

NOTICE OF MEETING

A MEETING of the **PRE-DETERMINATION HEARING COMMITTEE** will be held as a Virtual Meeting by **MICROSOFT TEAMS** on **TUESDAY 6 OCTOBER 2020 at 1 p.m.**

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

In accordance with Section 50A of the Local Government (Scotland) Act 1973 the public are excluded from this meeting as it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.

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

JULIA MCAFEE
Chief Officer – Governance
Clerk to the Council

30 September 2020

AGENDA

1. **APOLOGIES AND SUBSTITUTIONS**
2. **DECLARATIONS OF INTEREST**
3. **PROPOSED VISITOR FACILITIES, INCLUDING THE CONSTRUCTION OF A 150 SPACE CAR PARK, NEW VEHICULAR ACCESS, PATHS, FENCING, BRIDGES, SAFETY BARRIER, SERVICE ROAD, EARTHWORKS AND ASSOCIATED ENGINEERING WORKS AT LAND AT FINNICH GLEN, CAMERON MUIR ROAD, KILLEARN - MR DAVID YOUNG - 19/00757/FUL**
Report by Senior Manager - Infrastructure (Pages 1 - 18)

(For further information contact:

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Stirling Council

Agenda Item No. 3

Pre Determination Hearing

Date of Meeting: 6 October 2020

Not Exempt

Proposed Visitor Facilities, Including The Construction Of A 150 Space Car Park, New Vehicular Access, Paths, Fencing, Bridges, Safety Barrier, Service Road, Earthworks And Associated Engineering Works At Land At Finnich Glen, Cameron Muir Road, Killearn - Mr David Young - 19/00757/FUL

Purpose & Summary

Due to the size of the application site, the proposed development is classified as a Major Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and therefore requires to be determined by Planning & Regulation Panel.

The proposal is considered to be significantly contrary to the Local Development Plan because:

Being a major development that is significantly contrary to the development plan requires determination by Full Council in accordance with the Council's Scheme of Delegation for determining planning applications.

It is considered that the proposed development is significantly contrary to the vision of the plan, as the development would significantly undermine a major tourism asset and destination within Stirling and Scotland, does not respect the natural and landscape features of a unique and fragile environment and does not respect the special landscape of Finnich Glen and the immediate surrounding area.

The agent for the applicant has requested a Hearing which has been made within timescales according to procedure in order to have the opportunity to address the Pre Determination Hearing Committee.

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

The Pre Determination Hearing Committee is asked to:

1. hear the submissions from the Applicant and supporters/objectors in relation to the above application;
2. to note that the application will be reported to the Full Council for determination; and
3. to note that the officer recommendation to the Full Council will be that Council refuse the application for the following reasons:
 - a. The scale of built urbanised development and engineering works are contrary to Primary Policy 15: Tourism and Recreational Development of the Stirling Local Development Plan 2018 as the proposed development will significantly, irrevocably impact the unique landscape of the Finnich Glen's natural environment which is a significant tourist destination with the Stirling area and in Scotland.
 - b. The proposed development, in particular the proposed footpaths and bridges are contrary to Policy 10.1: Development Impact on Trees and Hedgerows of the Stirling Local Development Plan 2018 as the proposed development will result in a significant quantity of healthy trees being removed and the impact on the wider woodland has not been informed by the results of a robust tree survey to demonstrate that the tree root network will not be detrimentally impacted with potential, and resultant in a significant detrimental impact on the integrity of the woodland and the important natural and unique landscape of Finnich Glen's river valley.
 - c. The proposed development, in particular the proposed footpaths and bridges are contrary to Primary Policy 10: Forestry, Woodlands and Trees of the Stirling Local Development Plan 2018 as the proposed could result in the removal of significant areas of existing woodland that are of a high natural value, an irreplaceable resource.
 - d. The proposed development is contrary to Primary Policy 8: Conservation and Enhancement of Biodiversity as the Habitat Survey has not been informed by a comprehensive Tree Survey to demonstrate that the development will not impact on bats roosting in trees in the vicinity of the Glen.
 - e. The proposed restaurant and cafe buildings are contrary to Policy 3.1: Addressing the Travel Demands of New Development of the Stirling Local Development Plan 2018 as they are not in a sustainable location where they can be accessible by walking, cycling and public transport, resulting in a development that relies solely on motor vehicles for access.
 - f. The proposed restaurant and cafe buildings are contrary to Policy 2.9: Economic Development in the Countryside of the Stirling Local Development Plan 2018 as the proposal includes a scale of development that exceeds the supporting of recreational activity associated with the site specific reason to visit Finnich Glen.

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- g. The proposed restaurant and café buildings are contrary to Policy 1.1: Site Planning of the Stirling Local Development Plan 2018 as the proposal will not contribute in a positive manner to the quality of the surrounding natural environment, and is not of a scale that is compatible with its rural setting.
 - h. The proposed restaurant and café buildings are contrary to Primary Policy 1: Placemaking of the Stirling Local Development Plan 2018 as the proposal is not designed or sited informed by the character and amenity of the place.

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 between the B834 and A809. The site comprises of Finnich Glen, which contains the Devils Pulpit, and the immediately surrounding area around the Glen, measuring a total area of 10.9 hectares. The land has no designation for a particular land use within the Local Development Plan. The site is characterised as gently sloping to the east, containing a large cliff Glen around the Carnock Burn, with open views around. The area around the Glen's edge has a large quantity of semi-natural ancient woodland. The wider site is bound by hedging to the A809, hedging and large mature trees to the B834, and wire and post fencing around the rest of the site. There is no evidence of built development on the site, and it is therefore regarded as greenfield.

The Proposal

- 2.2. The proposal seeks consent to construct a two-storey visitor centre and integrated café, a two storey restaurant area, decking, paths, fencing, safety barriers, bridges, service road, earthworks to create a venue area, associated engineering works, vehicular access and a 150 space car park.
- 2.3. The visitor centre will be two-storey in height and be finished in extensive glazing and timber cladding, and will feature a sloping roof.
- 2.4. The two-storey restaurant is of similar design to the visitor centre, finished in wooden cladding, glazing and features a sloping roof.
- 2.5. Directly in front of the restaurant is a viewing deck, which is sited among the trees and will allow a pedestrian link between the restaurant and the visitor centre.

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- 2.6. A network of paths will be created around the cliff edge for pedestrian access, and will be a traditional woodland footpath construction, with no excavation and timber edge supports. Standard timber fences are to be installed around the paths and be 1.2 metres in height.
 - 2.7. Deer fencing of 2.1 metres in height is proposed around the entire Glen. This will be a standardised deer fence, featuring timber and wire post, and no stills to allow for access.
 - 2.8. New steel stairs will be built into the ground to the north to allow for access to bridge 4. A further steel stair case is to be installed on top of the existing steps on the south side of the gorge, and will be finished in a galvanised finish.
 - 2.9. A total of four bridges are proposed, with them being constructed from steel and finished in the same finish as the steel stairs.
 - 2.10. A service road will utilise one of the bridges (No. 3) to allow vehicular access to the bottom of the Glen. No details of the proposed hardstanding have been provided, but could be conditioned, should this application be approved.
 - 2.11. Earthworks are proposed to the north of the restaurant to facilitate a wedding and corporate event space, which it is understood will be used on a temporary basis and seek to benefit from permitted development rights.
 - 2.12. Vehicular access is to be created by the removal of 8 mature trees to the north.
 - 2.13. 150 space car park is proposed on the site, with bus provision.
 - 2.14. In addition to the above and although not strictly a planning matter, it is intended that access to the site would be restricted to paid visitors only through gated entry or through charging for use of the car park.

Previous History

- 2.15. None.

Consultations

Tree Officer:

- 2.16. Objection to the proposed development, based on the significant impact that the proposed development would have on the existing trees on site.

Bridge & Flood Maintenance:

- 2.17. No objection to the proposed development.

Planning & Policy (Archaeology):

- 2.18. No objection to the proposed, subject to condition applied to any consent.

Environmental Health:

- 2.19. No objection to the proposed, subject to condition relating to contaminated land and light pollution.

Scottish Natural Heritage:

- 2.20. No comment.

Scottish Environment Protection Agency:

- 2.21. No objection to the proposal.

Roads Development Control:

- 2.22. No objection, subject to condition.

Sustainable Development Team: (Commented as part of Roads Comments)

2.23. Objection to the proposed development, as there is no basis for the removal of statutory access rights to Finnich Glen under the Land Reform Act.

Biodiversity Officer:

2.24. No objection to the proposed development.

Drymen Community Council:

2.25. No objection to the proposed development.

Croftamie Community Council:

2.26. No objection to the proposed development.

Representations

2.27. Seven representations have been received in relation to the proposed development. Stirling Access Panel made a representation relating to the potential changes required to increase accessibility to the proposal. Two representations were made with support. One letter from the Scottish Wildlife Trust was submitted, with their concern addressed below. Three letters objecting to the application were received, and their concerns are summarised and addressed below.

2.27.1 No basis for the removal of access rights.

Response: The provision for removing access rights are not the responsibility of the planning department. Section Access Rights below goes into discussion regarding this issues.

2.27.2 No details regarding event space.

Response: Paragraph 2.59 discusses the issues regarding the event space.

2.27.3 Sustainability of the building.

Response: The building would be expected to be insulated to meet Building Standard guidelines, thus complying with Policy 4.1 of the Stirling Local Development Plan 2018.

2.27.4 Car parking number provision is arbitrary.

Response: Stirling Council's Transportation Development Management were consulted on this application, and stated that there is sufficient car parking proposed.

2.27.5 No definitive detail of cost to use the facility.

Response: This is not a planning consideration.

2.27.6 Over-reliance on the car for transport to the site.

Response: The dependence on cars with this proposal is discussed within Paragraph 2.36.

2.27.7 Lack of public transport use.

Response: Transport issues are discussed within Paragraph 2.59.

2.27.8 Poor Pre-Application (PAC) Consultation.

Response: A PAC report was submitted along with this proposal, and the level of consultation undertaken met the criteria required.

2.27.9 Flooding was not considered.

Response: Both SEPA and Stirling Council's Flooding team have been consulted on this proposal and no objection was raised.

2.27.10 Negative impact on Local Businesses.

Response: An Economic Impact Assessment was submitted and its content does not indicate that there will be a negative impact on nearby businesses.

2.27.11 An EIA should be undertaken.

Response: A screening request was previously submitted to the council, and it was deemed that an Economic Impact Assessment (EIA) was not required.

Local Development Plan

2.28. 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.

2.29. Primary Policy 1, Policy 1.1, Policy 2.9, Policy 3.1, Primary Policy 10, Policy 10.1 & Primary Policy 15.

Other Planning Policy

2.30. Non-statutory Supplementary Guidance – Placemaking, Forestry & Woodland Strategy (2019), Placemaking, Trees and the Law.

Assessment

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

2.32. A Business Case was submitted which provides a narrative regarding various elements of the proposal, a market assessment and projected income. A market assessment is provided, indicating that in the short to medium term, it is expected that visitor numbers will be 9,500 per annum. A breakdown of income is provided within the Business Case, with 27% of revenue coming from paid access to the Glen, over 50% from the café and restaurant, and 13% of revenue to come from events and venue hire. It concludes by saying that due to the growing awareness and popularity of Finnich Glen, a successful tourism development can be delivered on site.

2.33. An Enhanced Business Case was provide further information as to the breakdown cost of each element, such as the bridges, buildings, and paths.

2.34. A Design and Access Statement has been submitted which highlights the objectives seeking to be gained from this proposal. Objective 1 is to relieve pressure on car parking. Objective 2 is to protect the flora and physical environment of the Glen, and Objective 3 is to provide a safe, enjoyable and sustainable visitor experience. It explains that the proposal put forward is the minimal level of development required to bring forward the infrastructure required for the site. The rest of the document highlights the access opportunities around the site along, and the design approach taken.

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- 2.35. An Economic Impact Assessment (EIA) provides a breakdown of potential costs of the development and the potential impact that the development would have on other nearby business. It estimates the potential economic benefit the proposal would have on the local area in three scenarios, a pessimistic, moderate and optimistic. It concludes stating that under all three scenarios, there will be an economic benefit to the wider area due to increased jobs, spend in the area, and displacement within the wider area.
- 2.36. The Landscape and Visual Impact Assessment highlights the benefits and negatives of each element of the buildings on the landscape. It concludes that the provision of a car park would solve the issue of the road safety at the site. The development would provide services and manage litter and visitor behaviour and concludes that the development will result in a moderately positive impact upon the landscape and visual environment around the Glen.
- 2.37. An enhanced Landscape Visual Impact Assessment was submitted, which included a number of potential visual receptor points, and indicating the potential visual envelope.
- 2.38. The Pre-application Consultation Report details the pre-application consultation undertaken by the applicant prior to the submission of the application. It is deemed that the pre-application consultation undertaken complies with the requirements of the act, and that views and concerns of local residents were considered and/or clarified as a result of the event.
- 2.39. The Planning Supporting Statement details that this proposal is being put forward to provide a car park on site, and the subsequent infrastructure is to finance the car park itself.
- 2.40. The Ground Level Bat Survey assessed the likelihood of bat roosting within the 8 trees to be removed to create the new access. It was found that 4 of these trees have moderate potential for bat roosting, and a recommendation of an aerial inspection of these trees prior to the commencement of works. The Bat Survey does not extend to the woodland around the Glen.
- 2.41. A Habitat and Protected Species Survey was submitted, and found that bat roost potential was low. It is however pertinent that the Habitat Survey was based upon an assumption that the only trees that would be adversely impacted would be the ones identified in Tree Assessment of 47 trees surveyed and not on the impact that development could have on the tree root network resulting in loss of substantial other trees. Given the limitations of the Tree Assessment that was undertaken it is not known the impact of the development on bat roosts. Being a riparian corridor with substantial tree coverage the potential for bat roosts in the vicinity is high. There is no evidence of red squirrels, pine martins or other Schedule 1 birds.
- 2.42. A Tree Survey was submitted, which conducted a visual assessment from ground level of 47 trees, which identified that 17 required to be removed from the ancient woodland.

Principle of the Development

- 2.43. This application is for Planning Permission to develop a mixed use facility at the land located around Finnich Glen. The site is unique within the Stirling Council Area, which is exemplified by the growing number of visitors to the site. The site is a purely natural asset, and it is this untouched quality of the site that makes the site unique and special. Although the site itself has no statutory protection, the untouched natural qualities of the site is what makes the location unique and popular with visitors.

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- 2.44. Scottish Planning Policy (2014) states that in rural areas, the planning system should: Promote a pattern of development that is appropriate to the character of the particular rural area; encourage rural development that supports communities and businesses whilst protecting and enhancing environmental quality.
- 2.45. This approach for sympathetic and appropriate scaled development is furthered within Stirling Council's Adopted Local Development Plan 2018.
- 2.46. Primary Policy 1: Placemaking of the Stirling Local Development Plan states that development of all scales must be designed and sited not only with reference to their own specifications, but also in relation to the character and amenity of the place.
- 2.47. Policy 1.1: Site Planning of the Stirling Council Local Development Plan states that development should be appropriate to its wider surroundings in terms of appearance, position, height, scale and massing.
- 2.48. Policy 2.9: Economic Development in the Countryside supports development in location of countryside development to in and around Rural Activity Areas, close to villages or utilise other businesses or the business supports recreational activities that have site-specific need. The proposed visitor centre and car park aspects of the development would come under the designation of a rural business or tourist development supporting the site-specific tourism asset of Finnich Glen. Whilst a modest scale restaurant and café could also be considered a tourist development, the scale of these proposed buildings present a substantial and urban form of development into the countryside. The scale of the proposed development, with a 128 seat café and a 40 seat restaurant and an event space, is such that it will contribute towards traffic generation for purposes other than visiting the tourist asset of Finnich Glen itself.
- 2.49. An important element of this proposal is the provision of a car park. This has been designed sensitively, and is logically sited on site. The provision of the car park would be seen as a positive intervention, facilitating the tourism asset of the Glen and would not have a significant detrimental impact on the landscape. The impact will be further mitigated by the proposed planting.

Scale of the Development and Landscape Impact Outwith the Site

- 2.50. Two buildings are proposed, one containing a visitor centre and the other a restaurant, are both two storey in height. Although they have been situated to be embedded into the contours of the earth, due to their scale, they will become a visually dominant feature within the wider landscape. This is due to their proposed finishing height, reaching 11.3 metres from ground level, being sited on elevated ground from the rest of the site, which will result in being the most prominent feature within the landscape. The use of the materials, consisting of wooden cladding, glazing and a sloped roof does contribute to an overall contemporary approach of high quality, however, the scale of these two buildings combined will be significant. The larger building, containing the visitor centre will be the most prominent, and will be visible from the A809, and on the approach from the west from a distance of approximately 475 metres away. This will be significantly different from the current character of the site, of being open countryside, and a building of this scale of built development would not be expected to be sited within a countryside location. The second building, containing a restaurant is to be located north of the visitor centre, and due to its siting, will be less prominent from view from the west. However, when approaching the proposed entrance of the site, both buildings will be prominent. It is considered that this scale of development will dominate the landscape, and significantly detract from the natural qualities of the site and its surroundings.

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- 2.51. A Landscape and Visual Assessment was submitted for this application which provided receptor points that the applicant assessed, along with the potential visual envelope, and stated that the proposed development would not have a significant impact on the landscape. However, it is considered that the impact of the building and bridges have not been underestimated.
- 2.52. Developments of this scale are not considered sustainable in the countryside, isolated from principle settlements. Although it is acknowledged that there is currently an amount of visitor demand, this would increase with the provision of a visitor attraction, restaurant, café and event space.
- 2.53. It is considered that parts of the proposal are beneficial and consistent with the local development plan, namely the car park and a reduced scale of path network to improve the visitor's experience, whilst easing the current pressure on the surrounding area. The applicant has submitted that the additional elements consisting of the restaurant, visitor centre and café, are required as enabling development. As detailed in Paragraph 2.60 onwards, a review of the acceptability of these additional elements was initiated to establish if they could be viewed as constituting enabling development. However, little progress could be made with this line of proposition as the information presented was insufficiently detailed.

Landscape Impact of the Development Within the Site

- 2.54. It is considered that this proposal is not in keeping with the character of the area. The area is currently undeveloped open countryside, with wide open views across the wider area, divided by the presence of tree belts and semi-natural ancient woodland. The proposal features a significant quantity of urbanised elements, at a scale which are considered excessive and which would fundamentally alter the character of this rural countryside. The countryside ambience is a key aspect that makes this location attractive for visitors, which would be undermined by this development to the detriment of the natural tourism asset of the Glen.
- 2.55. The proposal also includes substantial engineering aspects in the form of a network of paths, steel steps, decking and bridges, deer fencing enveloping around the Glen and timber fencing around the footpaths. Although the principle of creating a formalised footpath network around the Glen is supported in order to prevent further footpath erosion, it is considered that the cumulative impact of the footpaths together with fencing will adversely impact the natural and native quality of the woodland and the Glen. In addition, the cumulative scale of the steel based structures and engineering of these interventions are significant on the character of the Glen. A total of four bridges are proposed that will cross the Glen. It is considered that two bridges could be viewed as acceptable, to create a circular woodland path around the Glen whilst retaining areas of the Glen that remain visually natural. Structures and other engineering interventions in one form or other will be visible from nearly all points across the sites, with minimal areas left with no visible development, eroding the natural quality of the site that makes it unique.
- 2.56. A number of viewing decks are proposed throughout the development, both within the steps themselves and located in front of the buildings. It is considered that, in combination with the already high number of built elements proposed, will be visually dominant within an undeveloped natural environment. Similarly, the decking will be viewable from other areas of the Glen, and further detract from the currently unspoiled, native character of the area.

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- 2.57. The footpaths are considered to be beneficial for the visitor experience, which would limit the footpath erosion occurring on site currently. They will be constructed as timber woodland paths, and their visual impact will be minimal. To the east, the path is supplemented by steel steps dug into the ground to account for the change in gradient. The introduction of this unsympathetic material would result in easier maintenance of the steps, but is overall at odds with its rural location, not appropriate for its rural surroundings.
- 2.58. Steep steps are proposed on the southern side of the Glen with a series of viewing platforms to enhance accessibility into the Glen itself. It is acknowledged that the current steps in place are worn and pose a potential safety hazard. The design of these steps are inspired from Jules Verne novels, with a heavy steampunk influence, through the use of galvanised steel and synthetic rope. Notwithstanding the design merits of the steps, in this location they are considered to be unsympathetic to natural, native setting of the Glen and its mass would result in the structure dominating the gully on the south side of the Glen.
- 2.59. An event space is proposed in the area directly north of the restaurant. Minimal information was provided by the agent with regards to the number, type and scale of the events that will be hosted here. It had been indicated that it will be used for less than 28 days per year, thus benefiting from Permitted Development Rights. Nevertheless, the event space is sited so that the restaurant could provide catering, thus indicating that the event space will be used for larger events. This will have the potential to further reduce the rural character of the area as it is inappropriately sited, particularly when viewed from the proposed entrance to the site. Furthermore, the provision of a significant event space has the potential to generate additional footfall at this location, which is not approachable easily by public transport, bike or foot, and adds reliance on vehicular access to the site.

Business Case of the Development

- 2.60. As highlighted previously, provision of a car park could be viewed as beneficial to enhancing the visitor experience and tourism potential and a sensitively designed path infrastructure could also benefit the area.
- 2.61. However, as discussed above, there is no planning reason to require the other, significant built elements of this proposal. It is considered that the scale of the income generating elements could be significantly lower. A viability statement was provided to demonstrate that that this level of development was required by way of enabling development. 'Enabling development' is a form of development that means allowing development to take place that would not normally be granted permission, to enable the delivery of development which provides planning benefit. In this context, that planning benefit would consist of the car park and footpaths around the site that would enhance the tourism asset of the Glen. To support the case for 'enabling development,' a viability assessment is required to demonstrate that the costs of the 'beneficial' proposals, in this case the car park and some of the proposed pathway, require the scale of 'enabling works' proposed. The enabling works being those elements that would not otherwise be acceptable, in this case the café, restaurant and event space. Information requires to be submitted to a level of detail to ensure that an appropriate balance has been made of the scale of 'enabling works' required for the demonstrable 'beneficial works'. It is not considered that the proposed bridges and other engineering works would constitute 'beneficial' works in planning terms, given the assessment made of their potential negative impact on the Glen.

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- 2.62. The applicant submitted supporting evidence with headline figures rather than detailed cost breakdowns. The agent advised they were unable to provide any further detailed costings due to commercial sensitivity. The figures submitted were not considered to be sufficiently detailed to demonstrate that the enabling elements of the development are necessary in order to make the construction of the car park viable. As previously discussed, this site is unique partly because it is an untouched natural asset of unusual form and landscape. A development of this scale would undermine the unique quality of the site. It is especially important in considering proposals in a sensitive area that the proposals are informed by first assessing the environmental sensitivities of the site to establish the scale of development that is appropriate rather than assessing the impact of proposals on the environment. It is considered that rather than being a proposal that encourages economic growth in the area through tourism, there is the potential that the development will harm what makes the site unique, and result in a negative impact to the Glen as a tourist asset. The scale of visitor trips to the Glen are significant at a Stirling area scale and indeed at a national scale.
- 2.63. Notwithstanding considerations as to what aspects of the proposals are considered 'beneficial' and what are considered 'enabling' due to the nature of the development, and without a robust justification for enabling development a case of enabling development requires a level of information sufficient to support such a case which it is considered has not been provided.
- 2.64. The applicant has suggested that if restricting access to the Glen is not possible then charging would be placed on entrance to the car park. In considering the potential benefit provided from the car park as providing a means of alleviating road safety concerns due to road side parking, it is important to be cognisant that the grant of planning permission could not secure ongoing car parking on the site. Together with the need to consider the development in the round, the potential for the proposals to alleviate road safety concerns is not considered to be a material planning consideration relevant to determining this planning application. Similarly, potential charging for the car park is not a material planning consideration.

Trees

- 2.65. Scottish Planning Policy states that the planning system should protect and enhance semi-natural ancient woodland as an important and irreplaceable resource with a high nature conservation and landscape value.
- 2.66. This protection of ancient semi-natural woodland is furthered within Stirling Council's Adopted Local Development Plan 2018. Within Primary Policy 10, the Council will, through the development management process protect existing woodland, especially wood with high natural, recreational and cultural heritage value. The Scottish Governments 'Control of Woodland Removal' is to be used to determine the acceptability of woodland removal.
- 2.67. 'Control of Woodland Removal' by the Scottish Government sets out further policy relating to woodland removal. The policy states that ancient semi-natural woodland have a strong presumption against their removal and outlines a number of reasons as to where the removal of a woodland would be acceptable. The ancient woodland is an irreplaceable resource which cannot be replaced or mitigated against through compensatory planting. Within the proposal, a total of 25 trees in the ancient woodland have been identified for removal.

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- 2.68. Policy 10.1 states that development proposals should provide protection from adverse impacts resulting from development to trees that contribute to local amenity or have nature conservation or historic interest. All proposals should include a tree survey and demonstrate how the findings of the tree survey and assessment have informed the development proposals. Within the proposal, a total of 8 mature oak trees are to be removed which line of the B834.
- 2.69. To facilitate the development of the car park and its associated access, 8 mature oak trees would have to be removed on the northern edge of the site. Although it would be preferred that these oak trees are retained, as they create a visual barrier between the road and the site, it is acknowledged that some tree removal here would be necessary to accommodate an appropriate opening with acceptable visibility splays. Furthermore, the trees at this location, although they are mature, are not part of Scottish Natural Heritage (SNH) designated ancient semi-natural woodland, or have a Tree Preservation Order (TPO) on them.
- 2.70. The submitted tree report for the semi-natural ancient woodland around the Glen had surveyed a total of 47 trees, a total of 25 are being highlighted as being necessary for removal. Of these 25, 20 trees are Category A and Category B trees, which would be generally considered to be worthy of retaining, and are located within the ancient woodland.
- 2.71. As a comprehensive tree survey has not been undertaken. Neither has an extrapolated survey based upon a sample been undertaken. It is not known the exact number of trees that are located within the Glen, but it is estimated to be around several hundreds. However only 47 trees have been surveyed. These trees are considered to be those most likely affected by the building works. Without a wider tree survey it not clear the cumulative impact that the development will have on individual trees beyond the 47 surveyed and especially on the integrity of the wider woodland. There is a significant risk that the tree root network will result in a significant number of trees being at risk either as a result of built development or construction work (pathways, bridges and other engineering works) or as a result of the trees identified for felling where there are interwoven root networks beyond the identified trees. The substantial volume of tree coverage, especially in the Glen, and the likely interwoven root network could be so significant that the integrity of the semi-ancient woodland is at risk. It is recognised that many of the trees will likely be of limited individual value, however, the value of the semi-ancient woodland as a woodland is of considerable natural, visual, and recently, tourism related value.

Access Rights

- 2.72. An important element of the business case for this proposal is charging for entrance to the Glen, which will help to fund the project. There are no provision within the Land Reform Act to restrict public access, or right to roam. The applicant proposes the installation of deer fencing around the perimeter of the site to restrict public access to the Glen, to funnel visitors through the visitor centre to collect an entrance fee. The Access Officer advised that to facilitate the removal of access rights, there involves a statutory process which could result in the request being refused. Although this is not a direct planning issue, the ability to charge access to the Glen is integral to the business case. Therefore, if access cannot be secured, this could turn undermine the business case.

Conclusion

2.73. Overall, this site, although not designated, is a unique natural asset which has a tourism benefit. The car park and limited footpaths are considered beneficial to supporting the tourism asset of the Glen and are acceptable. The development viability case for this development was not sufficient to demonstrate that this scale of development can be viewed as enabling the provision of this beneficial elements. The urban development of the restaurant and café are not of a scale appropriate within this rural location and would have an adverse impact on the landscape both outwith and within the site. The engineering works proposed are considered to have a direct significant impact on a unique landscape. The proposal does not fully assess the impact and risk to trees to the extent that the integrity of the semi-natural ancient woodland is potentially at risk. Due to the inadequacies of the tree assessment it is also not possible to fully consider the likely impact on bat roosts. For these reason it is considered that the proposed development would result in detrimental environmental impact which would in turn negatively impact the tourist asset of the Glen. It is therefore considered that the proposed development does not comply with the Stirling Council 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 Considerations of this report.

Consultations

3.5 As set out in Considerations of this report.

4 Background Papers

4.1 Planning Application file 19/00757/FUL. 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	L(PL)0001
03	Site Plan	L(PL)0003
04	Floor Plans	L(PL)0004
05	Floor Plans	L(PL)0005
06	Elevations	L(PL)0021
07	Elevations	L(PL)0020

08	General	L(PL)0032
09	Sections	L(PL)0011
10	Sections	L(PL)0012
11	Sections	L(PL)0013
12	Sections	L(PL)0014
13	Sections	L(PL)0040
14	Sections	L(PL)0006
15	Details	L(PL)0031
16	Details	L(PL)00030

5 Appendices

5.1 Appendix 1 – Location Plan.

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Approved By:

Date: 24 September 2020

Drew Leslie
Senior Manager – Infrastructure

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

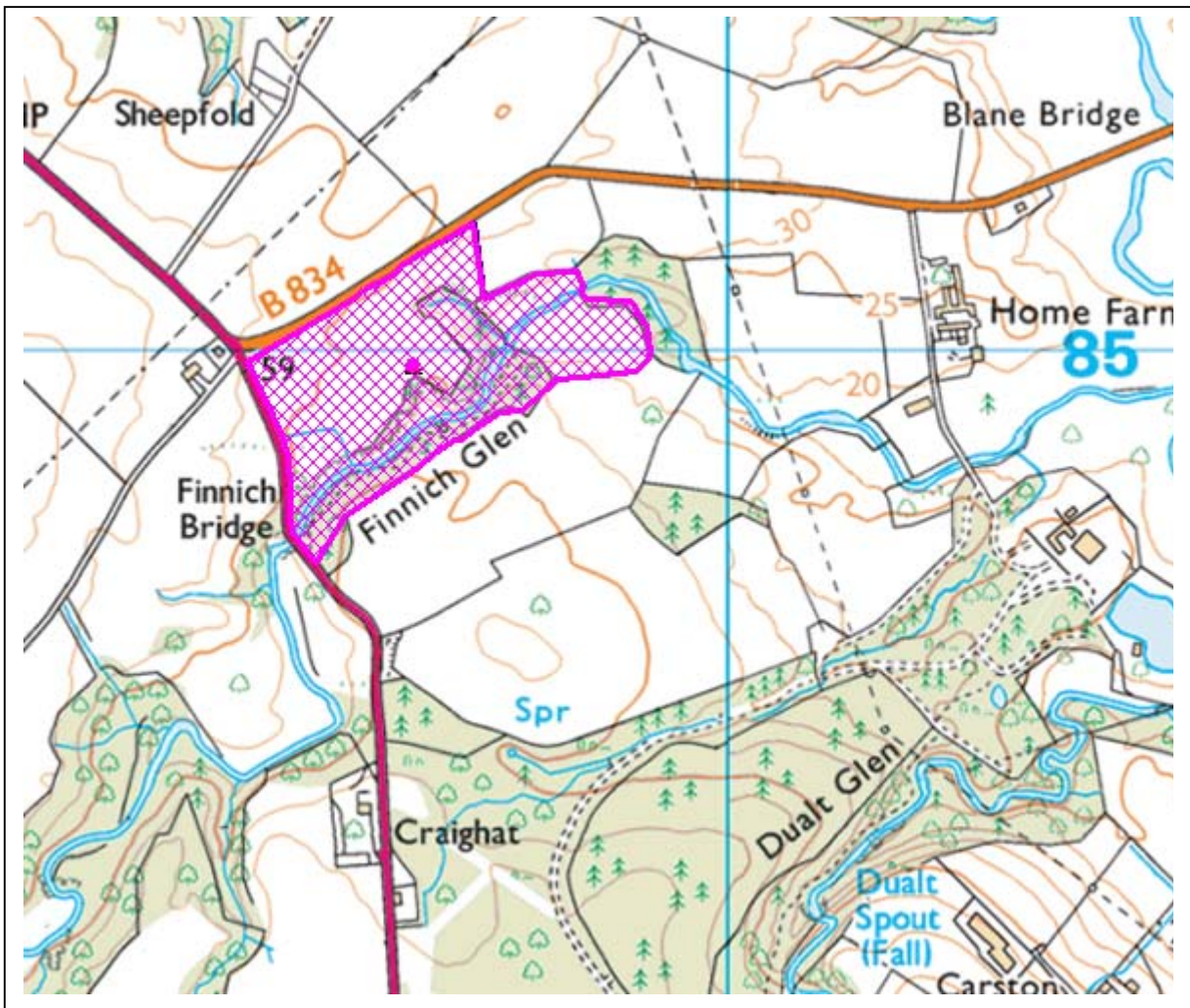
Wards affected: Ward 2 Forth & Endrick

Key Priorities: N/A

Key Priority Considerations: N/A

Stirling Plan Priority Outcomes:
(Local Outcomes Improvement
Plan: N/A

Location Plan



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