

Perth and Kinross Council
Planning & Development Management Committee – 18 October 2017
Report of Handling by Interim Development Quality Manager

Change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2 holiday/staff accommodation units and siting of 4 static caravans/chalets for holiday/staff accommodation (in part retrospect) at Boreland Farm, Fearnan, Aberfeldy

Ref. No: 17/00788/FLL
Ward No: P4 - Highland

Summary

This report recommends approval of the application for change of use and alterations to nursery school to form holiday/staff accommodation, erection of 2 holiday/staff accommodation units and siting of 4 static caravans/chalets for holiday/staff accommodation (in part retrospect). The development proposal 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 PROPOSAL

- 1 The application site is located to the northwest of the village of Fearnan out with the settlement boundary. Boreland Farm occupies a sloping site on the north banks of the River Tay comprising of a mix of agricultural land with a grouping of buildings that sit on a plateau. There are 5 dwellinghouses located to the northeast of the main building group which are in separate ownership.
- 2 The existing buildings consist of the main original farmhouse, former nursery, outbuildings to the north and west used for bunkhouse accommodation. A large corrugated iron barn is to the east of the farmhouse used for storage.
- 3 The proposal is for change of use and alterations to nursery school to form holiday/staff accommodation. This is in retrospect as the change of use has taken place and alterations have been completed. A further two holiday/staff accommodation lodges and the siting of 4 chalets for holiday/staff accommodation are proposed.
- 4 The two lodges would be timber clad and flat roofed design. One is located to the southwest of the existing farmhouse on the same building line. The other would be located to the northwest within a clearing in the existing woodland. The four smaller chalets are to be located in small clearings within the woodland to the north of the existing grouping. These units would be timber clad with a pitched roof. This is historically where permission was granted for the siting of static caravans which have since been removed (one further static is still to be removed from an area to the northwest of the main buildings).
- 5 Boreland Farm has operated in an ad hoc fashion historically with various planning applications and enforcement investigations when it was under the

previous owner. Historically we can evidence, from the site history that bunkhouse accommodation and a Bed & Breakfast has operated from the site for more than 10 years.

- 6 The current owners have removed a number of unauthorised caravans, generally tidied up the site and carried out much needed repairs and maintenance.
- 7 The access to the site is via the existing private track that branches off from the residential street Dalchiaran which joins the public road connecting Fearnan and Fortingall. There is a large gravelled parking area and no parking is proposed at the lodges.
- 8 The proposal constitutes a local development and public consultation is not required as part of the formal application process. The applicant has however engaged in dialogue with the Community Council and Fearnan Village Association in an attempt to resolve issues raised in letters of representation. They have also submitted a Noise Management Plan in an attempt to address concerns.

NATIONAL POLICY AND GUIDANCE

- 9 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 10 The 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.

The Scottish Planning Policy 2014

- 11 The SPP is a statement of Scottish Government policy on land use planning. 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
 - Promoting Rural Development : paragraphs 74 – 83
 - Supporting Business and Employment : Paragraphs 92 – 108
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

DEVELOPMENT PLAN

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2012-2032

- 13 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

“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, study and visit, and where businesses choose to invest and create jobs.”

- 14 The following section of the TAYplan 2012 is of particular importance in the assessment of this application:

Policy 3: Managing TAYplan’s Assets

- 15 To assist in growing the year-round role of the tourism sector.

Perth and Kinross Local Development Plan 2014

- 16 The Local Development Plan (LDP) 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.
- 17 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.”*

The relevant policies are;

PM1A - Placemaking

- 18 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B - Placemaking

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

- 21 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

- 22 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

- 23 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 NE4 - Green Infrastructure

- 24 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 25 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

OTHER GUIDANCE

- 26 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014

PLANNING SITE HISTORY

- 27 08/01762/FUL Siting of 5 static caravans approved under delegated powers 03.12.2008

08/01785/FUL Erection of 2 terraces for erecting polytunnels delegated refusal 05.01.09

05/02091/FUL Siting of 5 caravans for temporary workers/students approved at Development Control Committee 21.02.06

03/00487/FUL Resite portable building to paddock field for use as nursery school and after school care, office and meeting place for Trust approval under delegated powers 09.05.03

01/01641/FUL Siting of temporary building for the use of nursery school and after-school-care (in retrospect) delegated refusal 07.02.02

CONSULTATIONS

EXTERNAL

Scottish Water

- 28 No objections with regards to infrastructure capacity.

Glen Lyon and Loch Tay Community Council

- 29 The Community Council have raised issues related to the current use of buildings on the site, the proposal being contrary to Development Plan, the inappropriate siting of proposed buildings, concerns over occupancy numbers, increase in noise and increase in traffic.

INTERNAL

Transport Planning

- 30 No objection to the proposal and no planning conditions recommended.

Environmental Health

- 31 No objection, recommendations related to noise management and odour.

REPRESENTATIONS

- 32 66 letters of representation have been lodged, 30 in support and 36 objections. This includes comment received from Glen Lyon and Loch Tay Community Council (as outlined above) and Fearnan Village Association. The following issues were raised:

Objections

- Noise
- Contrary to Development Plan
- Incompatible with environment

- Inappropriate current use (stag/hen parties)
- No economic benefit to local community
- Traffic and road safety
- Overdevelopment
- Anti-social behaviour
- Loss of privacy
- Waste disposal (siting of bins at road end)
- Littering
- Visual impact

Support

- Increased provision of holiday accommodation
- Employment opportunities

- 33 The Appraisal section of this report responds to the material planning concerns raised.

ADDITIONAL STATEMENTS

34	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	None

APPRAISAL

- 35 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 and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.

Policy

- 36 The site is within an area where tourism policies of the Perth and Kinross Local Development Plan 2014 are supported.
- 37 The site has an established holiday use. The Planning Enforcement Officer has been involved in relation to issues regarding the operation of this site for more than 10 years. An application in 2008 noted that bunkhouse accommodation and Bed and Breakfast were in operation with the site having a long established self-catering use. Historically there has also been touring caravans, static caravans, tents, yurts etc. located within the site.

- 38 This application is to consider the additional units on the site and the change of use (in retrospect) of the nursery building to holiday use and whether the site has the capacity to accommodate an increase in the number of units.
- 39 The principle of a holiday use on the site is established and Policy ED3 Rural Business and Diversification is supportive of the expansion of existing businesses in rural areas. They will be supported where they provide permanent employment or visitor accommodation.
- 40 Policy ED3 outlines criteria for development that requires amongst other criteria that proposals are satisfactorily accommodated within the landscape capacity of any particular location and will not detrimentally impact on amenity of residential properties within or adjacent to the site.
- 41 Policy ED4C relates to Chalets, Timeshare and Fractional Ownership developments. The policy states that proposals should not constitute either over-development of the site or its setting.
- 42 It is considered in policy terms that the existing landscape framework and site area can accommodate the increase in development satisfactorily. For reasons detailed in further sections of the report the proposal is considered to comply with other local development plan policy.

Use/Occupancy

- 43 The site has an existing holiday use and the proposal is to extend this use. Concerns have been raised about the bunkhouse style of development and the marketing towards stag and hen parties. A holiday use in this location is considered acceptable and unfortunately the Planning Authority has no remit to control the individual groups occupying the units.
- 44 The applicant is also seeking to use some of the lodges/chalets for staff accommodation. This is welcomed as having an onsite staff presence would allow monitoring of the site 24 hours a day and allow any issues arising on the site to be addressed quickly. The number of units to be used for staff accommodation however would need to be controlled by condition, detailed in condition 2.

Design and Layout

- 45 The site has a large overall area, however, the development is contained to the existing building group siting on a plateau with the planted rising hillside forming a backdrop.
- 46 The proposal is to site a large flat roof two bedroom lodge (type 1) with open plan living/dining to the southwest of the farmhouse set on the existing building line. This would occupy a gap in the landscape which is defined and contained by the existing buildings and an existing mature planting belt with the proposed lodge much lower in height than the existing building grouping. A further lodge

(type 1) is proposed to the northwest of the farmhouse across the access track in a clearing.

- 47 Within a small woodland area to the north of the access track, tucked in behind the existing building grouping, 4 smaller three bedroom chalets (type 2) are proposed. These chalets will be accessed via woodland tracks.
- 48 The design of the structures is considered acceptable for the woodland setting and will complement the existing building on the site and can be accommodated without loss of trees. The layout is acceptable and reinforces the existing grouping of buildings.

Landscape/Visual Amenity

- 49 The site rises with the buildings at Boreland siting above the settlement of Fearnan and at a distance of over 370metres from the settlement. Five of the proposed lodges/chalets are located behind the existing building line screened within a wooded area. The sixth lodge is proposed to the southwest of the farmhouse on the same building line. Whilst the lodge will be visible the design being single storey and the timber cladding finish combined with the rising topography and mature planting will mitigate and reduce the visual impact. A condition will be added to ensure that the existing trees on the site are retained and protected, detailed in condition 3.

Residential Amenity

- 50 The site has an existing holiday use. The four smaller chalets are located in an area where previously static caravans were sited. The larger lodges are positioned further away beyond the existing holiday buildings. It is considered therefore that the proposed structures would not have a detrimental impact on residential amenity in terms of loss of privacy, overlooking or loss of daylight.
- 51 The current use is marketed towards stag parties and as such, Environmental Health have in the past received complaints regarding this type of use. These arise from shouting and music from members of the parties external to the bunkhouse.
- 52 The proposed chalets are around 20 metres away from existing residential properties and if not appropriately managed there could be a loss of residential amenity arising from this development at these properties.
- 53 Environmental Health considers that this can be managed satisfactorily and a noise management plan has been submitted. The plan outlines the site's current operating procedures and measures that they are putting in place. The difficulty however lies with there being an existing holiday use on the site to which this management plan would apply but could not be linked by condition as they fall out with the redline site boundary. If the noise was determined to be arising from one of the existing units in planning terms we would have no control and the issue would fall back on the other relevant bodies; Police, Environmental Health etc.

- 54 The submission of the Noise Management Plan is welcomed however I am reluctant to add it as a condition on the planning permission as I consider it would not meet the conditions tests set out in Circular 4/1998 due to much of the details and controls being out with the control of the Planning Authority.
- 55 The lodges also have wood burning stoves and these in themselves can lead to odour complaints, particularly if they are not used in line with manufacturer's instructions a condition is therefore recommended to ensure these are operated properly, detailed in condition 5.

Wider Access

- 56 Boreland Farm owns a private section of shoreline which is situated at the southwest corner of the estate (approx. 0.6 miles west along the A827 road from Fearnan's War memorial). There is another area of shoreline adjacent to the village which has been allegedly accessed by guests from Boreland and caused disturbance. This area is privately owned by owners of the Shoreside development (Tigh-Na-Loan).
- 57 The Planning Authority has no remit to control the access to this area and this issue is a private matter. The Management Plan submitted however does demonstrate how the applicant is tackling the issue with guests being advised that they have no access to this area. They have also confirmed that they are in the process of strimming an access path through Boreland Farm which will give direct access from the accommodation to the shoreline by foot and once complete will be signposted. I consider that the provision of this path although not within the redline site and in the area outlined in blue (in the applicants control) would be reasonable to added as a condition on the consent, detailed in condition 4.

Antisocial Behavior

- 58 I acknowledge the concerns of residents regarding the potential behavior of guests, particularly in relation to stag parties. Issues raised relate to rowdiness, loud noise or partying which may be at odds with the prevailing character of the area. However, there is no certainty that occupation of the development by large groups would inevitably give rise to such problems and if it did arise I consider this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990 or the Anti-Social Behaviour etc (Scotland) Act 2004.

Waste Collection/Bin storage

- 59 A bin collection area is located at the junction of the private access track and Dalcharian. This area accommodates council bins which serve the private households adjacent to Boreland Farm. The agent has confirmed that refuse from Boreland Farm has been picked up by a private company and this has been in operation since 2016.
- 60 General littering within the area cannot be controlled by the Planning Authority.

Drainage

- 61 The new lodges will utilise the existing drainage facilities on the site. Water connections will be to the existing public supply.

Road and Access

- 62 There is an existing access via a private access track which connects to the residential street Dalcharian then onto the public road from Fearnan to Fortingall. The site also has a large gravelled parking and turning area which the applicant has stated could accommodate approx 40 cars.
- 63 The traffic generated by such a leisure development would largely be at off peak times (Fri-Mon), with an increase in vehicle trip generation in the region of 15-20 a day during this period. This figure is derived from the use of TRICS (based off of Trip Rate information of similar sites nationally) and estimated increase in maximum occupancy of 64. Taking a worst case scenario suggested by one of the objections of 104 guests produces a vehicle trip rate increase in the region of 20-25 a day during this period.
- 64 The existing access road and junction are to a satisfactory standard and has sufficient operational capacity to accommodate this increase in traffic.
- 65 The Road Safety section of the council also raised no concerns regarding the application.

Developer Contributions

- 66 No developer contributions required.

Economic Impact

- 67 The extension of the holiday use will attract further tourism into the local area and provide employment in the servicing of the facility. The site may also increase spending on local goods and services. The applicant has also stated that they have been working with local businesses to create shared tourism opportunities for example with local businesses such as Highland Safari and Nae Limits.

LEGAL AGREEMENTS

- 68 No legal agreement required.

DIRECTION BY SCOTTISH MINISTERS

- 69 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

- 70 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal does comply with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the Development Plan. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following

- 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 The development hereby approved shall be used solely for holiday accommodation and staff accommodation. Furthermore no more than 2 of the approved cabins at any one time shall be used as staff accommodation. For the avoidance of doubt the holiday accommodation shall not be occupied as the sole or main residence of any occupant and the staff accommodation shall only be occupied by someone employed by Boreland Farm Limited.

Reason - In order to control and restrict the use of the units.

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

- 4 Prior to the occupation of the new units hereby approved a path to link the holiday accommodation with the shorefront area under the applicants control will be formed and signposted. Details of this shall be submitted to and agreed in writing with the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

- 5 The stoves shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The stoves and flues 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 without the prior written agreement of the Council as Planning Authority.

Reason - In order to safeguard the residential amenity of the area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 72 None.

D INFORMATIVES

- 1 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.
- 2 An application for Building Warrant may be required.

Background Papers: 66 letters of representation
Contact Officer: Joanne Ferguson – Ext 75320
Date: 5 October 2017

Anne Condliffe
Interim Development Quality Manager

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