

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
17 May 2016

Agenda Item	6.2
Report No	PLS/035/16

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.
The application was deferred at the April Committee meeting and this report updates the current situation.
- 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. A further detailed letter of objection has been submitted. This identifies in detail the current issues with the public water supply serving the Drumguish area and that the existing residents have significant problems in securing a regular supply of water. Water pressure is low and the existing mains pipe network serving the area is old and of limited diameter meaning water pressure cannot be increased. In addition, properties on Old Milton estate are under going renovation placing greater demand on the current water supply. It is identified that these properties are served by the public water supply from Inveruglas which because Drumguish is at a lower level, further exacerbates the water supply and water pressure serving the area.

The Community Council seek assurances that this development should not impinge on current supplies to the disbenefit of existing local residents and that Scottish Water make a detailed assessment of the situation and avoid providing a connection without due consideration of the existing situation.

- 5.4 **CNPA:** No objection.

5.5 **Scottish Water:** the application was deferred at the previous April Committee meeting to enable further discussion with Scottish Water. Following on, a formal response has now been received. This identifies that Scottish Water has issued a capacity letter to the applicant which identifies that in the opinion of Scottish Water there is sufficient capacity within their network to serve the development. It does however identify that:

‘Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. However, it is important to note that Scottish Water is unable to reserve capacity and connections to the water & wastewater networks can only be granted on a first come first served basis. For this reason we may have to review our ability to serve the development on receipt of an application to connect.’

In addition, Scottish Water (SW) identify that the applicant will be required to seek Technical Approval for the water and wastewater infrastructure from the Scottish Water technical design team.

The customer will also be required to apply for a new connection showing a design with internal plumbing schematics, route of pipework from the property to the point of connection on the existing water main and any third party land agreement way leave /deed of servitude requirement.

The design will also require to ‘take into consideration for storage and private pumping arrangements at a suitable location as per the SW capacity letter.’

Only when all of the above has been completed will SW issue Technical Approval.

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
10	Resources

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.

The key consideration is the extent to which the site can be serviced by the existing public water supply. The concerns of residents and the Community Council are particularly pertinent in this respect and identify existing issues with water supply, particularly in terms of water pressure and the evident inability of the current pipe network to serve existing residents.

Scottish Water has however indicated that although there is sufficient capacity within the supply to serve the proposed use, it will be necessary for the applicant to secure Technical Approval. This will involve ensuring that the network (and not the supply) serving the new use is capable of delivering the supply without detriment to existing users. This may mean renewing the existing feeder pipe network or installing a pump to pump supply to the new use. In any event, it will be for Scottish Water to ensure that delivery of the supply is without detriment to the existing users through their Technical Approval process.

In addition, 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.

Based on the information provided by Scottish Water, it seems that the site is capable of being served by the existing water supply subject to potential upgrades and with the additional benefit of a storage tank to serve the new use. It is intended to include a condition which restricts development on site unless Technical Approval is first granted by Scottish water and to seek their assurances that the use will not impact on existing residents.

In this way, it is considered that the application can be supported.

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. Technical Approval has been granted by Scottish Water in consultation with the planning authority and thereafter any mitigation so identified is installed prior to first use of the facility being implemented,
- ii. the route of the water pipe supplying the site has had its precise route set out on the ground, micrositied 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
- iii. 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:

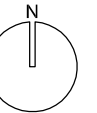
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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: Malcolm MacLeod
Designation: Planning and Building Standards Manager
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

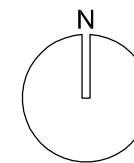
Rev:

BENJAMIN TINDALL

ARCHITECTS






17 VICTORIA TERRACE
 EDINBURGH EH1 2JL
 TEL 0131 220 3366 FAX 0131 220 3535
 ARCHITECTS@BENJAMINTINDALLARCHITECTS.CO.UK

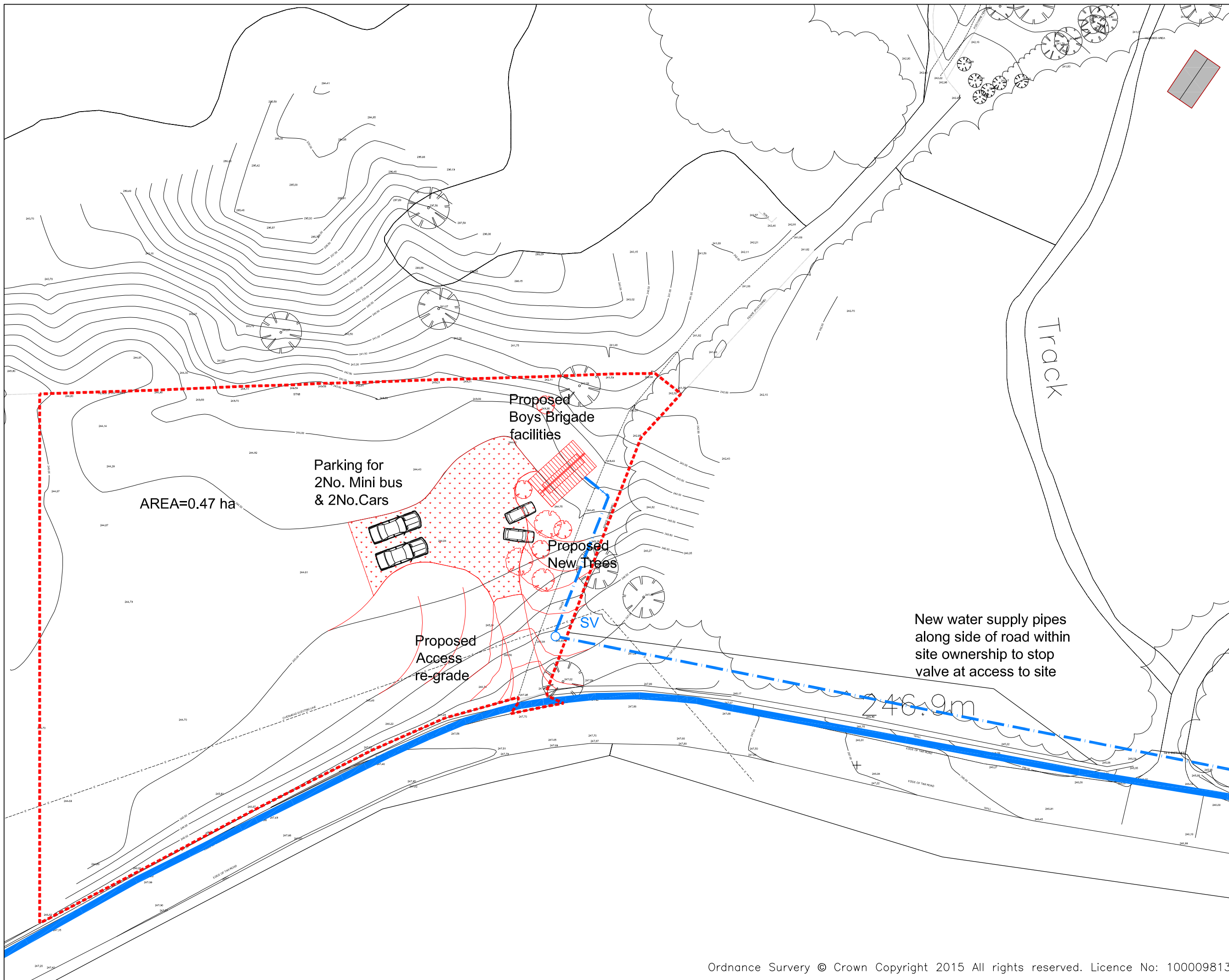




ft 0 10 20 30 40 50
m 0 5 10 15

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

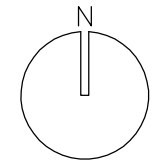
Dwg. No: PL-3_002

Rev:

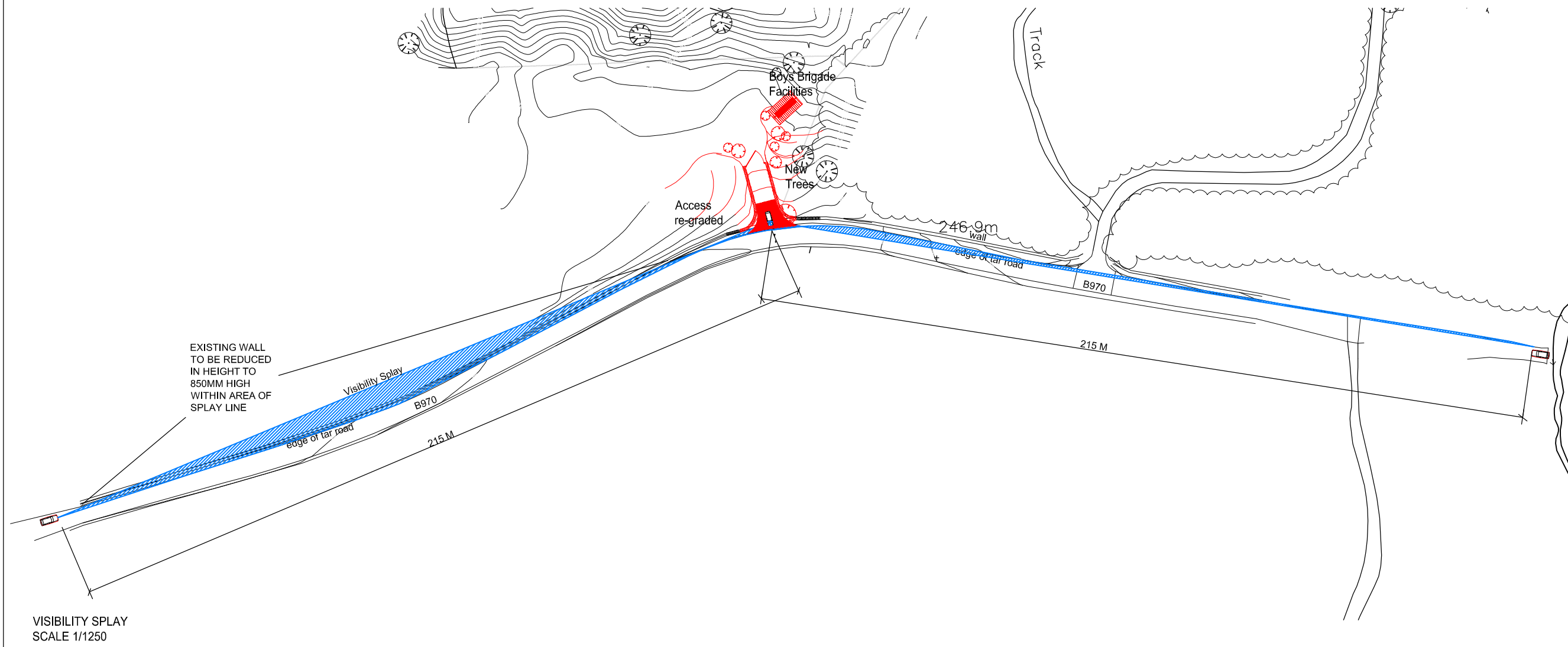
BENJAMIN TINDALL
ARCHITECTS

17 VICTORIA TERRACE
 EDINBURGH EH1 2JL
 TEL 0131 220 3366 FAX 0131 220 3535
 ARCHITECTS@BENJAMINTINDALLARCHITECTS.CO.UK

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



VISIBILITY SPLAY SCALE 1/1250

Rev A: Access road & walls amended

Client: MR. & MRS TULLOCH

Job: OLD MILTON KINGUSSIE

Title: BOYS BRIGADE ACCESS & VISIBILITY

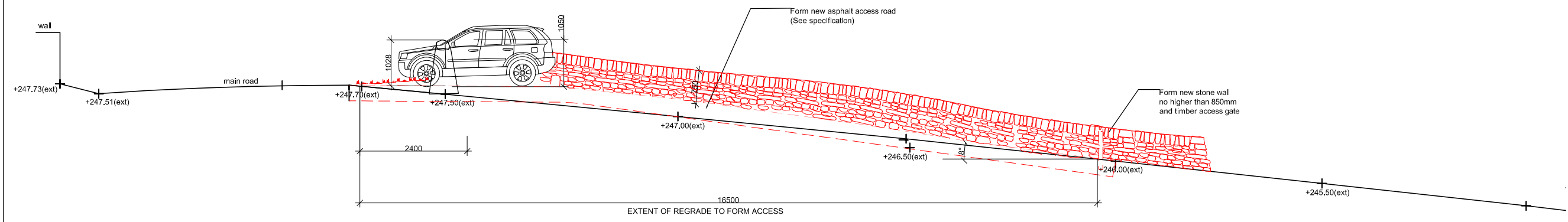
Scale: 1:1250,200,100 @ A3

Date: August 2015

Job No: 442-1

Dwg. No: PL-3_003A

Rev:



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

BENJAMIN TINDALL
ARCHITECTS

17 VICTORIA TERRACE
 EDINBURGH EH1 2JL
 TEL 0131 220 3366 FAX 0131 220 3535
 ARCHITECTS@BENJAMINTINDALLARCHITECTS.CO.UK

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

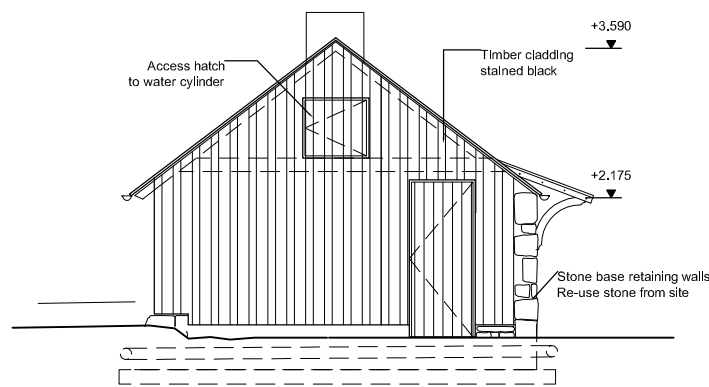
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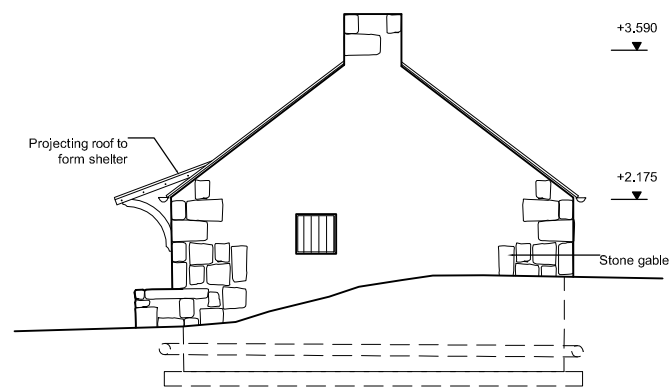
ARCHITECTS

17 VICTORIA TERRACE
EDINBURGH EH1 2JL

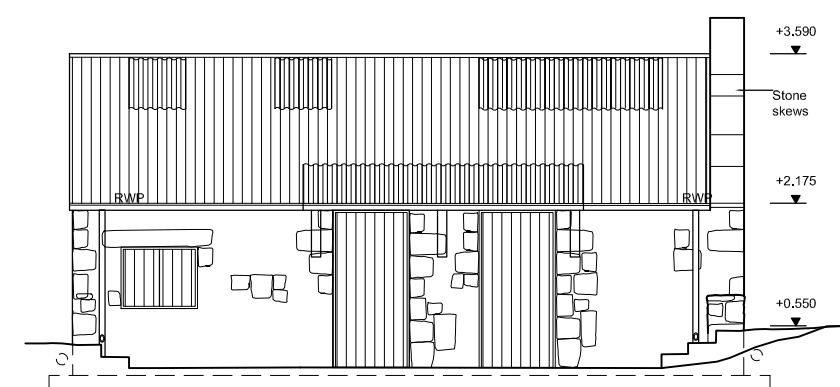
TEL 0131 220 3366 FAX 0131 220 3535
ARCHITECTS@BENJAMINTINDALLARCHITECTS.CO.UK



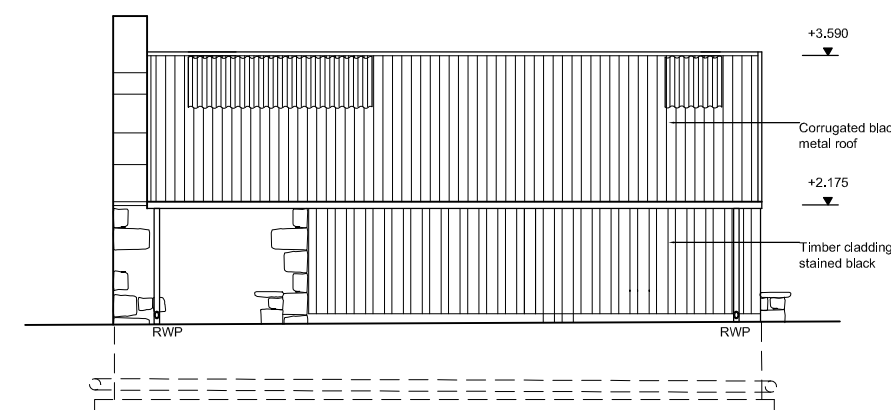
NE ELEVATION
1/100



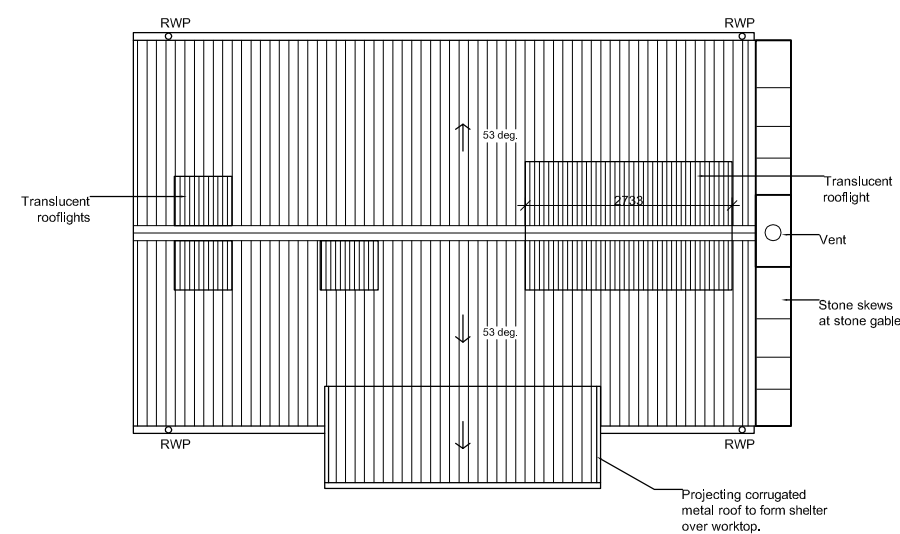
SW ELEVATION
1/100



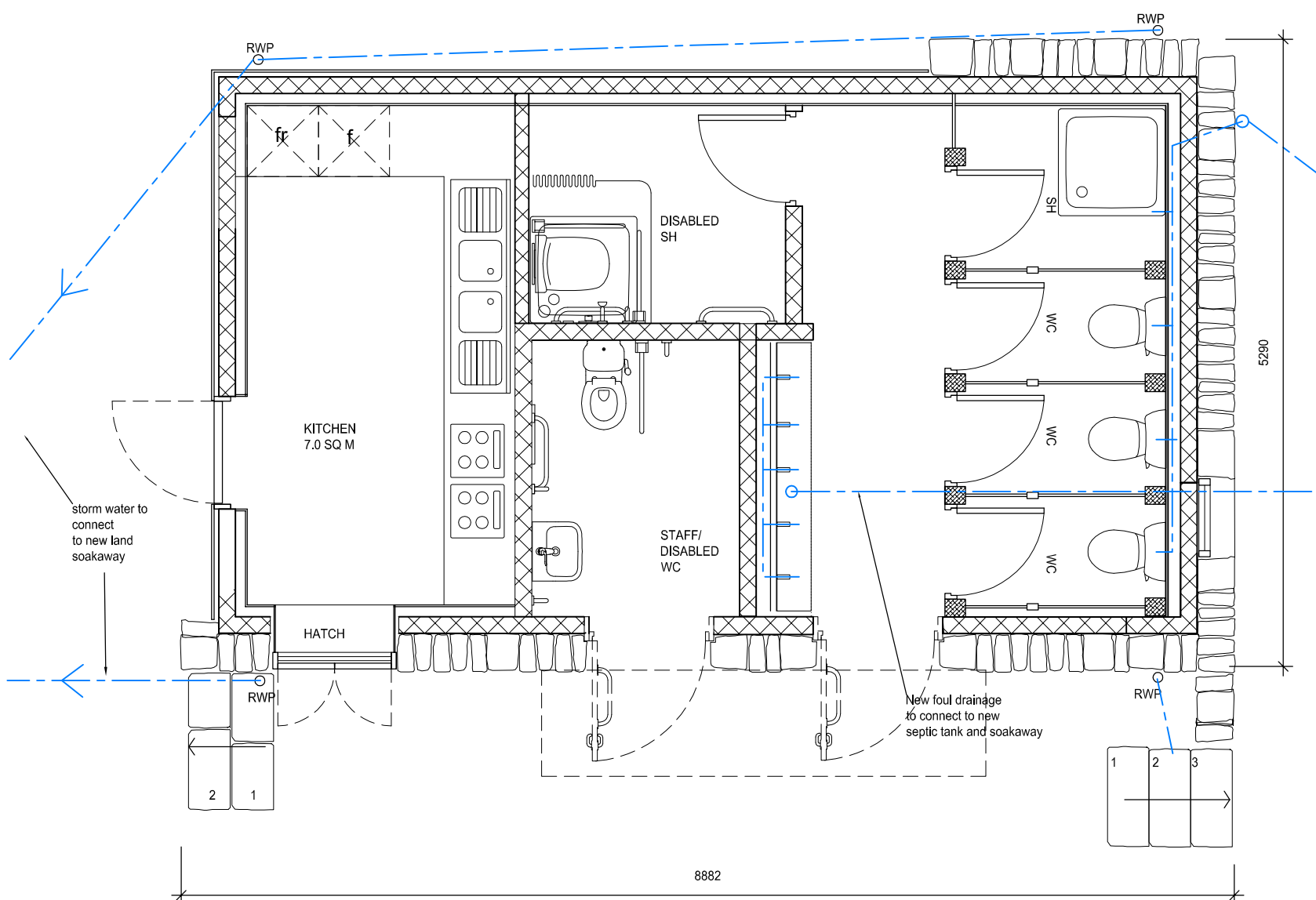
NW ELEVATION
1/100



SE ELEVATION
1/100

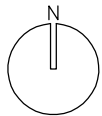


ROOF PLAN
1/100





PLAN
1/50

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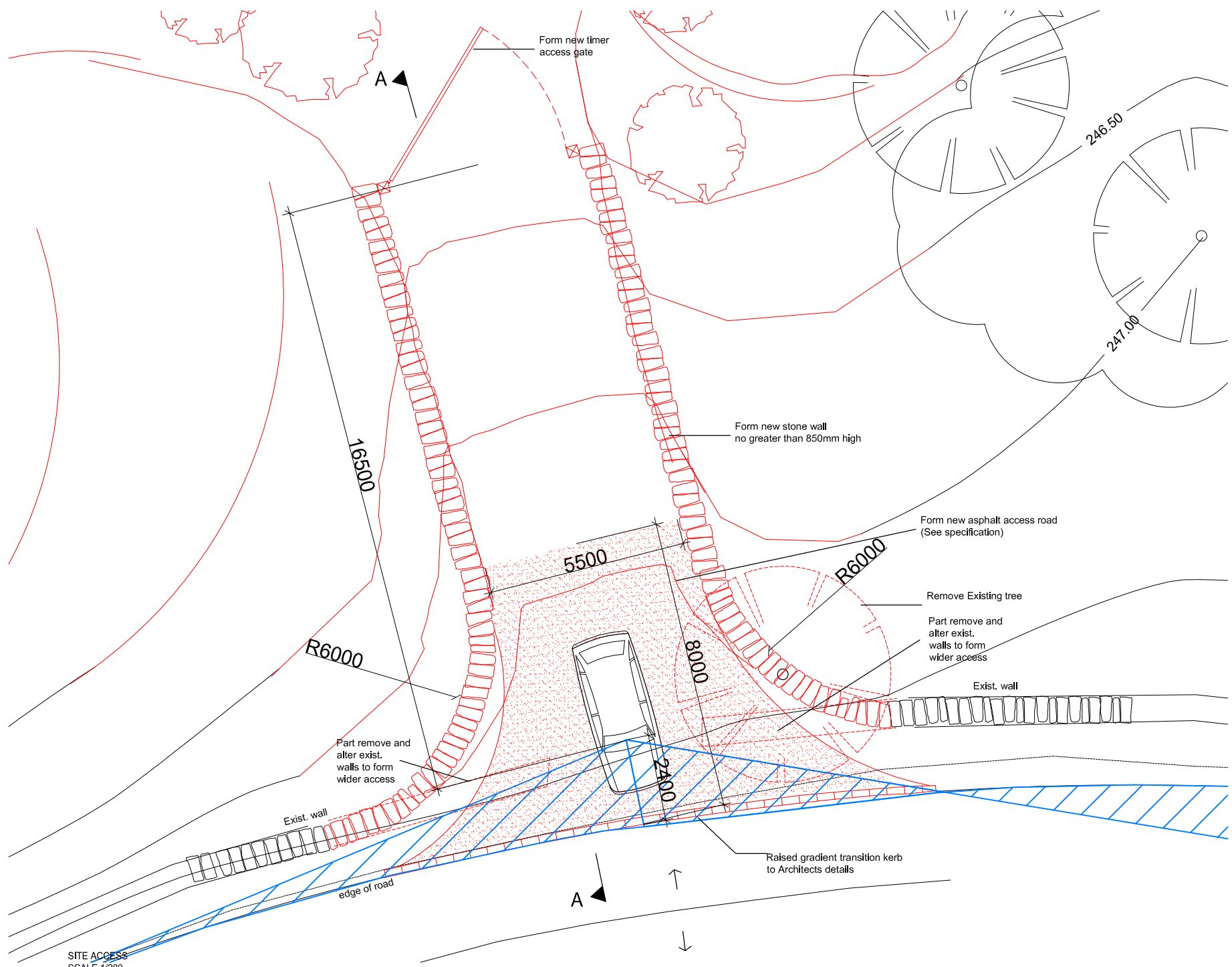


Visibility Splay 

New Trees to be natural species of birch 

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

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:

BENJAMIN TINDALL
ARCHITECTS

17 VICTORIA TERRACE
EDINBURGH EH1 2JL

TEL 0131 220 3366 FAX 0131 220 3535
ARCHITECTS@BENJAMINTINDALLARCHITECTS.CO.UK

SITE ACCESS
SCALE 1/200