| Age | enda Item | 5.3 | |
|-----|-----------|-----------|--|
| Re | port No | PLS-27-23 | |

HIGHLAND COUNCIL

| Committee: | South Planning Applications Committee | | |
|---------------|---|--|--|
| Date: | 03 May 2023 | | |
| Report Title: | 20/03939/FUL: Kinlochleven Community Trust | | |
| | Land 55m SE of Library and Visitor Centre, Leven Road, Kinlochleven | | |
| Report By: | Area Planning Manager – South | | |

Purpose/Executive Summary

- **Description:** Formation of motorhome stopover facilities and erection of toilet/shower block
- Ward: 21 Fort William and Ardnamurchan

Development category: Local

Reason referred to Committee: More than 5 representations

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.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 This proposal seeks full planning permission for the formation of a motorhome stopover site, for up to 12 motorhomes with associated ablutions block and chemical waste disposal point.
- 1.2 The site comprises an area of hardstanding with access taken from the adjoining car park.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information:
 - Proposal letter
 - Photographic Information (Chemical Waste Disposal Point and Electrical Hook Ups)
 - Design Statement
 - Management Statement
- 1.5 Variations:
 - Revised Location Plan 100 A showing access into site from public road.
 - Revised Site Layout Plan 101 C with fire pit and tent camping area removed and motorhome spaces increased from 8 to 12.
 - Revised floor/elevation plan (ablutions block) showing building reduced in length from 14.2m long to 12.85m long and replacement of office with store.

2. SITE DESCRIPTION

2.1 The site comprises a parcel of brownfield land, approx. 0.15ha sited to the south side of Foyers Road in Kinlochleven. The site lies adjacent to and would be accessed via an existing car parking area to the south west. A high, rocky backdrop contains the site to the east and a mesh fence runs along the frontage with Foyers Road. The Hostel Brae development lies approx. 20m to the south and is set in an elevated position above the site. A visitor centre is sited approx. 25m to the west and properties on Foyers Road approx. 40m to the west.

3. PLANNING HISTORY

3.1 None Available

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown NeighbourDate Advertised: 05.11.2020Representation deadline: 19.11.2020

Timeous representations: 6 timeous representations (6 households)

5 objections and 1 letter of support

Late representations: 12 objections (9 households, 3 addresses not provided) 7 letters of support

4.2 Material considerations raised are summarised as follows:

Letters of objection

- a) Inappropriate site for camp site with adequate provision at sites at the edge of the village
- b) Loss of neighbouring privacy and amenity (noise, activity, anti-social, criminal behaviour)
- c) Traffic generation and public road safety and potential conflict with parking for zip wire proposal *Comment: Zip wire consent not implemented and now lapsed.*
- d) Impact on wildlife
- e) Loss of trees
- f) Flood Risk
- g) Impact on landscape
- h) Drainage Scottish Water response states there is sufficient capacity for foul only connection
- i) Query regarding neighbour notification to newly constructed properties on Hostel Brae *Comment: Neighbour notification has been checked and letters have been sent in accordance with the statutory process.*
- j) Concerns regarding lack of management plan Comment: Management plan subsequently submitted
- k) Environmental impact and impact on neighbouring amenity due to fire pit Comment: Revised proposals received removing open camping (tents) area and fire pit.

Letters of Support

- a) Improved quality and character of site and remediation of a brownfield site.
- b) Area allocated in development plan for mixed use including tourism
- c) Proposal in keeping with wider development across Highland to reduce pressure on infrastructure
- d) Demand for this type of accommodation in this location
- e) Proposal will provide toilet/washing facilities and hygienic disposal of waste reducing likelihood of disposal around the village in public areas
- f) Proposal will reduce overnight campers using car parks, roadside and public areas around the village
- g) Proposal will contribute to local economy and create employment
- h) This area has informally been used for parking vehicles and the proposal would remediate and formalise the use
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

5. CONSULTATIONS

5.1 Kinlochleven Community Council: No response

5.2 **Contaminated Land:** No objection subject to planning condition

Records indicate that the site has an historic use as part of a Smelter, which may have resulted in land contamination.

Fully suspensive condition recommended for a contaminated land survey and mitigation measures (if necessary) to be submitted to and agreed in writing by the Planning Authority prior to the commencement of development.

5.3 **Environmental Health:** Initial objection raised on grounds that noise and use of tents and fire pit would adversely impact neighbouring residential amenity.

Further response to amended proposals:-

"There are no objections to the application on the grounds that it is unlikely to result in a breach of legislation otherwise enforced by Environmental Health. However, the Planning Authority is advised there is the potential for adverse impact on amenity of neighbouring residents. It is therefore recommended that the condition detailed below be attached to any consent.

1. Prior to the development commencing the applicant shall submit, for the written approval of the Planning Authority, a noise management plan which sets out their proposals to reduce the impact of any noise arising from this development.

Informatives

The following informative detailed below require to be attached to any consent.

A. The Caravan Sites and Control of Development Act 1960 states that any area of land used for the siting of caravans would require a caravan site licence. The motorhomes/campervans are included within this definition of a Caravan in terms of this Act.

Consequently, the development will require a caravan site licence and the applicant would require to comply with the licence conditions which the Council has adopted for such sites."

Further response to Noise Management Plan submitted 24.05.2021

"In general terms the management plan covers the main points, however it does lack some specific detail in regard to controlling noise/anti-social behaviour. I would therefore make the following comments:-

- The Noise Management Plan (NMP) states that guests will be sent details of user guidelines when booking. It is assumed that the user guidelines will include details on guest behaviour on site and any prohibited activities must be detailed within the NMP.
- It is recommended that the departure time also includes a time which motorhomes should not leave the site. For example, no departures before 8am.
- The NMP states that an out of hours caretaker will be employed on site to deal with night-time issues. The NMP should include how the caretaker can be

contacted and the method/procedures for recording and responding to complaints."

- 5.4 **Transport Planning Team:** No objection to the original or revised proposals. Consider that other than during the construction stage, the proposal will have limited adverse impact on the public road network.
- 5.5 **Disability Access Panel:** Support proposal. Advise that the Panel and applicant will liaise with each other at each stage, to achieve an accessible facility at this location.
- 5.6 **Scottish Water:** No objection. The proposed development would be fed from Kinlochleven Water Treatment Works. There is currently sufficient capacity for a foul only connection in the Kinlochleven Waste Water Treatment Works to service the development.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.
- 6.2 The following Development Plan policies are relevant to the assessment of the application:

6.3 National Planning Framework 4

- 1 Tackling the climate and nature crises
- 2 Climate mitigation and adaption
- 3 Biodiversity
- 4 Natural places
- 7 Historic assets and places
- 9 Brownfield, vacant and derelict land and empty buildings
- 25 Community wealth building
- 30 Tourism

6.4 Highland wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 31 Developer Contributions
- 34 Settlement Development Areas
- 43 Tourism
- 56 Travel
- 57 Natural, Built & Cultural Heritage
- 58 Protected Species
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 72 Pollution

6.5 West Highland and Islands Local Development Plan 2019 (WestPlan)

KN03: Smelter wider 4.4ha site allocated for mixed use (housing, community, business/tourism, retail uses) Indicative housing capacity: 45

6.6 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018) Highland's Statutorily Protected Species (March 2013) Highland Renewable Energy Strategy and Planning Guidelines (May 2006) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Not applicable

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.

Determining Issues

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.

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) siting, design and amenity
 - c) impact on National Scenic Area and listed building setting
 - d) contaminated land
 - e) biodiversity
 - f) impact on infrastructure and services
 - g) any other material considerations

Development plan/other planning policy

8.4 Policy 30 of NPF4 offers support for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the Local Development Plan. Proposals must take into account the contribution made to the local economy; compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; impacts on communities; opportunities for sustainable travel and appropriate management of parking and traffic generation; accessibility for disabled people; measures taken to minimise carbon emissions and opportunities to provide access to the natural environment.

The site lies within the Settlement Development Area of Kinlochleven and forms part of a wider 4.4ha site allocated for mixed use, including tourism use. In principle the development complies with the Development Plan.

- 8.5 This is a brownfield site which has been vacant for a prolonged period. Policy 9: Brownfield, vacant and derelict land and empty buildings (NPF4) and policies 28: Sustainable Design and 42: Previously Used Land (HwLDP) offers support for the reuse of brownfield land. Subject to demonstration that that the land is, or can be made, safe and suitable for the proposed new use, the proposal would comply with these policies.
- 8.6 The site is located within the Ben Nevis and Glencoe National Scenic Area and within the setting of Category B Ice Factor (Carbon Factory Silos to Former Kinlochleven Aluminium Works), Small Silo and Powerhouse. Development proposals must be assessed against the importance and type of heritage features and setting. Subject to the proposal having no significant detrimental impact on designated sites and features, the development would comply with national and local development plan policy.

Siting, Design and Amenity

- 8.7 The revised proposal is for the formation of a motorhome stopover site comprising 6 bays for large campervans, 6 bays for smaller campervans and staff parking for 2 cars. An ablutions block and chemical waste disposal point are proposed at the north west corner of the site, adjacent to the existing car park. The ablutions block is of simple form with mono-pitch roof, measuring 12.85m long x 5m wide x 3.8m high. The building would be orientated with the gable fronting Foyers Road, minimising views from the site frontage.
- 8.8 The proposal would reuse and remediate an existing brownfield site within the village which is considered to be an improvement in visual amenity terms. The ablutions block would be finished with larch cladding, in keeping with surrounding development. The granting of planning permission is recommended subject to condition to secure details of the roofing material, external wall finishes (colour) and planting and landscaping to ensure suitable integration into the village and wider landscape setting.
- 8.9 A number of objections received raise concerns over the impact of development on residential neighbours and question whether the village site is appropriate for this type of proposal. Letters of support highlight the existing number of campervan visitors who informally camp along roadsides, car parks and laybys and the negative impacts to residents which result, including inappropriate disposal of waste, lack of washing facilities and anti-social behaviour. A planned site is in their opinion considered to reduce negative impacts to residents. The proposals at this site will create local employment opportunities and visitors are likely to patronise the shop and cafes/restaurant within the village centre, contributing to the local economy. The principle of development is accepted within the adopted local development plan as the site is part of a wider allocated site for mixed use, including tourism.
- 8.10 The original proposals included an area for tents and a fire pit. These elements have since been deleted from the scheme following concerns raised by Planning and

Environmental Health Officers, regarding noise, odour and disturbance to neighbouring residents at Hostel Brae and Foyers Road. The revised proposals now seek a short stay (3 day max) campervan stopover site (including waste disposal and ablutions), designed to offer formal facilities including accessible facilities for disabled people. The site would be locally managed either by a site manager employed by the Trust or by a designated Kinlochleven Community Trust member of staff with an out of hours caretaker to be employed on a retainer to attend and deal with any over-night issues. Given the revised proposals, small numbers of stances proposed, to be booked in advance, the scale and nature of the proposals is considered acceptable at this site. A fully suspensive planning condition for the submission and agreement of a robust management and monitoring plan, including revised noise management measures to safeguard neighbouring residential and wider community amenity will be required.

Impact on National Scenic Area and Setting of Listed Buildings

8.11 The site is an existing brownfield site within the village which appears to have been used as an informal parking area. The proposal would lead to the remediation and reuse of this site, which is considered to be an improvement in visual amenity terms. The site is located adjacent to existing parking areas and would be contained by rising rocky ground to the east. Subject to planning conditions to agree the final finishes (in keeping with neighbouring development) and for the submission of a robust planting and landscaping scheme the proposal is not considered to adversely impact the setting of listed buildings within the village or the wider National Scenic Area designation.

Contaminated Land

8.12 As this is a brownfield site historically used as part of the smelter, there may be potential for residual land contamination. A suspensive condition for a contaminated land survey and mitigation measures (if necessary) to be submitted to and agreed in writing by the Planning Authority in consultation with the Contaminated Land Team prior to the commencement of development, to ensure the site is suitable for development is recommended.

Biodiversity and Protected Species

- 8.13 The site forms part of a larger brownfield area. There are no natural heritage designations at this site and the site shows signs of previous use with little established vegetation. A brownfield site, within the village centre is considered less likely to offer suitable habitat for protected species and on this basis an ecological and protected species survey have not been requested. An informative note is proposed to highlight the developer's responsibilities under separate wildlife legislation.
- 8.14 Policy 3 of NPF4 requires all development proposals to contribute to the enhancement of biodiversity, including nature-based solutions where possible. Redevelopment of this brownfield site is considered to offer an improvement in biodiversity terms. There is ample space within the site for 'greening up' and soft planting which would contribute to the visual amenity of the site and provide

opportunities for biodiversity enhancement. The site layout plan submitted shows indicative soft planting areas, full details can be secured via planning condition.

Impact on Infrastructure and Services

- 8.15 Access would be taken from an existing access on Foyers Road at the north west corner of the site. Parking and turning areas are provided for visitors and staff within the site boundary. The Transport Planning Team has been consulted on the revised proposals and consider the scheme acceptable and unlikely to significantly adversely impact the local road network.
- 8.16 Connection to Scottish Water infrastructure is proposed for water supply, foul and surface water drainage. Scottish Water have advised that while connection to public water supply and public sewer are acceptable, surface water drainage would not be accepted. A surface water drainage scheme will be required to manage run off from the site (this is unlikely to be significant given the existing hardstanding on site) and there is ample space for provision within the application site boundary. Full details of the scheme will be required, assessed and controlled at building warrant stage.

Other material considerations

8.17 There are no other material considerations.

Non-material considerations

- 8.18 The following issues are not material planning considerations:
 - Lack of preapplication consultation with community. Comment: While desirable, there is no statutory requirement for preapplication consultation as part of the planning application process for this proposal.
 - The operation, vision and plans of the applicant.
 - Previous and future proposals by the applicant (zip wire etc).
 - Competition between local business (hostels, pods etc).

9. CONCLUSION

- 9.1 This proposal will provide formal facilities for a motorhome stopover site at Kinlochleven. Visitors within the village centre are more likely to use shops, cafes and restaurants etc, contributing to the local economy. The proposed development will lead to the rehabilitation and reuse of a brownfield site within the village, which will improve the visual amenity and biodiversity of the site, which forms part of the wider setting of listed buildings and the National Scenic Area designation. The site would provide formal, hygienic, managed facilities catering to an existing and rising demand in numbers of people holidaying closer to home. The site is identified for mixed use, including tourism and the proposals accord with the local development plan allocation.
- 9.2 The site would utilise an existing access from the public road, with appropriate parking, turning and facilities within the site. Connection to Scottish Water infrastructure is proposed, in line with development plan policy.

- 9.3 The proposal has been revised to reduce impacts on neighbouring residential amenity. The proposal includes local employment opportunities and will be managed by staff employed by the trust including an out of hours caretaker. Planning permission is recommended subject to agreement of a robust management plan, including updated noise mitigation measures, in line with Environmental Health recommendations.
- 9.4 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

| Action required before decision issued | | |
|--|---|--|
| Notification to Scottish Ministers | Ν | |
| Conclusion of Section 75 Obligation | Ν | |

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

- i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
- ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii. measures to deal with contamination during construction works;
- iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
- v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

3. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure suitable integration into the village setting and to safeguard the setting of the former smelter listed buildings and wider Ben Neivs and Glencoe National Scenic Area.

- 4. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - ii. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities;
 - iii. A biodiversity enhancement statement; and

iv. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure suitable integration into the village setting and to safeguard the setting of the former smelter listed buildings and wider Ben Neivs and Glencoe National Scenic Area.

5. No development shall commence until a site management and noise management plan, which sets out proposals to reduce the impact of any noise arising from this development, has been submitted to and approved in writing by the Planning Authority. Thereafter the site management and noise management plans shall be implemented and maintained in accordance with the agreed details in perpetuity.

Reason: To safeguard neighbouring residential amenity.

REASON FOR DECISION

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.

INFORMATIVES

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.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. Planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <u>env.health@highland.gov.uk</u> for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <u>https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species</u>

| David Mudie | | | |
|---|--|--|--|
| Area Planning Manager - South | | | |
| Christine Millard | | | |
| Documents referred to in report and in case file. | | | |
| cation Plan 100 Rev A | | | |
| oor/Elevation Plan 102 Rev A | | | |
| oposed Site Layout Plan 101 Rev C | | | |
| | | | |



| project | | client | | detail | |
|---------|--|--------|------------------------------|---------|---------------|
| | Change of use of land to form motor home park & erection of toilet block | | Kinlochleven Community Trust | | Location Plan |
| | | scale | 1:2500 - A3 | date | October 2020 |
| job no. | 20/017 | drawn | J. Corbett | drg no. | 100A |



Front Elevation



Rear Elevation



GIFA - 55.m2



Side Elevation



Side Elevation



