

Perth and Kinross Council
Planning & Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

PROPOSAL: Formation of holiday park and siting of 20 accommodation units, erection of reception/maintenance building, formation of car parking, landscaping and associated works

LOCATION: Land NE of Kinvaid Farm, Moneydie

Ref. No: 17/01694/FLL

Ward No: P5- Strathtay

Summary

This 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 outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to the formation of a holiday park including the erection of 20 accommodation units (comprising a mixture of 15 camping pods and 5 lodges) and a reception and maintenance store and associated works. The site is located within an agricultural field approximately 6 miles north west of Perth. The application site extends to 1.98 hectares and is located to the west of the C408 public road to the north of Moneydie.
- 2 The application site forms part of a larger field which has been previously part of a wider agricultural unit but has been sold to the current applicant. There is evidence of small scale woodland on the east and north boundaries of the site. This application is a revised smaller scale proposal following the withdrawal of a larger scheme which occupied the majority of the wider field (17/00281/FLL). The application site slopes gently from north to south and the vehicular access to the site is located in the north east corner onto the C408.
- 3 The application site is bound to the north by a farm track with an agricultural field beyond, to the west is a former farmhouse and steading which is within the applicant's ownership, to the south the land continues to slope down towards Moneydie and is occupied by grazing land and small scale woodland. To the east of the application site is a small area of woodland with the C408 beyond.
- 4 The proposal is to form a new campsite/lodge park on the land. The proposal seeks consent to form a new access track which meanders north to south through the site with car parking for the accommodation proposed adjacent to this access.

- 5 As outlined above a total of 5 lodges are proposed, each of which will accommodate three bedrooms, a kitchen and living area. The lodges are proposed to be 14.2m x 9.2m in footprint and 5.6m in height. 15 camping pods are proposed which are smaller scale units which will accommodate a sleeping area, kitchenette and bathroom. The pods are proposed to be 3.6m x 6m in footprint and 3.4m in height.
- 6 The reception building is proposed in the north east corner of the site which is to be 16.4m x 6.6m in footprint and 5.5m in height.
- 7 A Sustainable Urban Drainage System (SUDS) is proposed on the north west corner of the site.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 8 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 9 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 10 A screening exercise was undertaken for the previously submitted and withdrawn larger development (17/00281/FLL) which concluded that an Environmental Statement was not required. Since then the regulations have changed and therefore a further screening exercise has been undertaken. This again concludes that no Environmental Statement is required. A copy of the screening exercise is available to view on the Council's Planning Portal.

PRE-APPLICATION CONSULTATION

- 11 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the proposal does not fall into any of the categories identified as major development in the regulations. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community. It should be noted that the applicant was encouraged to undertake informal consultation with the local community by the Planning Officer but it understood he chose not to do so.

NATIONAL POLICY AND GUIDANCE

- 12 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 13 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 14 The Scottish Planning Policy (SPP) was published in June 2014 and 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.
- 15 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Designing Places 2001

- 17 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 18 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 19 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 20 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 21 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs."

Perth and Kinross Local Development Plan 2014

- 22 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 23 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

- 24 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 adaption.

Policy PM1B - Placemaking

- 25 All proposals should meet all eight of the placemaking criteria.

Policy TA1A - Transport Standards and Accessibility Requirements

- 26 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 27 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 ED3 - Rural Business and Diversification

- 28 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 ED4B – New or Expanded Transit and Touring Caravan and Camping Sites

- 29 Proposals for new or expanded transit and touring caravan and camping sites will be supported where they comply with policy PM1.

Policy ED4C - Caravan Sites, Chalets and Timeshare Dev

- 30 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. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy HE2 - Listed Buildings

- 31 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy PM3 - Infrastructure Contributions

- 32 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy CF2 - Public Access

- 33 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy NE1A - International Nature Conservation Sites

- 34 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE3 - Biodiversity

- 35 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 36 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 37 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase

the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 38 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 39 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP5 - Nuisance from Artificial Light and Light

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

Policy EP8 - Noise Pollution

- 41 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.

Policy EP15 - Development within the River Tay Catchment Area

- 42 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and

SITE HISTORY

- 43 99/01874/FUL Conversion of farm steading to 4 residential units – Approved – Delegated Powers

03/01216/PN Erection of a storage barn at 20 August 2003 Application Refused – delegated powers

03/02131/FUL Erection of an agricultural shed 28 September 2004 Application Permitted – delegated powers

04/00967/FUL Proposed refurbishment of existing farmhouse and conversion of steading buildings into 5 new residential units – Approved – delegated powers

07/00658/FLL Refurbishment of existing farmhouse, conversion of existing steading buildings into 5 no. new dwellings and construction of 4 no. new dwellings attached to existing steading buildings – Application Refused – delegated powers

17/00281/FLL Formation of campsite to site 60no. tent pitches, 33no. accommodation units, 2no. toilet blocks and 1no. toilet/catering block, reception building, community hub, maintenance store, car parking, landscaping and associated works 31 May 2017 Application withdrawn

CONSULTATIONS

- 44 As part of the planning application process the following bodies were consulted:

External

- 45 **Luncarty, Redgorton and Moneydie Community Council** – object to the application and raises concern regarding lack of consultation with the local community, traffic generation and road safety, impact on other road users. Impact on River Tay Special Area of Conservation.

Scottish Water – no objection

Internal

- 46 Transport Planning – no objection subject to condition relating to the design and detail of the access onto the public road.
- 47 Contributions Officer – contribution required – details within contributions section below
- 48 Environmental Health – no objection subject to conditions relating to the provision of a noise management plan, controls on plant and equipment noise, screening and alignment of external lighting and the operation of the stoves.
- 49 Commercial Waste Team – no objection and advice given regarding waste collection
- 50 Biodiversity Officer – concerns expressed regarding details within Bio Diversity Management Plan which can be addressed by condition. Further conditions recommended – details are outlined in the ecology section below.

REPRESENTATIONS

- 51 The following points were raised in the 30 representation(s) received which raised objections to the application:

- Impact on residential amenity

- Impact on visual amenity
- Light pollution
- Noise pollution
- Increased crime and anti-social behaviour
- Impact on existing farm business
- Traffic generation and safety
- Limited access links
- Contrary to policy
- No tourism where none exists - rural farming community
- Limited economic benefit/justification and detrimental impact on other businesses
- Impact on existing farm (pedigree cows)
- Out of character with area
- Requirement for a major application
- Enforcement issues and unauthorised works
- Damage to private water supply.
- Impact on wildlife - wildlife crime
- Impact on landscape and wider character of area
- Lack of recreational facilities on site
- No local facilities to serve site
- Poor quality infrastructure - no existing bus service, lack of footpaths and bus links?
- Flood risk and drainage
- Loss of trees
- Redundancy should development fail
- Future use as dwellings
- Impact on setting of listed Moneydie Church and Manse
- Further expansion at later date
- Impact on River Tay SAC from SUDS through Sauchie Burn
- Accuracy of description
- Extent of neighbour notification and advert
- Lack of identified need
- Use of wider field for campsite outwith red line boundary
- Littering and dog fouling
- No benefit to local community

52 The following points were raised in the 6 representation(s) received which supported the application:

- Creates employment
- Enhances character
- Supports economic development
- On existing cycle route
- Small scale
- Existing tree cover
- Alternative accommodation provision - difference from normal caravan park
- Tranquil experience

- Enhance local habitat
- Renewable energies proposed
- Sustainable start up business
- Engagement with Business Gateway

53 These issues are addressed in the Appraisal section of this report. In addition, a petition of complaint containing 32 signatures was received after the consultation period had expired, relating to the background to and the processing of this application, amongst other issues. Several of the signatories have lodged individual representations to the application, as referred to above.

54 **ADDITIONAL STATEMENTS**

Environment Statement	Not Required
Screening Opinion	Undertaken on earlier larger application
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Drainage Impact Assessment, Transport Statement, Bio Diversity Enhancement and Management Plan, Planning Statement, Phase 1 Habitat Survey, Architectural Design Statement

APPRAISAL

55 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance which are outlined in the policy section above.

Policy Appraisal

56 Policy 1 of the Tayplan advocates the developing of land within the principal settlements rather than developing land outside of them. It does however acknowledge the need to sustain rural economies while protecting the countryside by allowing the development in smaller settlements.

- 57 The implementation of this principle has been translated into the adopted LDP with Policy PM4 - Settlement Boundaries stipulating that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.
- 58 Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 1 of Tayplan and Policy PM4 of the LDP there are exceptions that can be made to this presumption against development outwith a settlement boundary through Policy ED3: Rural Business Diversification of the LDP.
- 59 Policy ED3 provides favourable consideration to the expansion of existing rural businesses and the creation of new ones in rural area subject to meeting the entire detailed criterion set out within the policy. This must also be weighed against other policies of the LDP. This is considered under the headings below.
- 60 The proposed development is required to be:

Criterion (a) - compatible with surrounding land uses and not detrimentally impact on the amenity of residential properties within or adjacent to the site

Criterion (b) - the development must be able to be satisfactory accommodated in the landscape

Criterion (c) - the proposal is required to meet a specific need by virtue of its quality or location in relation to an existing business or tourist facility

Criterion (d) - the scale, quality and design of buildings requires to be in-keeping with existing buildings

Criterion (e) and the local road network is capable of accommodating the nature and volume of traffic.

Criterion (f) and (g) do not apply as the proposal is not for retail development and it is not proposed to employ more than 25 people.

- 61 Furthermore policy ED3B states that transit, touring caravan and camping sites will be supported where the proposals are compatible with Policy PM1. Policy ED4C refers to chalets, timeshare and fractional ownership and states that the Council will give favourable consideration to new chalet developments where it is clear that they cannot be used as permanent residence. Criteria (c) is most relevant which states that proposals should meet a specific need by virtue of its quality or location in relation to existing tourism facilities.

Other relevant policies are referred to in the policy section above.

Residential Amenity

- 62 Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. Cognisance of the surrounding land uses

has to be taken into account. The land is surrounded by agricultural land, but there are dwellinghouses located in the area. The closest property is Kinvaid House which is located 150m to the south west of the site. Beyond that are Kinvaid Cottages which are located 250m to the south of the application site. The small hamlet of Moneydie is located beyond Kinvaid Cottages to the south at a distance of approximately 460m. The surrounding area is generally characterised by scattered residential properties and agricultural buildings.

- 63 With regards to neighbouring residential dwellings I do not consider that there would be any adverse amenity issues (overlooking/overshadowing) to the properties referred to above given the distances between the site and these properties.
- 64 Letters of representation have highlighted concern that the development will not be compatible with surrounding land. It is highlighted that the background noise levels in this rural area are low. Environmental Health is of the view that noise between the land uses would not be significant to preclude granting consent as they consider the 150m distance from the proposed development to the nearest residential property to be appropriate. It is noted that a campsite will likely generate levels of activity which could generate noise, however I do not consider the use of the land as a campsite would generate such significant levels of noise that would disturb the amenity of local residents. Environmental Health have recommended that a Noise Management Plan (NMP) be submitted to protect amenity and this can be secured by planning condition (condition no.13). This could cover issues such as control of amplified music and evening and night time management and control of the site.
- 65 The letters of representation make reference to potential for anti social behaviour and crime in the area associated with the proposal. In my view there is no evidence to suggest that this would be the case and in any case this would be a matter for the police to consider and is not a material planning consideration. The NMP could also dictate what protocols are available to address any issues which may be apparent in terms any perceived anti-social behaviour, particularly during the evening. The site in any case is proposed to be marketed towards the families and individuals interested in outdoor pursuits. The applicant has indicated that options are currently being considered regarding out of hours management of the facility. This includes the potential for a site manager to occupy the adjacent farm house, employment of a locally based site manager and provision of a telephone number to the applicant should any out of hours issues arise.
- 66 Furthermore if anti-social behaviour issues did arise I consider that these could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990 or the Ant-Social Behaviour etc (Scotland) Act 2004.
- 67 Letters have also raised concern regarding the impact which the proposed use may have on existing agricultural operations including on the wellbeing of livestock. I do not consider the proposal for a campsite to result in a significant impact on the amenity of livestock in the area and believe that tourism and agricultural uses are capable of co-existing in an area.

Lighting

- 68 It is noted that ambient night levels in the area are low but that the overall landscape is characterised by small groups of built development where lighting is apparent. The proposal is to erect low wattage LED lights on the buildings within the site together with low level solar powered LED lighting around the site. The tree cover around the site will serve to provide some screening to light associated with the development. Control of light spill from the site can be addressed through a suitably worded condition (condition 11). This will ensure the Planning Authority maintains control over light spill, brightness and hours of operation. I am satisfied that given the position of the site relative to residential properties that light pollution will not be significant. The proposal therefore complies with policy EP8 of the LDP.

Air Quality

- 69 This application contains provision for a wood burning stove and associated flue. Perth and Kinross Council have a duty to assess biomass boilers of capacity of greater than 50kW based on their effect on air quality in the area, however this will not be necessary with a domestic sized stove.
- 70 Another matter pertaining to the stove which could cause issue is the potential for smoke or odour nuisance. This can be minimised by the applicant using fuel recommended by the manufacturer, therefore I recommend this be included as a condition (condition 12).
- 71 On the basis of the above the proposed tourism use is considered to be compatible with the amenity of the surrounding area I consider the use of the site can be suitably controlled through a detailed NMP as recommended by Environmental Health. The proposal is therefore considered to comply with policy EP8 which relates to noise, EP5 relating to light pollution and to the relevant section of policy PM1A and criterion (a) of ED3 which relate to residential amenity.

Landscape and Visual Impact

- 72 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 73 Policy ER6 relates to landscape change and seeks to ensure that development and land use change should be compatible with the distinctive characteristics and features of the landscape. Accordingly development proposals will be accepted where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The criteria contained within this policy seeks to safeguard the tranquil qualities of an area's landscape and safeguard local distinctiveness and the visual and scenic qualities of the landscape. Furthermore Policy PM1B(c) seeks to ensure the design and density should complement its surroundings in terms of appearance and scale

amongst other criteria. This requirement is also identified within criterion (b) of policy ED3 and within criterion (c) of ED4C.

- 74 The Tayside Landscape Character Assessment (TLCA) identifies this area as part of the Lowland Hills Landscape Type and states that development in this landscape character type is limited to a scatter of farmsteads and a few small hamlets.
- 75 The application site benefits from some containment in the form of woodland on its north and east boundaries. Furthermore the development seeks to integrate the built form into the existing landscape with the camp grounds laid to grass with a single access track. The original, now withdrawn application, occupied a much larger and more exposed and visible area of the site and it was evident that the full extent of development would be visible from a number of residential receptors to the south and west, including the category B listed buildings of Moneydie Church and Manse. It was considered that the previous proposal introduced new built development over a large area of undeveloped rural area which was out of scale with the overall character of this landscape. The current revised proposal significantly reduces the extent of built development and is now considered to better reflect the scattered nature of development in this landscape type which is referred to within the TLCA.
- 76 The significantly reduced scale of the proposal is now considered to comply with Policy ER6 and criterion (b) of Policy ED3 and with Policy ED4B and C as it is considered to relate to the established landscape character of the area and is considered to respect the quality of Perth and Kinross's landscape character. A detailed landscaping and planting scheme will be requested by condition (condition 4), this will also ensure that the proposed SUDs system is appropriately integrated with the landscape.

Specific Need for Tourism Accommodation

- 77 The proposal is required to meet a specific need by virtue of its quality or location in relation to an existing business or tourist facility (criterion c) within policies ED3 and ED4C. Policy ED3 indicates that the Council will give favourable consideration for the creation of new businesses in rural areas but the policy goes on to state that these should be generally within existing settlements or adjacent to them in order to ensure the development supports a local community and has appropriate accessibility to services. Policy ED4C also states that chalet development will be supported where it is demonstrated that the proposal meets a specific need by virtue of its quality or location in relation to existing tourism facilities. Moneydie is a small rural hamlet with the nearest local towns for key service provision being Luncarty and Perth. The policy goes on to state that sites outwith settlements may be appropriate where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. The proposal does not diversify an existing business but rather seeks to create a new one in a rural location outwith a settlement. The policy also indicates that new tourism development will be supported where it can be demonstrated that it extends the quality of facilities, allows a new market to be exploited or extends the tourism season. Very

limited information was presented on this part of policy consideration with the previous application and this has been expanded upon in this submission.

- 78 The Planning Statement makes reference to the overarching desire for the Scottish Government and Perth and Kinross Council to support tourism related development and indicates that the site has been chosen due its combination of a rural setting whilst being located within the immediate vicinity of Perth for amenities and attractions and makes reference to the camp site providing "the best of both worlds". It also makes reference to the proximity of the site to the A9 trunk road providing access north. In terms of Policy ED3 and ED4C they specifically states that new tourism development will be supported where it can be demonstrated that it improves the quality of visitor facilities, meets a specific need, allows a new market to be exploited or extends the tourism season.
- 79 The applicant has indicated that the proposed site will be marketed towards families and outdoor enthusiasts for which the site can be used as a base to explore the wider Perthshire area whilst being easily accessible from Perth and the central belt. The applicant considers there to be a gap in the camping pod market and has identified the high quality camping style holiday as a holiday type which is popular and growing. The applicant identifies Comrie Croft and Eco Camp Glenshee as similar products in the Perthshire area and it is noted that these have proven successful. Furthermore Wigwam Holidays near Bankfoot offers a similar offering but is focused more towards the camping market with a separate shower block. The units proposed on the application site are self-contained units with facilities located within the lodges and pods and therefore would operate within a different market. The submission indicates that the camp site will require four employees.
- 80 There does appear to be some basis for a small scale tourism accommodation site in this location under policy ED3 and ED4C given the proximity to both Perth and the A9 and I note the applicant's reasoning for the location which provides links to both Perth city and rural Perthshire and therefore has the potential to serve differing tourism needs. Overall considering the matters referred to above the site is considered to be a logical site in terms of the identified need and relationship to other tourism facilities in the area.

Scale and Design

- 81 Criterion (d) of Policy ED3 relates to scale, quality and design of buildings. This is also referred to within the placemaking policies of the LDP (PM1A and B). The scale of the camping pods, lodges and reception building are outlined in the introduction of this report. The proposed design of the units are contemporary in their form. The overall density of development on the site is fairly low allowing the units to be spread out and scattered amongst the existing trees. The lodges take the form of a contemporary take on a traditional narrow footprint cottage with the overall footprint broken up into two sections. Each section of the lodge is to be finished in differing materials to break up the scale. The finishing materials include timber cladding and metal profiled sheeting (similar to that seen on agricultural buildings in the area). I consider the contemporary yet simple design to be appropriate and believe the timber

cladding will allow the lodges to sit comfortably with the adjacent woodland and within the wider rural landscape. In terms of the camping pods these are smaller in scale but finished in similar materials. The proposed reception building is the largest of the building proposed but this is located to the north of the site in an area which is well screened. It again proposes to use the same finishing materials.

- 82 I consider the scale and design of development on site to be an appropriate solution for this rural site which seeks to utilise the existing woodland on the site to provide containment and utilises finishing materials which successfully relate to the rural character of the area. The scale and location of the development is also considered appropriate in terms of the setting of the category B listed Moneydie Church and Manse. Whilst the site may be visible from the listed buildings, this is at a considerable distance (430m) and I am satisfied that this intervening distance will ensure the setting of the listed buildings is not impacted upon. The proposal is considered to comply with policies PM1A and B, HE2, criterion (d) of policy ED3 and ED4B.

Traffic and Road Impact

- 83 Criterion (e) of Policy ED3 requires the impact on the road network to be taken into account. Policy TA1B is relevant as this seeks development sites to be easily accessible by all modes of transport in particular walking, cycling and public transport. Representations raise concerns with the local road network and the ability to accommodate the development and identifies traffic generation associated with a recently approved potato shed and ongoing woodland felling. Consultation with Transport Planning has confirmed that they offer no objection on traffic grounds if the application is made subject to conditions. The LUNC 131/1 and 2 core paths run along the public road to the east of the site. This provides walking/horse riding routes and links to the south towards Pitcairngreen, Almondbank and eventually to Perth. The path also provides links to the north towards Bankfoot and to the north west. National Cycle Route (NCR) 77 also travels along the public road to the east of the site. This route is part of a 54 mile route between Dundee and Pitlochry. It also connects into various other NCR in Perthshire. The main access into the site therefore connects to both cycle and walking routes.
- 84 It is noted that the core path is located on the public road and therefore pedestrian access to the site is only available by walking along the road. There is no public transport in the vicinity of the site. The applicant has indicated a proposal to focus marketing at both families and outdoor enthusiasts. As such there is potential for the site to serve cyclists travelling north or south on the NCR 77. Other than cyclists it is highly likely that the remainder of visitors would arrive at the site by car.
- 85 Letters of representation have raised concerns regarding the traffic generation associated with the proposal. A Transport Assessment has been submitted which outlines the likely trip generation. The access into the site is from the unclassified road to the east of the site which links to the B8063 to the south. This road connects to Luncarty and the A9 to the east (approximately 3.3km).

To the west the B8063 continues westwards through Glenalmond eventually linking to the A822 Sma' Glen Road.

- 86 The TA sets out the potential trip generate associated with the proposal. This is based upon TRICS (Trip Rate Information Computer System) data which is a nationally recognised method for calculating trip generation. Letters of representation have identified concerns regarding the traffic generated by the proposal. In terms of weekday trips the development would generate 3 trips in the AM peak and 3 trips in the PM peak. At the weekend the development is likely to generate 9 trips in the AM peak and 7 trips in the PM peak.
- 87 The TA also sets out the frame work for a travel plan aimed at encouraging persons staying at the site to utilise means other than the private car to travel to and from the site during their stay including proposals for cycle hire.
- 88 It is clear the majority of visitors to the site will arrive by private car, however there are direct links to the cycle networks and core path network in the local area. The trip generation figures for the site are considered to be appropriate and the proposal is not considered to generate a level of traffic which would be of significant detriment to the local area or which cannot be accommodated on the existing road network. Transport Planning have offered no objection to the proposal. On that basis the proposal is considered to comply with Policy TA1B and criterion (e) of policy ED3.

Scale of Application Site/Major Application

- 89 The application site area is under 2 hectares and therefore in accordance with the Town and Country Planning (Hierarchy of Development) Regulations the proposal does not constitute major development.

Flooding and Drainage

- 90 A Drainage Impact Assessment (DIA) accompanies the application and indicates that a Sustainable Urban Drainage System is proposed within the north west corner of the site to cater for surface water drainage. Infiltration has been identified as the best option for disposing of surface water in the DIA. In terms of foul drainage the DIA indicates that there is no available connection to a public sewer and therefore a private system is proposed on site. The Council's Flood Officer has commented on the submission and indicated that both of these systems will remain in private ownership. He has also sought further information on the proposed overland flow paths for the surface water drainage, the detailed design of the SUDS basin and to ensure that the recommendations within section 10 of the DIA are implemented. This can all be secured through a suitably worded condition (condition 15). The proposed drainage arrangements are considered to comply with policies EP3B and C of the LDP subject to condition.

Ecology

- 91 The Development Plan framework contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. Policy 3: Managing TAYplan's Assets seeks to respect the regional distinctiveness and scenic value and presumes against development which would adversely affect environmental assets. NE1A relates to International Nature Conservation Sites, NE1C covers Local Designations, NE2 relates to Forestry, Woodland and Trees, while NE3 Biodiversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.
- 92 A Phase 1 habitat survey accompanies the application which concludes that the site has low ecological value. The proposal also includes a Bio Diversity Management Plan which seeks to improve the bio diversity value of the site. Letters of representation raise concerns regarding the impact which the development may have on wildlife and the potential for wildlife crime.
- 93 The Council's Bio Diversity Officer has raised concerns regarding the overall management plan and considers it to be vague and lacking in detail. There is no specific policy requirement for a detailed enhancement and management plan to be provided and therefore I do not consider the lack of detail in this plan to merit refusal of the application. The plan, does, however require to be more detailed and better reflect the specific proposals on site. As such a revised Bio Diversity Management Plan which reflects and addresses the comments made by the Bio Diversity Officer can be secured through condition (condition 3). This will secure the provision of living roofs on the flat roof camping pods.
- 94 The Bio Diversity Officer has also recommended conditions (4-9) to secure the provision of a detailed landscaping and planting scheme, ensure the retention of trees on site, ensure timings for works are appropriate and ensure measures to protect mammals during construction are employed. On the basis of these conditions the proposal is considered to comply with Policy NE3 of the LDP.

River Tay Special Area of Conservation

- 95 The Sauchie Burn is located to the south of the application site at approximately 165m from the nearest point of the site. The burn forms part of the River Tay Special Area of Conservation (SAC). Concerns have been expressed in letters of representation regarding the impact which the proposal may have on the fishery interests of the SAC. The concerns indicate the potential for surface water to drain above ground or through underground aquifers downhill towards the burn. Given the distance between the application site and the burn and the detail within the proposed drainage strategy I am satisfied that the proposal will not impact on the qualifying interests of the SAC and the proposal therefore complies with Policy NE1A and ED4C where it refers to the SAC. Whilst no formal consultation was undertaken given the distance between the site and the SAC, the opinion of Scottish Natural Heritage (SNH) has also been obtained and they have advised

that they are satisfied with the proposed arrangements and conclude that there be no likely significant effect on the protected interests of the SAC.

Private Water

- 96 There are no private water supplies located within the immediate vicinity of the site which would be impacted upon by works on this site. The Private Water Team have been consulted on the proposal and offered no objection.

Environmental Impact Assessment

- 97 A screening exercise was undertaken to establish whether the previous significantly larger application required an Environmental Statement. This concluded that an Environmental Statement was not required. This proposal is significantly smaller and therefore is also not considered to require an Environmental Statement.

Developer Contributions

- 98 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 99 The site falls within the reduced contributions area. A total of 20 accommodation units are proposed - 15 camping pods and 5 holiday lodges. This type of development is considered as holiday homes in terms of the Guidance and is included under the residential development rate. However, given the more seasonal nature of the camping pods, it is considered reasonable to only seek contributions from the 5 more permanent holiday lodges. The trip rates associated with this type of holiday accommodation are lower than normal residential properties so the contribution will be applied at the Affordable Housing rate of £1,319 per unit. This has been recommended by the Council's Developer Contributions Officer.
- 100 The proposal also includes a maintenance store and reception building. Given that this is likely to be used exclusively by those staying at the campsite no further contribution will be sought. As such the total contribution equates to 5 x £1319 = £6595. The applicant has indicated that this payment will be made upfront to allow any planning consent to be released, the proposal therefore accords with policy PM4 of the LDP.

Waste Collection

- 101 Facilities for waste collection require to be provided on site. The applicant has indicated that he is currently considering two options for waste provision. There is proposed to be a bin/recycling store within the reception building. From there, there will either be a hardstanding area formed close to the access to allow collection by the Council's Commercial Waste Team or alternatively the applicant is considering a business permit from the Council to allow waste to be

taken to an approved recycling centre. The Council's Commercial Waste Team have indicated that if the applicant chooses a Council collection a bin collection area adjacent to the access is required and that this should allow for a minimum of 5 x 1100L, 3 x 240L and 1 x 140L containers. The exact details of waste collection can be secured through an appropriately worded condition (condition 16).

Neighbour Notification

- 102 The neighbour notification and advertisement undertaken for the application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Redundancy Should Development Fail

- 103 There is no evidence to suggest that the development would not succeed. Nevertheless any alternative use for the site would require further planning consent and therefore the Planning Authority would retain control.

Further Expansion

- 104 Whilst it is noted that the application site is part of a wider field owned by the applicant, this assessment is based upon the scale of proposal submitted and indicated within the red line. Any proposed expansion or additional development would be subject to a further planning application which would be assessed on its own merits and therefore the possibility of future expansion is not a material consideration of the assessment of this application.

Phasing

- 105 The applicant has indicated that there is an intention to phase development on the site. The first phase would involve construction of the reception building, 6 pods and one lodge, together with the formation of the SUDS pond, road, parking and wildlife habitat. The facility would then open following this phase.
- 106 The second phase would be in the low season (November to March) following the first high season. This would involve erecting a further 6 pods and 2 lodges.
- 107 The final phase would be the last 3 pods and the final 2 lodges after the second year's high season.

Previously Undertaken Works

- 108 Letters of representation have raised concern regarding some groundworks which have been undertaken on the site. The Council's Enforcement Officer is aware of these issues and has been monitoring this. No breach of planning control has taken place.

Economic Impact

- 109 The objective of Scottish Government Economic Strategy (2011), the National Planning Framework 3 and Scottish Planning Policy is to build a more dynamic and faster growing economy that will increase prosperity, help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.
- 110 There will be an economic impact associated with the construction phase of the development. I considered that it is undoubtable that there will be some economic benefit associated with the operation of the site. Notwithstanding the economic benefit this it has to be seen in the context of the spatial strategy and general policies of the LDP. The proposal is considered to comply with these policies and these are considered to be key in the overall conclusions on the proposal.

LEGAL AGREEMENTS

- 111 A Legal Agreement will only be should the developer contributions not be paid up front.

DIRECTION BY SCOTTISH MINISTERS

- 112 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 113 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the LDP and material considerations and in this case I am satisfied that the development proposed does not conflict with the Development Plan.
- 114 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to any part of the development hereby approved being brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 3 Prior to the commencement of any development on site an updated Bio Diversity Management Plan shall be submitted to and approved in writing by the Planning Authority. The updated Management Plan shall fully address the comments outlined within the Bio Diversity Officer's consultation response dated 26th October 2017. The recommendations contained within the updated management plan shall be fully implemented on site.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 4 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme shall also include the landscaping and planting proposals to integrate the proposed SUDS system into the landscape. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council s Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 5 All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 6 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in

Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 7 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to the relevant works being undertaken.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 8 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

Reason - In order to prevent animals from being trapped within any open excavations.

- 9 Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 11 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage

beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 12 The stove shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stove and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions. No changes to the biomass specifications shall take place.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 13 Prior to the commencement of any development on site a detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Planning Authority. This NMP shall be a fluid document and shall be subject to review should any justified noise complaints be received by the Council. Any revisions shall be submitted to and approved in writing by the Planning Authority. All operations on site shall be undertaken in strict compliance with the approved NMP.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 14 The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the buildings.

- 15 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of effective drainage for the site.

- 16 Prior to the commencement of any development on site full details of the method for waste collection on the site shall be submitted to and approved in writing by the Planning Authority. The details, as approved, shall be implemented as part of the site development and maintained in perpetuity.

Reason - To ensure adequate provision for waste collection on site.

- 17 Prior to the occupation of any unit, a sign shall be erected at the entrance to the site to advise that the site is for holiday accommodation only and will not be used for permanent residence. The details of the sign shall be submitted and approved in writing by the Council as Planning Authority and the sign as approved, shall remain in situ.

Reason - To ensure the site remains as a holiday site and that no buildings are used as permanent dwelling units.

B JUSTIFICATION

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

- 1 The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 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.
- 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open

an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 6 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 36 letters of representation
(30 objections and 6 in support)

Contact Officer: John Williamson 01738 475360

Date: 22 December 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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