

Perth and Kinross Council
Development Control Committee – 12 May 2010
Report of Handling by Development Quality Manager

Change of use of staff welfare facility to provide dwellinghouse and associated office accommodation to the racehorse stable/training centre at Middleton, Fossoway KY13 0PB

Ref. No: 09/01217/FLL
Ward No: N8 - Kinross-shire

Summary

This report recommends approval of the application for change of use of staff welfare facility to provide dwellinghouse and associated office accommodation to the racehorse stable/training centre as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is located within the landward area of Kinross-shire and is situated between the A91 to the North and a minor road to the south. There is a considerable amount of history associated with this site. Application 08/01067/FUL was submitted for the erection of non-commercial race horse stabling as well as a staff welfare facility which was approved subject to conditions. A modification was sought under application 08/02312/MOD which altered the layout of the stable building and changed the stabling to a commercial race horse facility which was subsequently approved. A further application for the extension of the welfare facility was approved under application 09/00884/FUL.
- 2 This application is for the change of use from staff welfare facility to enable the formation of a dwellinghouse to accommodate an essential worker who would operate the race horse facility. An element of staff welfare accommodation space is retained within the building.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and

- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are;-

- Paragraphs 45 -51 : Economic Development
- Paragraphs 66 - 91 : Housing
- Paragraphs 92 - 97: Rural Development.

Planning Advice Note: 56 Planning and Noise

- 4 This advice note demonstrates the role of the planning system in preventing and limiting the adverse effects of noise without prejudicing investment in enterprise, development and transport.

Planning Advice Note 73: Rural Diversification

- 5 In its simplest terms rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises. The PAN provides assistance to individuals involved in rural diversification projects.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan and the Adopted Kinross Area Local Plan 2004.

Perth and Kinross Structure Plan 2003

The principal relevant policies are in summary:

Sustainable Communities Policy 6:

- 7 In the Lowland area, housing allocations will be made:
- In the former Burghs.
 - In smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable Local Plans will develop housing in the countryside policies for rural housing development which reflect the need to support the rural economy while preventing commuting, is well sited and is of a scale and standard of design appropriate to its location.

Kinross Area Local Plan 2004

- 8 The site lies outwith any defined settlement boundary under the Local Plan where countryside policies prevail.

The principal relevant policies are in summary:

Policy 02: Development Criteria

- 9 All developments within the Plan area will be judged against a series of criteria including:
- landscape framework;
 - the scale, form, colour and density of development within the locality;
 - compatible with its surroundings in land use terms;
 - local road and public transport network should be capable of absorbing the additional traffic generated by the development;
 - sufficient spare capacity in drainage, water and education services to cater for the new development;
 - large enough to accommodate the impact of the development;
 - designed so as to be energy efficient.

Policy 64: Kinross Housing in the Countryside.

- 10 The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the categories 1-4.
- Building Groups
 - Renovation or Replacement of Houses
 - Conversion or Replacement of Non-Domestic Buildings
 - Operational Need
- 11 In all applications for houses in the countryside high standards of siting, design and finish will be required, in accordance with the Council's Siting and Design Guide.

OTHER POLICIES

Housing in the Countryside Policy August 2009

- 12 A revised Housing in the Countryside Policy was approved by the Council in August 2009.
- 13 The policy aims to:
- Safeguard the character of the countryside;
 - Support the viability of communities;
 - Meet development needs in appropriate locations;
 - Ensure that high standards of siting and design are achieved.

Planning Guidance Note – Developer Contributions May 2009

- 14 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are

required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note – Primary Education and New Housing Development May 2009

- 15 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

- 16 08/01353/FUL - Erection of a non-commercial race horse facility consisting of 18 stables, training area with associated car parking and staff welfare facility/office accommodation – Withdrawn.
- 17 08/01607/FUL - Erection of race horse facility with 18 stables, training area with associated car parking and staff welfare facility/office accommodation - Approved subject to conditions.
- 18 08/02312/MOD - Modification of existing consent (08/01607/FUL) Change of stable design and layout – Approved subject to conditions.
- 19 08/02368/FLM - Change of agricultural use to form paddock and training track for race horses – Under consideration at this committee.
- 20 09/00183/FUL - Erection of a guest house – Refused.
- 21 09/00884/FUL - Alterations and extension to staff welfare facility to provide manager's office – Application approved subject to conditions.
- 22 09/01413/FLL - Erection of a guest house – Refused

CONSULTATIONS

- 23 **Education and Children Services:** - The development falls within the Fossoway Primary School Catchment Area. Based on current information this school will breach the 80% capacity trigger and the finalised Primary Education and New Housing Contributions Policy should be applied to this application.
- 24 **Scottish Water:** - Scottish Water has no objection to the planning application.

REPRESENTATIONS

- 25 A total of 11 letters of representation have been received but these were from only 9 separate households and therefore this equates to 9 valid letters of representation.

Summary of issues raised by Representations:

1. Multiple applications have been submitted which appears to be a way of ending up with a dwellinghouse on the site.
2. The existing buildings are unsympathetic to the rural environment and no hard or soft landscaping has been undertaken to mitigate the impact of the development on the landscape.
3. The application shall set an undesirable precedent.
4. The application appears to justify the proposal by relating it to an economic activity which is neither present nor likely to be present in the foreseeable future.
5. This application has to take account of the economic activity on the site and an assessment should be undertaken as part of this application.
6. The proposal is contrary to the adopted local plan.
7. The application is contrary to the amended housing in the countryside policy.
8. There is an absence of evidence or a justifiable case in supporting the application.

These issues are addressed in the Appraisal section of the report.

26 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

APPRAISAL

- 27 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Kinross Area Local Plan 2004.
- 28 The determining issues in this case are whether: the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Local Plan Housing in the Countryside Policy

- 29 Due to the application being located within the countryside Policy 64 of the Local Plan is applicable. The proposal should be assessed under criterion (4) which relates to Operational Need. This recognises that where there is an operational need for a house in the countryside it may be approved subject to satisfactory siting and design of the house as well as control of its occupancy.
- 30 To understand the operational requirements of the enterprise and ascertain if there is a justified change of use from staff welfare facility to a permanent residential accommodation for an essential worker on the site a Labour report from the Scottish Agricultural College (SAC) has been provided by the applicant. This report highlights the training requirements and essential daily duties which are required to be undertaken on the site. In this case I consider that a 24 hour presence on the site for animal welfare and security reasons is justified subject to control of the dwellings occupancy.

Housing in the Countryside Policy August 2009

- 31 As previously highlighted the application must also be considered in context to the Council's revised Housing in the Countryside Policy 2009. In this instance it is not considered to raise any additional issues regarding operational need are raised. Accordingly the application is considered to comply with this supplementary guidance.

Residential Amenity

- 32 PAN 56 "Planning and Noise" states: "In determining planning applications for development that will be exposed to an existing noise source, authorities will need to consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future". Due to the proximity of the dwelling to the neighbouring stable building the occupants of the dwelling will be exposed to noise. However, due to operational requirement associated with the development and the control the occupant has over the operation of this facility I have no concerns with regards to noise.
- 33 It should be noted that an area of amenity space (garden ground) has been depicted to the north of the proposed dwelling. Presently this has an open aspect with no boundary definition. To ensure a suitable landscape fit and an element of privacy I consider landscaping should be planted to strengthen the garden ground boundaries which can be achieved through a suitably worded condition.

Education

- 34 The consultation response from Education and Children services specifies that the development falls within the Fossoway Primary School Catchment Area. They have confirmed that on current information this school will breach the 80% capacity trigger and the finalised Primary Education and New Housing

Contributions Policy should be applied to alleviate the infrastructure constraint. In this instance the policy requires a financial contribution of £6395 which can be secured by means of a legal agreement.

Traffic

- 35 There is a requirement to ensure adequate access can be achieved to development and an acceptable level of parking provision is provided. In this regard the Transport Planning Section has advised that they have no objection to the application subject to compliance with conditions attached to the previous consents. As highlighted enforcement action on the site is still pending relating to these conditions.

Landscape impact

- 36 Numerous concerns have been raised regarding landscape fit and the impact the existing buildings have on this countryside location. In this case it is acknowledged that an appropriate landscape fit for application 08/02312/MOD has not been submitted or implemented. It is therefore in breach of control and this matter is being pursued by the Enforcement Section of the Planning Authority to ensure a suitable landscape fit for the buildings are achieved.

LEGAL AGREEMENTS REQUIRED

- 37 In this instance financial contributions are required to comply with the provisions of the Education policy, a legal agreement is therefore required to ensure that this is secured. Furthermore as the development is for an essential worker dwelling associated with the management of the racehorse facility as well as the maintenance of the surrounding land I consider that a legal agreement should be used to tie the dwelling to the racehorse facility and restrict the occupancy of the dwelling.

DIRECTION BY SCOTTISH MINISTERS

- 38 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 39 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is considered the change of use to provide essential workers accommodation in connection with the race horse stables and surrounding land is justified and complies with the provisions of the Development Plan. There are no material considerations that would justify refusing the application. On that basis the application is recommended for approval subject to conditions and the conclusion of a legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Within two months of approval of this application detailed plans of soft and hard landscape works for the garden ground of the site shall be submitted to and approved in writing by the Planning Authority. This shall include planting plans detailing retained and new planting, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, as well as details of hard surfacing materials. The planting plans should specifically strengthen the boundaries of the site to provide a private amenity space for the residents of the dwellinghouse. Thereafter the approved scheme shall be implemented all to the reasonable satisfaction of the Planning Authority within two months of approval unless otherwise agreed in writing.
- 4 Any plants or trees associated with condition three (above) are removed or become seriously damaged or diseased, within a period of five years from the implementation of the landscape scheme shall be replaced in the next planting season with others of a similar size and species.
- 5 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1, 2, 3 and Part 2, Class 7 of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order shall be erected in the curtilage of the dwelling.

Reasons:

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 To ensure that the proposed development does not prejudice the appearance of the locality.

- 4 To ensure that the proposed development does not prejudice the appearance of the locality and ensure the Planning Authority maintains effective control.
- 5 In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

B JUSTIFICATION

- 1 It is considered the change of use to provide essential workers accommodation in connection with the race horse stables is justified and complies with the provisions of the development plan as well as the revised Housing in the Countryside Policy August 2009. Taking this into account the proposal is recommended for approval as there are no material considerations that would justify refusing the application.

C PROCEDURAL NOTES

Consent not to be issued until a Section 75 Agreement has been completed and signed in respect the following issues: -

- 1 An Education Contribution of £6,395.
- 2 Restrict the occupancy of the essential workers dwelling to a person solely or last employed locally in the racehorse facility/business at Middleton Stables, Fossoway; or a dependant of such a person residing with him or her (but including a widow or widower of such a person).
- 3 To ensure the essential worker dwelling is tied to the race horse facility and the land associated with the operation of that facility.

D INFORMATIVES

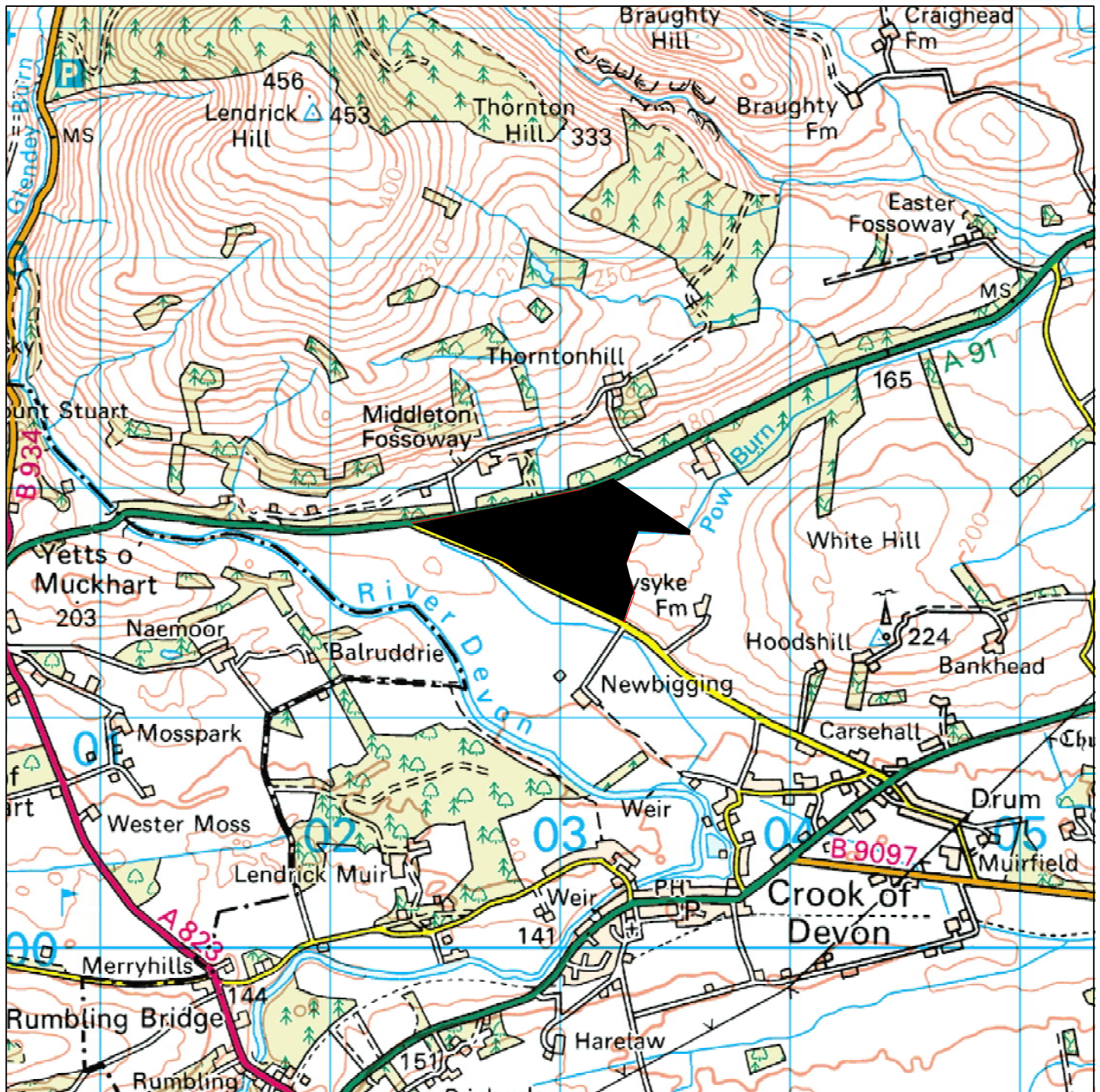
- 1 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.

Background Papers: 11
Contact Officer: Nick Brian – Ext 4(75351)
Date: 20 April 2010

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

09/01217/FLL

C/U to provide house & office, Middleton, Fossaway



Scale : 1:25000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	13 April 2010
SLA Number	100013289

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