Planning Application: Supplementary Report

Reference No. 20/0102/PP

Renfrewshire Council

KEY INFORMATION

Ward: (11)
Bishopton, Bridge of Weir and Langbank

Applicant:
Mr Campbell
42 Carman View
Dumbarton
G82 3AU

Registered:
20 Feb 2020

RECOMMENDATION

Grant subject to conditions

Fraser Carlin
Head of Planning and Housing

Report by Director of Communities, Housing and Planning Services

PROSPECTIVE PROPOSAL: Formation of commercial fishery with associated access, parking, modular building and landscaping

LOCATION: Land at Haddockston Estate, West Glen Road, Houston,

APPLICATION FOR: Full Planning Permission

SUPPLEMENTARY REPORT

The Communities, Housing and Planning Policy Board at its meeting on 18 August 2020 considered the attached Report of Handling and decided to continue consideration to enable a site visit to be undertaken by the Board.

The site visit took place on 30 September 2020 and those Members attending viewed the application site and its surroundings.

The site visit was conducted in accordance with the Protocol for Site Visits (22 May 2018) and Members attending did not discuss the merits of the proposal.

Planning Application: Report of Handling

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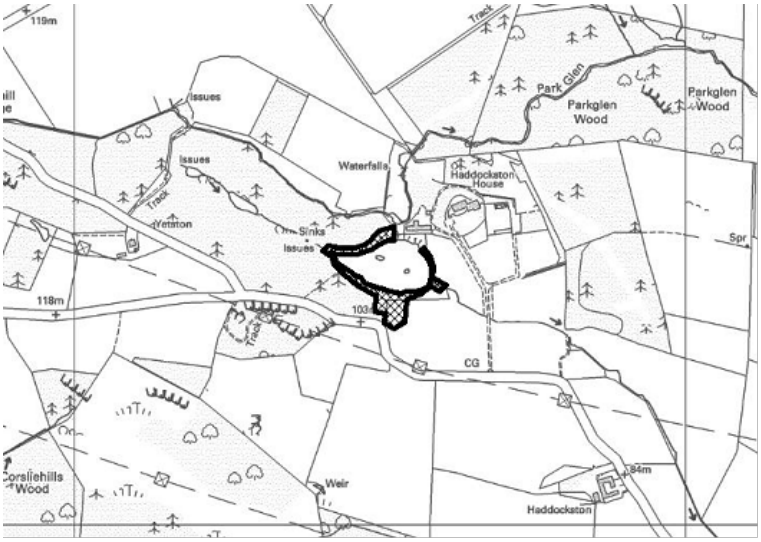

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IDENTIFIED KEY ISSUES

- The development complies with Policy ENV1 of the Adopted and Proposed Renfrewshire Local Development Plan and the associated New Development Supplementary Guidance supporting recreational uses within the green belt which are compatible with a natural setting.
- A protected species survey has been submitted which demonstrates that the proposed fishery can co-exist with protected species in the area. The operation of the fishery will not have a significant impact on biodiversity at the site.
- There have been 12 representations against the development and 6 representations in favour of the development.
- There have been no objections to the development from consultees.

RENFREWSHIRE COUNCIL

COMMUNITIES, HOUSING AND PLANNING SERVICES
REPORT OF HANDLING FOR APPLICATION 20/0102/PP

APPLICANT:	Mr Campbell 42 Carman View Dumbarton G82 3AU
SITE ADDRESS:	Land at Haddockston Estate, West Glen Road, Houston,
PROPOSAL:	Formation of commercial fishery with associated access, parking, modular building and landscaping
APPLICATION FOR:	Full Planning Permission

INTRODUCTION	This is a matter which falls within the Council's Scheme of Delegation, to be determined by an Appointed Officer. The Head of Planning & Housing considered that due to previous enforcement proceedings in relation to the site, it would be appropriate for the application to be presented to the Board for consideration.
NUMBER OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED:	Eighteen letters of representation have been received, 12 against the development 6 in favour. The points raised against the development can be summarised as follows: 1 - Work has already been undertaken prior to permission being granted. This includes felling of trees, erection of a fence around the car park, and cutting back roadbeds and foliage around the edge of the loch; **Response -** It is acknowledged that clearance works have been undertaken prior to the application being determined. Some of these works constitute routine maintenance and do not require planning consent, while others were associated with preparing the lochan and its surrounds for the commercial fishery operation. These works have been assessed with respect to their ecological and biodiversity implications and no significant issues have been identified. No enforcement action was required. The fence around the existing car park does not form part of the application, and will be removed when the car park is enlarged. Landscaping will be used to define the edge of the enlarged car park.

	2 - The applicants have allowed multiple dogs to roam around the loch edge; **Response -** The Planning Authority has no control over dogs being brought to the lochan. 3 - The conditions imposed on the 2010 planning permission should still apply; **Response -** Conditions regarding operating hours and fishing from the lochan edge are considered in the body of the report. Conditions relating to provision of toilet facilities and treatment of sewage are not required as the applicant has provided this information with the planning application. A portaloo is proposed as toilet facilities, and this is self-contained with respect to sewage. Maintenance and emptying of the portaloo is a management consideration and not a planning matter. 4 - There is a history of applications being rejected; **Response -** The planning history of the site is noted, and while Certificate of Lawful Use applications were refused a previous planning application was granted. 5 - Previous conditions have not been complied with and were not enforced by the Council; **Response -** The previous planning permission has lapsed and the associated conditions can no longer be enforced. 6 - An unauthorised caravan was abandoned on the site and subsequently set on fire, with residents left to deal with the clean-up; **Response -** This is not considered to be material to the assessment of the current application. 7 - The proposed security cabin is not acceptable in visual terms; **Response -** The proposed cabin is considered to be acceptable in visual terms, and will not have a significant impact on landscape character or visual amenity. 8 - The single portaloo is not adequate in terms of toilet facilities, sewage; **Response -** The applicant has advised that the single portaloo will be adequate to serve the development. It is considered given the proposed operation of the facility that a single portaloo will be adequate.

	9 - Traffic, access, parking and impact on local infrastructure. A Transport Assessment is required to fully assess these issues; **Response -** The Director of Environment and Infrastructure Service (Roads - Traffic) has offered no objection to the development. 10 - Loss of privacy; **Response -** It is not considered that the operation of the fishery will have a significant impact on the amenity of neighbouring properties with respect to privacy. This matter is addressed in detail in the accompanying assessment. 11 - Rubbish collection, disposal and recycling; **Response -** The applicant has advised that rubbish will be collected and disposed of on a regular basis. 12 - Noise; **Response -** It is not considered that the operation of the fishery will have a significant impact on the amenity of neighbouring properties with respect to noise and disturbance. This matter is addressed in detail in the accompanying assessment. 13 - Proposed hours of operation are not known, and late operating hours would impact amenity; **Response -** Issues relating to the proposed operating hours have been addressed in the above assessment. 14 - Trespassing on private property and associated safety implications, vandalism and theft; **Response -** The Planning Authority cannot control trespassing on private property, and this issue is not a material planning consideration. 15 - Use is not compatible with rural residential area; **Response -** Issues relating to the residential amenity of neighbouring properties have been addressed in the accompanying assessment. The proposed development is compatible with existing uses in the area. 16 - There has been no attempt at commercial fishing since the site was abandoned in 2010; **Response -** The history of the site is noted. Planning permission has previously been granted for a commercial fishery at the site.

	17 - People using the loch can be aggressive and intimidating; **Response -** The behavior of individuals cannot be controlled by the Planning Authority. 18 - The proposal is out of keeping with the context and scale of the area; **Response -** The proposal is not considered to be out of keeping with the context of the area and will not have a significant impact on landscape character or visual amenity. 19 - Overshadowing and loss of daylight; **Response -** It is not considered that the development will have a detrimental impact on residential amenity with respect to overshadowing and loss of daylight. 20 – Smells, Dust, Vibration; **Response -** The Environmental Protection Section have not raised any objections to the development with respect to smell, dust or vibration. 21 - Light pollution; **Response -** The Environmental Protection Section have not raised any objections to the development with respect to light, and it is noted that the applicants have not specified a requirement for lighting within the submission. Details of any lighting associated with the buildings or car park area could be controlled through the use of conditions. 22 - Repositioning of pontoons will impact on privacy; **Response -** It is not considered that the operation of the fishery will have a significant impact on the amenity of neighbouring properties with respect to privacy. This matter is addressed in detail in the accompanying assessment. 23 - Proposal will attract possible illegal activities such as poaching; **Response -** The Planning Authority cannot control illegal activity such as poaching, and this would be a matter for Wildlife Crime Officers to enforce. 24 - Approval would set a precedent for other potential commercial operations in the area; **Response -** Approval of the development would not set a precedent as every application is determined on its own merit.

	25 - Removal of structures at cessation of operation; **Response -** Removal of all buildings should the commercial fishery operation cease can be stipulated by condition. 26 - Layout and density is inappropriate; **Response -** The layout and density of the development is acceptable at this location, and there are no significant issues raised with respect to landscape character or visual amenity. 27 - Loss of trees and damage to the natural environment; **Response -** Loss of trees and damage to the natural environment has been considered in the accompanying assessment. It is accepted that works have taken place in and around the loch, however they are not considered to have a significant impact on biodiversity or natural heritage. 28 - Contravention of the Wildlife and Countryside Act; **Response -** Contravention of the Wildlife and Countryside Act is a matter for Wildlife Crime Officers to investigate. The relevant Wildlife Crime Officer in this instance has confirmed that the works undertaken at the site to date have not resulted in any crime or breach of the Act. 29 - Number of parking spaces would allow up to 70 people to be at the site at any one time which would be unmanageable; **Response -** The applicant has confirmed that the number of anglers using the fishery at any one time will be limited to 24. 30 - Detrimental impact on views; **Response -** Views are not a material planning consideration. 31 - Parked cars will be unsightly; **Response -** The visual impact of parked vehicles is not considered to be significant given the topography and layout of the site. The applicant has also committed to additional planting along the eastern boundary to further screen the car park area. 32 - Proposed fencing will be unsightly; **Response -** The only fencing proposed as part of the development is to either side of the access gate. The drawings specify that this will be post and wire fencing to match the existing. Details will be requested as part of the visibility splay condition. There is no other fencing proposed, and it should be noted that the car park edge will now be defined by

	landscaping. 33 - Breaches of lockdown instructions and non-compliance with social distancing by people visiting the site; **Response -** These are not matters that the Planning Authority can control. 34 - Title deeds prohibit the pond from being used as a commercial fishery; **Response -** Title deed provisions are not a material planning consideration. 35 - Proposals will prevent the use of the existing gate as an alternative pedestrian exit; **Response -** It is not considered that the development will prohibit existing routes in the area or prevent access to existing areas of open space. 36 - Proposal is contrary to the Development Plan; **Response -** The proposal has been found to comply with the relevant policies within the Local Development Plan and associated New Development Supplementary Guidance. 37 - Displacement of nesting birds, otters and bats; **Response -** A protected species survey has been submitted in support of the application. The survey confirms that the fishery can co-exist with protected species in the area, and that no significant mitigation is required. 38 - Damage to the natural environment and biodiversity; **Response -** Issues relating to the natural environment and biodiversity have been addressed in the accompanying assessment. It should be noted that the site does not benefit from any statutory designations with respect to its natural heritage. It is not considered that the impact of the fishery on protected species or biodiversity will be significant. 39 - No demonstration of need in the local area; **Response -** The applicant is not required to demonstrate that there is a need for the commercial fishery as demonstration of need is not a requirement of the relevant Local Development Plan policies and guidance. 40 - Will not be a significant source of employment;

	Response - Employment generation is not considered to be a significant factor in the assessment of the application, and employment generation is not identified as a requirement within the relevant Local Development Plan policies and guidance. 41 - Proposed surface finish for the car park will be damaged easily; **Response –** The proposal of hardcore for the surfacing is acceptable. 42 - Proposed landscaping including the banking will be uncharacteristic; **Response -** It is not considered that the principle of additional landscaping or earth mounding will be uncharacteristic at this location especially given the backdrop of managed landscaping to the east of the site which is associated with a golf course. A landscaping scheme which is sympathetic to the area can be sought through the application of conditions. 43 - Risk assessment required given the depth of the pond; **Response -** This is a matter for the operators of the fishery to consider in conjunction with relevant health and safety advice, and is not a material planning consideration. 44 - There should be no camping or overnight stays; **Response -** There is no indication within the application that the fishery would include provision for camping or overnight stays. If camping or overnight stays were to take place the Planning Authority would investigate to determine if they constituted a breach of planning control. 45 - Fishing should be done from the pond edge and not from boats; **Response -** Fishing from boats has been addressed in the accompanying assessment. A condition prohibiting the use of boats for the purposes of commercial fishing can be attached. 46 - No indication as to how people using the site will be managed and supervised; **Response –** The Planning Authority cannot control the behavior of individuals. 47 - Removal of rubbish and on site sale of food and drink; **Response -** The application does not include provision for the sale of food and drink.

	48 - Drainage; **Response -** The Director of Environment and Infrastructure Service (Roads - Design) has advised that the development is not of a scale to require a formal drainage impact assessment. 49 - Cars should be prevented from parking on the road verge; **Response -** The Director of Environment and Infrastructure Service (Roads - Traffic) has not raised any objection to the capacity of the proposed car park. It is anticipated that car parking provision is sufficient to serve the proposed fishery, and this should mitigate the risk of vehicles parking on the road verge. 50 - No details of boundary treatment around the pond; **Response -** Boundary treatment around the lochan is not required as part of the planning application. 51 - No environmental impact assessment or scoping opinion has been provided; **Response -** Screening of the development has been undertaken in respect of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The outcome of the screening exercise is set out within the above assessment. 52 - Work to renew and rebuild the pontoons has been undertaken in advance of the application being granted; **Response -** It is acknowledged that work to the pontoons, including construction of a new pontoon for disabled anglers, has been undertaken in advance of the application being determined. These works are not considered to constitute a significant breach of planning control, and the pontoons will be assessed as part of the current planning application. 53- A blue green algae has developed on the surface of the lochan; **Response -** The presence of algae has been investigated by the Environmental Protection Section, and the matter has been brought to the attention of the Scottish Environmental Protection Agency (SEPA). Neither have voiced concern over the algae. The applicants have recently employed measures to mitigate the recurrence of the algae as noted in the protected species appraisal. 54 - Evidence of protected species has been destroyed in advance of the protected species survey taking place;

	Response - The protected species survey has found evidence of protected species at the site, in addition to evidence provided in the representations. It should be emphasised that the presence of protected species does not mean that development cannot take place. The purpose of the protected species survey in this regard was to establish the prevalence of protected species, assess the impact of the proposed development, and recommend mitigation if required. The outcome of the survey is that the operation of the fishery can co-exist with protected species at the site. 55 - The protected species survey does not take into account habitat surrounding the lochan e.g. Dargavel Burn; **Response -** The protected species survey included Dargavel Burn up to a distance of 200m from the lochan. 56 - A caravan has been located at the lochan without planning permission; **Response -** It should be noted that the temporary use of land and the associated siting of moveable structures is permitted for a period of 28 days under Class 15 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended. The siting of the caravan would not therefore constitute a breach of planning control until after this 28 day period. The applicants have confirmed that the caravan is a temporary measure to enhance security at the site. Should the application be approved it will be replaced by the security cabin which is included as part of the application. If the application is refused then enforcement action will be undertaken to ensure the caravan is removed from the site. 57 - Applicants have not ceased work at the site despite being advised to by the Council; **Response -** The applicants were advised to cease work at the site until the application is determined. In this instance the works undertaken are not considered to be significant in their own right having been inspected by both planning officers and wildlife crime officers from Police Scotland. The works undertaken to date will therefore be included as part of the current application. 58 - A motorised boat is being used to remove habitat from the lochan; **Response -** The boat is being used to remove Canadian pond

	weed from the water on the advice of the ecologist who confirmed that it would be a 'positive action' in respect of water quality at the lochan. The removal of this weed is not considered to have a significant impact on biodiversity or protected species. 59 - Works undertaken are having a detrimental impact on protected species, specifically otters; **Response -** The protected species survey confirms that otters are present at the site and will continue to visit the site in future to prey on the fish. The survey advises that no measures should be put in place to control the otters and that they should be left to their own devices. A condition will be attached to ensure the operation of the fishery is undertaken in accordance with the recommendations within the protected species survey. 60 - A license is required if protected species are present in the area; **Response -** Scottish Natural Heritage, who administer the licensing process, have confirmed that a license is not always required. It would depend on the nature of the works and their proximity to the protected species. The protected species survey has included recommendations such as pre-start checks to ensure that works undertaken do not impact on protected species in a manner that requires a license. The points raised in favour of the development can be summarised as follows and are noted and taken into consideration in the report: 1 - Enhancement of the fishery will be a welcome asset to the area; 2 - Fly fishing is a tranquil past time which encourages positive mental health; 3 - Proposal will have no detrimental effect on the green belt; 4 - The operation will be a professionally run enterprise; 5 - Structures will not be visible from the roadside; 6 - Applicant is undertaking measures to enhance the natural wildlife; 7 - Proposal will benefit local businesses; 8 - Visual impact will be minimal; 9 - Traffic will not have a detrimental effect on West Glen Road due to limited numbers attending;

	10 - Many surrounding fisheries are unavailable to the general angler, this fishery will be accessible to those who are interested in the sport;
CONSULTATIONS:	**Scottish Natural Heritage (SNH) -** Advise that a protected species survey is undertaken for the site and surrounding area, detailing relevant mitigation measures if required. SNH provided a list of parameters for the survey in this regard. On receipt of the survey, SNH advised that they support its recommendations and additional comments noting as well that the survey does not highlight any species licensing requirements. SNH also support the preparation of a habitat management plan for the site, and have provided a list of recommendations for inclusion within the management plan. **Response –** It is noted that SNH support the findings of the survey. Recommendations relating to the management of the fishery will also feed into the overall habitat management plan for the site which will be submitted via condition. **Environmental Protection Section -** No comments. **Director of Environment and Infrastructure Service (Roads - Traffic) -** No objection subject to conditions regarding the minimum visibility splay of 4.5m x 70m x 1.05m, position of access gates, and provision of a turning facility. **Response –** These conditions will be attached to the planning permission. **Director of Environment and Infrastructure Service (Roads - Design) -** No Drainage Assessment or Flood Risk Assessment required.

APPLICANTS SUPPORTING INFORMATION	**Protected Species Survey** – Survey undertaken for badgers, otters, water voles, bats and birds. Survey area included the loch edge, a buffer of 100m around the site, and 200m in each direction along the Dargavel Burn corridor. <u>Otter:</u> Nine otter spraints were recorded. No holts or resting places were present either around the loch or along the burn, and no slides, feeding remains or prints were recorded. Otters will be commuting along the Dargavel Burn to prey on fish, amphibians and other items within the lochan. The territory of the otters will extend to the River Gryffe, however their presence would be expected at the lochan. The lack of holts or nesting places is likely to be due in part to human activity around the loch.

	It is recommended that pre-start checks should take place for holts or resting places that may establish between survey and site start, although this is considered unlikely. The otters shall continue to visit the lochan for fish, and no measures should be put in place to manage the otters unless first agreed with SNH. The otters should be left to their own devices. <u>Badger:</u> No evidence of badgers presence around the lochan or in the wider area of search, and they are not considered to be an issue for the proposed development. It is recommended that pre-start checks are undertaken in case badgers have arrived at the site and established a sett within licensable distance of any proposed works. <u>Water vole:</u> No evidence of water vole around the lochan or in the wider search area. Removing edge vegetation will reduce habitat availability, though some areas of the loch edge would be suitable. Water vole are not considered to be an issue for the development. No specific measures are required. Habitat management of the lochan, banks and the outfall could be undertaken to improve prospects for this species in the eventuality that they arrive at the site. <u>Bats:</u> There are no trees with potential roost features that will be affected by the development. Bats have been recorded in the area in the past, however they will be roosting elsewhere and commuting to the loch. Bats are likely to continue to visit the lochan for foraging, and a fishery will not prevent this from continuing. There is no hibernating potential. Bat boxes should be erected on trees along the woodland edge to improve scope for roosting habitat for bats. <u>Birds:</u> Various species of bird were recorded in the lochan and the surrounding woodland. There is scope for nesting in and around the lochan, and any works to establish the fishery will need to take the nesting season into consideration. Works within the nesting season should be avoided, or if not possible then nesting checks should be undertaken. However, nests that are being built or in active use will need to be avoided. Provision of nest boxes within the conifer woodland could reap significant benefits for nesting birds. Whilst not a specialist in blue green algae, a surface plant film was noted at the point where the water enters the loch. Barley straw bales have been placed here to assist with removing

	nutrients from the water. It is recommended that dogs are always kept on leads to reduce disturbance to wildlife, and that a habitat management plan would be useful to direct management in a focused way. **Response –** The protected species survey confirms the presence of otters, bats and nesting birds in the area. It is not considered that the operation of the fishery will have a significant impact on these species subject to compliance with the survey recommendations. Compliance in this regard will be required as a condition.
LOCAL DEVELOPMENT PLAN POLICIES/ OTHER MATERIAL CONSIDERATIONS	<u>Adopted Renfrewshire Local Development Plan 2014</u> Policy ENV1 - Green Belt Policy ENV2 - Natural Heritage Policy ENV4 - The Water Environment <u>New Development Supplementary Guidance 2014</u> Delivering the Environment Strategy - Green Belt, Natural Heritage, Trees, Woodland and Forestry, Biodiversity and the Water Environment <u>Proposed Renfrewshire Local Development Plan 2019</u> Policy ENV1 - Green Belt Policy ENV2 - Natural Heritage Policy ENV4 - The Water Environment <u>New Development Supplementary Guidance 2019</u> Delivering the Environment Strategy - Green Belt, Natural Heritage and The Water Environment

PLANNING HISTORY	09/0671/CL - Certificate of lawfulness for trout fishery operating 9am to dusk. Withdrawn. 10/0404/CL - Certificate of lawfulness for use of land, being the loch bank, as commercial trout fishery operating from 9am to dusk (open 7 days) with associated car park. Refused. CLUD-350-2000 - Appeal against refusal of 10/0404/CL. Withdrawn. 10/0372/PP - Formation of commercial fishery and associated parking provision and 9 pontoons. Granted subject to conditions 03/11/2010. 11/0006/E - Unauthorised siting of caravan. 11/0007/E - Breach of condition 2 of planning permission 10/0372/PP (Failure to submit details of sewage treatment). 11/0008/E - Suspected operation of commercial fishery outwith

	permitted hours. 13/0011/E - Suspected unauthorised breach of condition 4 of planning permission 10/0372/PP.
DESCRIPTION	This application seeks planning permission for the formation of a commercial fishery with associated access, parking, modular security cabin, pontoons and landscaping on land at Haddockston Estate, West Glen Road, Houston. The fishery will be associated with a lochan which is located to the south west of Haddockston House. The lochan is accessed from West Glen Road, a single track road approx 60m to the south. There is an existing informal area of hard standing at the access which previously functioned as a car park. It is bound by a fence to the east. Beyond the fence the loch is bound by a mix of semi mature woodland and grassland which once formed part of a golf course. To the west and north the loch is bound by mature woodland. There is also a single dwelling house on the northern bank of the lochan. The proposed development includes enlarging the existing area of hard standing to an area of approx 690 square metres to provide parking for 14 vehicles. This includes removal of the existing fence and the formation of an earth banking along the eastern boundary. Access gates will be set back 8.3m from the road edge, with existing gorse and scrub cut back to form visibility splays. A post and wire fence along the western boundary of the car park will be retained. In terms of new buildings the application proposes a steel security cabin measuring 7.5m x 3.5m x 3.5m to be positioned at the northern end of the car park, and a portaloo measuring 1.2m x 1.6m x 2.3m to be positioned in woodland to the west of the car park. An existing timber structure within the woodland will be refurbished. There are five pontoons on the southern bank of the lochan. It is proposed to renew four of these, with the pontoon furthest to the west being removed and rebuilt to the front of the security cabin. This pontoon will be slightly enlarged to approx 1.6m x 2.0m so as to accommodate disabled anglers and fishing lessons. It is proposed to operate the fishery from 9am to 10pm.
PLANNING ASSESSMENT	<u>Adopted Renfrewshire Local Development Plan 2014</u> Policy ENV1 states that the green belt aims to identify appropriate locations to support planned growth, maintain the identity of settlements, protect and enhance the landscape setting of an area and protect and promote access opportunities to open space. Appropriate development within the green belt will be considered acceptable where it can be demonstrated that it is compatible with the provisions of the

	New Development Supplementary Guidance. It is noted that the supplementary guidance lists a number of acceptable forms of development in the green belt which are acceptable in principle, one of which is recreational uses compatible with an agricultural or natural setting. A commercial fishery is considered to be a form of recreational use which is compatible with a natural setting, and is an acceptable form of development in principle within the green belt in this regard. Planning permission for a commercial fishery has also previously been granted at the site. On this basis it is considered the operation of a commercial fishery at this location to be acceptable in principle. All developments must thereafter be assessed against the Green Belt Development Criteria. The relevant criteria are considered below. The development will not result in the loss of prime quality agricultural land. In terms of traffic and access, the Director of Environment and Infrastructure Service (Roads - Traffic) has advises that the development is acceptable in principle. Conditions are recommended with respect to a minimum visibility splay requirement, position of access gates and provision of a turning facility. The applicant has submitted revised plans in response to the above comments. The revised plans show that the access gate will be repositioned 8.3m back from the road edge. The applicant has also confirmed that the proposed parking area provides sufficient space for delivery and service vehicles to enter, manoeuvre and exit the site in a forward gear. It is considered that the site line requirements specified by the Director of Environment and Infrastructure Service (Roads - Traffic) can be achieved. To the west of the access the existing visibility along West Glen Road extends to over 80m so no works are required to meet the 70m splay requirement. Works will be required to the south as the 70m splay will cut across an area where there are semi mature trees, gorse bushes and other planting which exceeds 1.05m in height. The removal of these features to form the splay is accepted, and the extent of the works and the ongoing maintenance of the splay can be controlled via condition. It is not envisaged that the development will have a significant effect on public water supply and water courses with respect to

	pollution risk. The application does not include any new pipe outfall to the loch, with foul water from the portaloo being self contained and emptied on a regular basis. Any outfall connection to the loch would be regulated by SEPA under the Controlled Activities Regulations. There is no requirement for a Drainage Assessment or a Flood Risk Assessment. The application site is within an area characterised as Rugged Upland Farmland (Glasgow and the Clyde Valley Landscape Assessment, SNH Review No 116). Within the immediate locality of the lochan the landscape is characterised by mature woodland which wraps around the western and northern boundaries of the lochan and provides extensive screening. To the east the lochan is bound by grassland within the grounds of Haddockston House. This includes the layout of a golf course with associated pockets of semi mature woodland. Rugged farmland characterises the area to the south of the pond beyond West Glen Road. In terms of impact on landscape character, the proposed parking area and modular building will be located adjacent to existing mature woodland which will act as a screen. The land opens up to the east and south and the development may be visible from West Glen Road particularly at the point where vegetation is cleared to form the visibility splay. The parking area and modular building are on land which slopes down from the road edge towards the lochan. This will reduce the prominence of these elements within the landscape. The portaloo and refurbished cabin will be located within the woodland which will screen them from view. The applicant is also proposing landscaping along the eastern edge of the car park which will supplement the existing pockets of semi mature woodland within the former golf course. A detailed landscaping strategy can be requested via condition. Taking the above into consideration, it is concluded that the visual impact of the development is acceptable and local landscape character will not be significantly affected. It is not anticipated that the operation of a commercial fishery will prohibit existing access to open space within the area. In terms of layout and siting, it is noted above that the portaloo and refurbished cabin will be sited within the adjacent woodland. The modular building will be located on ground which slopes away from the road where its visual prominence will be reduced. Works to refurbish four of the existing five pontoons are

	accepted, and it is noted that a replacement pontoon will be formed at the edge of the lochan adjacent to the modular building. This pontoon will be larger than the others so it is able to accommodate disabled anglers and teaching. The formation of the larger pontoon is acceptable in this regard. It is noted that works to the pontoons has commenced in advance of the application being determined. The refurbishment of the pontoons would not constitute a breach of planning control. Development of the larger pontoon in advance of the application being determined would constitute a breach of planning control. The larger pontoon is considered to be an acceptable development which forms part of the current application, and formal enforcement action is not therefore required. In terms of design, the applicant has provided visuals of the proposed modular security cabin. Details of the final finish and any lighting to be attached to the cabin can be controlled by condition. The design of the modular building is considered to be acceptable in visual terms at this location. The applicant has indicated that additional landscaping will be implemented along the eastern boundary of the car park. This will provide some screening to the car park in a way that is potentially more aesthetically pleasing than a fixed boundary fence. Details of the proposed landscaping will be requested via condition. The applicant has advised that a connection to the public water supply and sewerage system is not required. A connection to the electricity network has not been specified. Such a connection would be controlled by Scottish Power Energy Networks if required. In relation to nature conservation interest, there are no statutory designations in place on the site. A number of representations have pointed to the fact that works to trees and habitat in and around the lochan have been undertaken in advance of the planning application being determined. Concerns over the potential impact on protected species are also raised in this regard. The applicant has submitted a protected species survey in support of the application. It is noted that SNH support the findings of the protected species survey. The applicant has advised that tree felling has been limited to trees which were diseased or rotten, and such work would constitute routine maintenance of the woodland. Other trees around the periphery of the pond have been pruned to allow room for casting. It is likely that works of this nature would continue to be undertaken for the duration that the fishery is

	operational. There is extensive tree coverage in and around the pond. There is no Tree Preservation Order on the site. Such works are not considered to be significant when measured against the extent of mature tree coverage in the area. A maintenance plan for woodland around the edge of the lochan will be requested as part of the landscape strategy. The protected species survey advises that the woodland that is likely to be affected by the development does not have any potential roost features. Bats will therefore be roosting elsewhere and commuting to the area. Treeworks associated with the fishery will not therefore have an impact on bats as they will likely still continue to access the area for foraging. Bat boxes could be installed to improve the roosting habitat for bats, and this can be requested as part of a habitat management plan for the site. The protected species survey has recorded the presence of otters and birds in the area. The presence of otters in particular was raised on a number of occasions through representations. It should be noted that the presence of protected species does not automatically prevent development from taking place, and activities within the vicinity or protected species do not always require to be licensed under that above regulations. The survey advises that the loss of commercially valuable fish to otters is an unavoidable hazard of a well stocked fishery. The otters should be left entirely to their own devices, and no measures should be put in place to manage them. The fishery will therefore have to co-exist with the otters. The operation of the fishery will not therefore have a detrimental impact on otters which will continue to visit the lochan to prey on fish and other amphibians. Various species of birds were noted, and it is advised that any further works will need to take the nesting season into consideration. If work has to be undertaken then nesting checks will be required, and any nest in use or being built will need to be avoided. This can be included as a management requirement within the habitat management plan for the site. While badgers and water voles were not recorded, it is still advised that pre-start checks take place to establish whether these species have arrived in the area since the survey was undertaken. Potential impact on bats has been addressed above in relation to tree works. Various works to enhance the area for protected species including nest boxes and habitat management are also recommended, and again these can form part of a habitat management plan for the site. The protected species survey has established that protected species are in the vicinity of the site. However, there is no

	suggestion that the commercial fishery cannot co-exist with these species, or that its operation will have a significant impact on these species. The applicants have advised that their intention is to work with the protected species at the site in a sensitive manner, and they have committed to a number of habitat improvement works including those specified within the protected species survey. It is noted again that SNH support the findings of the protected species survey, and that there are no species licenses required in association with the proposed development. SNH have provided a list of recommendations with respect to the future management of the site, and these will feed into the management plan for the site which will be prepared and submitted via condition. It is acknowledged that work at the site has been undertaken in advance of the protected species survey being undertaken. This has included removal of pond weeds, areas of reeds and other vegetation on the water edge. The applicant has confirmed that all clearance work has been undertaken in accordance with all applicable guidelines and codes of practice, and additionally that the work they have undertaken does not require permits. The applicants have also advised that the clearance work has been inspected by a Wildlife Crime Officer from Police Scotland, and that the officer was satisfied that the work did not raise any issues with respect to protected species. This assertion has been verified by the Wildlife Crime Officer who confirmed that the works and activities do not constitute a wildlife crime and do not require permits. It is accepted that clearance work has been undertaken, and that this work is associated with the formation of the fishery. It is considered that the work which has been undertaken has not had a significant impact on the area with respect to its nature conservation interests or on protected species. It has been demonstrated that the proposed development complies with the green belt development criteria. It is therefore considered to be an acceptable development within the green belt in accordance with Policy ENV1. While Policy ENV1 does not make specific reference to residential amenity, the impact of the commercial fishery operation on the amenity of a dwellinghouse on the northern bank of the lochan must be considered. Haddockston House is approx 80m to the north east of the lochan beyond mature trees, and it is less likely that the fishery will directly impact upon the amenity of this property.

	In this instance, the Environmental Protection Section have not offered any comments with respect to statutory nuisances. The proposal is not therefore considered to generate any potential statutory nuisances that would have a significant impact on amenity. With respect to noise, it is important to distinguish between noise generating uses where the noise would be constant or during the nighttime period (defined as being between 11pm and 7am) which are most likely to constitute a statutory nuisance, and the proposed fishery where any noise would be intermittent and not within the nighttime period. Noise associated with the fishery is most likely to arise from the coming and going of vehicles and anglers. It is noted that the fishery would have capacity for up to 24 anglers at any one time. While the behavior of individuals cannot be controlled by the Planning Authority, it is accepted that some noise could be generated by the coming and going of this number of anglers which may impact the amenity of surrounding properties. In the interests of balancing the operation of the fishery with the amenity of the adjacent property it is considered that the potential noise impact could be mitigated by a restriction in operating hours. It is considered that a suitable balance will be struck if fishing activity were to cease at 9pm. This can be controlled by condition. Potential impact on the neighbouring property can also be reduced through controlling the areas in which fishing can take place. In this regard there are three well defined areas; the area along the southern banks adjacent to the car park which includes the pontoons, and two smaller areas on the eastern and western banks of the lochan. The areas on the western bank includes a buffer of trees and vegetation of approx 15m between the fishing area and the neighbouring properties boundary fence. The area on the eastern bank has no such buffer, with vegetation clearance taking place up to the boundary fence. To reduce the potential impact on the neighbouring property it is considered that a similar buffer could be created on the eastern bank. The formation of a buffer will be part of a landscape strategy for the site which will be requested via condition. In relation to the potential loss of amenity in terms of privacy and overlooking. For the purposes of application 10/0372/PP the main source of potential overlooking was considered to be from anglers fishing from boats. A condition was therefore attached to ensure that fishing would be done from the lochan

	shore and pontoons only. The applicant has reiterated that for the purposes of their operation fishing would again be restricted to the lochan shore and no boats would be allowed. The reimposition of the previous condition will safeguard this. With respect to overlooking from anglers using the lochan shore or pontoons, it is noted that the garden ground associated with the neighbouring property extends to the lochan edge and is predominantly open along this frontage. It is noted that the side of the curtilage is screened by boundary treatment. Any direct overlooking of the garden ground and dwellinghouse will only therefore be possible from the southern banks of the lochan. There is a minimum separation distance of approx 65m between the northern and southern banks. In addition to the above, the dwellinghouse itself is set back at least an additional 15m from the lochan edge. The separation distance in this regard will ensure that privacy is not significantly affected. Policy ENV2 states that developments must not have an adverse effect on the integrity of sites protected for their natural conservation interest or which have the potential to protect and enhance designated sites and the wider biodiversity and geodiversity of the area. This has been addressed above. The applicant has also committed to various biodiversity improvements including bird boxes, bird feeders and bee hives. These will form part of a landscaping strategy which will seek to enhance biodiversity where possible through appropriate planting. The introduction of fish will also provide an additional source of food for ospreys and otters, and on this basis the positive management of the fishery may bring about biodiversity enhancements. Taking the above into consideration, the overall effect on biodiversity is not considered to be significant. In view of the above, it can be concluded that the proposed development does not breach the requirements of Policy ENV2 nor the associated supplementary guidance on biodiversity. Policy ENV4 states that there will be support for proposals which encourage protection of the water environment as well as improvement to the control and management of water along with the enhancement of biodiversity, flora and fauna surrounding blue corridors. Proposals will require to be assessed against the criteria set out in the New Development Supplementary Guidance. Issues relating to the ecological status of the lochan have been discussed above, and it is not considered that the impact of the development will be significant taking into account the existing

	characteristics of the area and the anticipated change associated with the commercial fishery operation. Representations have highlighted the presence of blue green algae on the water, and that the algae have only appeared following works by the applicant. As noted above, it is in the interests of the applicant to maintain a high level of water quality at the lochan. On this basis it is noted that barley straw bales have been placed where water enters the lochan to assist with removing nutrients from the water and preventing a recurrence of the algae. <u>Proposed Local Development Plan 2019</u> The policies within the Proposed Local Development Plan and the associated Supplementary Guidance reflect those of the current adopted plan, and there are no new policies or guidance which are material to the assessment of the application. The proposal is therefore also found to be compliant with the proposed plan. <u>Conclusions</u> The proposed development complies with green belt policy which identifies recreational uses that are compatible with a natural environmental setting as being acceptable in the green belt. The operation of a commercial fishery at the site has been granted planning permission before, and there are no material changes between the previously approved development and the development currently under consideration.
RECOMMENDATION	Grant subject to conditions.

Reason for Decision

The proposal accords with the provisions of the Development Plan and there were no material consideration which outweighed the presumption in favour of development according with the Development Plan.

Conditions

1 That fishing activity associated with the commercial fishery hereby approved shall only be undertaken between the hours of 9.00 am and 9.00 pm on any day, with no fishing activity undertaken outwith these times without the prior written approval of the Planning Authority.

Reason: In the interest of the amenity of neighbouring residents.

2 That the commercial fishing of the lochan shall be done from the lochan shore and pontoons only, and shall not be done from any boat on the lochan.

Reason: In the interests of the privacy of the neighbouring householders in order

to prevent boats used by anglers being in close proximity to the front of the house.

3 That prior to the commercial fishery hereby approved being brought into use, a specification detailing the design, layout and geometry of the site access shall be submitted for the written approval of the Planning Authority. The specification shall include a plan showing provision of a visibility splay of 4.5m (x) by 70m (y) by 1.05m in height, and shall specify all works require to form the visibility splay, including those to the existing field boundary, to ensure that no features within the splay shall measure over 1.05m in height. The specification shall also include a maintenance plan for the area within the visibility splay. Finally the specification shall detail the design, finish and position of all access gates and associated boundary treatments.

All works contained within the approved specification shall be implemented on site prior to the commercial fishery hereby approved being brought into use, with the visibility splay maintained thereafter in accordance with the maintenance plan.

Reason: To ensure that the required visibility splay and associated access gates are implemented on site prior to the commercial fishery coming into use, in the interests of ensuring that the site can be accessed in a safe manner.

4 That within 3 months of the commercial fishery hereby approved being brought into use, a scheme of landscaping shall be submitted for the written approval of the Planning Authority. The scheme shall include (a) details of any earth moulding and hard landscaping, grass seeding and turfing; (b) a scheme of tree and shrub planting, incorporating details of the number, species, size and spacing of trees and shrubs to be planted; (c) an indication of further proposed works to any existing trees and hedgerows; (d) details of the management and maintenance of all landscaped areas and the lochan including confirmation of replacement planting; (e) details of any paths or other areas of hard landscaping; (f) details of any amenity lighting associated with the car park area, paths or the lochan edge; and (g) details of the phasing of all works.

The approved landscaping scheme shall thereafter be implemented in accordance with the phasing plan, and shall be maintained thereafter in accordance with the approved maintenance and management plan.

Reason: To screen the development and ensure it is managed appropriately in the interests of visual amenity and biodiversity.

5 That prior to the modular security cabin hereby approved being brought to site, the developer shall first provide details of the finishing colour of the cabin and the design, location and specification of any associated lighting which would be fixed to the exterior of the cabin for the written approval of the Planning Authority. Only the approved finish and lighting shall thereafter be used in the development of the site to the satisfaction of the Planning Authority.

Reason: In the interests of residential and visual amenity.

6 That in the event that the commercial fishery hereby approved ceases trading, all equipment and buildings associated with the fishery including the modular security cabin and portaloo shall be removed from the site to the satisfaction of the Planning Authority within 3 months of the fishery ceasing to operate.

Reason: In the interests of visual amenity.

7 That all works which are associated with the implementation of the commercial fishery shall be undertaken in accordance with the recommendations set out within the Protected Species Survey by JDC Ecology dated 8th July 2020.

Reason: To ensure works on site are undertaken in a responsible manner in the interests of safeguarding protected species.

8 That in conjunction with the landscaping scheme submitted under condition 5, the developer shall also submit a Habitat Management Plan for the written approval of the Planning Authority within 3 months of the commercial fishery hereby approved being brought into use. The plan shall specify the management of the habitats associated with the commercial fishery including enhancements for biodiversity, and shall take cognisance of the recommendations within the Protected Species Survey by JDC Ecology dated 8th July 2020 and the consultation response from Scottish Natural Heritage. The approved Habitat Management Plan shall remain in force for the duration that the commercial fishery is in operation to the satisfaction of the Planning Authority.

Reason: To suitably manage and enhance the habitat in and around the fishery in the interests of biodiversity and supporting protected species.

Fraser Carlin
Head of Planning and Housing

Local Government (Access to Information) Act 1985 - Background Papers
For further information or to inspect any letters of objection and other background papers, please contact Sharon Marklow on 0141 618 7835.