

NOTICE OF MEETING

A MEETING of the PLANNING & REGULATION PANEL will be held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 4 DECEMBER 2018 at 10.00 a.m.

IAIN STRACHAN
Chief Officer - Governance
Clerk to the Council

28 November 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST
3. URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR
4. MINUTES PLANNING & REGULATION PANEL –
 - (a) SPECIAL MEETING 13 SEPTEMBER 2018 (Pages 1 - 4)
 - (b) 6 NOVEMBER 2018 (Pages 5 - 14)

PLANNING

5. **ERECTION OF SLATTED AGRICULTURAL BUILDING WITH A CONCRETE SLURRY TANK BELOW AT CULTENHOVE FARM STEADING, SAUCHIEBURN, STIRLING, FK7 9QB - W T HENDRY & SON - 18/00560/FUL**
Report by Senior Manager – Infrastructure (Pages 15 - 22)

REGULATION

6. **STIRLING COUNCIL – FISHERIES ANNUAL REVIEW OF CHARGES AND POLICY 2018/2019**
Report by Senior Manager – Infrastructure (Pages 23 - 34)

Exempt Items

It is anticipated (although this is not certain) that the meeting will resolve to exclude the press and public during consideration of the following item marked with the prefix E (not for publication in terms of Schedule 7A of the Local Government (Scotland) Act 1973).

Item No	Report Title	Schedule 7A Para(s)	Reason for Report being Exempt
E7	TAXI DRIVER	6 & 13	<p>The information should remain exempt indefinitely as in terms of paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 it would impact on the business affairs of the Licence Holder and in terms of paragraph 13 it would disclose that the authority to make an order under the Civic Government (Scotland) Act 1982.</p> <p>If the information became public the risk to the Council is that there would be damage to the Licence Holder's business or personal reputation.</p>

E7 TAXI DRIVER

(Para 6&13) Report by Chief Officer - Governance (Pages 35 - 40)

(For further information contact Mary Love, Committee Officer on 01786 233078 or Tony Mason, Lead Solicitor on 01786 233109)

STIRLING COUNCIL

MINUTES of SPECIAL MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on THURSDAY 13 SEPTEMBER 2018 at 2.30 pm

Present

Councillor Alasdair MacPHERSON (in the Chair)

Councillor Maureen BENNISON
Councillor Neil BENNY
Councillor Douglas DODDS
Councillor Chris KANE

Councillor Graham LAMBIE
Councillor Jeremy McDONALD
Councillor Evelyn TWEED

In Attendance

Stephen Boyle, Transport Development Control Officer
Christine Cox, Service Manager, Planning & Building Standards
Jay Dawson, Development Management Team Leader
Tony Mason, Lead Solicitor (Clerk)
Mary Love, Committee Officer (Minute)

PL165 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Alistair Berrill. There were no substitutions.

PL166 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL167 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business.

PL168 APPLICATION UNDER SECTION 42 OF THE TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 TO REMOVE CONDITION 14 OF PLANNING PERMISSION S/98/00353/DET TO PERMIT THE IMPORTATION AND DISPOSAL OF INERT WASTE TO ENABLE THE RESTORATION OF THE WESTERN AREA OF COWIEHALL QUARRY AT COWIEHALL QUARRY, COWIE, FK7 7DN - PATERSONS OF GREENOAKHILL LTD - 18/00190/FUL – HEARING

This was a planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997, to develop land without compliance with a condition (Condition 14) attached to the previous permission granted in 1998. The proposal was classified as a 'major' development and so required to be determined at the Planning and

Regulation Panel in accordance with the Scheme of Delegation. This application would be the subject of a Hearing.

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.

The Chair outlined the new Hearing procedures in place.

The Development Management Team Leader introduced the report which provided details of (a) the site; (b) the proposal and (c) previous history d) consultations and (e) assessment.

The Chair thanked the Development Management Team Leader for his presentation.

Agent for Applicant

Mr Kemp Lindsey presented his case in favour of the application. He provided a brief update on the reason for the application and advised the Panel that Patersons had a legal obligation to the farmer who owned Mains of Throsk Farm to return the land and working areas surrounding the quarry back to agricultural land. It was noted that there was a shortfall of landfill to achieve actual restoration to the area, in order to remove a potential hazard of water retention within the site. If the Panel were minded to approve the application, this process would not commence until the end of operations, with restoration being within the allocated timescale. It was noted that 300k tonnes of materials had been extracted annually, however volume of extraction of landfill would result in a 30 - 50% reduction in traffic.

The Chair thanked Mr Lindsey for his presentation.

Objector

Mr Morton presented his case against the application, on behalf of Throsk Community Council. Mr Morton raised concerns around: the number of vehicles travelling through the village; sand blocking drains; lorries not being washed by the machines available to them and who would be monitoring this process and the type of waste being disposed of. He asked why the backfill issue had taken this length of time to occur and whether Patersons were prepared to offer traffic calming measures.

The Chair thanked Mr Lindsey for his presentation and opened up the meeting to questions from the Panel.

In response to a question from the Panel, Mr Lindsey confirmed that the waste would be made up from stones and soil from the site clearance and that under the terms of the Waste Management License, strictly monitored by the Scottish Environment Protection Agency (SEPA), the nature of the waste would be specified, therefore SEPA would only grant for this and regularly inspect the site for compliance, should the application be approved. Mr Lindsey added that some waste could include demolition waste, which was classed as inert waste by SEPA.

Discussion took place around Condition 22 to the report: Good Neighbour Agreement and Mr Lindsey advised that should the Panel agree the application, the Company would adhere to the conditions set out and ensure a point of contact to deal with any issues. Steps had previously been taken to address issues of dust, with road sweepers being used in Main Street in Throsk. It was noted that other hauliers would likely be contracted to transport the waste in this instance and would also be required to sign up

to quarry managers transport rules, thus adhering to Condition 22. Mr Lindsey added that any complaints received were logged by quarry management.

In response to a question from the Panel, Mr Lindsey went on to explain the restoration process.

Discussion also took place around community benefit following restoration and it was noted that Patersons did not have restoration awards but did grant benefits where appropriate. The surface area was beyond Patersons' control and there was reluctance from the farmer to allow a water body on his land, therefore, the most appropriate solution was to return it to arable land. Mr Lindsey added that Patersons could look to support a project and suggested that Throsk Community Council liaise with the company regarding this matter. However, he added that as he was not the owner, he was not in a position to specify which project to support.

In response to a question from the Panel to Mr Morton regarding matters he wished to be included within the Good Neighbour Agreement, Mr Morton replied that he would like reassurance that the waste being used for landfill would be stones and soil from the site clearance. It was also noted that it would be beneficial for a representative from Patersons to attend Throsk Community Council meetings to discuss any issues pertinent to this process.

An in depth discussion then took place around the potential for traffic calming measures and it was noted that there would need to be justification for this.

In accordance with Standing Order 80, the meeting adjourned at 3.30 pm to allow further discussion between Officers, the Chair and Vice Chair.

The meeting re-convened at 3.38 pm with all Members present.

Decision

The Panel agreed to

1. approve the application subject to the conditions and reasons as set out in Appendix 1 attached to the report and the additional condition that traffic calming measures for Throsk shall be installed following discussion and agreement with the Roads Service; and
2. the satisfactory review and updating of the current restoration bond to take account of the environmental implications of the alternative restoration scheme and projected costs.

The Chair declared the Meeting closed at 11.40 am

STIRLING COUNCIL

MINUTES of MEETING of the PLANNING & REGULATION PANEL held in the COUNCIL CHAMBERS, OLD VIEWFORTH, STIRLING on TUESDAY 6 NOVEMBER 2018 at 10.00 am

Present

Councillor Alasdair MacPHERSON (in the Chair)
Councillor Maureen BENNISON (not present for item PL186)
Councillor Neil BENNY (not present for items PL186, PL187 and PL188)
Councillor Alistair BERRILL
Councillor Douglas DODDS
Councillor Graham LAMBIE
Councillor Jeremy MCDONALD
Councillor Evelyn TWEED (not present for item PL186)

In Attendance

Stephanie Cameron, Licensing Team Leader
Christina Cox, Service Manager, Planning & Building Standards
Jay Dawson, Planning Team Leader – Development Management
Guy Harewood, Sustainable Development Project Worker
Iain Jeffrey, Senior Planning Officer
Peter McKechnie, Planning Officer
Neil Pirie, Senior Development Control Officer
Kirsty Street, Governance Intern
Tony Mason, Lead Solicitor (Clerk)
Mary Love, Committee Officer (Minute)

Also in Attendance

Sgt Claire MacKenzie, Police Scotland
PC Sandra Trenchard, Police Scotland

PL179 APOLOGIES AND SUBSTITUTIONS

Apologies were received on behalf of Councillor Chris Kane.

There were no substitutions.

PL180 DECLARATIONS OF INTEREST

There were no declarations of interest.

PL181 URGENT BUSINESS BROUGHT FORWARD BY THE CHAIR

There were no items of urgent business brought forward.

PL182 MINUTES – PLANNING & REGULATION PANEL

The Minutes of the Planning & Regulation Panel held on 2 October were submitted for approval.

Decision

The Minutes of Meeting of the Planning & Regulation Panel held on 2 October 2018 were approved as a correct record of proceedings.

PL183 AGENDA

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

The Committee resolved under Section 50A (4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for the following item of business, namely PL184, on the grounds it involves the disclosure of exempt information as defined in Paragraphs 6 and 13, of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

PL184 TAXI DRIVER

The report by the Chief Governance Officer advised that its purpose was to seek a decision from the Planning & Regulation Panel with regards to the Immediate Suspension of the licence holder's taxi driver's licence and how the Panel wished this to proceed.

The Licensing Team Leader introduced the report. The Licensing Team Leader and Police Scotland Representative responded to various questions from the Panel.

Discussion then took place around the options available to the Panel.

Motion

"That the Panel agrees to suspend the licence holder's taxi driver's licence for the unexpired portion of its duration (31 August 2019) with immediate effect."

Proposed by Councillor Alasdair MacPherson, seconded by Councillor Graham Lambie

Amendment

"That the Panel agrees to revoke the licence holder's taxi driver's licence with immediate effect."

Proposed by Councillor Douglas Dodds, seconded by Councillor Jeremy McDonald.

On the roll being called, the Members present voted as follows:-

For the Amendment (4)	Councillor Neil Benny Councillor Douglas Dodds Councillor Jeremy McDonald Councillor Evelyn Tweed
Against the Amendment (4)	Councillor Maureen Bennison Councillor Alistair Berrill Councillor Graham Lambie Councillor Alasdair MacPherson

There being an equality of votes, the Chair cast his casting vote against the Amendment, and the Amendment fell by 5 votes to 4.

The Motion then being put, without amendment, on the roll being called, the Members present voted as follows:

For the Motion (8)	Councillor Maureen Bennison Councillor Neil Benny Councillor Alistair Berrill Councillor Douglas Dodds Councillor Graham Lambie Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Evelyn Tweed
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Decision

The Motion was carried unanimously and accordingly, the Panel agreed to suspend the licence holder's taxi driver's licence under Paragraph 12, Schedule 1 of the Civic Government (Scotland) Act 1982, this being with immediate effect, for the unexpired portion of its duration (31 August 2019). The Panel took this decision because Police Scotland had raised concerns, which related to the said incident, which took place on 22 October 2018 and was reported to Police Scotland on 22 October 2018, which was a material consideration for the Panel. In particular, the Panel felt that the incident demonstrated that the licence holder might be a serious threat to public safety and be unable to conduct himself in a suitable manner in situations a taxi driver might find themselves in, and as a consequence was not a fit and proper person to hold a taxi driver's licence.

(Reference: Report by the Chief Officer - Governance, dated 23 October 2018, submitted).

PL185 PROVISION OF ROADSIDE SERVICES, INCLUDING ERECTION OF A PETROL FILLING STATION WITH RETAIL KIOSK, AND COFFEE SHOP WITH DRIVE THROUGH FACILITY, WITH ASSOCIATED INFRASTRUCTURE, VEHICLE ACCESS, HARDSTANDING AND LANDSCAPING AT LAND 90M WEST OF THE HIGHLAND GATE, DRIP ROAD, RAPLOCH, STIRLING - EURO GARAGES LIMITED & STIRLING DEVELOPMENT AGENCY - 18/00505/FUL

The report by the Senior Manager, Localities and Infrastructure advised that the Planning and Regulation Panel of 2 October 2018 agreed that consideration of this planning application be deferred to a future meeting of the Panel, in order to allow recent information received from the applicant's transport consultants, responding to Roads enquiries, to be made available for interested parties to view and information around pollution issues to be confirmed.

The Senior Planning Officer introduced the report and responded to questions from the Panel. It was noted that further information had been received from the Council's Roads Department, who had no objection to the application, subject to additional conditions which were incorporated into the officer recommendations. Concerns were noted from Members regarding heavy goods vehicles constantly using this road and the increase in traffic volume. Concern was also raised with regard to the adequacy of the transport assessment and whether the Panel had enough information to make a valid decision. Transport Scotland had raised no objections to the application, therefore it was noted that this was sufficient confirmation that the relevant procedures had been undertaken.

Discussion then took place around the height of the proposed buildings and the Senior Planning Officer explained the elevation views provided in detailed maps, to the Panel.

In terms of Standing Order No 69, Councillor Dodds, having moved that the Panel agree to refuse the application but having failed to find a seconder, requested that his dissent be recorded.

Motion

"That the Panel approve the application subject to conditions outlined in Appendix 1 of the report and the receipt of a developer contribution towards transport improvements"

Proposed by Councillor Neil Benny, seconded by Councillor Graham Lambie

Decision

The Panel agreed to approve the application subject to conditions outlined in Appendix 1 of the Report dated 2 October 2018 and the receipt of a developer contribution towards transport improvements.

(Reference: Report by the Senior Manager Infrastructure, dated 23 October 2018, submitted).

PL186 ERECTION OF TWO STOREY DWELLING HOUSE AT LAND 115M NORTH EAST OF ROSEHALL, STIRLING – ALASDAIR & MAUREEN MACGREGOR – 18/00189/FUL

The report by the Senior Manager, Localities and Infrastructure advised that at the Planning and Regulation Panel Meeting on 31 July 2018, a Hearing took place for this planning application and the Panel agreed that this application be determined following a Site Visit, and to permit further negotiation and liaison between the Applicant and Planning Officers over the merits of the agricultural case. A site visit took place on 1 November 2018.

Additional information had been added following a submission by the Applicant on 2 August 2018, and an assessment by the Independent Agricultural Consultant provided on 5 September 2018.

Councillors Maureen Bennison, Neil Benny and Evelyn Tweed had not attended the Planning and Regulation Panel Meeting on 31 July 2018, when consideration of this item was first made and the subsequent site visit agreed, therefore left the meeting for the duration of this item. All other Members present had attended the meeting and site visit and could therefore take part in the debate.

The Development Management Team Leader introduced the report and provided a visual design drawings of the site.

It was noted that the opinion of the agricultural consultant remained unchanged with regard to the applicant's wish to live on site, which was deemed not essential.

Discussion took place regarding the house on the proposed site and it was noted that if the application were to be approved, an occupancy condition could also be included to ensure that the occupancy of the house would be limited to a person solely or mainly employed in agriculture.

It was noted that at the Hearing held on 31 July 2018, the applicant had advised the Panel that he would be willing to look at the design of the house again if necessary.

Motion

In terms of Standing Order No 69, Councillor Berrill, having moved that the Panel agree to refuse the application but having failed to find a seconder, requested that his dissent be recorded.

In terms of Standing Order 80, the Chair adjourned the meeting at 10.55 am to allow Members to discuss conditions for inclusion of the application, should it be approved.

The meeting reconvened at 11.00 am with the same Members present.

Decision

The Panel agreed to approve the application as the applicant's business case was considered on balance to be acceptable but with the caveat that the occupancy of the house shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture or to a widow or widower of such a person and to any dependants.

(Reference: Report by the Senior Manager Infrastructure, dated 18 July 2018, submitted)

Councillor Bennison and Councillor Tweed re-joined the meeting at this stage. Councillor Benny, having attended only one of the site visits for the following two items, did not take part in the determination process for both applications.

PL187 ESTATE OFFICE AND PARKING AREA AT LAND 65 METRES SOUTH WEST OF EAST LODGE, GARGUNNOCK - MR DAVID STIRLING - 18/00117/FUL - HEARING

The report by the Senior Manager, Localities and Infrastructure advised that at the Planning and Regulation Panel Meeting held on 2 October, the Panel agreed that this planning application be determined following a Hearing and a Site Visit.

A Hearing for this planning application took place at this meeting, following which the Panel was asked to determine the planning application. The site visit took place on 1 November 2018. The Chair highlighted that only Members who attended the site visit could take part in consideration of the item.

The Chair outlined the Hearing process and addressed the new procedures in place. Documentation regarding the applicant's business case was tabled at the meeting and circulated to Panel Members.

The Planning Officer introduced the report and outlined the proposed site area and floorplan, the recommendations and access to the site.

The Chair thanked the Planning Officer for his presentation.

Applicant

Mr David Stirling spoke to the Panel in favour of the application. Mr Stirling noted that the report basically covered everything he wished to say. He acknowledged that he had read the Gargunnoch Community Council minutes and wished to allay concerns from the residents in Gargunnoch. Mr Stirling highlighted that the proposed dwelling would be his home and he intended to stay there for the rest of his lifetime. His wish was to make the business financially viable however, he added that although he currently ran a property development business, it was not his intention to do the same with this application. He also added that he was happy to have conditions of use tying any permission to the estate.

The Chair thanked Mr Stirling for his presentation.

Objector

Mr Colin Tinto spoke to the Panel against the application. He added that he was presenting the case on behalf of the residents of Gargunnoch. The objections were on the grounds of scale, need and traffic impact. Mr Tinto noted that the size of the estate office was such that it could accommodate 48 people and that there were only 5 employees on the estate. He added that there were no available restrictions to prevent the building being leased for other office use and that there was no evidence that the development would economically benefit the local community. It was also noted that paths around the estate would be closed when shooting parties were present and noise would be carried towards the village.

Mr Tinto added concerns around an office of this size, which could potentially introduce an additional 120 car movements per day based upon the maximum capacity and visibility issues relating to the road. He added that this would also be potentially hazardous to both road and pedestrian users.

The Chair thanked Mr Tinto for his presentation.

In terms of Standing Order 80, the Chair adjourned the meeting at 11.13 am to allow Members to read the applicant's business case.

The meeting reconvened at 11.17 am with the same Members present.

The Planning & Building Standards Service Manager explained some of the detail of the business case and highlighted that as it contained sensitive information and had to be treated as confidential, it could not be made available to members of the public. It was also noted that if the business case were redacted, it would not provide much more than the summary case.

Mr Stirling, Mr Tinto and planning officers responded to various questions from the Panel.

It was noted that any money generated from this business would be reinvested into the estate to improve the condition of the estate, as no work had been carried out in 20 years.

Motion

“That the Panel agrees to approve the application subject to conditions outlined in Appendix 1 of the Report of Handling”.

Proposed by Councillor Alasdair MacPherson, seconded by Councillor Jeremy McDonald.

Amendment

“That the Panel agrees to refuse the application as the proposed building was disproportionate to the scale of the business and the application was contrary to development plan policy, details of which would be confirmed by officers”.

Proposed by Councillor Alistair Berrill, seconded by Councillor Graham Lambie.

In terms of Standing Order 80, the Chair adjourned the meeting at 11.40 am to allow Members to discuss reasons for refusal of the application.

The meeting reconvened at 11.45 am with the same Members present.

On the roll being called, the Members voted as follows:-

For the Amendment (4)	Councillor Maureen Bennison Councillor Alistair Berrill Councillor Douglas Dodds Councillor Graham Lambie
Against the Amendment (3)	Councillor Alasdair MacPherson Councillor Jeremy McDonald Councillor Evelyn Tweed

Decision

The Amendment was carried by 4 votes to 3 and became the Substantive Motion.

The Panel unanimously agreed the Substantive Motion to refuse the application for the following reasons:-

1. The scale of the proposed building is disproportionate to the scale of the proposed business operating on site; and
2. the application is contrary to Planning Policy 2.9, part (b) as the business is not one based on recreational activity that requires a site specific countryside location

(Reference: Report by the Senior Manager Infrastructure, dated 23 October 2018, submitted).

PL188 PROPOSED ERECTION OF FOUR GUEST CHALETS AT LAND SOME 200 METRES WEST OF EAST LODGE, GARGUNNOCK - MR DAVID STIRLING - 18/00118/FUL - HEARING

The report by the Senior Manager, Localities and Infrastructure advised that at the Planning and Regulation Panel Meeting held on 2 October 2018, the Panel agreed that this planning application be determined following a Hearing and a Site Visit.

A Hearing for this planning application took place at this meeting, following which the Panel was asked to determine the planning application. The site inspection took place on 1 November 2018. The Chair highlighted that only Members who attended the site visit could take part in consideration of the item.

This report included an amendment to the appended report of handling, dated 2 October 2018, which is within Paragraph 2.15 (Appendix A). This was amended to include an additional objection, which was submitted on the eve of the last Panel and to include this Authority's response to that objection. The objection raised procedural concerns about the processing of this application and its consideration of protected species.

The Planning Officer introduced the report and outlined the proposed site area and floorplan, the recommendations and access to the site.

Applicant

Mr Stirling informed the Panel Members that he had nothing else to add regarding this application, having said everything relevant when presenting the previous application.

Objector

Mr Colin Tinto spoke on behalf of around 50 residents of Gargunock against the application. He noted that the proposed chalets were 2 storey and no special circumstances had been provided and was of the opinion that they would not comply with Supplementary Guidance. The removal of trees was also a concern, as some had already been removed with more loss sustained during construction.

Mr Tinto also raised concerns about the impact of the proposal on the local landscape and noted that a previous application for housing in 2001 had been rejected. The woodland area was described as being well used by residents and visitors. Mr Tinto raised concerns around threats to red squirrels in the woodland and noted that a red squirrel survey had not been carried out.

Along with the above concerns, Mr Tinto added that further tree loss would have a lasting adverse impact on the environment and local landscape character.

The Chair thanked Mr Tinto for his presentation.

The Planning Officer responded to questions from the Panel around the removal of trees on this site. Tree removal to date had been carried out under license and some of the trees removed, due to health and safety reasons. The applicant had agreed to pay for an onsite specialist to inspect fences regarding tree protection to preserve as many trees as possible. The Forestry Commission had also visited the site and were satisfied with the work done. It was also noted that there were no red squirrels in this area at this time.

The Planning Officer also confirmed that the application for housing on this site in 2001 was for residential houses and not chalets, as was the case with this application.

It was also highlighted that within the report, the proposed chalets were defined as being single storey with roof accommodation with steep pitched roofs, significant areas of glazing and finished using a mixture of timber cladding, stone with roofs finished using a natural slate and were to be used for the purposes of providing holiday letting accommodation for people staying within them for short periods. The Supplementary Guidance was not to be prescriptive but to encourage design in harmony with local

context, therefore these proposals were considered to comply with this and would use traditional materials as encouraged within the Guidance.

In response to a question from the Panel, Mr Stirling confirmed that he was aware of the previous application for housing, however, his application was for rented chalets and he reiterated that he was happy to have a condition added to the application whereby the chalets could not be sold separately from the estate as a whole. It was noted that this was already present within Condition 8 appended to the report (Occupancy Restriction).

Motion

“That the Panel agree to approve the application subject to conditions outlined in Appendix 1 of the Report of Handling.”

Proposed by Councillor Jeremy McDonald, seconded by Councillor Alasdair MacPherson.

Amendment

“That the Panel agrees to refuse the application, based on the design of the chalets, which do not appear to be single storey in height and the removal of trees within the proposed site.”

Proposed by Councillor Graham Lambie, seconded by Councillor Alistair Berrill.

On the roll being called, Members voted as follows:-

For the Amendment (3)

Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Graham Lambie

Against the Amendment (4)

Councillor Maureen Bennison
Councillor Alasdair MacPherson
Councillor Jeremy McDonald
Councillor Evelyn Tweed

The Amendment fell by 4 votes to 3.

The Motion then being put, without amendment, on the roll being called, the Members present voted as follows:

For the Motion (4)

Councillor Maureen Bennison
Councillor Alasdair MacPherson
Councillor Jeremy McDonald
Councillor Evelyn Tweed

Against the Motion (3)

Councillor Alistair Berrill
Councillor Douglas Dodds
Councillor Graham Lambie

Decision

The Motion was carried by 4 votes to 3. Accordingly, the Panel agreed to approve the application subject to conditions outlined in Appendix 1 of the Report of Handling.

(Reference: Report by the Senior Manager Infrastructure, dated 23 October 2018, submitted).

The Chair declared the Meeting closed at 12.05 pm

Stirling Council

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 4 December 2018

Not Exempt

Erection of Slatted Agricultural Building with a Concrete Slurry Tank Below at Cultenhove Farm Steading, Sauchieburn, Stirling, FK7 9QB - W T Hendry & Son - 18/00560/FUL

Purpose & Summary

Full planning permission is sought for the erection of a slatted agricultural building with a concrete slurry tank below.

This application has been referred to Planning & Regulation Panel under the scheme of delegation having received 6 objections.

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

Panel is asked to:

1. approve the application for the following reasons:
 - a) The proposal is considered to be of a scale and design consistent with the agricultural nature of the building and wider location, and as such consistent with Primary Policy 1 (a) and Policy 1.1 (c).
 - b) The proposed site is closely located to a small number of other agricultural buildings, therefore reducing the visual impact on the landscape, and as such is considered consistent with Policy 1.1 (b).
 - c) The slurry store element of the proposal is to be below ground level, with the building located to the North East of the existing buildings. It is therefore considered that there would not be any significant detrimental impact as a result of the storage of slurry at the site.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. Not applicable.

2. Considerations

The Site

2.1. The proposal is in relation to Cultenhove Farm Steading, Sauchieburn. The site is an agricultural holding, with a collection of buildings onsite at present. Access is taken from the road way to the south

The Proposal

2.2. The proposal is for the erection of a slatted agricultural building with a concrete slurry tank below.

Previous History

2.3. None.

Consultations

Service Manager (Environmental Health):

2.4. No response provided.

Representations

2.5. 6 representations have been submitted, raising the following concerns:

2.5.1 The access road is badly maintained, and the proposal would increase traffic.

Response: The condition of the road is not a material consideration and as such cannot be considered in regard to the proposal. The traffic generated from one additional building is not considered to significantly increase traffic movements at the site.

2.5.2 The proposal could cause pollution to nearby watercourses.

Response: There is not considered to be any slurry run off as a result of the proposed development, with the storage held below ground level. Any issues in regard to the spreading of such material on surrounding land is not considered to raise matters of planning concerns. The control, management and monitoring of pollution entering watercourse is a matter governed by the Scottish Environment Protection Agency (SEPA) outwith the planning system.

2.5.3 The proximity of a slurry tank to residential properties would result in smells.

Response: The proposal is not considered to have any significant impact on the neighbouring residential properties. The building is of an agricultural nature, consistent with the use of the land and building around it.

- 2.5.4 The development is in an area of landscape value, and the building would be unattractive.

Response: The proposal is of a consistent scale and design for the agricultural nature of the building and site. It is also closely located to existing buildings, and as such would have a limited additional impact upon the surrounding landscape.

- 2.5.5 The right of way through farm land will be affected.

Response: Any issues regarding legal rights of way are not material planning considerations, and as such cannot be considered in the determination of this application.

- 2.5.6 The building would result in over-development of the site.

Response: The building is not considered to result in an over-development of the site, although there are other buildings onsite, this is considered to be consistent with the agricultural nature of the site.

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. Stirling Local Development Plan 2018 Primary Policy 1:Placemaking; Policy 1.1 Site Planning; Policy 9.1: Protecting Special Landscapes

Other Planning Policy

- 2.8. None.

Assessment

- 2.9. The proposed shed would be located to the North/East of the existing buildings, the far side from the residential properties in the immediate area, but within close proximity of the cluster of agricultural buildings onsite. The siting of the building, proximate to a number of other buildings, is considered to limit the additional impact upon the surrounding landscape.
- 2.10. The building would have a floor area of approximately 504 square metres being 11.88 metres in width by 42.5 metres in length. Although a sizable building, it is in keeping with the scale of buildings onsite at present, and consistent with the end use to house cattle. The building would have a submerged portion, with two slatted areas and a slurry tank 3 metres below ground level. The remainder of the building would measure 4.2 metres to eaves and 5.8 metres to ridge, with a 15 degree roof pitch. Therefore the scale and design of the building is considered to comply with Policy 1.1 of the Stirling Local Development Plan 2018.
- 2.11. Each side elevation would be finished in concrete (up to 2 metres) with cladding above, consistent with one of the gable elevations. The other gable elevation would have sliding doors with limited cladding above. Fourteen roof lights are proposed on each roof pitch. The materials and details proposed are considered consistent with the use and agricultural nature of the building and the surrounding area, and as such is in accordance with Policy 1.1 of the Stirling Local Development Plan 2018.

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- 2.12. Concerns raised regarding this proposal relate primarily to the slurry associated with the agricultural use, and shared track to access the site. The distance from residential properties, below ground level storage design, and general agricultural nature of the site is considered to mitigate any significant adverse impact upon neighbouring properties as a result of the storage of slurry. Any future spreading of this slurry cannot be considered or conditioned within this application since that would be an operational activity of farming which would be outwith planning controls. The extent of activity within the existing agricultural site is not considered to be significantly increased with this addition of this single building. The maintenance of this track cannot be considered in regard to this planning application.
- 2.13. Policy 9.1 sets out that proposals in Local Landscape Areas will only be supported where it can be demonstrated that the character, scenic interest and qualities for which the area has been designated will not be adversely affected. Given the agricultural nature of the site, and existing buildings, this proposal is not considered to have an adverse impact in this regard.
- 2.14. Overall, it is considered that the building proposed in application 18/00560/FUL is of a size, scale and design consistent with the agricultural use of the land and the nature of the surrounding area. There are not considered to be any significant detrimental impacts on neighbouring properties as a result of this building, and as such the proposal is considered to accord with the provisions of the Local Development Plan.

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.

Sustainability and Environmental

- 3.2. An Environmental Impact Assessment is not required.

Fairer Scotland Duty

- 3.3. This section is not applicable.

Other Policy Implications

- 3.4. All relevant policies have been set out in section 2.

Consultations

- 3.5. As set out in section 2.

4. Background Papers

4.1. Planning Application file 18/00560/FUL. File can be viewed online at:

<https://pabs.stirling.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDR0UNPII3R00>

4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	
02	Site Plan	
03	General	18-54228

5. Appendices

5.1. None.

Author of Report:

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Signed By:

Jay Dawson
Team Leader – Development Management
Date: 21 November 2018

Signature:


Signed By:

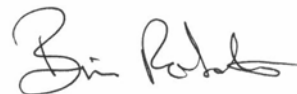
Christina Cox
Planning & Building Standards Manager
Date: 21 November 2018

Signature:


Approved By:

Brian Roberts
Senior Manager - Infrastructure
Date: 21 November 2018

Signature:



Details of Convener(s), Vice Convener(s),
Portfolio Holder and Depute Portfolio Holder
consulted on this report

Wards affected:

Ward 5 Stirling West

Key Priorities:

N/A

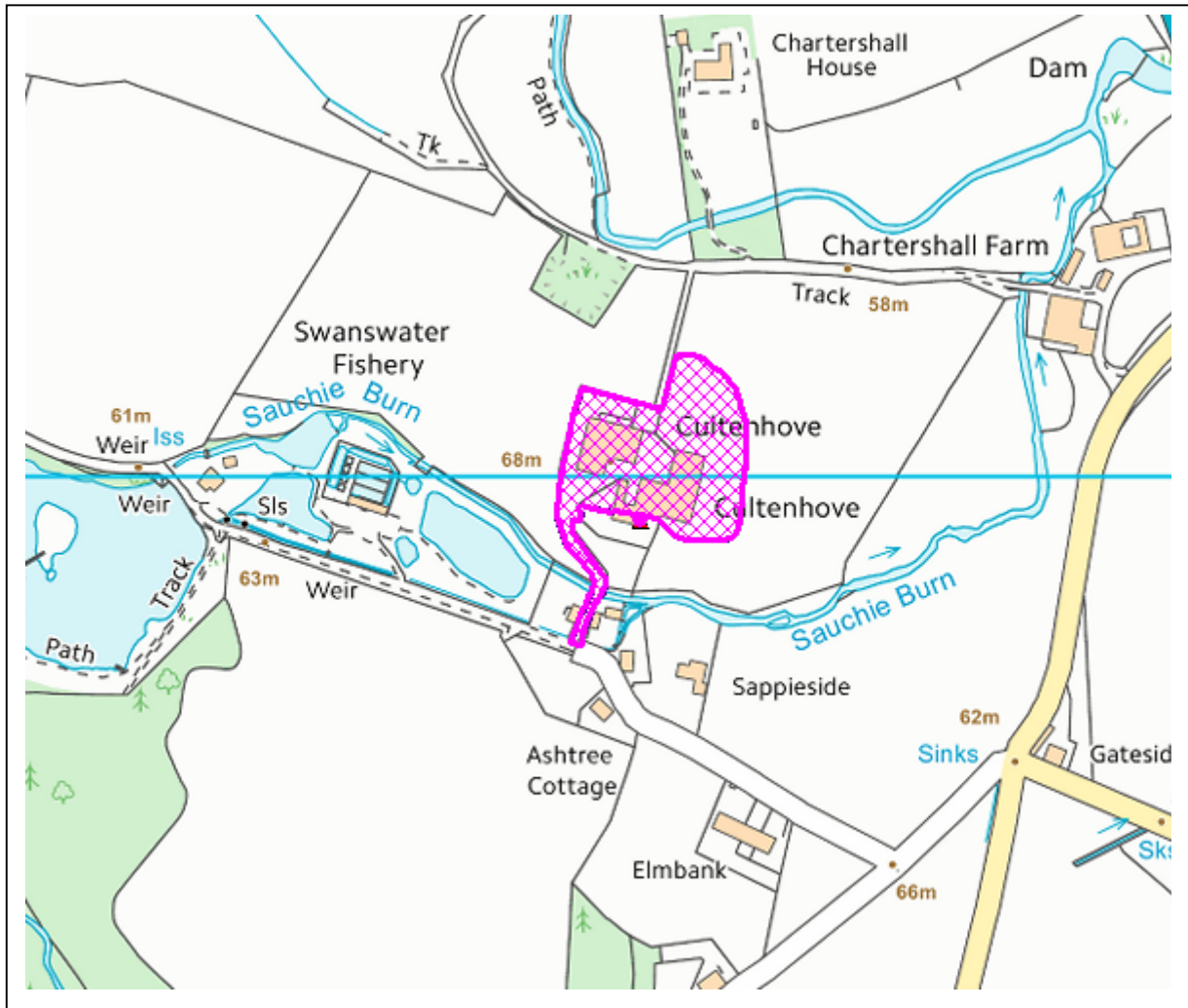
Key Priority Considerations:

N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement
Plan:

N/A

Location of Development



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Stirling Council

Agenda Item No. 6

Planning and Regulation
Panel

Date of
Meeting: 4 December 2018

Not Exempt

Stirling Council – Fisheries Annual Review of Charges and Policy 2018/2019

Purpose & Summary

Stirling Council owns and manages salmon fishing rights on the rivers Forth and Teith and these are managed through the Fisheries service within Operations. The service provides excellent recreational opportunities which supports the local economies and communities surrounding both rivers, as well as the wider Council area. The fishery was one of the top beats in Scotland during the 2010 season and although salmon stocks have declined, it is still held in very high regard within the angling community. Our aim is to offer affordable and accessible salmon fishing opportunities while promoting the conservation of salmon and sea trout.

Recommendations

The Panel is asked to:

1. agree a price freeze on all permits, carrying forward the 2018 permit prices to 2019 season (Appendix 1);
2. agree to continue the conservation method that adult anglers have the ability to only retain two salmon per season after 1 June, and returning all hen fish during the month of October on the basis that there is no change to our conservation status by Marine Scotland;
3. agree to continue the conservation method that youth anglers have ability to only retain one salmon per season after 1 June, and returning all hen fish during the month of October on the basis that there is no change to our conservation status by Marine Scotland;
4. agree to continue the period of catch and release between 1 February and 31 May for all season permit holders;
5. agree to continue to prohibit day permit holders and three month permit holders to retain salmon;
6. agree to continue to prohibit the retention of hen fish during the month of October;
7. agree to continue the full catch and release model for sea trout between 1 February and 31 October; and
8. agree to continue selling corporate rods to companies and charities for a price of £296.00.

Resource Implications

The biggest implication to Stirling Council Fisheries service is the payment of £52,000 to the Forth District Salmon Fisheries Board as a levy payment for the salmon fishing rights. This payment is having an impact on the service meeting full cost recovery targets. The new pricing structure which was implemented last year has had a positive impact upon the sale of permits to date.

Legal & Risk Implications and Mitigation

The risk of not approving the above recommendations is that there is less uptake on permit sales and the service becomes less sustainable.

1. Background

- 1.1. Stirling Council owns and manages salmon fishing rights on the rivers Forth & Teith.
- 1.2. Stirling Council Fisheries provides recreational opportunities through angling.
- 1.3. Stirling Council Fisheries runs a very successful apprentice training program.
- 1.4. Stirling Council pays £52,000 per season to the Forth District Salmon Fishery Board as a levy payment.

2. Considerations

- 2.1. In 2008 the Council agreed a full cost recovery model for Fisheries. Projected income was calculated against previous permit sales. The Council significantly increased permit prices during this period 2008 to 2011 in an effort to achieve full cost recovery. These increases in prices contributed to a decline in permit sales.
- 2.2. In an effort to halt the decline in permit sales, the Council restricted the rise in prices for the 2012 season to 5%. Permit sales continued to decline. The Council agreed a rise in price of 3% for the 2013 season. The council agreed with this strategy for the 2014 season.
- 2.3. At the Planning and Regulation Panel in December 2014 it was proposed and agreed the permit prices would be frozen on the 2014 model for the upcoming 2015 season. This was also adopted for the 2016 and 2017 season. Overall, permit sales still declined with a small rise in 2016.
- 2.4. Any increases in prices may result in a further decline in sales.
- 2.5. The decline in the sale of fishing permits in previous seasons has a number of contributing factors. Increased prices, increased levels of avian and mammal predation, stock declines, loss of anglers to different disciplines and an ageing angling fraternity. These elements are not just affecting Stirling Council Fisheries but are evident across Scotland.

-
- 2.6. In December 2017 the Planning and Regulation panel agreed a new pricing structure in an attempt to increase angling participation. Up until May 2018 there has been an increase in permit sales for the first half of the season with 246 being sold, contributing to £38,429 in income.
 - 2.7. Maintaining the 2018 model for the upcoming 2019 season will allow Stirling Council Fisheries to continue to be on a competitive level with other salmon fisheries of the same nature throughout Scotland (Appendix 2).
 - 2.8. The conservation status of the rivers Forth and Teith is agreed by Marine Scotland and we will not know this until a later date. The conservation status will have an impact on whether we have the ability to retain salmon or not, meaning the proposal for two carcass tags per adult season permit and one carcass tag per youth season permit may change if the categorisation of either the Forth or Teith falls to category 3. Whether we can retain salmon or not is out with our control.
 - 2.9. In 2017 the Fisheries Assessment was conducted by the Central Assessors. This contributed to the assessment being increased significantly for 2018 and the payment to the Forth District Salmon Fisheries Board raised from £43,000 to £52,000.
 - 2.10. Allowing one permit to cover both rivers and removing the divide between visitor and resident has had a positive impact on permit sales for the 2018 season.
 - 2.11. Between the years of 2010 to 2015 the permit income decreased with a small increase in 2016 followed by a downturn again in 2017. The new pricing structure for the 2018 season has seen an increase in permit sales. Income for years 2010 – 2017 is as follows:

2010	£65,484
2011	£61,564
2012	£57,582
2013	£50,128
2014	£48,370
2015	£39,025
2016	£42,904
2017	£31,937
 - 2.12. The 2018 season has seen an increase in permits sold due to the new pricing structure. Up until May 2018 there has been £38,429 of income gained through permit sales.

3. Implications

Equalities Impact

- 3.1. The contents of this report were assessed under the Council's Equality Impact Assessment process. It was determined that an Equality Impact Assessment was not required.

Fairer Scotland Duty

- 3.2. N/a

Sustainability and Environmental

- 3.3. This report does not relate to a Plan, Policy, Programme or Strategy therefore Strategic Environmental Assessment does not apply

Other Policy Implications

- 3.4. None.

Consultations

- 3.5. Current Forth & Teith anglers.
3.6. Previous Forth & Teith anglers.

4. Background Papers

- 4.1. EqIA Relevance Check.

5. Appendices

- 5.1. Appendix 1 - 2019 Proposed Pricing Structure.
5.2. Appendix 2 - 2018 Pricing Structure.
5.3. Appendix 3 - Price Comparison (Permit prices from neighbouring organisations).

Author of Report: David Crighton

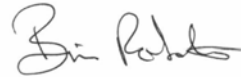
Contact Details: Tel: 237793

Email: crightond@stirling.gov.uk

Approved by: Brian Roberts

Signature:

Date: 20 October 2018



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

Wards affected:

All

Key Priorities:

F - We will commit and coordinate our resources to ensuring Stirling becomes a must visit destination; with heritage, culture, environment & economic strategies working hand in hand to encourage tourists to stay for minimum 3 days and 2 nights

Key Priority Considerations:

Stirling Council own and manage one of the last remaining public owned salmon fisheries in Scotland, our aim is it to keep salmon fishing affordable to ensure everyone can enjoy this recreational past time in the heart of Scotland.

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement Plan)

Healthy - People are healthy and live active, full and positive lives within supportive communities

2019 Proposed Pricing Structure

Stirling Council Fisheries Forth & Teith Season		
Adult (22+) 2 tags	(£) 200.00	
Youth (12 – 21) 1 tag	(£) 15.00	
Concession	(£) 150.00	
Day Permits – Catch and Release	Adult (22+)	Youth (12 – 21)
1 st February – 31 st August	(£) 30.00	(£) 5.00
1 st September – 31 st October	(£) 45.00	(£) 5.00
	Anglers must carry photographic ID while fishing on these permits. No concessions will be offered on these permits.	

Stirling Council Fisheries Forth OR Teith 3 Monthly C&R	
Feb - April	(£) 100.00
May – July	(£) 100.00
August – Oct	(£) 100.00
	No concessions will be offered on these permits.
Corporate Rods	Is available to organisations/businesses. (£) 296.00 Details from Stirling Council (01786) 237792

2018 Pricing Structure

Stirling Council Fisheries Forth & Teith Season		
Adult (22+) 2 tags	(£) 200.00	
Youth (12 – 21) 1 tag	(£) 15.00	
Concession	(£) 150.00	
Day Permits – Catch and Release	Adult (22+)	Youth (12 – 21)
1 st February – 31 st August	(£) 30.00	(£) 5.00
1 st September – 31 st October	(£) 45.00	(£) 5.00
Anglers must carry photographic ID while fishing on these permits. No concessions will be offered on these permits.		

Stirling Council Fisheries Forth OR Teith 3 Monthly C&R	
Feb - April	(£) 100.00
May – July	(£) 100.00
August – Oct	(£) 100.00
No concessions will be offered on these permits.	
Corporate Rods	Is available to organisations/businesses. (£) 296.00 Details from Stirling Council (01786) 237792

Permit prices from neighbouring organisations.

River Allan	
Adult	£150.00
Conc.	£90.00
Child	£30.00
Day	Feb – Jun £15.00 July – Oct £35.00
River Clyde - UCAPA	
Adult 16+	£125.00
Conc. 65+	£100.00
Child	£15.00
Day	Feb – July £15.00 Aug – Oct £35.00
River Clyde – Mid Clyde	
Adult	£75.00
Conc.	£40.00
Child	£40.00
Day	£15.00
Loch Lomond Angling Improvement Assoc.	
Adult	£210.00
Conc.	88.00
Child	25.00
Day	25.00
Stirling Council 2019 Pricing Proposal	
Adult	£200.00
Conc.	£150.00
Youth (12 – 21)	£15.00
Day	Feb – Aug £30.00 Sept – Oct £45.00

