site Drainage); Primary Policy 4 (Greenhouse Gas Reduction); Policy 4.3 (Heat Generation); Primary Policy 5 (Flood Risk Management); Primary Policy 7 (Historic Environment); Policy 7.1 (Archaeology and Historic Building Recording); Primary Policy 8 (Conservation and Enhancement of Biodiversity); Policy 8.1 (Biodiversity Duty); Policy 9.3 (Landscaping and Planting in Association with Development); Primary Policy 12 (Renewable Energy); Policy 12.2 (Other Renewable and Low Carbon Energy Developments); Primary Policy 13 (The Water Environment); Policy 14.1 (Encourage Local Food Production).


Other Planning Policy


2.38 Some of the Non-statutory Supplementary Guidance outlined above has been superseded by Draft Supplementary Guidance - Transport and Access for New Development (supersedes SG14); Biodiversity and Landscape (superseded SG26).


2.40 Scottish Planning Policy (SPP) 2014.
2.41 Planning Advice Notes: PAN 60: Planning for Natural Heritage; PAN 75: Planning for Transport; PAN 51: Planning, Environmental Protection and Regulation.

Assessment

2.42 **Extent of development:** It is noted that the Proposal of Application Notice (PoAN) and subsequent Pre-Application Consultation Report (PAC) related to a development which, as well as including all the elements outlined within this proposal, also included a materials recycling facility and an energy from waste plant. The Pre-Application Consultation Report noted that the main concerns generated from the public consultation were regarding the production of energy and heat from waste with respect to traffic, air quality, noise and amenity upon the village of Throsk and the surrounding area. The applicant used the feedback from the public event to focus the content of the planning application thereby removing the materials recycling facility and energy from waste plant. This application therefore proposes most of the elements of the development outlined at the public event with the exception of the elements that raised the greatest concerns to those whom attended the event and provided their views. Whilst the views of Throsk Community Council are noted, the application can only be assessed on its own merits without taking into account any future intentions that an applicant may, or may not, have. Should a future application be submitted seeking permission for a materials recycling facility and/or an energy from waste plant then it will be assessed at that future date.

2.43 **Use of the Land/Appropriateness of Site:** This site forms part of a larger Employment site (B21: Bandeath West) allocated in the Stirling Local Development Plan 2018. Primary Policy 2 (Supporting the Vision and Spatial Strategy) requires that employment development proposals will be directed to sites identified for those purposes, as set out in Appendix A of the Plan. Appendix A lists this site as B21: Bandeath West. Policy 2.4 (Safeguarding Employment Land and Property) states that all employment land (particularly those sites allocated in the Plan at Appendix A) will be safeguarded for employment generating purposes (Use Classes 4 business, 5 general industry and 6 storage and distribution). Policy 2.5 (Employment Development) states that employment development will be supported where it is located within an allocated employment site and is compatible with the Key Site Requirements. In this case, the Key Site Requirements for B21: Bandeath West are compliance with a Masterplan to be prepared for Bandeath, to ensure the maintenance of the integrity of the Firth of Forth Special Protection Area, foul and surface water drainage to be treated to the relevant standards of Scottish Water and SEPA. Also, that a Flood Risk Assessment is required and there is appropriate mitigation measures to reduce the risk of surface water run-off. Whilst there is no Masterplan available yet for Bandeath, the application and supporting information have demonstrated compliance with the other elements of the Key Site Requirements.
2.44 This proposal is a mixed use development comprising elements of energy generation (river source heat pump facility and energy centre) and usage (glasshouse for growing commercial tomato crops). Whilst the overall development does not fall within any use category, and would therefore be considered *sui generis* (meaning something that is unique or different), the elements within the development are of an employment nature - from the generation of energy to the scale of tomato growing and the associated HGV movements (packing and distribution). It is considered that this type of development is appropriate for this site and that the proposal complies with Primary Policy 2 and Policies 2.4 and 2.5.

2.45 **Ecology:** Primary Policy 8 (Conservation and Enhancement of Biodiversity) requires that, where proposals may affect protected species, developers must carry out species surveys and produce mitigation plans where required. Development that may result in activities that would normally require a species licence will not be permitted unless the applicant can demonstrate that such a licence will be likely to be granted. Furthermore, areas not covered by statutory or local designations will have an appropriate level of protection if they are deemed to be important for their contribution to local biodiversity. Policy 8.1 (Biodiversity Duty) states that all development proposals will be assessed for their potential impact on biodiversity to ensure that overall biodiversity is maintained.

2.46 The site is adjacent to the River Forth, which is designated as a RAMSAR site, a Site of Special Scientific Interest and a Special Area of Protection. The application was supported by a Preliminary Ecological Appraisal which included a Phase 1 Habitat Survey, a preliminary bat roost assessment, and a badger and otter survey. The purpose of the Phase 1 Habitat Survey was to survey the site and a 250 metre buffer and document the habitats present. This was to determine the potential presence of protected or otherwise notable species to establish whether these are constraints to the proposed development. The Firth of Forth Special Protection Area abuts the site boundary to the east of the site. The potential for effects upon the designated site were assessed and no significant displacement and/or disturbance impacts were anticipated as a result of the development. Though there are four Local Nature Reserves within 2km of the site, these were all located on the opposite side of the River Forth. Two trees and five buildings were deemed to have bat roosting potential. Evidence of otter activity was found along the bank of the River Forth but no otter habitation was found. A Species Protection Plan will be required prior to construction works commencing. There was no evidence of badger activity within the site though the woodland habitat was assessed as suitable to support badgers. Giant Hogweed was found to be present within the site so will need to be appropriately managed to reduce the risk of spread.

2.47 The application was also supported by a Shadow Habitats Regulations Appraisal which concluded that the development will have no significant effect on the maintenance of the populations of the Special Protection Area, maintenance of the distribution of the qualifying interests of the Special Protection Area and no significant disturbance to the qualifying interests of the Special Protection Area.
2.48 An Addendum to the Ornithological Mitigation Strategy (the Preliminary Ecological Appraisal) identified that in order to prevent any harm or disturbance on the ornithological interests and qualifying features of the Special Protection Area, a mitigation strategy was proposed to include i) pre-construction checks for nesting birds; and, ii) construction period mitigation strategy. These matters, along with oversight from an Ecological Clerk of Works, have been included as conditions in Appendix 1.

2.49 In its consultation response NatureScot did not consider that the proposal would affect the natural heritage interests of national and international importance (Firth of Forth SPA and SSSI) close to the site. Stirling Council, as competent authority, was required to carry out an appropriate assessment in view of the site’s conservation objectives for its qualifying interests, particularly those species of birds that commonly use coastal fields as feeding and roosting sites. This appropriate assessment has been undertaken and is contained within Appendix 2. NatureScot supported the proposal to screen the north and north eastern boundary of the site with a planted bund as they considered it would mitigate the impact of lighting both during construction and operation of the facility on the tidal mudflats. The bund would also address the comments raised by Clackmannanshire Council with regard to screening of eastern side of the development.

2.50 NatureScot was also specifically consulted on the impact that the lighting within the proposed glasshouses may have on the qualifying interests of the Firth of Forth Special Area of Protection and Site of Special Scientific Interest. NatureScot accepted that there may be some disturbance to birds foraging on the agricultural land to the south of the site (notably overwintering Pink-footed geese). They also noted that there is conflicting evidence as to the impact of lighting on foraging birds with some studies suggesting this can be beneficial. NatureScot concluded that the impact from the proposed lighting on birds foraging on the agricultural land to the south of the site will be minimal due to the small numbers of key species as a proportion of the total population likely to be affected and the presence of some (limited) screening by trees.

2.51 It is considered that the proposal complies with Primary Policy 8 and Policy 8.1.

2.52 Contaminated Land: Primary Policy 6 (Resource Use and Waste Management) seeks to ensure that any contaminated land is remediated to a level commensurate with its new use. The application was supported by a Geo-Environmental Phase I Assessment (Oct 2020) to provide information on environmental considerations. It found that the current and historic use of the site was not considered to represent a significant source of contamination however peat was identified which may represent a source of ground gas and there was potential for shallow coal mining. The assessment recommended that a pre-construction site investigation which would quantitatively assess contamination, as well as ground gas risk and ensure appropriate design of ground gas measures could be secured through a planning condition.

2.53 Environmental Health noted that there were a number of issues outstanding that were to be addressed within the forthcoming phase 2 works. They noted that in order to ensure that the phase 2 assessments are completed as proposed, a number of conditions were recommended. Conditions to address the aforementioned matters have been recommended within Appendix 1 and, with the inclusion of these conditions, it is considered that the proposal complies with Primary Policy 6.
2.54 **Flooding**: Scottish Planning Policy states that the planning system should adopt a precautionary approach to flood risk. The planning system should prevent development that has a significant probability of being affected by flooding or increase the probability of flooding occurring elsewhere. Planning Authorities are to have regard to the probability of flooding from all sources and take flood risk into account when determining planning applications.

2.55 The application was accompanied by a Flood Risk Assessment. The results of the assessment show that the vast majority of the site is outwith the 1 in 200 year flood extent of the River Forth and an unnamed watercourse. The limited areas of flood extent relate to areas where this proposal just has underground pipes to and from the river. The assessment recommended that the finished floor levels for the proposed building should be set at, or above, a level of 7.30 AOD and the pump house building should have a finished floor level of 6.99AOD. The finished floor levels of the pump house relate to the above ground element. The agent has clarified that underground chamber presents no significant problem in flood conditions. It is an unmanned space (except for occasional maintenance), all the controls are in the above ground part of the building, plant and any other equipment will tolerate being submerged and there will be an electrical power cut-off when water reaches a pre-determined safe maximum level to avoid any consequential problems. The finished floor levels have been included within a condition in Appendix 1, as requested by the Council's Flood Officer.

2.56 Whilst the glasshouses will be constructed across an area outwith the functional floodplain of the River Forth and the unnamed watercourse, the applicant has outlined that, if surface water did enter the glasshouses, it would not adversely affect its operation. Vehicle and pedestrian access to the site can be maintained in a 1 in 200 year flood event and, when including climate change, there is also an alternative access via a track past Alton Farm (600m west of the site). The Flood Risk Assessment concluded that the site is developable with respect to flood risk. It is considered that the proposal has taken flood risk into account and has demonstrated that the site is neither at flood risk nor that the proposal will increase the likelihood of flood risk occurring elsewhere. It is not considered that flood risk is a development constraint.

2.57 **Landscape and Visual Impact**: Primary Policy 1 (Placemaking) states that development of all scales must be designed and sited, not only with reference to their own specifications and requirements, but also in relation to the character and amenity of the place where they are located. Primary Policy 9 (Managing Landscape Change) highlights that landscape and visual impacts will be important considerations in determining all proposals for development and land use change. It states that all developments should demonstrate that the capacity of the local landscape to accommodate new development of the type and scale envisaged has been taken into account.

2.58 The proposal was supported by a Landscape and Visual Appraisal. It noted that, by its nature, the proposal would result in landscape and visual effects which it would not be feasible to fully mitigate. However, it notes that the proposed development is located within an Industrial Estate, adjacent to existing large scale units to the south, and derelict land to the north. The development avoids any notable/visually prominent slopes or ridgelines, given its low-lying position next to the river. The Industrial Estate is surrounded by established woodland on its southern side (which creates a physical and visual barrier from the village of Throsk) and by riparian tree cover along the sides of the River Forth, which loops around the site on three sides. These landscape features provide a degree of enclosure and visual screening to the
proposed development. In terms of colour and materials, the proposed buildings will be finished in goosewing grey panelling which, being a muted tone, should assist in blending with the surroundings. Blackout blinds will be incorporate within the glasshouses to prevent light spill (on this basis the potential light leakage from the roof would be reduced to 0.01%, and there would be zero escape of light from the side walls).

2.59 The potential landscape and visual effects of the proposed development were analysed in two ways: i) Zone of Theoretical Visibility map analysis, and ii) analysis of the potential effects on key viewpoints. The Appraisal concluded by outlining that, due to the site’s low-lying elevation within an existing industrial estate, combined with the surrounding flat topography and areas of tree cover, it was appraised that the landscape and visual effects would be extremely restricted and focused within very localised geographic areas. It outlined that, in terms of visual effects from settlements, the clearest views would be experienced from the outer edges of Fallin and Tullibody/Cambus. However, in both cases the extent of intervening screening and character of the existing view is such that the resultant effect would not be notable. The visually contained nature of the site is such that there would be no notable effect on any other residential settlement.

2.60 It is noted that the specifications and requirements of this proposal, in terms of the extent of glasshouses alongside the energy centre and ancillary building, will result in a very extensive built form. However, having taken into account the findings of the Landscape and Visual Appraisal and from site visit assessments, it is considered that, overall, this development has been designed and sited in relation to the character and amenity of the place and its siting, layout and density is reflective of its surroundings. The design of the buildings relate to the site’s context and its wider surroundings in terms of appearance, position, height, scale and mass. Furthermore, it is considered that the materials, finishes and colours of the proposed buildings are not at odds within this context. It is therefore considered that the proposal complies with Primary Policy 1 and Policy 1.1. The Landscape and Visual Appraisal has provided sufficient evidence to demonstrate that the capacity of the local landscape, to accommodate the development of the type and scale envisaged, has been taken into account and will not result in significant adverse impacts on the landscape character and visual amenity. It is considered that the proposal complies with Primary Policy 9 and Policy 9.3.

2.61 **Noise:** Noise is a material planning consideration and must be given due weight when determining an application. The application was supported by a Noise Assessment, the purpose of which was to assess potential noise impacts associated with the construction and operation of the proposed development and derive appropriate noise limits not to be exceeded at the nearest Noise Sensitive Receptors. A condition has been included within Appendix 1 to ensure that appropriate noise limits are set.

2.62 **Air Quality:** Air quality is a material planning consideration and must be given due weight when determining an application. Primary Policy 1 (e) requires that development of all scales must have minimal adverse impact on air quality. The application was supported by an Air Quality and Impact Assessment which sought to assess the potential environmental effects of emissions on human health and locations of ecological sensitivity and specify, where necessary, appropriate solutions to mitigate potential adverse air quality effects. Modelling of NO\textsubscript{x}, NO\textsubscript{2}, PM\textsubscript{10} and SO\textsubscript{2} was undertaken to predict the concentrations due to occasional emissions from the back-up boiler using natural gas and fuel oil in conjunction with existing background concentrations at sensitive receptor locations within the study area. The
predicted annual mean concentrations at all proposed receptors were significantly below relevant Air Quality Standards values for the protection of human health and the critical levels for the protection of vegetation and ecosystems. Furthermore, the boiler will only operate in the event of Combined Heat and Power abatement failure for up to 8-hours per event which is anticipated to be a very rare occurrence. The predicted impacts at receptors will therefore be significantly lower than has been assessed.

2.63 The short-term impacts which are relevant for short-term operation of the boiler are significantly below the Air Quality Standards at all sensitive receptors. The air quality impacts at designated nature conservation sites are concluded to be insignificant and therefore no additional Habitats Regulations Assessment is required. In summary, the potential impact of the proposed development on local air quality was considered to be low risk and not significant. The Scottish Environmental Protection Agency agreed that the back-up boilers will not lead to an exceedance of the air quality objectives based on the dispersion model outputs. As such, the Scottish Environmental Protection Agency had no objection to the proposal on air quality grounds. It is considered that air quality is not a constraint to development and that the proposal complies with Primary Policy 1(e).

2.64 Transport/Access: Policy 1.1 (Site Planning) states that all proposals must respect, complement and connect with its surroundings, be accessed safely and be designed in a manner so as to be easily navigable, particularly on foot, bicycle and public transport. Policy 3.1 (Addressing Travel Demands of New Development) states that in order to create accessible developments in sustainable locations, new development should be located where safely and conveniently accessible by walking, cycling and public transport as well as by motor vehicles. Development should aim to reduce its travel demands and to ensure that residual demands are met in a manner which ensure a safe and realistic choice of access by walking, cycling, public transport and motor vehicles.

2.65 A Transport Assessment was submitted to support the planning application. The site is accessible from the A905 (Stirling to Airth road) by the existing access road which serves Bandeath Industrial Estate. The existing industrial estate access road narrows to a single track with passing places as it extends north past ‘Deeside Timberframe’ premises to the south of the site. The single track section will be upgraded to the proposed site access junction to reflect the industrial standard access road within the remainder of the estate. The only element of the proposed development which will accommodate staff on a day to day basis is the glasshouse operation. It is effectively a unique operation which is not covered within the Council’s land use designations within the parking guidelines. As such, the operator based the parking provision on experience of other operational sites. The proposal includes 35 standard parking spaces, plus 2 accessible spaces and cycle racks, which are to be located adjacent to the reception area. HGV loading bays are to be located adjacent to the pack house with the necessary turning area. Swept path analysis had also been provided. A review of the road network concluded that strategic routes were accessible within a short distance from the site, providing access to the motorway network. The Transport Assessment concluded that the minimal additional traffic generated by the site can be accommodated on the road network with a negligible impact on the current operation.
2.66 The Transport Assessment also concluded that the site will be accessible by sustainable modes of travel and integrate well within the existing transport network with the introduction of additional non-car promoting measures. In addition, the site could be accessed safely from the adjacent road network by private vehicles without compromising the safety or efficiency of existing highway users.

2.67 Roads considered that the lack of any provision for pedestrians to access the site (the proposal had been for pedestrians to either walk along the grass verge or the access road due to the low usage) was unacceptable. The proposal was then revised to include a 2 metre wide pedestrian footway along the length of the Bandeath Industrial Estate spine road, between the proposed development access and the existing extents of the footway. The applicant included further information pertaining to the bus services available on the A905 and also demonstrated that the road geometry for the proposed road infrastructure would connect appropriately with the existing road. Swept path analysis for a 16.5 metre articulated vehicle was submitted to demonstrate compliance. The applicant also provided additional information to support the assumptions made on car sharing uptake and parking provision. The calculations highlighted that the site will have less than 100 staff. Further information was also provided to demonstrate that the Kerse Road/Bandeath Industrial Estate spine road junction would continue to operate with substantial reserve capacity when this development was factored in. Transport Development had no objection to the proposed development subject to the inclusion of a number of planning conditions. All of the conditions requested by Transport Development have been included within Appendix 1.

2.68 It is considered that, with the inclusion of conditions, the proposal complies with Policies 1.1 and 3.1.

2.69 **Archaeology**: Primary Policy 7 (Historic Environment) requires that the historic environment is managed and that relevant development proposals are assessed for the potential to harbour undiscovered heritage assets including archaeology. Policy 7.1 (Archaeology and Historic Building Recording) requires that, where there is the possibility that archaeological remains may exist, but their extent and significance is unclear, the developer undertakes an evaluation prior to the determination of any planning application in order to establish the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording surviving archaeological features.

2.70 In this case, an archaeological evaluation has not been undertaken prior to determination however, whilst the proposed development has the potential to impact directly on previously unrecorded archaeological remains, the Council’s Archaeologist considered there was insufficient reason to oppose the application. Instead, a condition was requested requiring a programme of archaeological works in advance of development which has been included within Appendix 1. Accordingly, with the inclusion of the condition, it is considered that the proposal complies with Primary Policy 7 and Policy 7.1.
2.71 **Design:** Primary Policy 1 (Placemaking) requires all development to be designed and sited in relation to the character and amenity of the place where they are located. Policy 1.1 (Site Planning) requires that the design of new development should be appropriate to its wider surroundings in terms of appearance, position, height, scale, massing and should use materials, finishes and colours which complement those prevalent. Policy 1.2 (Design Process) states that in order to ensure that the aims of Placemaking and quality site planning are met, Design and Access Statements will be required in support of planning applications.

2.72 A Design Statement and Planning Statement were submitted in support of the application which explained the design principles and concepts that have been applied, and how issues relating to access for disabled people to the development have been dealt with. It is considered that by positioning the energy centre and associated uses within one large building to the front of the glasshouses, this will assist in visually counterbalancing the expanse of the glasshouses when viewed from the industrial estate access road. This building will be of a design and materials that are commonly found within industrial estates and is therefore considered appropriate in relation to its wider setting. The glasshouses, whilst not representing the materials of the surrounding area and of a different scale and mass to nearby buildings, are nonetheless considered appropriate in this industrial estate setting. Furthermore, the topography of the site, the limited access and the benefits of screening from existing buildings and landscaping will assist in ensuring that the glasshouses will be appropriate in their wider setting. It is considered that the proposal complies with Primary Policy 1, Policy 1.1 and Policy 1.2.

2.73 **Lighting:** One of the issues with regards to the finish of the building is the use of glass, the extent of it and the impact of lighting within the glasshouses on the wider area. The application was supported by a Lighting Impact Statement which outlined that the crops within the glasshouses will be provided with energy efficient LED lighting to supplement the lack of natural light. Without this supplementary lighting the glasshouse use would be reduced to between March and October each year and production figures would be 30% less than similar English counterparts making the facility uneconomic. In winter months the crop will require up to 18 hours of artificial lighting. Light pollution screens are to be installed within the glasshouses to minimise the effect of light pollution emanating from the glasshouses during the lit periods of darkness. Side rolling screens and horizontal screens are to be installed and automatically controlled by a computer system to close the blinds depending on the external light levels. The application was also supported by a statement to address issues raised with regard to ecological issues associated with the proposed lighting and a statement on the external lighting calculations.

2.74 The impact of light on species of birds associated with the Firth of Forth Special Protection Area and Site of Special Scientific Interest was considered by NatureScot and the impact of it on nearby residents was considered by Environmental Health. NatureScot supported the proposal to screen the north and north eastern boundary of the site with a planted bund since, in their view, this would mitigate the impact of lighting both during construction and operation of the facility on the tidal mudflats. NatureScot accepted that there may be some disturbance to birds foraging on the agricultural land to the south of the site (notably overwintering Pink-footed geese) but concluded that the impact from the proposed lighting on birds foraging on the agricultural land to the south of the site would be minimal.
Environmental Health utilised the services of a Senior Lighting Designer at WSP in formulating their response. They were content that, if the screens within the glasshouses provided the 98% blackout as quoted by the applicant’s agent, light spill will be within recommended limitations. In order to ensure that the screens provided the blackout quoted, they recommended that this was supported by computer modelling or similar evidence. This has been addressed by the inclusion of a condition within Appendix 1. It is considered, with the inclusion of conditions, that the proposal complies with Policy 1.1 (Site Planning) in terms of the materials used and sensitively integrating biodiversity whilst complying with Primary Policy 8 (Conservation and Enhancement of Biodiversity) and Policy 8.1 (Biodiversity Duty) in terms of the protection and conservation of Natura Sites and Sites of Special Scientific Interest. It is also considered that this addresses the issue raised by Clackmannanshire Council with regard to light pollution.

Food Production: It is noted that this proposal includes the production, packing and distribution of tomatoes. Policy 14.1 (Encourage Local Food Production) supports developments associated with local food production and associated activities such as processing, distribution and marketing where environmentally acceptable. Whilst it is noted that the food grown on this site will serve more than a local area, the majority (70%) of tomatoes consumed in Britain are produced outside the UK with most of the remainder produced in the south of England. This proposal seeks to establish a Scottish crop which will save on ‘food miles’. It is considered that the proposal complies with Policy 14.1.

It is considered, with the inclusion of the conditions recommended in Appendix 1, that on balance the proposal complies with the Development Plan and that there are no overriding material considerations that would indicate otherwise.

3. Implications

Equalities Impact

This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

Fairer Scotland Duty

This section is not applicable.

Climate Change, Sustainability and Environmental Impact

An Environmental Impact Assessment is not required

Other Policy Implications

All relevant policies have been set out in Section 2.

Consultations

As set out in Section 2.
4. **Background Papers**

4.1 Planning Application file 19/01002/FUL. File can be viewed online at: [View Application](#)

4.2 List of determining plans:

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5. **Appendices**

5.1 Appendix 1 – Conditions and Reasons.

5.2 Appendix 2 – Natura Site Assessment.

Author(s)

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<tr>
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Report of Handing approved by Chief Planning Officer

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<tr>
<th>Name</th>
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<tr>
<td>Christina Cox</td>
<td>Planning &amp; Building Standards Manager</td>
<td>14 April 2021</td>
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Approved by

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<tr>
<td>Drew Leslie</td>
<td>Senior Manager</td>
<td>14 April 2021</td>
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Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:

Cllr Alasdair MacPherson
Cllr Danny Gibson

Wards affected: Ward 7 Bannockburn

Key Priorities: N/A

Key Priority Considerations: N/A

Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan) N/A
Appendix 1

River Source Heat Pump installation including pump house and pipe mains; erection of glasshouses and ancillary buildings; construction of rainwater reservoir, accesses, hardstandings and parking; upgrade existing access road at Land At Bandeath Industrial Estate, Throsk - Bandeath Holdings Ltd - 19/01002/FUL

Approve, subject to the following conditions

1  **Pre-construction Checks for Nesting Birds:** Prior to the commencement of any construction works at the start of the bird breeding season (end of March), a suitably qualified ecologist/ornithologist will be employed to search all works areas proposed for construction or clearance, for evidence of nesting birds. Should a nest be recorded, a suitable working buffer will be put in place until young have successfully fledged the nest. Furthermore, the procedure, as set out in Section 2 of the Addendum – Ornithology Mitigation Strategy (Version 1.1, Dated 27/02/2020), shall be followed in the event of discovering an active bird nest and for site working practices throughout the bird breeding season (April to August, inclusive).

2  **Bund:** Prior to the commencement of development and in advance of the winter season (1\textsuperscript{st} September) and the arrival of wintering geese, a bund will be in place and will be planted with trees (of nursery stock or whips) along the northern/north-eastern boundary. The development will then take place in accordance with the measures set out at Sections 2.2 and 3 of the applicant’s ‘Addendum – Ornithology Mitigation Strategy’. The location and extent of bund and the type and size of trees shall be agreed in writing with the Planning Authority prior to implementation.

3  **Details of Materials:** Prior to the commencement of works on site, details of the external finish to the buildings hereby approved shall be submitted to the Planning Authority for written approval.

4  **Programme of Archaeological Works:** No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.

5  **Species Protection Plan:** Prior to construction works commencing a Species Protection Plan shall be submitted to, and approved in writing by, the planning authority.

6  **Pre-construction Survey:** Prior to site clearance and construction works commencing, a pre-construction survey shall be undertaken to assess whether there is any badgers present on the site. The findings of the survey shall be shared with the planning authority and, should the findings indicate the presence of badgers, appropriate mitigation measures shall be agreed with the Planning Authority prior to any site works.

7  **Construction Period – Wintering Birds:** Unless otherwise agreed with the Planning Authority, the pre-construction survey shall be repeated each autumn to determine the presence of wintering birds and any disturbance to their feeding areas. The findings of the survey shall be shared with the planning authority and, should the findings indicate the presence of birds, appropriate measures shall be agreed with the Planning Authority prior to any site works.
Authority, the areas of land within the applicant’s control where development is not otherwise taking place shall be kept unharvested. Furthermore, the mitigation measures set out at Section 2.2 of the Addendum – Ornithology Mitigation Strategy (Version 1.1, Dated 27/02/2020), shall be put in place throughout the winter season (September to April, inclusive).

8 **Ecological Clerk of Works:** The construction phase activities shall be monitored on an on-going basis by a suitably qualified Ecological Clerk of Works throughout the winter period.

9 **Comprehensive Contaminated Land Investigation:**
   (i) Prior to commencement of any site works, a comprehensive contaminated land investigation, including an assessment of ground gas risk, shall be submitted to and approved by the Planning Authority in writing. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice (BS 10175:2011)". The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33.
   
   (ii) If identified as a requirement following Point (i) above, then determination of the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk shall be completed via a comprehensive intrusive land contamination investigation and risk assessment, the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2: 2017 Investigation of Potentially Contaminated Sites -Code of Practice. The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33;

10 **Detailed Remediation Strategy:** Where the risks assessment identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted to the Planning Authority for approval. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority.

11 **Remediation:** Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

12 **Confirmation Work Carried Out:** On completion of the remediation works and prior to the site being occupied, the developer shall submit a report to the Planning Authority confirming the works have been carried out in accordance with the remediation plan.

13 **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

14 **Finished Floor Levels:** The building containing the energy centre, office, pack house and irrigation room shall be constructed with finished floor levels no lower than 7.30AOD. The pump house, excluding the below ground element, shall be constructed with finished floor levels no lower than 6.99AOD.

15 **Noise Limits:** The noise limits for the construction and operational phases of the development shall not exceed those set out within Table 6 (Proposed Development Noise Limits), paragraph 5.1.2 of the Noise Impact Assessment undertaken by
ITPEnergised (dated 16/01/2020) and submitted in support of the application. For ease of reference, Table 6 has been reproduced below. The construction and operational phase noise limits must not be exceeded at the Noise Sensitive Receptors considered within the Noise Impact Assessment.

<table>
<thead>
<tr>
<th>Noise Sensitive Receptor</th>
<th>Construction phase noise limits</th>
<th>Operational phase noise limits</th>
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<tbody>
<tr>
<td></td>
<td>Night-time (23:00 – 07:00 hrs)</td>
<td>Daytime (07:00 – 23:00 hrs)</td>
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<td>Evening and weekends</td>
<td>Night-time (23:00 – 07:00 hrs)</td>
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<tr>
<td>NSR5</td>
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<td>46</td>
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16 **Post-development Detailed Noise Assessment**: Upon completion of the proposed development the operator shall undertake a detailed assessment of noise from the facility during normal operations in accordance with BS4142:2014 (Rating industrial noise affecting mixed residential and industrial areas) and BS7445:2003 (Description and measurement of environmental noise), or other methodology as agreed with Stirling Council. The assessment shall consider all noise sources at the facility, including static plant and on-site vehicle movements. The specific sound level from the operations shall include corrections for acoustic characteristics to derive the Rating level (L_{A,T,T_1}). The Rating level shall not exceed the agreed operational phase noise limits at the Noise Sensitive Receptors presented in the Noise Impact Assessment report. The results of the assessment together with conclusions and any recommendations shall be submitted to Stirling Council for approval in writing.

17 **Vehicular Access**: Prior to the operation of any development on the application site, the vehicular access shall be laid out and constructed substantially in accordance with Drawing No. 19045_001 or such other drawings as may subsequently be approved in writing by the Planning Authority in consultation with Transport Development.

18 **Pedestrian Footway Provision**: Prior to the operation of any development on the applicant’s site, a pedestrian footway of a minimum 2 metres width, with accompanying bound surface, shall be laid out and constructed substantially in accordance with Drawing No. 19045_001 or such other drawings as may subsequently be approved in writing by the Planning Authority in consultation with Transport Development.
Cycle Parking Provision: No development shall commence until the specification and details of cycle parking provision and storage have been provided in line with the standards set out within Stirling Council’s Supplementary Guidance *Transport and Access for New Developments*. The specification and details shall be submitted to, for approval in writing by, the Planning Authority in consultation with Transport Development. The approved cycle parking provision and storage shall be in place prior to the site becoming operational.

Construction Traffic Management Plan: No development shall commence on site until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

Surface Water Drainage: The surface water drainage system shall be designed to the requirements and satisfaction of SEPA, The Water Authority and Stirling Council, taking account of the sustainable urban drainage (SUDS) principles and in accordance with the guidance given in ‘SUDS for Roads’. The SUDS strategy will include details of measures to be employed during the construction phase of the project.

Waste Collection: Waste collection shall be provided in accordance with Supplementary Guidance SG19: Waste Management: Requirements for Development Sites.

Travel Plan: Prior to the occupation of the application site, a detailed Travel Plan for the whole development, which sets out proposals for reducing dependency on the private car, shall be submitted to, and approved in writing by, the Planning Authority. The detailed Travel Plan shall include:

a) Measures for extending and/or increasing the active travel opportunities in the area;

b) Details for the management, monitoring, review and reporting of these measures;

c) A system of management, monitoring, review, and reporting.

The Travel Plan shall be implemented, as approved, from the commencement of development and reviewed on an annual basis for a period of 5 years.

Lighting Impact Assessment: Prior to the installation of any internal lighting, a full lighting impact assessment shall be submitted to, and approved in writing by, the Planning Authority. This lighting assessment shall show spill light contours and location of nearby receptors. It shall also include the specifications, locations and position details for all internal lighting. In addition, it shall include an assessment of the upward light ratio and how glare will be reduced to a minimum. This assessment should be carried out in line with the Institute of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light.

Lighting Maintenance Scheme: Prior to the installation of any internal lighting within the glasshouses hereby approved, a scheme of maintenance for all internal lighting to the glasshouses shall be submitted to the Planning Authority for written approval.
Construction Environmental Management Plan (CEMP): No development shall commence on site until a site-specific Construction Environmental Management Plan is submitted by the developer and agreed in writing by the Planning Authority, in consultation with Environmental Health. The CEMP shall include appropriate measures to minimise dust deposition within the Firth of Forth designated site, which shall be agreed with NatureScot.

Reasons:

1. To ensure that there is no disturbance to nesting birds in compliance with Policy 8.1 of the adopted Local Development Plan.
2. To prevent visual disturbance and reduce noise disturbance to the Special Protection Area’s qualifying features.
3. To ensure that the external materials utilised within this development are appropriate in this landscape setting.
4. To safeguard and record the archaeological potential of the area.
5. To ensure that the European Protected Species identified on the site are not adversely affected as a result of this development.
6. To ensure that appropriate mitigation is in place should it be confirmed that badgers are present on site given the length of time that has lapsed since the initial survey.
7. In order to minimise disturbance to wintering geese.
8) To avoid any disturbance to Special Protection Area provenance species of wintering birds.
9) To ensure potential risks arising from previous site uses have been fully assessed.
10 To ensure the proposed remediation plan is suitable.
11 To ensure the remedial works are carried out to the agreed protocol.
12 To provide verification the remediation has been carried out to the Authority’s satisfaction.
13 To ensure all contamination within the site is dealt with.
14 In order to mitigate flood risk.
15 To ensure that the amenity of any nearby residential occupiers is not adversely affected as a result of this development.
16 To ensure that the amenity of any nearby residential occupiers is not adversely affected as a result of this development.
17 To ensure delivery of infrastructure essential to provide safe and efficient access to serve the development is provided in a timely manner.
18 To accord with Stirling Council’s Supplementary Guidance Transport and Access for New Developments as a means of achieving safe and effective pedestrian access to the site.
19 In the interests of road safety and the effective management of the transport network.
20 In the interests of road safety and the effective management of the transport network.
21 To ensure the treatment and attenuation of surface water within the development.
22 In the interests of road safety and the effective management of the transport network.
23 In the interests of sustainable transport and in order to reduce the impact on the transport network as a result of private motorised travel.

24 To minimise unnecessary light spill and glare associated with the development.

25 To ensure there is appropriate ongoing maintenance of the screens in order to minimise unnecessary light spill and glare associated with the development.

26 To ensure that the development has minimal adverse impact on air quality in compliance with Primary Policy 1 (Placemaking) (e).
Appropriate Assessment

Site: Land at Bandeath Industrial Estate, Throsk

Proposed development: River Source Heat Pump installation including pump house and pipe mains; erection of glasshouses and ancillary buildings; construction of rainwater reservoir, accesses, hardstandings and parking; upgrade existing access road.

Planning Application reference: 19/01002/FUL

Purpose: All competent authorities must consider whether any project will have a ‘likely significant effect’ on a Natura site. If so, an ‘appropriate assessment’ must be carried out. This is known as a Habitats Regulations Appraisal (HRA). A competent authority must not authorise a project unless it can show beyond reasonable scientific doubt – using appropriate assessment – that the project will not adversely affect the integrity of a Natura site. Where an appropriate assessment is required the competent authority must consult SNH.

Natura Site: The proposed development outlined above is close to and could affect the Firth of Forth Special Protection Area (SPA) which is a complex estuarine site, extending 55km and covering 6,313.72ha. The SPA qualifies under Article 4.1 and 4.2 of the EC Directive 79/409 on the Conservation of Wild Birds. The Firth of Forth SPA further qualifies under Article 4.2 of Birds Directive – Special Protection Areas by regularly supporting a wintering waterfowl assemblage of European importance: a 1992/93-96/97 winter peak mean of 95,000 waterfowl, comprising 45,000 wildfowl and 50,000 waders. It is known that a number of these SPA species also spend a proportion of their time away from the coast, at inland feeding and day roosting sites. Many of these will be very close to the coast, and most species rarely fly more than 5km from the coast on a regular basis. Pink-footed geese are the exception to this, often flying up to 20km from the coast, or from other roosting sites, to their feeding areas. Also of interest are: Bar-tailed godwit, Curlew, Dunlin, Golden plover, Grey plover, Lapwing, Oystercatcher, Pink-footed goose and Redshank. Furthermore, the Firth of Forth Site of Special Scientific Interest (SSSI) is notified for its nationally important saltmarsh and mudflat habitats and the populations of waterfowl that these habitats support.

Qualifying Interests that may be Affected: The proposal is likely to have a significant effect on the qualifying interests of the aforementioned sites, particularly those species of birds that commonly use coastal fields as feeding and roosting sites. Consequently, Stirling Council, as competent authority, is required to carry out an appropriate assessment in view of the site’s conservation objectives for its qualifying interests.

Description of Site: The site extends to 18.64 hectares and lies to the north of Throsk at the rear of Bandeath Industrial Estate. The site is generally level and was formerly used for agricultural production as arable or grazing. The industrial estate is accessed off the A905 and part of the estate, where the development is proposed, sits within a loop of the River Forth resulting in the river lying to the west, north and east of the site. The River Forth is tidal at the site location. Associated habitats include a woodland and a small burn running into the River Forth at the south of the site and the right bank of the River Forth, found at the northern end of the site.

Description of proposed development (project): The proposal comprises three main development elements:

i) River Source Heat Pump and associated pipework and infrastructure. The River Source Heat Pump is to stretch in to the River Forth at the west side of the site connected to an energy centre;
ii) Energy centre and associated infrastructure; and

iii) Glasshouses and ancillary buildings.

The proposed development would provide a commercial glasshouse and packing facility for the growing of tomatoes. The facility includes an energy centre to supply electrical power and heat to the proposed glasshouse derived from the river source heat pump.

**Stirling Council’s assessment on whether this project will have a ‘likely significant effect’ on the Firth of Forth Special Protection Area (SPA):** The applicant’s Shadow Habitats Regulations Appraisal reviewed existing data and estimated the extent of habitat loss for SPA qualifying birds. Based on this information we conclude that the proposal will have a likely significant effect on the Firth of Forth SPA due to the site’s proximity to roosting and foraging SPA species and the likelihood of disturbance to species during construction and operational stages.

It is the view of Stirling Council, based on the information provided, that the proposal will not adversely affect the integrity of the Firth of Forth SPA. The proposal will not have a direct impact on the SPA as it is located outwith the boundary of the site. However the construction and operation of the proposal will have an indirect impact by potentially disturbing roosting and foraging birds and from the loss of roosting and foraging habitat for some of the bird species that constitute the qualifying interests of the SPA. Potential disturbance was calculated using a Zone of Influence of 500m around the site boundary. For 14 of the 15 species listed, there was less than 2.1% of the SPA citation population recorded within the Zone of Influence. Pink-footed geese, whilst not recorded within the site, has a slightly higher number of birds in terms of percentage of the SPA population that may be disturbed during construction and operation of the site, though this figure remains low.

**Wading Birds:** The applicant’s Shadow Habitats Regulations Appraisal demonstrated that the proposed development will not significantly disturb wading birds, that the amount of potential roosting and foraging habitat lost to SPA qualifying wading birds is not significant and that the amount of in-combination potential roosting and foraging habitat lost to SPA qualifying wading birds is also not significant.

**Pink-footed Geese:** The proposed development has the possibility to disturb roosting birds, in particular during the construction phase. Having undertaken an assessment, the applicant’s Shadow Habitats Regulations Appraisal concluded that the amount of potential roosting and foraging habitat lost to pink-footed goose is not significant and the in-combination effects would also not be significant.

**Ducks and Other Species:** The applicant’s Shadow Habitats Regulations Appraisal deemed it unlikely that the development or operation of the site would have any impact on these species in terms of habitat loss both at a site and an in-combination level. It was possible that the proposed development may disturb roosting or foraging birds of these species, in particular during the construction phase, but the applicant’s Shadow Habitats Regulations Appraisal found potential disturbance on the seven SPA qualifying species would not be significant.
Conclusion/Stirling Council’s assessment on whether this project will have a ‘likely significant effect’ on the Firth of Forth Special Protection Area (SPA): Stirling Council agree with the applicant’s Shadow Habitats Regulation Appraisal that it is not considered that the small area of loss of available habitat for the key species assessed to be significant. It is also agreed that the impact of disturbance is minimal due to the small numbers of key species as a proportion of the total population likely to be affected and the presence of some (limited) screening by trees. Consequently, Stirling Council agrees with the conclusion of the applicant’s Shadow Habitats Regulation Appraisal that the proposed development will have a likely significant effect on the Firth of Forth SPA. However, based on the information provided the proposal will not have an adverse effect on the integrity of the site as expressed in the conservation objectives: the maintenance of the populations of the SPA, maintenance of the distribution of the qualifying interests of the SPA and no significant disturbance to the qualifying interests of the SPA.

Stirling Council has taken the advice of SNH in forming the above view.
Location of Development
Purpose & Summary

The purpose of this report is to provide information on land owned by Stirling Council within the development boundary of the site of planning application 19/01002/FUL.

Recommendations

Panel is asked to:

1. Note the site plan.

Legal & Risk Implications

Details of the land ownership at the development site is provided to Panel members as background information only. The issue of land ownership is not a material consideration to be taken into account when determining a planning application. Accordingly the extent to which the applicant or any other party owns land within the proposed development boundary is irrelevant and should not form part of the Panel’s decision making.

1. Background

1.1. This background report has been provided in response to discussion on Agenda Item 5, River Source Heat Pump at Land at Bandeath Industrial Estate (19/01002/FUL) at the Planning & Regulation Panel on 27 April 2021.

1.2. Areas of land owned by the Stirling Council are shaded on the plan at Appendix 1. The road is shaded in blue, and that shaded green is other land.

2. Appendices

5.1 Appendix 1 – Stirling Council land ownership within the development area of Planning Application 19/01002/FUL.
<table>
<thead>
<tr>
<th>Name</th>
<th>Designation</th>
<th>Telephone Number/E-mail</th>
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<tbody>
<tr>
<td>Louise Reid-Thomas</td>
<td>Senior Estates Surveyor</td>
<td><a href="mailto:reidthomasl@stirling.gov.uk">reidthomasl@stirling.gov.uk</a></td>
</tr>
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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Drew Leslie</td>
<td>Senior Manager, Infrastructure</td>
<td>18 May 2021</td>
</tr>
</tbody>
</table>

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report: Cllr MacPherson & Cllr Gibson

Wards affected: Ward 7 Bannockburn

Key Priorities: N/A

Key Priority Considerations: N/A

Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan) N/A
Appendix 1 – Stirling Council land ownership within the development area of Planning Application 19/01002/FUL.

Area shaded in blue is roadway, and that shaded green is other land.
Erection Of Dwelling House And Garage At Land 80M North East Of Barloch, Stirling - Mr David Fotheringham - 20/00836/PPP – Hearing

Purpose & Summary
The proposal is being considered by Planning & Regulation Panel as the local ward Member, Councillor Earl, has referred the application to Panel to discuss the merits of the justification statement in compliance with Policy.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Hearing request has been made within timescales according to procedure in order to have the opportunity to address the Panel.

The application was progressed as a refusal to Planning & Regulation Panel on 30 March 2021 on this basis, and it was agreed that the application would be deferred to a later Panel date to allow the applicant to submit a detailed breakdown of the labour unit breakdown between the arable and livestock elements of the business.

Recommendations
Planning & Regulation Panel is asked to:
1. be minded to approve the application, with the conditions listed in Appendix 1.

Resource Implications
Not applicable.

Legal & Risk Implications
Not applicable

1. Background
   1.1. Not applicable.
2. Considerations

The Site

2.1 The land is located approximately 80 metres north of Barloch Cottage and 130 metres from the farm buildings to the north and 120m North West from Mosslaird. The site is an unoccupied area of agricultural land, with trees bounding the proposed site to the north and west. Access is gained via a gate on Robertson’s Lane. There is historical evidence of a building occupying this site in a 1897 historical map, however the site has now returned to a natural state with no evidence of the site being previously occupied by a building.

The Proposal

2.2 The proposal seeks planning permission in principle for the erection of a dwellinghouse and detached garage.

Previous History


Consultations

Roads Development Control:

2.4 No objection, subject to conditions.

Representations

2.5 Thirteen representations have been made in relation to the proposed development. Twelve representations have been made in support of this application, and one objection has been received. A summary of the points raised in the objection has been summarised and addressed below:

2.5.1 Traffic impact on the existing road.

2.5.2 Response: Transportation Development Management has been consulted on this proposal and raised no objection to the proposal, subject to conditions.

2.5.3 Further applications being received as infill in the future.

2.5.4 Response: This application is assessed on its own individual merits, as will any future application will be.

Local Development Plan

2.6 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application

2.7 Policy 2.10, Supplementary Guidance: Housing in the Countryside.
Other Planning Policy

Assessment

2.8 In connection with this application, the following documents have been submitted by the applicant, and their content is summarised in the following sections.

2.9 A planning statement has been submitted which provides a narrative of the site, as well as visuals.

2.10 A business case has been submitted, which seeks to justify the requirement for a dwellinghouse at this site. It states the current labour unit requirement is 20 hours per week, with 90% of the land used for hay and corn growing. This is expected to increase to 35 hours per week, due to a projected increase of the herd size to 50 and a total of 115 acres of land to be used for arable purposes.

Planning History

2.11 As stated in paragraph 2.3, a previous application was submitted for the erection of a dwellinghouse and a detached garage at this location. This was a planning permission in principle which did not provide any evidence as to how it complies with Policy 2.10: Housing in the Countryside. As no evidence was forthcoming, it was advised that the applicant withdraw this application or the application would be refused. The applicant subsequently withdrew this application.

Principle of the Development

2.12 In order for the principle of this proposal to be viewed as acceptable, the proposal must demonstrate compliance with Policy 2.10 of the Local Development Plan 2018, as well as the associated Supplementary Guidance: Housing in the Countryside.

2.13 Policy 2.10 and its supplementary guidance allows for the development of dwellinghouses in the countryside under certain criteria. Due to the distance between the proposed site and the neighbouring dwellinghouses, this site cannot be justified in terms of a cluster development. Similarly, due to the distance and gap between the proposed and the surrounding dwellinghouses, this cannot constitute as an infill circumstance. There is no dwellinghouse on site which can be replaced or renovated, nor are there any farm buildings which can be converted. Although there is historic evidence of a building being on site, there is no onsite evidence of this now, and thus does not constitute as a Brownfield site, as per PAN 72. As such, the proposal cannot be assessed under any of the above mentioned criteria. Policy 2.10 does however support the development of a single dwellinghouse if it is required for a specific purpose. This proposal, by way of the submitted documents, attempts to demonstrate compliance with this criteria under Policy 2.10.

2.14 Supplementary Guidance: Housing in the Countryside elaborates the criteria further, and states that if there is a genuine need for a worker to be housed in the vicinity for agricultural, horticultural or forestry reasons, or employed in an established rural business, then a dwellinghouse will be supported.

2.15 The Planning Statement submitted states that 25 hours per week is the current labour requirements. This is currently supplemented by additional work, such as a separate recycling business and a small scale caravan site. The future plans will see the agricultural labour hours increase by 10 hours per week over a 5 year period.
2.16 As per the business plan, the agricultural business is a 90/10 split between arable and livestock farming, respectively. The business case did not differentiate the labour hours required for the arable and livestock elements of the business. However, given the nature of arable farming, it is generally not considered to require an onsite presence and is generally not used as justification for a dwellinghouse in the countryside for a locational need. As such, further justification and evidence was requested, by way of a SAC report submission from the agent. This is intended to detail the labour hour split between the arable and livestock element, and provide evidence that a dwellinghouse is justified in this context. However, this was not forthcoming, as the agent believed that sufficient justification had been provided by way of the submitted business plan.

2.17 The application was progressed as a refusal to Planning & Regulation Panel on 30 March 2021 on this basis, and it was agreed that the application would be deferred to a later Panel date to allow the applicant to submit a detailed breakdown of the labour unit breakdown between the arable and livestock elements of the business.

2.18 The farm currently operates 25 labour hours per week, and according to the submitted amended business plan, will increase by 10 hours over the course of a 5 year period. This is due to the herd size increasing to 50, from the current 25, and the arable land increasing to 115 acres in total. As per the amended business plan, 17.82 hours per week is required for livestock and 16.77 hours for arable, resulting in a 51.54/48.47% split in labour. Given that the livestock element has a higher percentage of the total labour hours, and that an on-site presence is required for livestock maintenance, it is considered that the sufficient information has been provided that demonstrates a need for a residential unit for a farm worker on this land.

Roads

2.19 Transportation Development Management has been consulted on the proposal. There was no objection to the principle raised, however conditions should be implemented relating to vehicular access arrangements, visibility splays, internal parking arrangements and waste pick-up points. Transportation Development Management have said that consideration should be given to the provision of a passing place to allow two vehicles to pass safely if they should meet. Furthermore, consideration should also be given to upgrading the access where the private access track meets the public road to provide an improved carriageway surface.

3. Implications

Equalities Impact

3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

Fairer Scotland Duty

3.2 This section is not applicable.
Climate Change, Sustainability and Environmental Impact

3.3 An Environmental Impact Assessment is not required.

Other Policy Implications

3.4 All relevant policies have been set out in Considerations within this report.

Consultations

3.5 As set out in Considerations within this report.

4. Background Papers

4.1 Planning Application file 20/00836/PPP. File can be viewed online at: View Application.

4.2 List of determining plans:

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<thead>
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<th>Stirling Council Plan No.</th>
<th>Name</th>
<th>Ref on Plan</th>
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4.3 Planning & Regulation Panel, 30 March 2021 - Erection Of Dwelling House And Garage At Land 80M North East Of Barloch, Stirling - Mr David Fotheringham - 20/00836/PPP – Hearing (Report and Minutes of Meeting).

5. Appendices

5.1 Appendix 1 – Conditions and Reasons.
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<tr>
<th>Name</th>
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<tr>
<td>Ritchie Gillies</td>
<td>Planning Officer</td>
<td>01786 233675</td>
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<td></td>
<td></td>
<td><a href="mailto:gilliesr@stirling.gov.uk">gilliesr@stirling.gov.uk</a></td>
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Report of Handing approved by Chief Planning Officer

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<th>Name</th>
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<tr>
<td>Christina Cox</td>
<td>Planning &amp; Building Standards Manager</td>
<td>19 May 2021</td>
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Approved by

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<td>Senior Manager – Infrastructure</td>
<td>19 May 2021</td>
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Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:

Cllr Alasdair MacPherson
Cllr Danny Gibson

Wards affected: Ward 1 Trossachs & Teith

Key Priorities: N/A

Key Priority Considerations: N/A

Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan) N/A
Erection of dwelling house and garage at Land 80M North East Of Barloch, Stirling, -
Mr David Fotheringham - 20/00836/PPP

Approve, subject to the following conditions

1. **Matters Specified in Conditions**: Prior to the commencement of development on site, a further application shall be submitted to and approved in writing by the Planning Authority; this further application shall include the following details:

   Drawings and documentation illustrating the layout of the site including existing and proposed contours, access, parking, vehicle turning and footpath provision, hard and soft landscaping proposals, boundary treatment, foul and surface water drainage arrangements (which will require independent certification of design and implementation, all to the relevant technical standards of the statutory service providers and regulators), and the position of all buildings.

   **Reason**: In order to ensure that the overall layout and design is satisfactory for the site.

2. **Matters Specified in Conditions**: Prior to the commencement of development on site, a further application shall be submitted to and approved in writing by the Planning Authority; this further application shall include the following details:

   Plans, sections and elevations of all proposed buildings and other structures clearly indicating the colour and type of facing materials to be used for all external walls and roofs and details of existing and proposed ground levels, details of underbuilding and finished floor levels.

   **Reason**: In order to ensure that the overall layout and design is satisfactory for the site.

3. **Vehicular Access**: Access to the site shall be constructed at right angles to the private access track, with a bellmouth formed comprising 3m entrance radii, leading to a minimum entrance throat width of 3m. The bellmouth shall be suitably surfaced and drained to ensure no loose material is carried or surface water is discharged onto the public road.

   **Reason**: In the interest of road safety; to ensure safe access and egress

4. **Visibility Sightlines**: Visibility shall be provided and maintained by forming visibility splays of 2.4m x 43m in both directions, measured from the centre of the proposed access, within which there should be no obstruction to visibility more than 1.05m above carriageway level.

   **Reason**: In the interest of road safety; to ensure safe access and egress.
5. **Parking:** Parking shall comply with the rates provided in Stirling Council's Draft Supplementary Guidance: Transport and Access for New Development (stated below), with sufficient space provided within the curtilage of the plot to allow vehicles room to turn and exit the site in a forward gear. These rates are exclusive of any spaces provided within proposed garages;

**Type of Development: Housing**

<table>
<thead>
<tr>
<th>Size of dwelling (No. of bedrooms)</th>
<th>Allocated Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or 2</td>
<td>1</td>
</tr>
<tr>
<td>3 or 4</td>
<td>2</td>
</tr>
<tr>
<td>5 or More</td>
<td>3</td>
</tr>
</tbody>
</table>

**Reason:** In the interest of road safety, to ensure sufficient in-curtilage parking is provided.

6. **Waste Pick-up:** Collection vehicles will not enter private driveways to collect domestic waste. Provision should be made for a properly designed collection point at the roadside for bins awaiting collection. This collection point should be outwith the required visibility splay sightlines.

**Reason:** In the interest of road safety.
Location of Development
Purpose & Summary
The proposal is being considered by Planning & Regulation Panel as the local Ward Member, Councillor Davies, has referred the application to Panel to discuss the impacts on the A811 without a site visit being undertaken.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Recommendations
Planning & Regulation Panel is asked to refuse the application for the following reasons:

1. in the opinion of the Planning Authority, the proposal fails to comply with Policy 1.1 of the Local Development Plan, specifically criteria (e), since the proposal cannot be accessed safely and would result in an unacceptable impact on road safety.

Resource Implications
Not applicable.

Legal & Risk Implications
Not applicable

1. Background

1.1 Not applicable.
2. Considerations

The Site

2.1 The site is located at Fordhead Farm, located approximately 2.5km north east of Kippen. The site is currently occupied by traditional vernacular farm building. The building is a traditional stone built agricultural building. There are a number of openings in the original building for windows and doors.

The Proposal

2.2 The proposal seeks planning permission for the conversion of the existing building to form a dwellinghouse, and the erection of an extension to this building.

2.3 The existing building will see the existing asbestos roof removed and replaced with slate roofing, the walls finished in a white render and timber windows and doors installed. The roof will be extended to form a walled garden supported by pillars.

2.4 The extension will be installed perpendicular to the original building, be two storey in height, finished in a terracotta render, random stone rubble walls and larch cladding, with timber windows and doors installed, and a slate roof. The smaller connecting extension will have a lead finish to the roof.

Previous History

2.5 None.

Consultations

Roads Development Control:

2.6 Stirling Council’s Transportation Development Management have been consulted on the proposed development and recommended a refusal. This has been addressed in full within paragraph 2.21 of the report below.

Environmental Health:

2.7 Stirling Council’s Environmental Health team have commented on the proposal and raised no objection.

Representations

2.8 None received.

Local Development Plan

2.9 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application

2.10 Policy 1.1, Policy 2.10

Other Planning Policy

2.11 Supplementary Guidance: Housing in the Countryside.

Assessment

2.12 In connection with this application, the following documents have been submitted by the applicant and their content is summarised in the following section.
2.13 A Planning Statement has been provided providing a background and narrative to the proposal.

**Principle of the Development**

2.14 In order for the principle of this proposal to be viewed as acceptable, the proposal must demonstrate compliance with Policy 2.10: Housing in the Countryside.

2.15 Policy 2.10 states that proposals for dwellinghouses in the countryside can be supported when the proposal is for the conversion, redevelopment or replacement of a farm steading or other range or cluster of non-domestic buildings. The building is a derelict farm building of vernacular style. As such, it is considered that the building would constitute as a development circumstance that is supported by policy. As such, the principle of the conversion and redevelopment of this farm building complies with Policy 2.10.

**Design of Dwellinghouse**

2.16 The existing building will see a number of additions removed which was not part of the original building. These removals are welcomed and will reduce the overall scale of the built development as a result. The works include the removal of the asbestos roofing and replaced with slate tiles. It is deemed that the removal of the asbestos roof is welcomed, and the proposed slate is an acceptable material given the countryside location. The roof itself will be extended westward to cover part of the proposed walled garden area. The extension is minor in scale, and will visually fit in with the existing building, being integrated to the construction of the walled garden. The windows and doors proposed are to be of timber construction, and these are generally considered to be acceptable given its countryside location. Furthermore, their location, size and shape largely respects the historic openings of the buildings, or which would be found in vernacular agricultural buildings, thus allowing the buildings history to be easily interpreted through its architecture. The rooflights proposed are minimal in scale, and can be viewed as acceptable. The walls will be finished in a mix of white render, terracotta render and random rubble sandstone wall. It is deemed that the use of natural stone is acceptable, and is currently located on the building itself. The render will replace cover the existing brick of the building. The terracotta render is deemed to be acceptable, introducing a soft finish to the proposed building. A condition would be attached to any approval to ensure an acceptable shade is used, with a light terracotta preferred over a dark colour. The white render on this building results in an interesting visual contrast of the terracotta and stone. It is minimal in nature, and provides the building a more contemporary feel, whilst remaining visually historic. As such, the works proposed to the existing building is deemed to be acceptable.
2.17 The proposed extension will be located to the north at a perpendicular angle to the existing building. Although it is accepted that the proposed extension is large in scale, the design approach lessens its visual impact. The form of the extension is traditional in style, with a traditional roof pitch, and the finishing materials soften the proposed building. This allows the building to be viewed as visually lighter than the existing building. There is also a lead link between the existing building and the main extension. This helps to create a clear differentiation between the old and new elements, and softens the transition between the two elements. As such, due to its design approach, it is deemed to be visually a high quality extension to the existing building. The use of slate for the main roof is deemed to be an acceptable material, and the lead roof linking extension is also deemed to be acceptable, as this element is minor in scale, but greatly contributes to the integration of the proposed with the existing. The window and doors are to be of timber construction, and this is deemed to be an acceptable approach for a building within the countryside. The finish materials is to be largely similar to the existing building, thus linking the proposed and existing building aesthetically. The use of the terracotta render softens the visual prominence of the proposed extension. The extension will feature random rubble sandstone wall, which demonstrates an extension of the visual approach to the existing extension. The timber cladding, although extensive, allows the proposed extension to merge into the surrounding landscape, reducing the visual mass of the extension, as well as providing a visually high quality element. The rooflights proposed are minimal in scale, and can be viewed as acceptable.

2.18 The walled garden extends the level of the stone found in the existing building westward. It is considered to be minimal in height, and results in a visual extension of the existing building. It is considered to be sympathetic in scale, and creates an interesting architectural feature.

Residential Amenity

2.19 Due to the location of the proposed development in comparison to neighbouring properties, it is deemed that there will be minimal impact on neighbouring amenity, in relation to daylight, sunlight or privacy impact. Given the plot size, it is considered there is sufficient space for useable garden ground. No landscaping or boundary treatments are proposed as part of this application. However, it is considered that sufficient space is within the plot to accommodate a high quality landscaping scheme, boundary treatment, as well as acceptable hardstanding.

Roads

2.20 Transportation Development Management have been consulted on the proposed development and recommended a refusal. The composition of traffic using this road includes a proportion of non-local drivers. It is reasonable for these non-local drivers to expect to encounter few direct accesses on a road of this nature and they will tailor their speed and driving behaviour accordingly. The existing access onto the A811 is located in the middle of a long overtaking straight section where traffic tends to travel at or in excess of the national speed limit (60 mph). Given these factors it is likely that any vehicle conflict could have serious consequences in terms of accident severity. It is expected that any increase in turning traffic will result in an increased risk of accidents occurring and due to high vehicle speeds, the potential for serious injury also increases.
2.21 Overall, whilst the principle of residential development is supported by Policy 2.10, the road safety concerns raised by Transportation Development Management present a significant barrier to supporting the proposals in line with Policy 1.1(e). On balance, it is not possible to support the proposal due to the impact on road safety.

3. Implications

**Equalities Impact**
3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

**Fairer Scotland Duty**
3.2 This section is not applicable.

**Climate Change, Sustainability and Environmental Impact**
3.3 An Environmental Impact Assessment is not required

**Other Policy Implications**
3.4 All relevant policies have been set out in Considerations within this report.

**Consultations**
3.5 As set out in Considerations within this report.

4. Background Papers

4.1 Planning Application file 21/00096/FUL. File can be viewed online at: View Application

4.2 List of determining plans:

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<thead>
<tr>
<th>Stirling Council Plan No.</th>
<th>Name</th>
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<tr>
<td>01</td>
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</tr>
<tr>
<td>06</td>
<td>Site Plan</td>
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<tr>
<td>07</td>
<td>Site Plan</td>
<td>2047/PL9</td>
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Appendices
5.1 None.
### Author(s)

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation</th>
<th>Telephone Number/E-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ritchie Gillies</td>
<td>Planning Officer</td>
<td>01786 233675 <a href="mailto:gilliesr@stirling.gov.uk">gilliesr@stirling.gov.uk</a></td>
</tr>
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### Report of Handing approved by Chief Planning Officer

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation</th>
<th>Date</th>
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<tbody>
<tr>
<td>Christina Cox</td>
<td>Planning &amp; Building Standards Manager</td>
<td>7 May 2021</td>
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### Approved by

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<tr>
<th>Name</th>
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<tr>
<td>Drew Leslie</td>
<td>Senior Manager</td>
<td>7 May 2021</td>
</tr>
</tbody>
</table>

### Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:

- Cllr Alasdair MacPherson
- Cllr Danny Gibson

### Wards affected:

- Ward 2 Forth & Endrick

### Key Priorities:

- N/A

### Key Priority Considerations:

- N/A

### Stirling Plan Priority Outcomes:

- (Local Outcomes Improvement Plan) N/A
Location of Development