

Perth and Kinross Council
Planning & Development Management Committee – 26 September 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/295)

PROPOSAL: Erection of 2 holiday accommodation units and 3 camping pods
LOCATION: Tay View Lodges, Guay

Ref. No: 18/01185/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 The application relates to an existing holiday lodge site at Guay which was previously run by the Girls' Brigade. Presently there are four detached holiday lodges on the site. The site is now privately owned and run as a small holiday park open to the general public. Planning permission is sought to construct two additional holiday lodges and three camping pods.
- 2 The site is located just to the north of a small group of houses at Guay, accessed off a minor road from the A9 Trunk Road. The site is bounded to the north and west by existing woodland, to the east by an existing track adjacent to woodland and to the south by hedging. There are extensive views out of the site to the south towards the River Tay.
- 3 The site has been operated by the current owners since March 2017. The supporting statement notes that the focus of the business is for the family market for holidays and short breaks.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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

- 6 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.
- 7 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

- 8 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 75 Planning for Transport

Creating Places 2013

- 9 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 10 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

- 11 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

- 12 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.”

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 14 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 9: Managing TAYPlans Assets

- 15 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 16 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.

- 17 The principal relevant policies are, in summary:

Policy 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. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

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

Policy ED4C - Caravan Sites, Chalets and Timeshare Development

- 20 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 TA1B - Transport Standards and Accessibility Requirements

- 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 EP8 - Noise Pollution

- 22 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 23 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 24 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 25 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 26 02/02068/FUL Erection of dormitory accommodation Application Approved by Development Control Committee on 13 February 2003
- 27 [08/02350/FUL](#) Demolition of existing building and erection of recreation and training centre and 4 chalets Application approved under delegated powers 10 March 2009
- 28 [15/00937/FLL](#) Removal of condition 3 (occupancy of buildings) of permission 08/02350/FUL (Demolition of existing building and erection of recreation and training centre and 4 chalets) Application approved under delegated powers 12 August 2015

CONSULTATIONS

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

External

- 30 **Scottish Water** - no objection.
- 31 **Transport Scotland** - no objection.

Internal

- 32 **Transport Planning** - no objection.
- 33 **Environmental Health (Noise Odour)** - no objection subject to condition with regard to wood burning stove and informative note with regard to site licence.

REPRESENTATIONS

- 34 The following points were raised in the 6 representations received:
- Over development – holiday makers will outnumber residents
 - Residential amenity – loss of privacy and overlooking

- Noise – from additional traffic and people
- Roads and access – impact on private and public road from increased volumes of traffic, including construction traffic, will compromise its stability.
- Access difficult from A9. Drainage – potential damage to soakaway by building access road and chalet close to it.
- Parking – close to and above existing housing
- Type of development – change in character of area.
- Site not appropriate for general holiday chalet use.
- Site warden – can use as a lodge for warden be conditioned/controlled?
- Site ownership – question over red line site boundary.
- Loss of view – note that hedge would cut off view to the hills and make living in house claustrophobic
- Damage to environment such as danger from people lighting fires, additional footfall damaging woodland and danger from loose dogs, litter.

35 These issues are addressed in the Appraisal section of the Report

36 The last two bullet points are not considered to be material planning considerations. With regard to the latter point regarding littering, fire lighting and dog behaviour the applicant has stated that, where required, such issues will be addressed through education and liaison with their customers.

ADDITIONAL STATEMENTS

37

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Not Required

APPRAISAL

38 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.

Principle

- 39 The site is located in a rural area close to a group of existing housing. Policy PM1 supports development that respects the character and amenity of the place. The site was previously used as a campsite/centre by the Girls' Brigade with holiday lodges being open to the general public in more recent years. Policy EC4C of the Local Development Plan supports new chalet developments particularly where it involves the expansion of an existing chalet park and where the development does not constitute either over development of the site or its setting. The principle of use as a chalet park has previously been established. There have been objections to the development stating that it constitutes over development. I would consider the expansion to be of a modest scale that does not constitute over development and is in accordance with Policy EC4C.

Design and Layout

- 40 The proposal is for two holiday lodges and three camping pods.
- 41 The timber holiday accommodation units will be finished in a "thermowood" cladding (heat treated timber). The lodges are proposed as two bedroomed units. One of the lodges is positioned between two existing lodges on the eastern part of the site and will measure 9m x 6m and is proposed 3.6m to ridge height. A 2.4m decked area is located at the southwestern end of the lodge. This lodge is accessed by an extension to a pedestrian path that currently accesses the existing lodges. The second lodge is sited on a lower part of the site to the west. This lodge is slightly larger measuring 11m x 6m with a similar 2.4m decking area to the south. This lodge is proposed to be accessed by a new vehicular track.
- 42 The camping pods are designed for use by two people and measure 6m x 3m and 2.7m in height. The pods are rectangular with a dome shaped roof, circular entrance door and small round window to the rear. They are positioned to the west of the existing parking area and will be finished in a red cedar timber. Views out of the lodges will be to the southwest towards the far corner of the park.
- 43 Additional parking provision for six vehicles is proposed alongside the existing hedge to the south of the site.

Site management

- 44 There have been some concerns from local residents that people arrive and do not know where to go as there is not always someone on site to greet them. The applicants have intimated that they intend to use new lodge 2 as warden's accommodation so that they can have more of a presence on site. The lodge will not be a principal home and they plan for the lodge to be used by themselves, a family member or an employee to enable them to better meet and greet visitors and also monitor activities on site. A condition to

control occupancy of the new lodges and pods will be attached to any permission (Condition 2).

Landscape

- 45 There are no landscape implications with this proposal. The site is set within an existing landscaped setting. The applicant has also planted a large number of native hedging plants to add to the existing boundary hedging around the site and has indicated in their supporting statement that further planting and improvements to increase diversity will be made as part of the site management.

Noise/Amenity

- 46 There have been objections with regard to the potential increase in noise and disturbance to local residents from users of the site. The application is for two lodges and three camping pods. The lodges will have two bedrooms and the pods will have space for one double bed. These are of a smaller scale than the existing four lodges on the site which each have four bedrooms. The existing sleeping capacity of the lodges is 29. The addition of the two lodges and three pods will add 14 to the site across the five new units. The pods and lodges will be provided with self-contained bathroom and kitchen facilities. Environmental Health has no objections on grounds of noise or amenity based on the size and location of the additional lodges and pods

Air Quality/Odour

- 47 Environmental Health has commented on the plans as there is provision made for a wood burning stove and associated flue to the 2 holiday lodges. Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. In this case the domestic sized stove as proposed is not a cause for concern.
- 48 Environmental Health notes that another matter pertaining to the stoves which could cause issue is the potential for smoke or odour. The Council has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings. In this case the flue will dissipate at roof ridge level which should ensure sufficient dispersal. An informative note will be added to highlight the importance of operating the stove using fuel as recommended by the manufacturer.

Overlooking and loss of privacy

- 49 There have been objections from properties close by concerned that the new lodges and pods will overlook them. The angle of the units and distance from neighbouring houses is sufficient not to cause any overlooking or loss of

privacy. The closest pod to another residential property is around 14m but there are no windows on the side elevation of the pod which would look towards this property. The closest new lodge is over 30m from any other residential property. I have no concerns with the new units impacting on residential amenity through overlooking or loss of privacy.

- 50 There has been an objection to the proximity of the car parking area being too close to the kitchen window of the property known as Tay View. This would be around 7.5m from the window which is set below the site. The applicant notes that the gap in the hedge at this point could be planted with hedging plants but it had purposefully been left clear so that the occupants of Tay View retained their view out. The car parking area would not be in constant use and I do not consider that the use of this area for car parking would cause a loss of amenity. The objector notes that they understand that loss of a view is not a material planning consideration.

Visual Amenity

- 51 As a result of the scale of the development and the existing landscaped setting of the site it is considered that the proposed development will result in little impact on the visual amenity of the area.

Roads and Access

- 52 The access to the site is taken from a private track onto an unclassified public road which ultimately leads directly on to the A9. There are currently 10 parking spaces on the site. An additional 9 spaces will be provided as part of the proposed development to accommodate the new units. One additional space is being formed by a slight change to the existing parking area. Six new spaces will be formed close to the southern boundary with an additional two spaces located by the proposed warden's lodge. Limited details have been submitted with regard to the materials to be used for the track and parking area. Further details will be requested by condition (Condition 3).
- 53 There have been a number of objections with regard to the impact of the increased traffic and also the heavy traffic during construction. It is anticipated that the three pods and two lodges would generate one vehicle each which would represent a small increase in traffic using the minor road to access the site. In terms of construction, given the scale of the development it is not anticipated that there will be any significant impact on traffic levels and in any case this would only be temporary for duration of the construction phase. As such is not anticipated that this proposal will have any significant impact on the local road network. Furthermore, Transport Planning and Transport Scotland have been consulted and neither has made any objection to the development.

Drainage and Flooding

- 54 There is existing foul drainage and sewage treatment plant on the site. The new lodges and pods will connect into this. The position of the lodge for the

warden accommodation on south west of site has attracted objections due to its proximity to the existing sewage treatment plant and existing drainage soakaway. The access track to the lodge also crosses the soakaway. The agent has checked the acceptability of this with Building Standards and no concerns have been raised. It is noted that the soil has a relatively fast porosity and the drainage pipes are at least 600mm below ground. The agent states that when the track is constructed they will ensure that there is a geotextile membrane included below the hard-core fill.

Waste Collection

- 55 There are existing facilities on the site for waste and recycling which will be used for the proposed new development.

Natural Heritage and Biodiversity

- 56 The applicant has stated that improvements to the biodiversity of the site will be made as part of the site management. In particular it is noted in the applicant's supporting statement that over 350 mixed native hedging plants have already been planted, areas of uncut grass has been left to allow wildflowers to grow and bird nest boxes have been erected.

Land Ownership

- 57 Following a query from a member of the public about the site ownership clarification was sought with regard to the red line site boundary. As a result of this the red line site boundary was extended to include the access to the public road. As a result the application was re-advertised and neighbours re-notified with a subsequent extension to the consultation period undertaken.

Developer Contributions

- 58 The proposal is not subject to any requirement for developer contributions. The site is for holiday accommodation so there is no requirement for affordable housing or education contributions. It is also outwith the Perth Transport Area so does not require a contribution to transport infrastructure.

Economic Impact

- 59 The proposals will have a positive economic impact by providing additional holiday accommodation in the area. There are presently 2 part-time staff employed and it is expected 1 full-time post will be created as a result of the development whilst still retaining the 2 part-time positions.

LEGAL AGREEMENTS

- 60 No legal agreement is required in relation to the planning application for this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 61 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

- 62 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 Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 63 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application subject to the following conditions:

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 The development hereby approved comprising the two lodges and three camping pods, shall be used solely for holiday accommodation and shall not be used as the sole or main residence of any occupant with the exception of the lodge located to the west of the site (Lodge Type 2) which can also be used as permanent staff accommodation by a person employed in the associated business or a family member of such a person residing with him or her.

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed parking area and track within the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

None

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 An application for Building Warrant may be required.
- 5 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>

- 6 The applicant is advised that the pods and possibly the lodges (depending on the construction and size) will be subject to licensing in terms of the Caravan Sites and Control of Development Act 1960, as amended. It would therefore be necessary for a caravan site licence to be obtained for the site before the pods are first brought into use and the site would need to comply with the caravan model standards for holiday use. The applicant should seek further advice from the Council on whether the lodges would also need to be licenced in terms of the Caravan Sites and Control of Development Act 1960.

- 7 The stove(s) should be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer.

Background Papers: 6 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 13 September 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--