

Perth and Kinross Council
Development Management Committee – 30 August 2017
Report of Handling by Interim Head of Planning

Siting of 12 caravans/chalets, 3 show caravans/chalets and associated works at
Lochmanor Lodge Estate, Dunning, Perth, PH2 0QN

Ref. No: 17/00409/FLL
Ward No: N7 - Strathallan

Summary

This report recommends refusal of the application to site 12 caravans/chalets, 3 show caravans/chalets for a temporary period and associated works at Lochmanor Lodge Estate, Dunning. The development proposal is not 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 a 3.1ha relatively flat area of ground on the east side of the B9141 to the north of Dunning. The site comprises an existing caravan/chalet site which includes a small loch and an area of grassland, an existing dwellinghouse, maintenance shed, office, garage and outbuildings.
- 2 The site is bounded by the Duncrub Burn and farmland to the north, the B9141 to the west and farmland to the east and south. A small burn branches off the Duncrub Burn to the north west of the site and runs southwards down the west boundary. The site is partially screened by hedging along the roadside to the south west and partially screened by the trees along the northern, southern and eastern boundaries.
- 3 Planning consent was granted in July 2014 under 13/01780/FLL to increase the existing tourist facility on the site from 12 touring caravans up to 30 touring caravans and providing a new access further to the north of the existing access. A further application was granted at Development Management Committee in June 2015 for change of use of agricultural land to form extension to Caravan Park including an additional 18 pitches, new access and landscaping to provide a total of 30 chalet/lodge pitches with associated works and landscaping.
- 4 This application is for a further 12 caravans/chalets which will take the total site numbers to 42. In addition to this 3 show caravans are proposed at the site entrance.
- 5 The units proposed consist of two types Rivington and Rivendale lodges which are approx 12m x 38m and 12m x6m. These models are the same as the two existing lodge types on the site. The lodges are proposed to infill gaps between the existing / approved lodges with some repositioning of existing lodges required. The proposal includes a landscaping scheme and new/altered road layout.

- 6 The access to the site is a new access recently constructed which was approved under planning consent 13/01780/FLL. A sewage treatment plant was also previously approved to the north west of the site which will discharge to the adjacent watercourse.

NATIONAL POLICY AND GUIDANCE

- 7 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

- 8 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

- 9 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
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel : paragraphs 269 – 291

DEVELOPMENT PLAN

- 10 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

- 11 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 plans 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.”

- 12 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

Policy 3: Managing TAYplan’s Assets

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

Perth and Kinross Local Development Plan 2014

- 14 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.
- 15 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.”*
- 16 The relevant policies are;

PM1A – Placemaking

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B- Transport Standards

- 19 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

- 20 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

- 21 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

- 22 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

- 23 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.

Policy EP2 – New Development and Flooding

- 24 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.

OTHER GUIDANCE

- 25 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014

PLANNING SITE HISTORY

- 26 05/02112/FUL Increase possible capacity of existing caravan site for touring caravans from 8 caravans to 12 caravans 5 May 2006 Application Permitted under delegated powers
- 27 13/01780/FLL Planning consent was granted by the Development Management Committee in July 2014 to increase the existing tourist facility

from 12 touring caravans up to 30 touring caravans and providing a new access to the site further to the north of the existing access.

- 28 14/01922/FLL Planning consent was granted by the Development Management Committee in June 2015 for change of use of agricultural land to form extension to caravan park including an additional 18 pitches, new access and landscaping to provide a total of 30 chalet/lodge pitches with associated works and landscaping

CONSULTATIONS

EXTERNAL

Scottish Water

- 29 No objections with regards to infrastructure capacity.

Dunning Community Council

- 30 No objection, but note that the use should be for holiday purposes only.

Scottish Environmental Protection Agency (SEPA)

- 31 SEPA objects to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

INTERNAL

Transport Planning

- 32 No objection to the proposal provided the certain conditions are attached in the interests of pedestrian and traffic safety.

Structures and Flooding

- 33 Initially no objection, however having noted the SEPA response, agreed with their objection.

REPRESENTATIONS

- 34 Five letters of representation have been lodged, three in support and two objections. In addition a letter of comment has also been received from Dunning Community Council. The following issues were raised:

Objections

- Flood risk
- Contrary to Policy
- Loss of landscaping
- Overdevelopment

- Use as permanent dwellings
- Adverse impact on visual amenity
- Road safety concerns/traffic volumes
- Ecology impacts

Support

- Additional provision of holiday accommodation
- Employment opportunities

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

36 ADDITIONAL STATEMENTS

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

APPRAISAL

Policy Appraisal

- 37 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.
- 38 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance and are listed in the policy section above.
- 39 The site has an established holiday use and this application is to assess the additional units on the site and whether the site has the capacity to accommodate an increase in the number of units.
- 40 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.

- 41 Policy ED3 outlines criteria for development that requires proposals are satisfactorily accommodated within the landscape capacity of any particular location.
- 42 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.
- 43 It is considered in policy terms that the existing landscape framework and site area cannot accommodate the increase in development satisfactorily. For reasons detailed in further sections of the report the proposal is not considered to comply with local development plan policy.

Design and Layout

- 44 The site has a large overall area, however, the developable area is compromised by the loch to the north and the previous landscaping requirements required under permission 14/01922/FLL. This current proposal seeks to infill many open spaces and landscaped areas with chalets.
- 45 The three show lodges are to be located at the site entrance. These would not be permanently sited and would therefore be acceptable on a temporary basis only.
- 46 The site features a looped access road with an offshoot extended to the far northeast to serve four new units. These new units would be located on the edge of the loch with the access road and parking to the east. This area of the site is narrow, confined by the loch and the boundary planting. I consider that the number of lodges combined with the access road, parking, entrance steps and decking do not sit comfortably within this area of the site and constitute an overdevelopment of this area.
- 47 The landscaping plan approved on the previous permission specifically included substantial areas of planting on the south and east boundary of the site with three lodges removed from the original submission to accommodate the further landscaping. The intention behind this was to ensure that the peripheral and internal landscaping provided a sufficient and appropriate level of framework, commensurate with the amount of development in this location.
- 48 This proposal has six new units shown along the south boundary. Three of which were requested to be removed in the last submission. The siting of these lodges would result in a loss of previously agreed areas of planting and is considered to be detrimental to the overall amenity of the site in terms of the loss of key areas of landscaping.
- 49 Finally two further lodges are proposed within two small landscaped areas located close to the existing/proposed access roads. The siting within these areas results in a poor setting for each lodge detrimental to the amenity of the lodges and the wider character of the area from the loss of open space.

- 50 Overall, the inclusion of additional units and the resultant loss of key components of the landscaping are seen to be detrimental to the character, quality and appearance of the site to an unacceptable degree.

Residential Amenity

- 51 The proposal includes new units to the north east of the site where none exist currently. It is considered, however, that chalets are sufficiently distant enough from any neighbouring residential properties to avoid any detrimental impact on residential amenity in terms of overlooking or overshadowing.

Flood Risk

- 52 SEPA has objected to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
- 53 Part of the site lies within the medium likelihood (0.1% annual probability or 1 in 1000 year) flood extent of the Duncrub Burn as shown on the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
- 54 The three show lodges are located within the 1 in 1000 year flood extent on the SEPA flood maps. These are proposed as temporary structures and will not provide any overnight accommodation. However, if granted, these units will require to be anchored to prevent the lodges moving during a flood event as they are within the functional floodplain.
- 55 Four lodges (Lodges 31 to 34) located to the north east of the site are also within the 1 in 1000 year flood extent of the SEPA Flood Maps. However, the other eight lodges (Lodges 35 to 42) are outwith the flood extent. Regarding the four lodges within the flood extent area insufficient information to assess the flood risk for lodges has been submitted. Consequently, SEPA has maintained their objection to this development until further information is provided to show these four lodges will not be at risk. To overcome the SEPA objection, the agent has indicated that they may submit revised plans omitting these four lodges from the proposal. If revised plans are submitted in this form it would likely allow SEPA to remove their objection and consequently allow any reason for refusal on flooding grounds to be removed.

Drainage

- 56 A new sewage treatment plant and soakaway for the development is shown in the northwest corner of the site approved under a previous application.
- 57 SEPA records indicate that the proposed development site has recently been issued with a CAR Licence for the discharge of treated effluent to the Duncrub Burn. At present there is only one septic tank in place serving a number of existing newly built units which are not yet licenced. However it is understood that this will change this year when the sewage treatment plant is installed. The local SEPA team is in contact with the applicant regarding this matter.

Biodiversity

- 58 No trees are proposed for removal and the landscaping reductions from the previous submission have not yet been planted. It is therefore considered that the development of the site would not have a significant impact on biodiversity including protected species. However the loss of previously approved planting will result in a reduction in the biodiversity opportunities.

Road and Access

- 59 A new access has been formed into the site under the previous permission. The proposal shows new access tracks to be formed and parking areas are shown for each new lodge.
- 60 It is considered that the number of units proposed would not have a significant impact on the road network.

Developer Contributions

Transport Infrastructure

- 61 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.
- 62 The 3 temporary caravans/chalets are not considered against the Guidance.
- 63 The 12 additional permanent caravans/chalets are considered as holiday homes in terms of the Guidance and are included under the residential development rate. The trip rates associated with Holiday Homes are lower than normal residential properties so the contribution will be applied at the Affordable Housing rate of £1,319 per unit. The total required should planning permission be granted is £15,828.

Economic Impact

- 64 The extension of the existing caravan site for holiday chalet purposes will attract further tourism into the local area and increased spending on local goods and services.

LEGAL AGREEMENTS

- 65 The applicant would be required to enter into a Section 75 Legal Agreement or make the developer contribution payment upfront if consent is granted.

DIRECTION BY SCOTTISH MINISTERS

- 66 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

- 67 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The development is considered to be contrary to the Development Plan by virtue of the increase in the number of units and loss of the previously approved landscaping being detrimental to the overall amenity of the site and its setting.

RECOMMENDATION

A Refuse the application subject to the following

Reasons

- 1 The proposal is contrary to Policy ED3 Rural Business and Diversification criteria (b) of the Perth and Kinross Local Development Plan 2014 as the proposal would not be satisfactorily accommodated within the landscape capacity.
- 2 The proposal is contrary to Policy ED4C Chalets Timeshare and Fractional Ownership criteria (a) of the Perth and Kinross Local Development Plan 2014 as the proposal by virtue of the number of units and loss of landscaping constitutes an overdevelopment of the site and its setting.
- 3 The proposal is contrary to Policy PM1A Placemaking of the Perth and Kinross Local Development Plan 2014 as the density and siting of the development would not respect the character and amenity of the place.
- 4 The proposal is contrary to Policy NE4 Green Infrastructure of the Perth and Kinross Local Development Plan 2014 as the proposed number and position of the caravans/lodges reduces the amount of green infrastructure which was previously agreed to mitigate the impact of development on the site.
- 5 The proposal is contrary to Policy EP2 New Development and Flooding of the Perth and Kinross Local Development 2014 as the siting of lodges 31 - 34 may place buildings and persons at flood risk.

B JUSTIFICATION

The proposal is considered not to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

None.

Background Papers: 6 letters of representation
Contact Officer: Joanne Ferguson – Ext 75320
Date: 17 August 2017

Nick Brian
Interim Head of Planning

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