

Perth and Kinross Council
Development Management Committee – 20 February 2013
Report of Handling by Development Quality Manager

Variation of condition 6 of planning consent 10/01701/AMM (to allow the access to be provided with a bituminously bound surface only from the junction with the public road to Ivy Cottage), Lochtay Highland Lodges, Killin, FK21 8TY

Ref. No: 12/02206/AMM
 Ward No: 4– Highland

Summary

This report recommends approval of the application for variation of Condition 6 of planning consent 10/01701/AMM (to allow the access to be provided with a bituminously bound surface only from the junction with the public road to Ivy Cottage) as the development is considered to comply with the provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the variation of a planning condition (6) which requires an existing access within the Lochtay Highland Lodges site to be entirely bitumen bound. A variation is sought to alter the condition so that only part of the access is provided with a bitumen surface. The application site has been subject to considerable development over the last few years and consent exists for further lodge development. The 2010 consent related to the development of lodges, timber tents and leisure facilities on the site which are to be introduced over a phased period.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 2 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.

The relevant paragraphs are as follows:

- Paragraphs 165 – 181: Transport

DEVELOPMENT PLAN

- 3 The Development Plan for the area consist of the Approved Tayplan 2012 and the Adopted Highland Area Local Plan

TAYPLAN: STRATEGIC DEVELOPMENT PLAN 2012-2032

- 4 There are no strategic policies of relevance to this application.

Highland Area Local Plan 2000

- 5 The principal relevant policy is in summary.

Policy 2: Development Criteria

- 6 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework, should have regard to the scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012

- 7 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

The principal relevant policy in summary is:

Policy TA1B Transport Standards

- 8 Development proposals should be well served by all modes of transport and provide safe access/car parking etc.

OTHER POLICIES

- 9 None relevant.

SITE HISTORY

- 10 07/00467/OUT Erection of additional holiday lodges, ancillary facilities, upgrading of access and landscaping (outline) – Approved October 2007
- 11 08/02256/REM Erection of 8 timber lodges and associated car parking, access paths

- 12 10/01716/AMM Variation of Condition 2 (07/00467/OUT) to extend timescales (erection of additional holiday lodges) Approved July 2011.

CONSULTATIONS

- 13 None

REPRESENTATIONS

- 14 No letters of representation have been received

ADDITIONAL STATEMENTS

15	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

Policy

- 16 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Highland Area Local Plan (HALP) in this instance are Policies 2 and 5. The Council's Proposed Local Development Plan 2012 is a relevant material consideration in this instance.

Road Safety

- 17 The application site slopes down from the public road to the lochside. The majority of the approved new development will be served by the access track which will be bitumen bound. The applicant seeks consent to not apply a bitumen surface to the area of track closest to the loch where only two further lodges have been consented. The remainder of the track is bitumen based with some gravel. Given that only two additional lodges are proposed in this location I consider this variation of condition to be acceptable as a reasonable compromise. The majority of the new development will still to be served by a bitumen bound track. The purpose of the condition was to serve the additional development on site and that will, on the whole, still be the case. Transportation Planning have been consulted and have raised no objection to the variation. In order to ensure the access is completed within a reasonable timescale the wording of the varied condition will require the access to be upgraded within 12

months of the decision notice. This timescale has been discussed and agreed with the applicant.

LEGAL AGREEMENTS

18 None required.

DIRECTION BY SCOTTISH MINISTERS

19 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

20 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Highland Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval and that the condition be varied accordingly.

RECOMMENDATION

A Approve the application subject to the following condition:

1 The existing private access track within the application site between the junction with the A827 and Ivy Tree Cottage shall be provided with a bitumen bound surface within 12 months of the date of this consent all to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing.

Reason

1 In order to ensure the bitumen surface is provided within a reasonable timescale.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 The conditions attached as part of planning application 10/01701/AMM remain relevant and should be adhered to.

Background Papers: None

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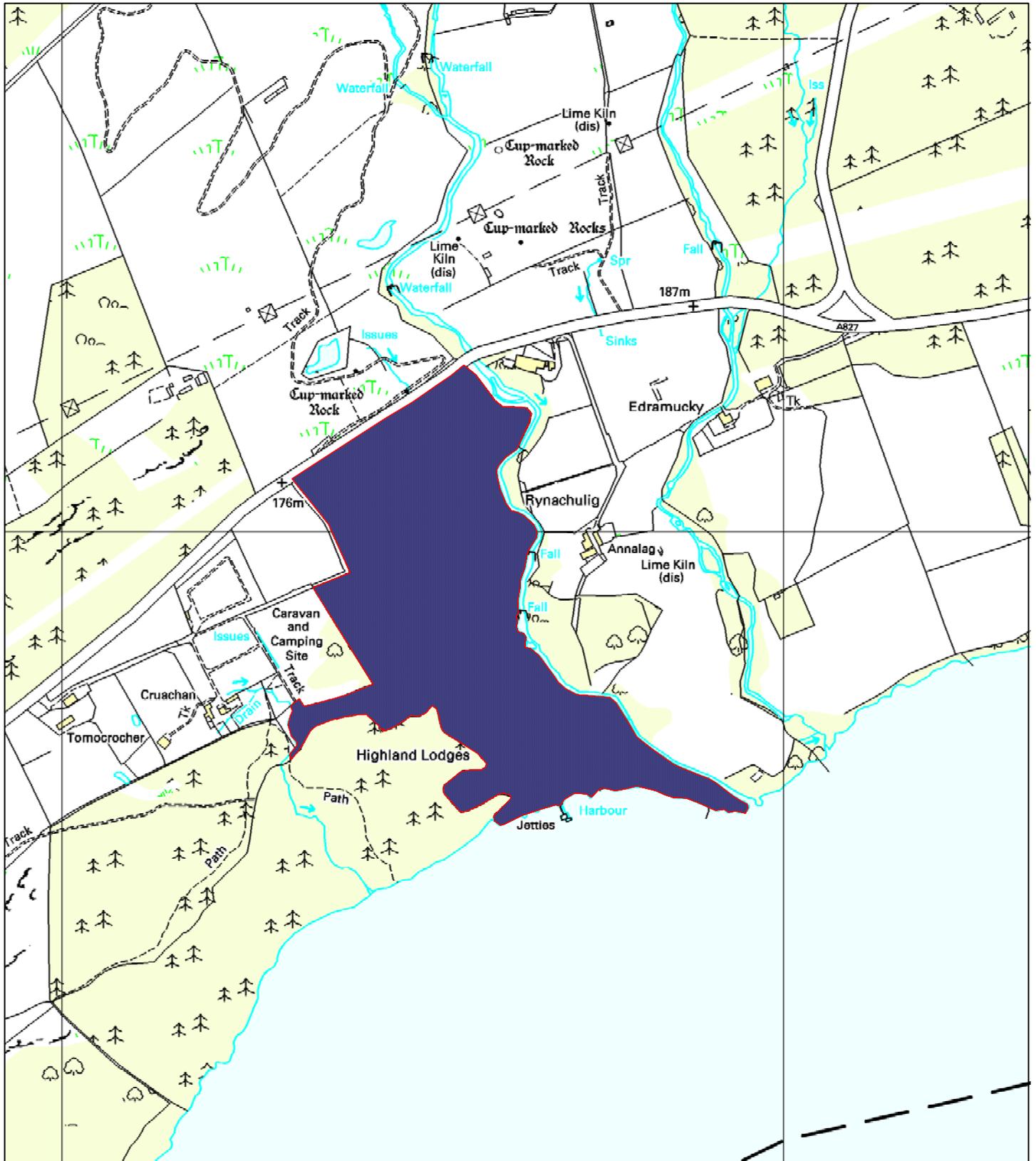
Date: 4 February 2013

Nick Brian
Development Quality Manager

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