

Stirling Council

Agenda Item No. 4

Planning & Regulation Panel

Date of Meeting: 4 August 2020

Not Exempt

Proposed roadside services comprising Petrol Filling Station (sui generis), Truck Stop, Restaurants and Drive-thru (Class 3/sui generis), Amenity Building (Class 1 & 3 and ancillary uses), landscaping, access and ancillary works at Land Some 500 Metres South West Of Balhaldie Farm, Dunblane - GB Grove Ltd - 19/00243/PPP

Purpose & Summary

The application has been referred to the Planning & Regulation Panel by the Planning & Building Standards Manager in accordance with the Council's scheme of delegation procedures since the application proposes a *Major Development* under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 due to the size of the application site.

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 refuse the application for the following reasons:

1. the proposed development is contrary to Primary Policy 3: Provision of Infrastructure as the site is not identified as being land required for the provision of identified or anticipated infrastructure in either national, regional or local transport strategies or through the LDP DPMTAG Transport Appraisal;
2. the proposed development is contrary to Primary Policy 1: Placemaking of the Stirling Local Development Plan 2018 as it is not located to reduce the need to encroach onto a greenfield site and does not utilise vacant or under-used land and buildings within settlements. Nor does it safeguard or enhance the areas natural heritage;

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3. the proposed development is contrary to Policies 2.6: Supporting Town Centres and 2.7: Retail and Footfall Generating Uses as the development is not located within an identified network centre;
 4. the proposed development is contrary to Policy 2.9: Economic Development in the Countryside as it is not based on a recreational activity that requires a site specific need for a countryside location;
 5. the proposed development is contrary to Primary Policy 4: Greenhouse Gas Reduction as the development is not in sustainable location and encourages reliance on the private car;
 6. the proposed development is contrary to Primary Policy 10: Forestry, Woodlands and Trees as the development does not protect existing woodland and does not meet the criteria for removal set out in The Scottish Governments Control of Woodland Removal policy; and
 7. the proposed development is contrary to Primary Policy 15: Tourism and Recreation Development and Policy 15.1: Tourism Development including Facilities and Accommodation as the development does not preserve or enhance the natural environment, does not promote responsible access to, interpretation of, and effective management and enhancement of the natural and historic environment, and cultural heritage and does not promote a wider spread of visitors.

Resource Implications

Not applicable.

Legal & Risk Implications and Mitigation

Not applicable.

1. Background

1.1. Not applicable.

2. Considerations

The Site

- 2.1. The site is in a rural countryside location situated to the west of the A9 to the north of Stirling, close to the Council boundary with Perth and Kinross Council. The site, whilst rural, is not within an identified Green Belt in the Local Development Plan (LDP). The site is characterised as being mostly flat and has remnants of felled trees. In this regard the site is considered greenfield as there is no evidence of built development on the site.

The Proposal

- 2.2. The proposal seeks consent to erect a roadside service station comprising of a Petrol Filling Station, 2x Drive-thru facilities, an amenity building, truck stop and associated landscaping at land to the south west of Balhadlie Farm, Dunblane.
- 2.3. This is an in principle application only so full details of the detailed design of the buildings are not yet available and consideration of precise design and materials will take place once a Matters Specified in Condition application is submitted, should this application be approved.

Previous History

- 2.4. 18/00830/PPP – Proposed roadside services comprising petrol filling station (sui generis), truck stop, restaurants and drive –thru (Class 3/ Sui generis), amenity building (Class 1 & 3 and ancillary uses), hotel (Class 7) and leisure (Class 11), Landscaping, access and ancillary works - WITHDRAWN

Consultations

Perth & Kinross Council:

- 2.5. No comments to make on the proposals.

Transport Scotland:

- 2.6. Noting the comments set out in their response, based on the information provided, Transport Scotland would offer no objection to application 19/00243/PPP subject to the listed conditions being applied to any consent awarded by the Council.

Scottish Environment Protection Agency (East):

- 2.7. No objection to this planning application.

Scottish Natural Heritage:

- 2.8. Do not intend to offer formal comment.

Service Manager (Environmental Health):

- 2.9. No objection but suggest Air Quality Assessment, condition on land contamination, restriction on construction hours for noise and that mitigation of noise is to be undertaken in accordance with section 4 of the NA submitted, statement required for lighting.

Roads Development Control:

- 2.10. No objection subject to conditions on parking provision, public transport and a travel plan.

Planning & Policy (Archaeology):

- 2.11. No objection or mitigation proposed. However, suggests the inclusion of a "Negative Suspensive Condition - Programme of Archaeological Works (PAN 2/2011, SPP, SHEP)

Bridge & Flood Maintenance:

- 2.12. No recorded flood history in this location and no information to suggest there is a significant problem. No objection to the development on grounds of flood risk.
- 2.13. This information is based on the accuracy and completeness of information supplied by the applicant or those working on their behalf. SEPA have a role to play as statutory consultee.

Dunblane Community Council:

- 2.14. Objects to the application on the following grounds:
- 2.15. Principle: Erosion of rural countryside land and concern that it sets a precedent for further erosion. Cumulative impact of development alongside Proposal of Application Notice at Glasingall. Developer does not give a specific reason as to why this specific site is necessary to be developed. Lorry park is an industrial use and not suitable for a countryside location. Economic Impact Assessment shows that the site does not offer good employment prospects due to the nature of the jobs that will be created. Refute that the development of this type in this location will have a positive impact on Dunblane. The site does not attract visitors to Dunblane and Electric Vehicle (EV) charging facilities should be located there instead to encourage spend in the local area due to dwell time for recharging. Further, the reduction in scale of the development will not support dwell time for EVs and there is expected to be a limited lifespan for a Petrol Filling Station given wider policy changes, Transport Scotland response does not take into account Scottish Government Climate Change legislation. The site does not tie in to the Electric A9 proposals as it is not in a settlement which states that EV charging should be in communities to support local business. No Road services are permitted between Perth and Inverness and this should be the same for south of Perth also. Disappointed to note that the response from Transport Scotland does not make reference to the Electric A9 document. Specifically comment on and object to proposed conditions 6, 7 and 8.
- 2.16. **Response:** Please see the Assessment section below.
- 2.17. Transport and Access and Road Safety: Don't consider regular bus services passing site to be suitable due to having to cross the carriageway to go south. There is a clear need to provide access for staff by bus/active travel routes. Current path alongside A9 is not suitable for cycling/walking. Strongly recommend that a new pedestrian/cycle route using current paths/tracks from Kinbuck is built. Concern about the increase in U-Turns that could take place for traffic heading south and increase in accidents. Increases in accidents in this area will negatively impact on Kinbuck as traffic diverts and the road system here is incapable of taking extra traffic.
- 2.18. **Response:** Please see the Assessment section below.
- 2.19. Environment and Visual Impact: Concerns over impact of additional lighting and seek restrictions to minimise the impact on light pollution. Concern over the impact of additional water run off that may lead to increased flood risk for communities along the Allan Water. Note that replanting is required by the felling licence issued by Forestry Commission Scotland. Do not expect planning permission will prevent compliance with other legal obligations by the developer and there is no reference to replanting in the application. Do not consider that the Landscape and Visual Impact Assessment takes into account new planting and new proposed buildings.
- 2.20. **Response:** Please see the Assessment section below.

Representations

- 2.21. This application was subject to 2 formal periods of consultation as a result of changes to the original submitted plans. In total, comments were received from 21 interested parties. The comments raised can be summarised as follows:
- 2.22. Principle and scale of development: Inappropriate location for development. Scale and type of development is more appropriate for an edge of urban location, not a rural countryside. Speculative commercial opportunity proposal and no identified need for this type of development in this location. Similar facilities are provided

nearby at Bannockburn interchange, new proposals at Craigforth and others nearby. Site was previously considered through the Stirling LDP 2014 and rejected at examination. There is no justification for the site when assessed against policies in the Stirling LDP 2018 and is not an allocated site for development. Development of the site will draw visitors and business away from network centres in the area, and there is concern of the economic impact on services further down on the A9.

- 2.23. **Response:** Please see the Assessment section below.
- 2.24. Transport, Access and Road Safety: The development should be served by a grade separated junction to properly serve north and south bound traffic. Concern that south bound traffic may try to access the services by performing u-turns on farm access track crossings of the dual carriageway. Similar concern regarding traffic leaving the services and attempting to head south bound, particularly for staff and Dunblane residents using the petrol station. Both would lead to increased road safety risks and an increase in potential accidents. Issue is not adequately covered in the Traffic Statement. Concern that the number of lorries that will use the site will lead to tailbacks on the A9 as they enter/exit the development, particularly at peak times. Increase in accidents has an impact on road safety. Concern that such accidents will lead to pressure and disruption on the road network in and around Kinbuck as traffic diverts. This route would also not be suitable for lorries due to a weight restriction on Kinbuck Bridge. Concern over lack of bus services or access to bus services to allow staff to access the site without a car. Concern over how the construction traffic required for the development would access the site. The A9 should be widened both north and south bound to accommodate this development. The A9 already has a poor safety record and this development would increase the risk of accidents.
- 2.25. **Response:** Please see the Assessment section below.
- 2.26. Forestry: Applicant is not complying with the provisions of the Felling Licence issued by Scottish Forestry. Potential support should suitable compensatory planting be proposed to offset for the permanent Woodland loss. No reference to this licence or Scottish Government Control of Woodland Removal Policy. No pre-application discussions have taken place with Scottish Forestry or its predecessor Forestry Commission Scotland. Clearing of forestry for development does not achieve significant additional public health benefits. Firs of Kinbuck woodland has existed for many years and the site should be replanted to maintain its historic value. Further comment from Scottish Forestry removing their objection due to them being satisfied with replanting off site in terms of the licence.
- 2.27. **Response:** Please see the Assessment section below.
- 2.28. Environmental Impact: Concern that there will be an increased flood risk to communities along the Allan Water as a result of increased surface run off from the development. Run off from the site into the Allan Water will also adversely affect the quality of the Allan Water to the detriment of the wildlife and fish that use it. Development will impact existing wildlife that are present in and around the site. Note SEPA's previous objection to the proposals. Concern that there will be an increase in litter in the area as a result of the proposals. The application is not in keeping with Scotland's zero carbon emissions targets. Development does not reduce the need to travel or decrease the reliance on private modes of transport.
- 2.29. **Response:** Please see the Assessment section below.

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- 2.30. Light and Noise impact: Concern over the impact of light pollution that will come as a result of the development. Not appropriate for the Countryside. Local residents will be subject to increased noise as a result of the construction of the development and a permanent increase in noise resulting from the operation of the built development. Development suggests there is potential for noise 24/7.
- 2.31. **Response:** Please see the Assessment section below.
- 2.32. Historic Environment: The proposed development is within the boundary of the Battle of Sheriffmuir battlefield, a site of national importance. Site is part of the ridge line of the worlds oldest Roman frontier system and of international importance. Development of this type in this location would have a negative impact on this setting.
- 2.33. **Response:** Please see the Assessment section below.
- 2.34. Landscape and Visual Impact: The impact of the development will be seen from a wide distance. A9 is part of the Heart 200 tourist route and development here will detract from views to/from Sheriffmuir and the site of the Battle of Sheriffmuir. Concern that there will be a cumulative negative impact on the area when considered with the Proposal of Application Notice for an extensive holiday park development on Glassingall Estate adjacent to the development. Consideration should be given to the urbanisation of the countryside the developments would have. The Landscape Character Assessment in the LDP states the area has a vital role to play in protecting the settings of Ashfield and Kinbuck and the scale of development would erode this setting and therefore negatively impact on the settings of the villages.
- 2.35. **Response:** Please see the Assessment section below.
- 2.36. Notification of planning application: Land owners of adjacent fields were not notified of the development.
- 2.37. **Response:** Planning regulations state that Stirling Council as planning authority are required to notify all properties on land that is within 20 metres of the proposed boundary of an application site. Where there are no properties on such land the Council is required to place an advert in the local newspaper to advertise the site. There are no properties on neighbouring land to notify in line with legislation. The lands referenced by the objectors are either outwith the 20 metre notification boundary and/or there were no properties on the land to notify. As per regulations an advert was placed in the Stirling Observer on the 19 April 2019 advising of the submission of the planning application.

Local Development Plan

- 2.38. 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.
- 2.39. Primary Policy 1: Placemaking, Policy 1.1.: Site Planning, Policy 1.2: Design Process, Policy 2.6: Supporting Town Centres, Policy 2.7: Retail and Footfall Generating Uses, Policy 2.9: Economic Development in the Countryside, 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, Primary Policy 5: Flood Risk Management, , Policy 7.1: Archaeology and Historic Building Recording (Designated and undesignated buildings/sites), Policy 7.8: Development affecting Battlefields, Gardens and Designed Landscapes,

Primary Policy 8: Conservation and Enhancement of Biodiversity, Policy 8.1: Biodiversity Duty, Primary Policy 9: Managing Landscape Change, Policy 9.3: Landscaping and Planting in Association with Development, Primary Policy 10: Forestry, Woodlands and Trees, Policy 10.1: Development Impact on Trees and Hedgerows, Primary Policy 15: Tourism and Recreational Development, Policy 15.1: Tourism Development including Facilities and Accommodation, Supplementary Guidance: Historic Environment,

Other Planning Policy

- 2.40. Non-statutory Supplementary Guidance – Draft SG: Transport and Access for New Development, Draft SG: Landscape and Biodiversity, Scottish Planning Policy, Scottish Government Control of Woodland Removal Policy, Local Transport Strategy, Regional Transport Strategy, PAN 75.

Assessment

- 2.41. This application is for Planning Permission in Principle to develop a new roadside service station to the north of Dunblane, close to the Council's boundary with Perth and Kinross. The site is a felled woodland. Assessment of this application can be broken down to the following themes: Principle and scale of development; Transport, Access and Road Safety; Forestry; Environmental Impact; Historic Environment Impact; and Landscape and Visual Impact. Each theme is discussed in turn below.
- 2.42. **Principle and Scale of Development:** The scale of the development has changed from that originally submitted. The scale has been reduced to remove the hotel and leisure use. Concerns had been raised by the Planning Authority and Transport Scotland that the original scale of the development was attempting to create a 'destination' rather than a roadside services that would attract only passing drivers. The reduction in scale of the development is welcomed and Transport Scotland no longer object to the application, however, concerns still exist regarding the principle of the development.
- 2.43. Whilst the site has no relevant planning history by way of planning consents, the site was previously submitted and considered for allocation for development within the Local Development Plan 2014 process. The Council previously declined to allocate the site for development and the issue was considered at the LDP examination. The Reporter concluded that the site should not be allocated for development as *"...services already exist with an established access a short distance to the north of SS28, and that the submitted transport strategies do not identify a need for more, it seems unlikely that another similar development so close by could be justified. Because of that, the LDP is not allocating roadside services and has no specific policy to support them. Under all of the above circumstances, the requested allocation would not be appropriate."*
- 2.44. In addition, the Reporter noted that Scottish Planning Policy (SPP) at the time did not support new junctions on to Trunk Roads. Scottish Planning Policy has changed since the reporters assessment but the current SPP does not lend support to such new junctions noting that *"While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance."*

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- 2.45. Paragraph 282 of SPP requires Planning Authorities to consider roadside services. It states that *“Existing roadside services and provision for lorry parking should be safeguarded, and where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic.”*
- 2.46. At the regional level, the Regional Transport Strategy (RTS) does not identify any strategic need for roadside services on the scale proposed. It does identify at section 5.8 that it will *“explore opportunities for improved lorry parking on the regions road network, including consideration of inclusion of overnight lorry parking in Park and Ride Proposals.”* Stirling’s Local Transport Strategy, which is in accordance with the RTS, does not identify that additional sites are required within the Stirling Council area.
- 2.47. The Council has also since moved to a new development plan, the Stirling Local Development Plan 2018 but this has not changed the policy framework surrounding the development of the site as the Vision, Spatial Strategy and policies of the 2014 plan were rolled forward with little change. In terms of allocations, the site was not allocated in the 2018 plan and a need for such further sites have not been identified in the development plan.
- 2.48. Planning Advice Note 75 (Planning for Transport) notes that proposals for roadside services should be provided on both sides and connected by overbridge or underpass to the other side if services are to only be provided on one side. In this instance the services are only available to northbound users and no connection to the services is made for those travelling southbound. Whilst this in and of itself is not a significant barrier that precludes development, it is nonetheless considered the development is not in accordance with PAN 75.
- 2.49. Whilst there is no allocation in the LDP for the type of development and there are no specific policies regarding roadside services that support or preclude the development, a number of policies in the LDP are considered to be relevant and are discussed in turn below.
- 2.50. Primary Policy 1: Placemaking states that developments of all scales should be located so as to reduce the need to encroach onto greenfield sites and to maximise sustainability benefits. They should also utilise vacant and under used land and buildings within settlements. This development is at odds with this policy provision as it is on a greenfield site and not a one that has previously been developed.
- 2.51. Policy 2.6: Supporting Town Centres and Policy 2.7: Retail and Footfall Generating Uses seek to direct development to Stirling’s town centres in line with the Town Centre First principle in SPP to protect the vitality and viability of our network centres. Whilst it can be accepted under this policy that there is a clear requirement for a non-network centre location, indeed by its nature a roadside services proposal is appropriate for a non-network centre location, it is still relevant that development of this scale and location will have an impact on existing network centres, particularly Dunblane. As noted above, the LDP does not have a specific policy relating to roadside services as such a type of development was not considered to be required under transport strategies at the preparation stages of both the 2014 and 2018 Local Development Plans. In this regard Policies 2.6 and 2.7 seek to direct significant footfall generating uses such as commercial and retail to existing network centres or allocated sites within the plan area. As the application site is not in a network centre or an allocated site for such type of development the proposals are considered to be contrary to these policies.

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- 2.52. Policy 2.9: Economic Development in the Countryside seeks to ensure that outwith settlements appropriate developments support a healthy and vibrant rural economy. The proposed development is close to existing villages and is directly accessible from the A9, the main north/south transport route through the Council area and is therefore easily accessible. However, the concern remains that this type of development is not a business based on recreational activities with a site specific need for a countryside location. The development is essentially a commercial business that can be provided within existing network centres. There is therefore limited policy support for this type of development under this policy.
- 2.53. Primary Policy 3: Provision of Infrastructure states in section b that *“Land necessary for the provision of identified and anticipated infrastructure (i.e. for enhancements to the transport network as identified in National, Regional and Local Transport Strategies, and through the LDP DPMTAG Transport Appraisal, new or expanded schools, new and improved healthcare facilities and recycling Bring Sites), will be safeguarded where appropriate as shown in the Settlement Statements.”* As outlined in previous sections the provision of further roadside services in addition to those already in operation, for example at Pirnhall (approx. 12 miles to the south), was not identified as a need through national, regional or local transport strategies. There is therefore no policy support under this policy for the principle of development.
- 2.54. Primary Policy 4: Greenhouse Gas Reduction sets out that all new development should, contribute to the aims of greenhouse gas reduction, among others, by being in a sustainable location and by optimising accessibility to active travel opportunities and public transport. There is an argument that being on a major roadside the development itself will be sustainable as it is a key transport corridor and the development would bring additional benefits of EV charging points to the A9 in line with the goals of the ‘Electric A9’. This type of facility is supported and the move to electric vehicles has national policy support, however, the location is also problematic in sustainability terms as the site has not been previously developed and that in line with the overall goals of the ‘Electric A9’ that new EV charging facilities along this route should be provided in existing settlements as they already have infrastructure to support the increased dwell time associated with EV charging. It should be noted that the Electric A9 proposals do not form part of any formal local, regional or national transport strategy and is a project that is being advanced by the Scottish Government through the national charging network ChargePlace Scotland.
- 2.55. Part of policy PP4 also notes that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car. This type of application does not generate significant travel in that it will rely on existing passing trade, it is unlikely that the roadside services would become a ‘destination’ in its own right. However, the development is mostly geared up to support reliance on private cars and long distance lorry travel. Whilst the later part of the proposal may have an element of policy support, the former is not considered to be wholly in accordance with PP4.
- 2.56. It is important to consider this application against Primary Policy 15 and Policy 15.1 which seek to support and direct tourism related developments. Despite the decreased scale of the proposals it can be considered that the development would support tourists in that it provides facilities generally required by such users. However, as discussed above it has not been established that there is a need for this type of development within the plan area and the development will not support existing settlements or facilities. The proposals do not preserve or enhance the quality of the natural or historic environment nor will it promote responsible access to, interpretation of, and effective management of the natural and historic

environment, or cultural heritage. The proposal is not designed to support a wider spread of visitors and economic benefits within the area and is therefore considered to be at odds with the aims of the policy.

- 2.57. Other policy considerations are considered in the relevant sections below.
- 2.58. **Transport, Access and Road Safety:** As Trunk Roads Authority, Transport Scotland had previously intimated their objection to the scheme due to fears that the development would be a 'destination' rather than a road side services and attract trips other than those already passing by the site. As noted in section 2.42 the scale of development proposed has decreased and as per their response in section 2.6 Transport Scotland no longer object to the principle of the scale of development. Whilst there is no objection, Transport Scotland raise concern over a number of aspects with the development relating to bus stop provision and increased U-turns as a result of the proposed development. In terms of impact on Road safety they note that the proposed access layout appears to be in accordance with DMRB CD 123 standards, however they have recommended that once Phase 1, as set out in Drawing 04 – Site Plan (Phasing Plan) (Applicant ref - 448_004 RevB,) has been completed it will be necessary to undertake a survey of turning movements at the existing central reserve gaps in the area. For clarity Phase 1 consists of the Petrol Filling Station and Drive through elements. Whilst it is understandable why this condition is being recommended, it is considered unreasonable to add this condition as it will not be open to the planning authority to impose further restrictions or alterations at this stage should the development be approved.
- 2.59. In terms of access to public transport, Transport Scotland consider that option 3 in the Transport Statement to form a safe crossing to allow pedestrian access to the southbound services is the preferable option and should be advanced. Option 3 is noted as being *“A crossing and bus stop could be implemented directly adjacent to the southern boundary of the site to allow a much shorter walking distance for pedestrians with the crossing located north of the bus stop to prevent visibility issues”*.
- 2.60. Overall, Transport Scotland consider that the negative impacts of the development can be satisfactorily mitigated by way of imposing conditions relating to fencing, lighting, drainage, footpath connections, access to the trunk road, erection of a pedestrian crossing, submission of a travel plan, turning movement surveys and limiting development to that outlined in the 2020 Transport Statement.
- 2.61. Stirling Council as Roads Authority similarly have no objections subject to conditions and note that many matters will be addressed through submission of a further Matters Specified in Condition application.
- 2.62. Given the above, it is considered that Policy 3.1: Addressing the Travel Demands of New Development can be satisfied.
- 2.63. **Forestry:** It has been noted through several representations, and from Scottish Forestry, that the site is a woodland site and that there is a felling licence in place on the site. The felling licence was issued by Scottish Forestry's predecessor Forestry Commission Scotland and granted felling of the site on condition of restocking the site. The application does not reference this condition and it is assumed that this restocking condition cannot be satisfied alongside the build out of the development as they cover the same site.
- 2.64. The Scottish Government Control of Woodland Removal Policy is clear that development that requires a woodland site to be cleared to enable development should only be granted where that development will achieve significant and clearly defined additional public benefits in doing so. Primary Policy 10 of the Stirling Local

Development Plan 2018 sets out that the Council will protect existing woodland, especially woods with high natural, recreational and cultural heritage value using the criteria set out in the Scottish Government's policy on Control of Woodland Removal to determine the acceptability of woodland removal.

- 2.65. In this instance the Council is not being asked to remove woodland to enable the development. The woodland has already been removed; therefore, the policy position is less clear. It is noted from the Control of Woodland Removal Policy that there is no legal definition of woodland but for the purposes of that policy the definition follows that of the UK Forestry Standard and the National Inventory of Woodlands and Trees combined. Under this definition woodland is defined as "*The part of woods and forests where the ecological condition is, or will be, strongly influenced by the tree canopy. This embraces land under stands of trees with a canopy cover of at least 20%, or having the potential to achieve this, including integral open space, and including felled areas that are awaiting restocking. The minimum area is 0.1 ha.*" There is no minimum height so the definition includes woodland scrub, short rotation coppice and short rotation forestry but not areas of gorse, Rhododendron etc outside woodland." Using this definition, although the development has been cleared, the area is awaiting restocking in terms of the licence condition and is still considered woodland under this policy.
- 2.66. As Primary Policy 10 of the LDP states that the Planning Authority will use the criteria set out in the Control of Woodland Removal Policy it is the opinion of the Planning Authority that the site meets the criteria for woodland and therefore the site has to demonstrate significant additional public benefit.
- 2.67. The Control of Woodland Removal Policy lists a variety of criteria and indicators to help determine acceptability of removal of woodland to accommodate the development. The applicant has provided further information on this and are of the opinion that they meet the indicators of Helping Scotland mitigate and adapt to Climate Change, Enhancing sustainable economic growth, supporting Scotland as a tourist destination and encouraging recreational activities and public enjoyment of the outdoor environment.
- 2.68. Whilst it is accepted that the development would provide some economic benefit by capturing passing trade and providing electric charging points, it is not considered that these benefits are significant enough to warrant permanent removal of the woodland.
- 2.69. As discussed in section 2.42 – 2.56 of this report, the issue of the principle of the development is at odds with policies in the LDP and the benefit it would bring in terms of increasing EV charging points along the A9 is not compatible with Transport Scotland's goals for the 'Electric A9' as the EV points are not within a defined settlement. The goal of this document is to encourage EV charging points within settlements, this supports the local economies as they provide facilities that can be used by those charging their vehicles during the charge time, which necessitates a much longer dwell time than the current Petrol Station format. Whilst facilities are proposed to support this increased dwell time on site, there is no wider benefit to existing communities in the vicinity and therefore is considered to have limited wider public benefit. In this regard the development cannot be supported in line with Primary Policy 10.
- 2.70. In the opinion of the Planning Authority, the issue of compliance with the felling licence condition regarding restocking is one that is a civil issue and not a material planning consideration. It is not competent under planning legislation to enforce conditions granted under different legislation. It is a matter for Scottish Forestry to enforce the conditions of their licence and take whatever action they feel is appropriate to remedy the situation. As with any application, planning permission

does not imply any legal right to enact the development and it is therefore for an applicant to ensure that they can legally implement a development in the event it should be granted. Further correspondence from Scottish Forestry notes that they no longer object and that they have come to an agreement regarding off site replanting. In the opinion of the Planning Authority, this does not change the status of the site in planning terms and relates to the replanting required as part of the felling licence.

- 2.71. **Environmental Impact:** SEPA offer no objection to the proposals, however have asked for some clarity on specific points. It is considered these are small scale and could be covered satisfactorily by conditions should the development be approved. Policy 3.2: Site Drainage has been addressed satisfactorily.
- 2.72. It is noted that in terms of Primary Policy 5: Flood Risk Management the site is not identified as being at risk of flooding.
- 2.73. In terms of Noise, Environmental Health have recommended the inclusion of a condition restricting construction noise outwith normal working hours should the development be approved.
- 2.74. Scottish Nature Heritage (SNH) also offer no objection to the proposals. The site is not identified as being a designated site in terms of biodiversity in line with Principle Policy 8. The site is currently felled woodland and is considered to be of low biodiversity quality. Should the restocking of the woodland occur this will increase the biodiversity value of the site. Should the proposals be granted, replacement planting and landscaping should be included as part of any MSC application. This would support the aims of Policy 8.1 and Policy 9.3. Any replacement planting and landscaping should take account of the criteria listed in Policy 10.1.
- 2.75. **Historic Environment Impact:** Many representations raise concern over the impact of the proposed development on the site of the Battle of Sheriffmuir and on the ridge line of the worlds oldest Roman frontier system and of international importance.
- 2.76. The Council's Archaeologist has confirmed that The Gask Ridge does not link to the Antonine Wall, it is not part of the UNESCO designation and while some elements are designated none of the elements within the immediate environs of the proposal are. In terms of the impact of the development on the ridge line, it is not considered there will therefore be any detrimental visual impact.
- 2.77. In terms of the impact on the Battle of Sheriffmuir site itself, the Council's archaeologist notes that location of the proposed development is on the periphery of the designation. The archaeologist also considers that the immediate environs of the site have already been degraded visually by the Beaulieu to Denny Power Line and the development of the A9 itself. It is therefore considered that with the location on the periphery and visual degrading by existing infrastructure there will be no further adverse impact on the designation by the proposed development.
- 2.78. In line with Policy 7.1 and 7.8 it is noted that there is potential for archaeological remains to be found during the development of the site and it is recommended that should development be granted that a negative suspensive condition be included to protect any unknown archaeological remains of significance.
- 2.79. **Landscape and Visual Impact:** This is an application for Planning Permission in Principle, therefore no detailed drawings or plans are required to be submitted. It will be a matter for future Matters Specified in Conditions application(s) to provide full details of the development should planning permission be granted. As part of this application the applicant has carried out a Landscape and Visual Impact

Assessment and submitted indicative drawings showing how potentially the buildings could be accommodated on site.

- 2.80. Primary Policy 9: Managing Landscape Change requires the development to be assessed against the relevant Landscape Character Assessment for that area. The development is identified as being within L4 – Allan Water, described as being rolling valley farmland. The Landscape Character Assessment identifies that the area is particularly sensitive to development that encroaches or erodes the landscape setting of Dunblane, Kinbuck or Ashfield and that cumulatively alongside the A9 corridor there is a risk that development suburbanises the area.
- 2.81. The development is somewhat visually distant from Dunblane and Ashfield. In terms of Ashfield there is not considered to be any impact on its setting as the settlement lies outwith the zone of theoretical visibility by the development due to landscape features in the area. The LVIA does however identify that extremely localised views of the development site may be seen from some elevated western parts of Dunblane. Given the distance from the development site and that structure planting is proposed to reduce the visibility it is not considered that the development will have a material negative impact on the setting of Dunblane.
- 2.82. Kinbuck is the closest settlement to the development. Given the scale of the development and rolling farmland nature of the area, the development and the village are unlikely to be intervisible. However, to reinforce this, should development be granted, it is recommended that conditions be applied requiring strong boundary planting and compensatory planting of the removed woodland trees to screen the development from wider views and limit views into and out of the site.
- 2.83. In terms of building form, the development's amenity building is likely larger than what would be found in the vicinity, however it is recognised that the PFS and drive-thru facilities proposed are also found immediately adjacent. Should the development be approved, an MSC application will assess the detail of the design and built form, however, it is expected that should this be the case, that the design and height take account of the LVIA to ensure that the development is not of a height that increases the visual impact of the development to the wider area and should be in compliance with the criteria set out in Policy 1.1: Site planning, particularly criteria (b).
- 2.84. In terms of lightening impact from the development, these details are not yet available due to the nature of the application. However, this is a matter that would require to be addressed by an MSC and a condition requiring the submission of a lighting strategy to assess the impact is recommended should the development be granted.
- 2.85. It is noted that there is a Proposal of Application Notice that has been submitted to the Council indicating that an application for tourist accommodation may be submitted at Glassingal Estate, nearby to the application site. Whilst the Council is aware of this proposed development it is not an application that is currently under consideration nor is it consented or planned development allocated in the Local Development Plan. A Proposal of Application Notice is required where a major application may be submitted, however as Planning Authority no assessment is made of the proposals at this stage. A Proposal of Application Notice is strictly procedural and is limited to assessment of how the applicant's intention to carry out consultation prior to the submission of a planning application aligns with the requirements.

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- 2.86. As there are no firm proposals for the planning authority to review at the time of this report it would be unreasonable to refuse this application based on an assessment of the cumulative impact when it is not yet known if and what that impact will be. The planning status of this application will be taken into account during the assessment of any application at Glassingall Estate should it be submitted.
- 2.87. **Summary:** Overall, it is considered that the proposals do not comply with the Stirling Local Development Plan 2018 and is recommended for refusal.

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 19/00243/PPP. File can be viewed online at: [View Application](#)
- 4.2. List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	448_001
03A	Site Plan	448_003 RevC
04	Site Plan	448_004 RevB

5. Appendices

- 5.1. Appendix 1 – Location of Development.

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Approved By:

Drew Leslie
Senior Manager – Infrastructure

Date:

21 July 2020

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

Councillor A MacPherson
Councillor D Gibson

Wards affected:

Ward 3 Dunblane & Bridge Of Allan

Key Priorities:

N/A

Key Priority Considerations:

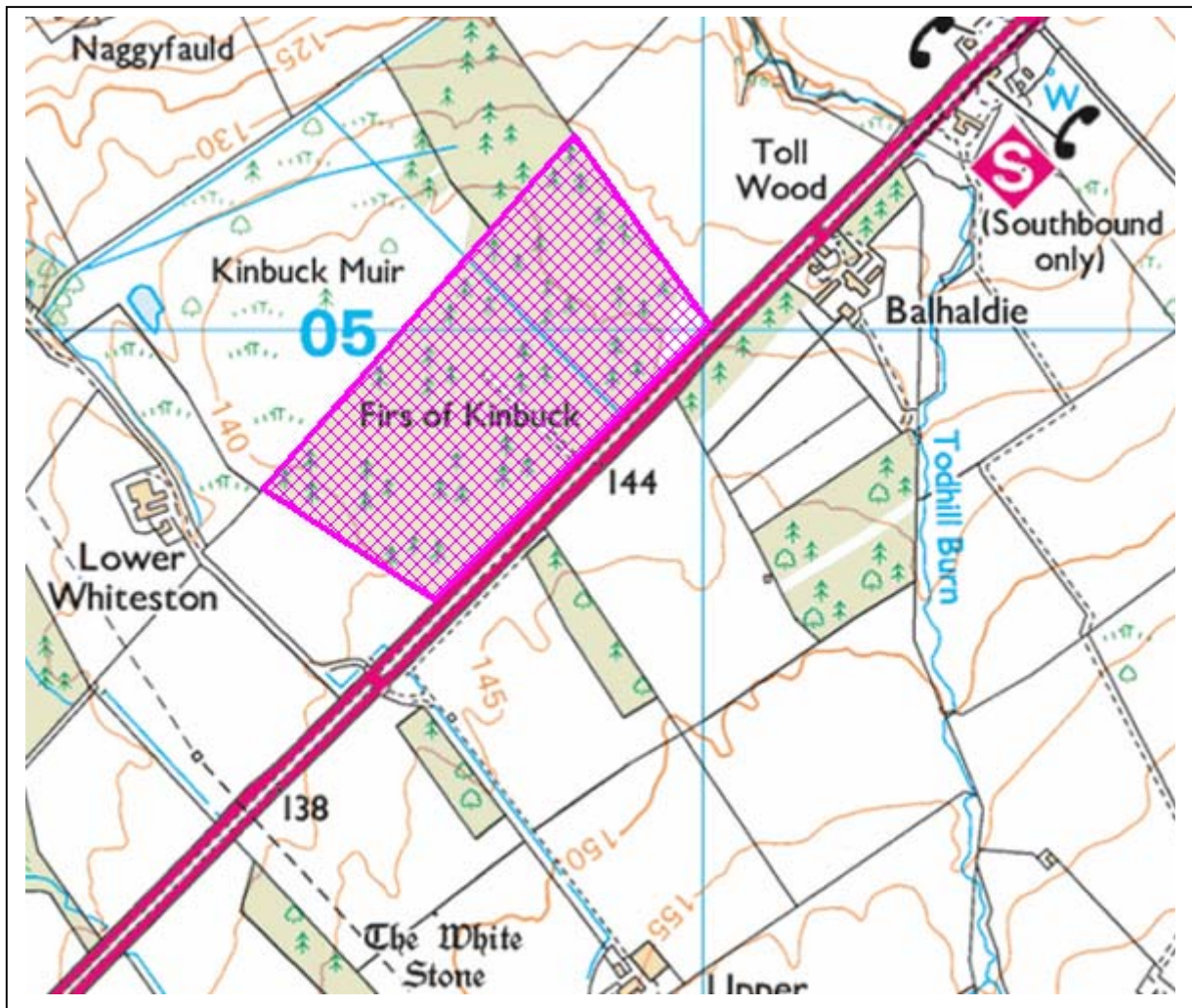
N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement
Plan:

N/A

Appendix 1

Location of Development



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