

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
12 April 2016

Agenda Item	6.5
Report No	PLS 025/16

15/03125/FUL: Mr and Mrs Tulloch
Old Milton, Kingussie

Report by Area Planning Manager - South

SUMMARY

Description: Use of land as Boys Brigade campsite and associated facilities (including wc's, showers and kitchen); upgrading works to access

Recommendation - GRANT

Ward: 21 - Badenoch and Strathspey

Development category: Local Development

Pre-determination hearing: Not required

Reason referred to Committee: Objection from Community Council as statutory consultee.

1. PROPOSED DEVELOPMENT

- 1.1 Use of an area of agricultural land as a BB campsite with associated formation of vehicle access to the public road, parking and manoeuvring space for mini buses and cars, and erection of a facilities building containing kitchen, showers and toilets.
- 1.2 Pre-application advice is not mandatory but was sought for a number of development proposals on the estate including this proposed development.
- 1.3 Access to the field from the public road is by an agricultural field gate access which the applicant proposes to upgrade as shown on the application drawings. The facilities building would be served by new water supply pipes connecting to the public main and would be served by a new septic tank and soakaway.
- 1.4 No supporting documents submitted.
- 1.5 **Variations:** No variations have been made to the application since it was lodged.

2. SITE DESCRIPTION

- 2.1 The site is a gently rolling field at or slightly below the level of the B970 where it runs along a bench above the flood plain of Insh Marshes, about 3 km east of Kingussie and on the south side of the strath. It is adjacent to the road and separated from it by a low stone dyke. It forms part of the estate of Old Milton, a large villa set in wooded grounds to the north-east of the site.

3. PLANNING HISTORY

- 3.1 15/00224/PREAPP pre-application advice.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour and Schedule 3. Advert expiry date 10/9/15
Representation deadline : 28/9/15

Timeous representations : 1 from 1 household

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Cumulative impact of developments on water supply to Drumguish

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Transport Planning Team:** No objection subject to satisfactory access geometry.
- 5.2 **Forestry Officer:** No objection. Potential for some impact on trees due to water supply and access.
- 5.3 **Kincraig & Vicinity C.C.:** Object due to likely effect on Drumguish water supply. Will not be addressed by cistern.
- 5.4 **CNPA:** No objection.
- 5.5 **Scottish Water:** No response received.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorms National Park Local Development Plan 2015

- | | |
|---|----------------------|
| 3 | Sustainable Design |
| 4 | Natural Heritage |
| 5 | Landscape |
| 8 | Sport and Recreation |

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Local Development Plan Supplementary Guidance

Sustainable Design

Natural Heritage

Landscape

Sport and Recreation

Resources

7.3 Highland Council Supplementary Planning Policy Guidance

Trees, Woodlands and Development

7.4 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (SPP) 2014

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The principle of development finds support in CNPLDP 8, interpreting Boys Brigade camping as a form of recreation. (If interpreted as a tourist facility it would find support in CNPLDP 2 *Supporting Economic growth*). Access arrangements as detailed in amended drawings satisfy Transport Planning's requirements and are satisfactory in terms of the relevant test of CNPLDP 3. The nature of the use minimises permanent landscape impact and the design and siting of the facilities building is considered acceptable in terms of CNPLDP5. The water supply arrangements have the potential to affect an "important natural and earth heritage site/interest" (ancient woodland) as referred to in CNPLDP 4 and need to be considered in relation to CNPLDP 3 and 10. In particular the contributor's and Community Council's concerns regarding its impact on other users of the public water supply.

8.4 **Material Considerations**

The applicant has referred to the water supply to the site being “private” but in practice this means that a branch pipe would be taken from the existing connection to the public water main serving the Old Milton estate and would be metered separately. It would still be drawing water ultimately from the public water main.

Objection concerns reflect changes in the way that the estate as a whole is being developed and managed with the main house having been extended and possibly let out commercially, an existing vacant cottage being redeveloped, and a number of grounds maintenance activities.

There has been no Scottish Water response to the consultation sent out when the application was validated and their letter direct to the applicant dated 14 January does not clearly answer the question of whether development would have an adverse effect on other people served by the water main from which Old Milton draws its supply. However the figures provided by the applicant’s consultant engineers do suggest that with a sufficiently large holding tank to buffer fluctuations in demand the proposed campsite and its facilities should not have a significant adverse impact on other users of the public supply, either on its own or cumulatively with the other developments at Old Milton.

The digging of a track through the woodland to accommodate the branch pipe is unlikely to fail the CNPLDP 4 tests of compromising the overall integrity of the area of ancient woodland or have significant adverse effects. Nevertheless as a matter of good practice its route and construction should be microsited and undertaken in such a way as will minimise impact on individual trees.

8.5 **Other Considerations – not material**

Not applicable

8.6 **Matters to be secured by Section 75 Agreement**

Not applicable

9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued	No
Notification to Scottish Ministers	No
Notification to Historic Scotland	No
Conclusion of Section 75 Agreement	No

Revocation of previous permission No

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons.

1. No development shall commence until
 - i. the route of the water pipe supplying the site has had its precise route set out on the ground, microsited in such a way as to avoid or minimise incursion into the rootplates of any trees, and the route approved by the Planning Authority, and
 - ii. a construction method statement for the installation of the water pipe, employing best practice to avoid or minimise damage to trees and their roots, has been submitted to and approved by the Planning Authority.

Reason : In order that the Planning Authority can ensure that damage to ancient woodland is minimised and because the route's effects on individual trees cannot be accurately assessed from the plans submitted.

2. No other development shall commence until the access into the campsite field has been formed and completed in accordance with the geometric and constructional details set out in drawings PL-3_003A and PL-3-005.

Reason : To ensure that all traffic including construction/development related traffic can enter and leave the site without detriment to road safety and the integrity of the public road carriageway.

3. The facilities building shall be supplied with water from a storage tank measuring not less than 2.0 metres x 1.5 metres x 1 metre. Prior to the commencement of construction of the facilities building there shall be submitted to and approved by the Planning Authority plans showing the location of this tank. Development shall thereafter be undertaken in accordance with these plans as approved.

Reason : To ensure that the development will not adversely affect the supply of water to other users of the public water supply in the Insh/Drumguish area.

4. The use of the campsite and its facilities shall be limited to members of the Boys Brigade and any of its staff (paid or volunteer) in charge of members using the site.

Reason : To accord with the terms of the permission sought, for the avoidance of doubt, and in order that the Planning Authority can assess the traffic and resources implications of any other camping use of the site.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION
In accordance with Section 58 of the Town and Country Planning (Scotland) Act

1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does

not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

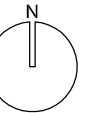
Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:	Allan J Todd
Designation:	Area Planning Manager – South
Author:	Andrew McCracken
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan Plan 2 – Site Layout Plan Plan 3 – Access Layout Plan 4 - Proposed Floor Plan and Elevations Plan 5 - Access Layout (Detail)



- - - - - Application Site
- — — — — Other land owned by Applicant
- - - - - New watersupply pipe
- - - - - Exist watersupply pipe

Revisions:

Client: MR. & MRS TULLOCH

Job: OLD MILTON KINGUSSE

Title: LOCATION PLAN PROPOSED BOYS BRIGADE FACILITIES & CAMPING SITE

Scale: 1:2500 @ A2
Date: August 2015

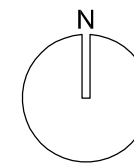
Job No: 442-1
Dwg No: PL-3_001
Rev:

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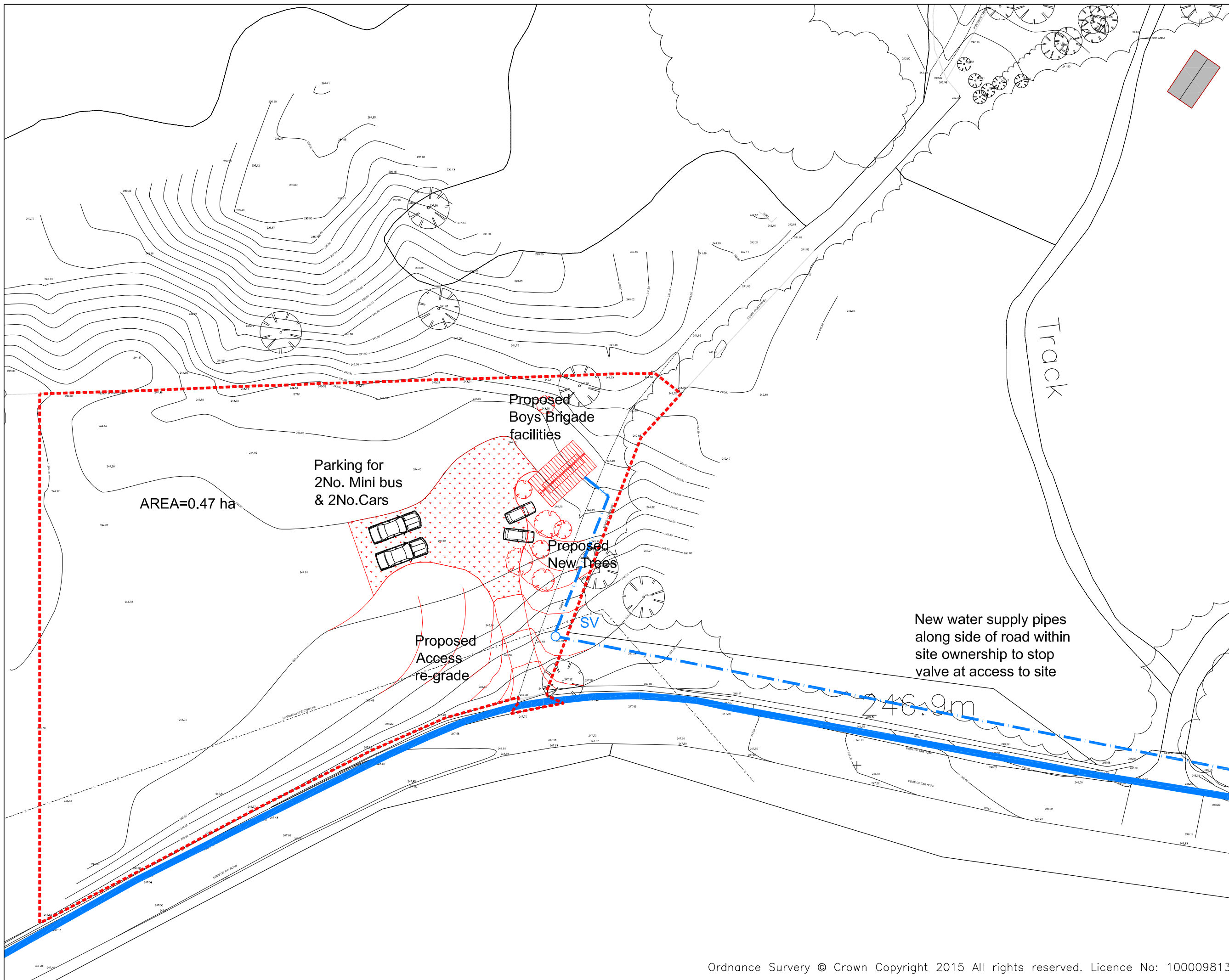




ft 0 10 20 30 40 50
m 0 5 10 15

KEY:

-  Application Site
-  Other land owned by Applicant
-  Re-inforced Grass
-  New water supply
-  New Trees



Client: MR. & MRS TULLOCH

Job: OLD MILTON KINGUSSIE

Title: SITE PLAN PROPOSED BOYS' BRIGADE FACILITIES

Scale: 1:500 @ A3

Date: August 2015

Job No: 442-1

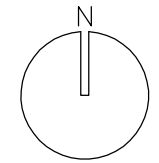
Dwg. No: PL-3_002

Rev:

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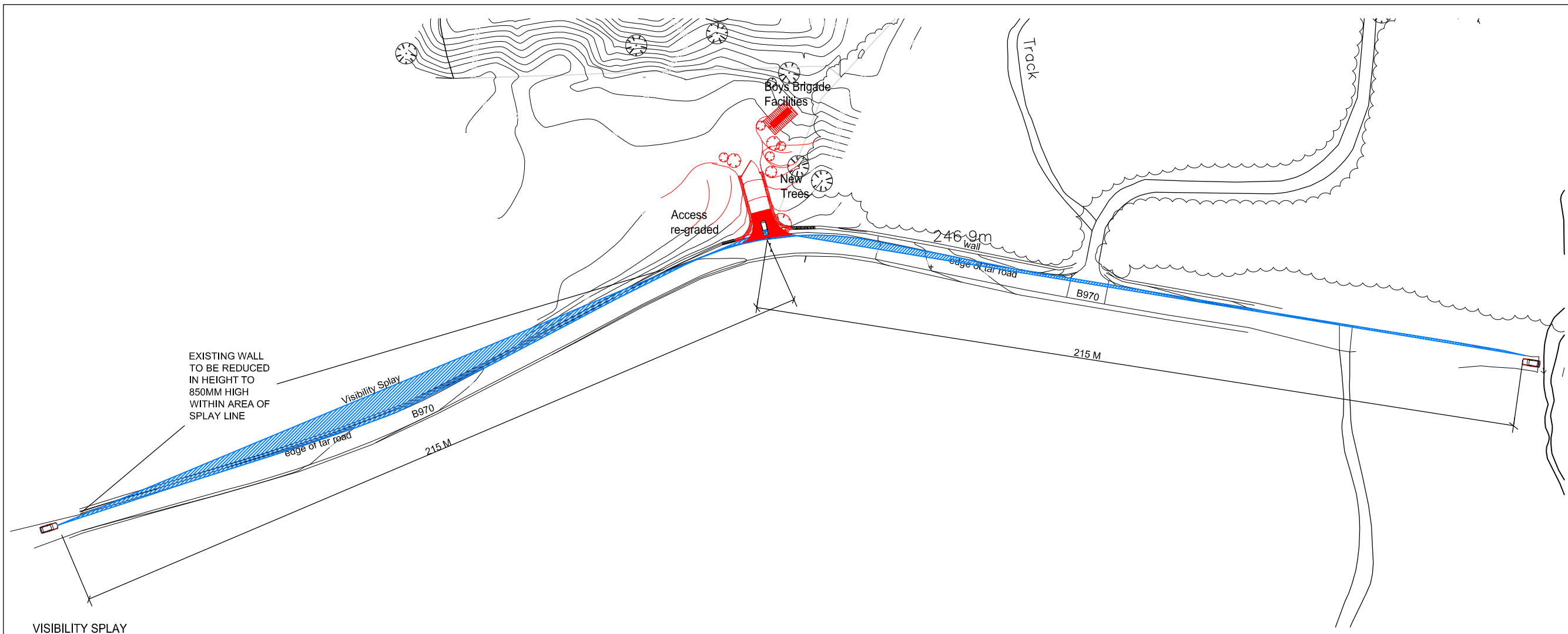
THIS DRAWING MUST NOT BE SCALED FROM OR USED FOR MEASUREMENTS. CHECK ALL DIMENSIONS ON SITE.



Visibility Splay

New Trees to be natural species of birch

New Access Road:
40mm Thk. asphalt conc. to 912 of the spec. for highways on 60mm thk. binder course over 250mm thk. Type 1 sub base



EXISTING WALL TO BE REDUCED IN HEIGHT TO 850MM HIGH WITHIN AREA OF SPLAY LINE

VISIBILITY SPLAY SCALE 1/1250

Rev A: Access road & walls amended

Client: MR. & MRS TULLOCH

Job: OLD MILTON KINGUSSIE

Title: BOYS BRIGADE ACCESS & VISIBILITY

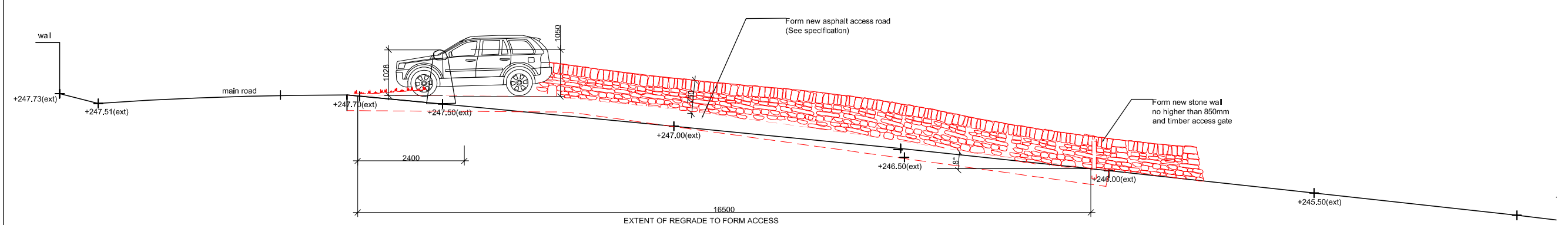
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Date: August 2015

Job No: 442-1

Dwg. No: PL-3_003A

Rev:



SECTION A - SITE ACCESS & NEW WALL SCALE 1/100

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THIS DRAWING MUST NOT BE SCALED FROM OR USED FOR MEASUREMENTS. CHECK ALL DIMENSIONS ON SITE.

EXTERNAL WALLS:

Re-use existing stone from the old milton site to form solid retaining walls around base of building and end gable wall. Fix against blockwork inner leaf.

Tank external stone wall below ground and lay a perforated drain around base to form soakaway.

Line single leaf blockwork above stone base wall with ventilated timber cladding- stained

ROOF:

Form roof with black corrugated metal fixed over a structural timber truss. Fit translucent corrugated roofing to form rooflights.

WINDOWS & DOORS:


Solid timber doors and window frames - painted.

EXTERNAL WALLS AND STEPS:


Re-use material from the Old Milton site.

RWP's:

C.I. painted Micaceous Iron Oxide -Dark Grey

 Black corrugated metal roof with translucent rooflights

 Timber cladding -Stained

 Re-used stone walls

Client: MR. & MRS TULLOCH

Job: OLD MILTON KINGUSSIE

Title: BOYS BRIGADE FACILITIES PROPOSED PLANS ELEVATIONS & SECTION

Scale: 1:100 @ A3

Date: JULY '15

Job No: 442-1

Dwg. No: PL-3_004

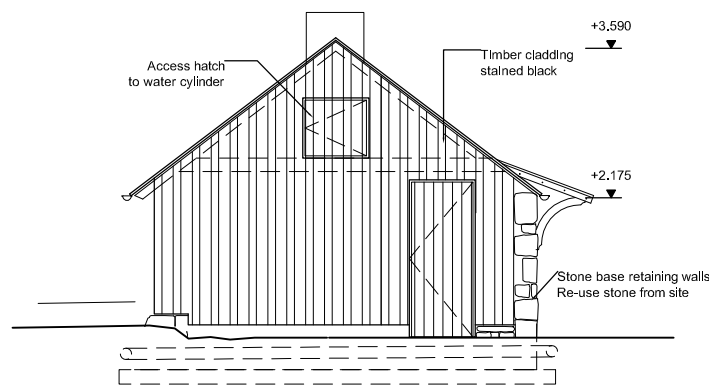
Rev:

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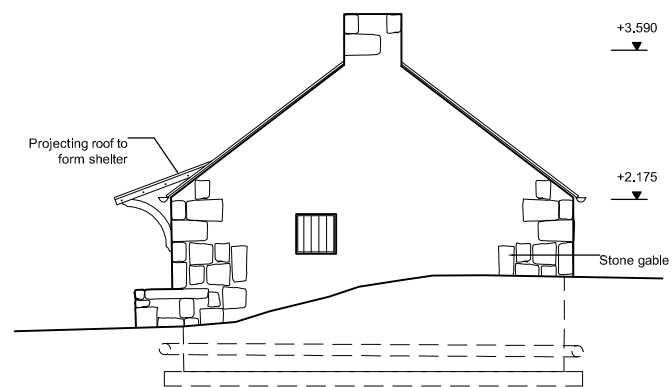
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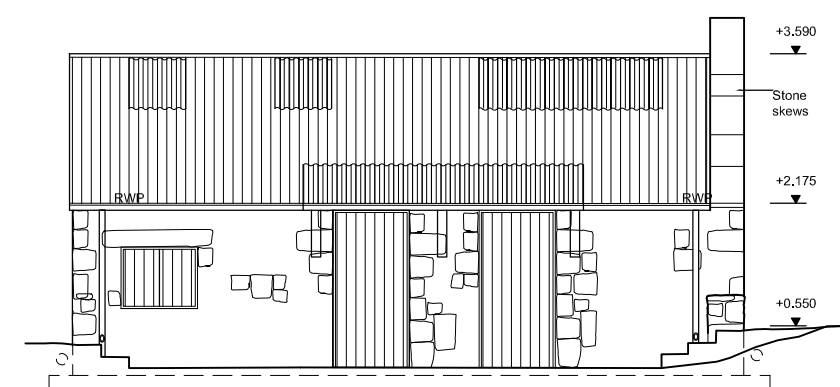
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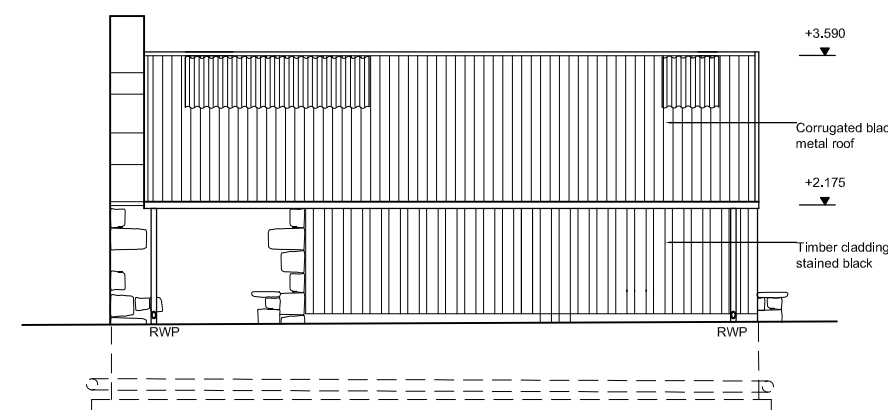
NE ELEVATION
1/100



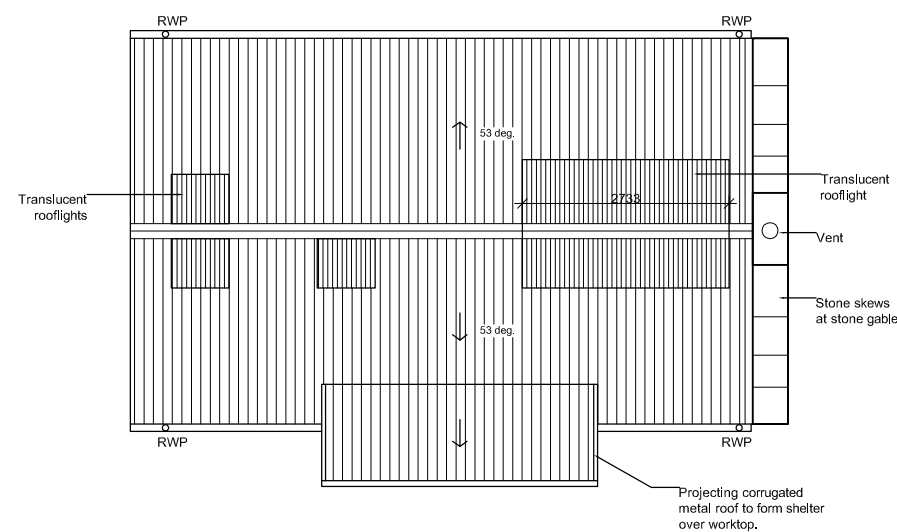
SW ELEVATION
1/100



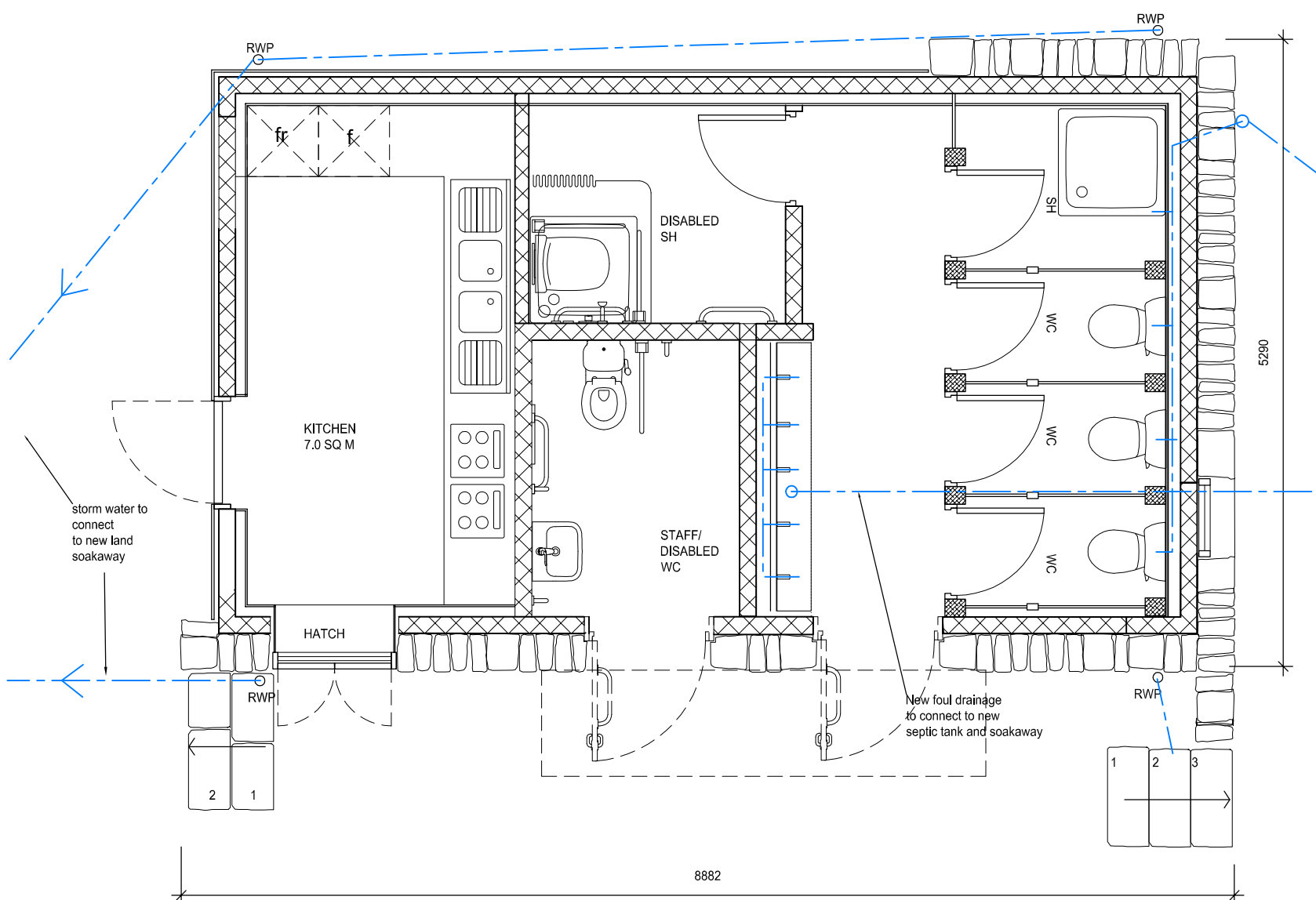
NW ELEVATION
1/100



SE ELEVATION
1/100

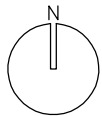


ROOF PLAN
1/100





PLAN
1/50

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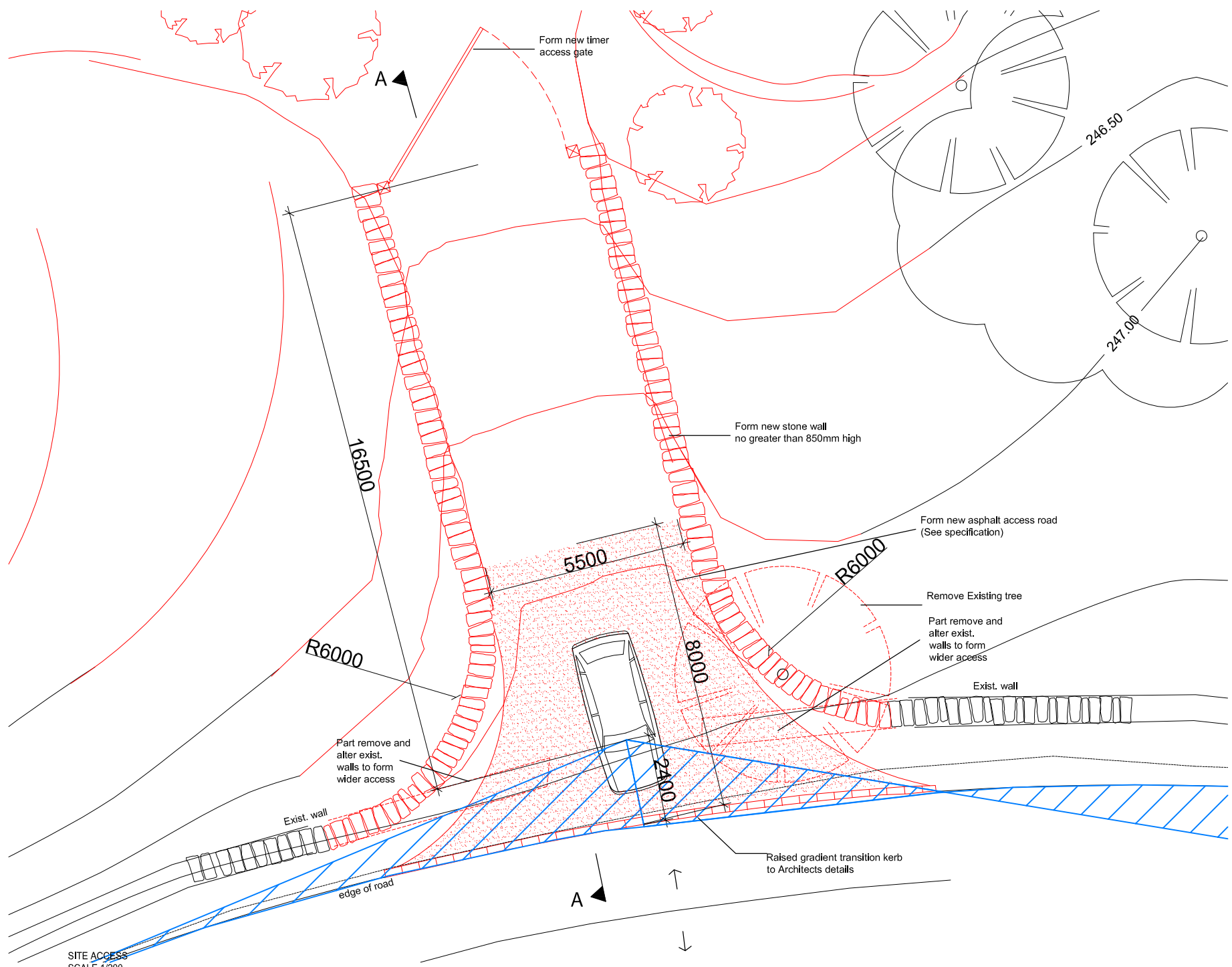


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New stone walls 



Client: MR. & MRS TULLOCH

Job: OLD MILTON KINGUSSIE

Title: BOYS BRIGADE ACCESS

Scale: 1:100 @ A3

Date: August '15

Job No: 442-1

Dwg. No: PL-03-005

Rev:

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SITE ACCESS
SCALE 1/200