

Perth and Kinross Council
Development Management Committee – 12 August 2015
Report of Handling by Development Quality Manager

**Erection of holiday lodges on land 250 metres South of Gellybank Farm,
Kinross**

Ref. No: 15/00669/IPL

Ward No: 8 - Kinross

Summary

The report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application relates to an undulating area of open farm land that extends to approximately 1.8ha, located 250 metres to the south of Gellybank Farm, Kinross. The site is bound to the south by the access road to Easter and Wester Cockairney which is lined by mature trees and to the west by a dense belt of mature woodland. To the north of the site lies open farmland that rises and then falls heavily down to Gellybank Farm and the private residential properties at Gellybank Cottage, Gellybank House and Chance Inn Cottage. The private access to Gellybank Farm lies to the east of the application site.
- 2 Planning permission in principle is being sought for the erection of holiday lodges within the site. An indicative plan has been submitted which proposes a total of 8 holiday lodges, comprising of a mixture of two and three bedroom units, constructed around a water feature which will also form an attenuation feature for surface water drainage purposes. The applicant has not provided any detailed plans for the proposed lodges but a plan has been submitted which illustrates the types of log cabins that could be erected. The proposed development will be accessed by a single track from the existing private access to the east of the site. The applicant has also submitted drainage calculations for the proposed development and the phosphorus betterment is to be achieved through a combination of an on-site treatment plant and improvements to the existing treatment plants at three existing dwellings located remotely from the site but within the Loch Leven Catchment Area.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2014

- 3 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of Development Plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

4 Of relevance to this application are:

- Paragraphs 74 - 83: Promoting Rural Development
- Paragraphs 92 – 108: Supporting Business and Employment.

DEVELOPMENT PLAN

5 The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

6 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN 2014

7 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

8 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

9 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy ED3 - Rural Business and Diversification

10 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy ED4C - Caravan Sites, Chalets and Timeshare Development

- 11 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out.

Policy TA1B - Transport Standards and Accessibility Requirements

- 12 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy EP5 - Nuisance from Artificial Light and Light Pollution

- 13 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP7A - Drainage within the Loch Leven Catchment

- 14 Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

Policy EP7B - Drainage within the Loch Leven Catchment

- 15 Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

Policy EP7C - Drainage within the Loch Leven Catchment

- 16 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

Policy EP8 - Noise Pollution

- 17 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

SITE HISTORY

- 18 There is no relevant planning history.

CONSULTATIONS

EXTERNAL

- 19 **Scottish Water** - No response received.
- 20 **Cleish and Blairadam Community Council** – Object to proposed development. Concerns raised in regards to road safety, lack of safe walking routes for pedestrians, increased noise and impact on neighbouring amenity. Also consider that the proposals fail to comply with Policy ED3 and ED4 of the Local Development Plan.
- 21 **Kinross Community Council** – Advise that they have no comments to make at this stage.
- 22 **Scottish Environment Protection Agency** - Initially raised concerns regarding an error in the phosphorous mitigation calculations, based on a 10 lodge development. However, following the submission of revised calculations based on a reduced 8 lodge development, SEPA has now confirmed that sufficient mitigation can be achieved and they have no objection to the proposed development subject to a condition regarding SUDS.

INTERNAL

- 23 **Transport Planning** - No objection.
- 24 **Environmental Health** – No objection.
- 25 **Community Waste Advisor - Environment Service** – No objections but suggest that the developer construct a bin storage area at the road end which would house communal waste and recycling facilities for use by the residents.

REPRESENTATIONS

- 26 1 letter of representation has been received from Cleish and Blairadam Community Council and 9 letters of representation from local residents. The grounds of objection can be summarised as follows:
- Impact on road safety
 - Existing roads are not suitable for size of development
 - Lack of nearby footpaths
 - Increased noise
 - Impact on neighbouring amenity
 - Contrary to local plan
 - Impact on the condition of road surface
 - Scale of development
 - Visual impact
- 27 The issues which are considered material planning issues are addressed in the Appraisal section of this report.

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	Submitted
Report on Impact or Potential Impact	Drainage calculations submitted

APPRAISAL**Policy**

- 29 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.
- 30 The main relevant policies contained within the LDP are Policy ED3: Rural Business and Diversification and Policy ED4: Caravan Sites, Chalets and Timeshare Developments.
- 31 Policy ED3 outlines that the Council is supportive of diversification of existing businesses in rural areas provided that it will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings.
- 32 Policy ED4C outlines that the Council will give favourable consideration to new chalet and timeshare/fractional ownership developments where it is clear these cannot be used as permanent residences and meet a specific need by virtue of its quality or location in relation to existing tourism facilities.
- 33 It is considered that the principle of providing high quality holiday lodges at this location is acceptable and is in accordance with Policy ED3 and ED4C of the Development Plan. The proposed development will create a new business that is located within an area of rural Kinross-shire which is popular with tourists visiting the many local attractions that are within close proximity such as Loch Leven Nature Reserve, Vain Farm, Loch Leven Castle and Kinross House. The site is also ideally located for transport links with the A90 located just 1.4km to the east.
- 34 For the avoidance of any doubt, a condition is recommended to be attached to any consent to restrict the use of the lodges for holiday use only. Other relevant planning matters are considered below.

Scale and Design

- 35 This application is only seeking to establish the principle of developing holiday accommodation within the site, with all detailed matters relating to the number of lodges, layout, scale and design reserved for assessment under the submission of a subsequent detailed application. However the applicant has submitted an indicative plan which proposes a total of 8 holiday lodges, comprising of a mixture of two and three bedroom units, constructed around a water feature which will also form an attenuation feature for surface water drainage.
- 36 The layout will take advantage of the existing mature trees to the south and west of the site which will largely screen the development from views from the south and also provide a relatively strong backdrop against which the lodges will be viewed from the north and east.
- 37 The applicant has not provided any detailed plans for the proposed lodges but photographs have been submitted to give an indication of the type of lodges that could potentially be erected. The lodges shown are all of a timber log construction but are each of different scale and design. Whilst this demonstrates that the applicant is clearly seeking to achieve high quality holiday accommodation, it is considered that the scale of the two storey lodges shown may not be entirely appropriate. Nevertheless, it is acknowledged that the photographs are entirely indicative and the scale/design of the lodges will be assessed in detail as part of any future detailed application.

Landscaping and Visual Amenity

- 38 As outlined above the site benefits from being set against the backdrop of the mature trees that line the private road to the south and the mature woodland to the west which will greatly reduce the impact of the development within the landscape. However it is considered that further supplementary landscaping will be required both along the southern boundary and within the site. During pre-application discussions with the applicant it was suggested that additional landscaping would be planted in order to create a woodland setting for the development. This approach would not only create a much more appealing environment for accommodation but also assist in reducing the visual impact of the development within the wider landscaping. A condition has therefore been attached to the recommendation to ensure that any subsequent application for matters specified by condition is accompanied by a detailed landscaping plan.
- 39 I am therefore satisfied that subject to a condition requiring the provision of sufficient supplementary landscaping, the proposed development will not result in any significant impact on the character of the landscape.

Residential Amenity

- 40 It is noted that a number of objections made reference to potential impact of noise and disturbance from the occupants using the accommodation. Having visited the site it is considered that the site is a sufficient distance from any

neighbouring residential properties to avoid any detrimental impact on residential amenity in terms of overlooking or overshadowing. The steep rise on intervening land between the site and the houses to the north will also largely screen the development from view. Furthermore, the proposed holiday lodges are unlikely to give rise to any significant level of noise.

Traffic and Road Safety

- 41 A number of traffic and road safety concerns have been raised by both local residents and Cleish and Blairadam Community Council. The objections make reference to the lack of capacity to accommodate the increase in traffic that this development would generate and also raise concerns about the condition of the road surface and the lack of any footpaths for pedestrians.
- 42 The Council's Transport Planner has been consulted and he has advised that he has no objection to the proposed development.
- 43 It is considered that the additional traffic generated by the proposal would not cause a significant increase on traffic on the C498 public road, bearing in mind that the traffic is likely to be generated in the off-peak times as people on holiday tend to avoid peak periods when arriving or departing from holiday sites. Whilst it is acknowledged that the C498 is narrow, it is a typical road found in many parts of Perth and Kinross and traffic speeds will consequently be low. The road is also considered to be in a condition that is acceptable and capable of accommodating all types of traffic. It is also noted that, as a public road, all types of vehicles are allowed to use the road as there are no height or weight restrictions in the vicinity.
- 44 In regards to pedestrian safety, there is a footpath into Kinross that begins before the underpass near Brunthill but this is located approximately 1.7km to the north east of this site. As such the proposed development is indeed remote from any footpaths but given the size of the proposed development this is not considered to be a significant issue. The provision of nearby footpath networks would obviously be desirable but on small scale developments within remote rural areas it would be unrealistic to expect or require pedestrian footpath links. It is also important to note that there are numerous similar small scale developments that operate successfully throughout remote areas of Perth and Kinross that are not served by any formal footpaths.

Foul Drainage

- 45 The site is located within the Loch Leven Catchment Area where foul drainage from new proposals is strictly regulated in order to reduce phosphorus levels entering the loch. The supporting information states that the phosphorus betterment is to be achieved through a combination of an on-site treatment plant and improvements to the existing treatment plants at three existing dwellings located remotely from the site but within the Loch Leven Catchment Area.

- 46 The initial phosphorus betterment calculations submitted in support of the application suggested that there was sufficient drainage capacity to accommodate 10 lodges within the site. However SEPA noted that the calculations were incorrect and that there was not sufficient capacity for 10 lodges. In response to this matter the applicant has submitted revised calculations based on a development comprising of 8 lodges. SEPA has confirmed that they are now satisfied the applicant has demonstrated that sufficient mitigation can be achieved.
- 47 Conditions have been applied to ensure that the development incorporates foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation.

Light Pollution

- 48 External forms of lighting such as street lighting and floodlights can be particularly conspicuous in rural areas. As this application is only in principle the submission of this detailed information is not necessary at this stage. However in order to prevent the potential impact of light pollution the submission of detailed specification of all external lighting has been secured by condition.

Surface Water Drainage

- 49 The plans indicate that a large central water feature will provide surface water attenuation for the proposed development. As this application is only in principle, the detailed specification for the proposed surface water drainage scheme (SUDS) is not necessary at this stage. However the submission of detailed information regarding the proposed means of surface water drainage has been conditioned and will therefore form part of the submission of any detailed application in future.

Flood Risk

- 50 There are no known issues in relation to flooding and the site is not located within an area that is considered to be at risk to flooding on SEPA's indicative flood maps.

Developer Contributions

- 51 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Benefits

- 52 The proposed holiday chalets will create a new rural business which could potentially create employment opportunities through the management and maintenance of the lodges. The development will also attract further tourism into the local area and increased spending on local goods and services.

LEGAL AGREEMENTS

53 None

DIRECTION BY SCOTTISH MINISTERS

54 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

55 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify over-riding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

Conditions:

- 1 The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - b) The siting, design and external appearance of the development;
 - c) Details of means of access to the site and the provision of car parking spaces and turning facilities;
 - d) Details of all landscaping, planting, screening and boundary treatment;
 - e) Details of the means of discharging surface water during the construction phase and upon completion of the development;
 - f) The means of surface water and waste water drainage;
 - g) Details of any external lighting including street lighting;
 - h) The provision of communal waste and recycling facilities.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

- 2 The submission of detailed landscaping proposals referred to in Condition 1 shall include a detailed landscaping plan and planting scheme for the further approval of the Planning Authority prior to the commencement of the development. The scheme shall include details of height and slopes of any mounding or re-contouring of the site and of species, height, size and density of trees and shrubs to be retained and/or planted and phased implementation where appropriate. The scheme, as subsequently approved, shall be implemented during the first planting season as part of the development of the site and thereafter maintained to the satisfaction of the Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 3 The lodges / chalets shall be used solely for holiday accommodation only, and shall not be occupied as the main or sole residence by any occupant, all to the satisfaction of the Council as Planning Authority.

Reason - The application has been approved for holiday accommodation only.

- 4 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure has been installed at the following remote properties:

- Seggie Bank Villa, Milnathort, KY13 0RP
- Shanthi, Wester Balgedie, Kinross, KY12 9HE
- The Bungalow, Brunthill Farm, Kinross, KY13 0LB

For the avoidance of any doubt the installed drainage infrastructure at the remote property/properties as approved shall be retained all to the reasonable satisfaction of the Planning Authority.

b) Following the installation of the foul drainage infrastructure at the remote property/properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed to the reasonable satisfaction of the Planning Authority. For the avoidance of any doubt the installed drainage infrastructure at the development site as approved shall be retained all to the reasonable satisfaction of the Planning Authority.

Reason - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014.

- 5 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2005 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014.

- 6 The submission of detailed surface water drainage information referred to in Condition 1 shall be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

Reason - To ensure that a suitable surface water drainage scheme is put in place to service the development.

B JUSTIFICATION

- 56 The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

- 57 None

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

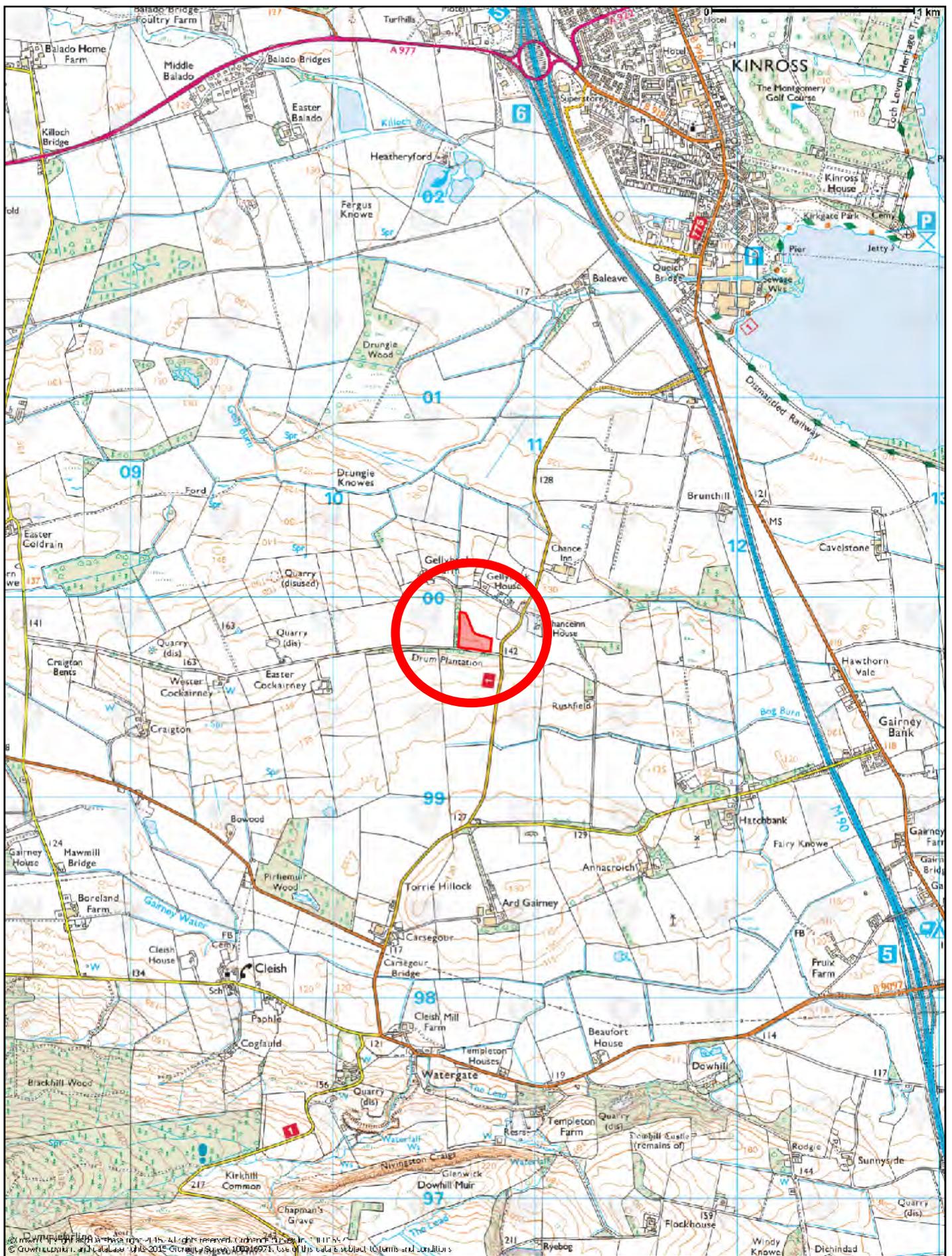
Background Papers: 10 letters of representation
Contact Officer: David Niven – Ext 75345
Date: 22 July 2015

Nick Brian
Development Quality Manager

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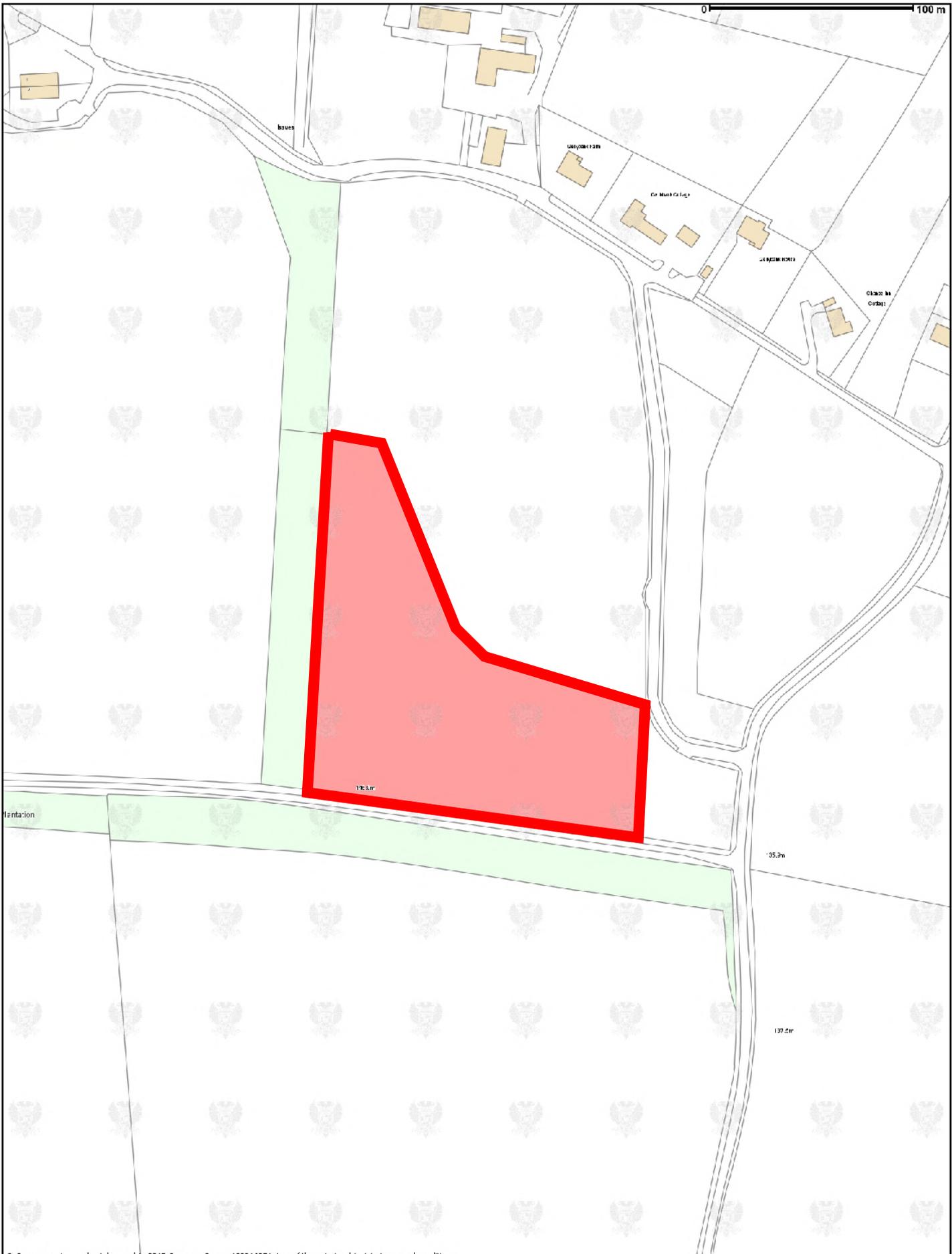
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15/00669/FLL

Erection of holiday lodges at Land South of Gellybank Farm, Kinross



Development Management Committee



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