

PLANNING AND ACCESS COMMITTEE

MEETING: Monday 25th March 2019

SUBMITTED BY:	Director of Rural Development and Planning
APPLICATION NUMBER:	2018/0291/DET
APPLICANT:	Mr David McCowan
LOCATION:	Auchendennan farm, Arden, G83 8RB
PROPOSAL:	Change of use of agricultural land and construction of artificial-surfaced tennis court and enclosure

NATIONAL PARK WARD:	Ward 5
COMMUNITY COUNCIL AREA:	Luss & Arden
CASE OFFICER:	Name: Caroline Strugnell (Planning Officer) Tel: 01389 722148 E-mail: caroline.strugnell@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 The proposal is for the change of use of agricultural land to leisure use and the construction of an artificially surfaced tennis court and perimeter enclosure.
- 1.2 In accordance with the National Park Authority's Scheme of Delegation, it is considered that this application should be determined by the Planning and Access Committee as the application has been made by a Member of the Planning Authority. This paper presents the officer's assessment of the planning application and the officer's recommendation.

2 RECOMMENDATION

That Members:

APPROVE the application subject to the imposition of the conditions set out in Appendix 1 of the report.

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Figure 2. Aerial View

- 3.2 The application site is located in the north-west corner of a field which is currently used for grazing.
- 3.3 The site is accessed from the A82 via a track through the farm. The access is also a public path which continues beyond the farm, by-passing the site on the western side and following the field boundary along its western and southern edge.
- 3.4 The site is enclosed on the western and northern boundaries but open to the south and east with views across the field (Photograph A). The site itself is contained within a slight bowl within the field topography which rises up towards the south and south east (Photograph B).



Photograph A – looking south west across the site from north eastern boundary

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Photograph B – on the site looking south / south east

3.5 To the west the site is bounded by trees and a small watercourse. In the field beyond the western boundary there are two dwellings, the southern-most one (Photograph C) being a holiday let and the other being a main residence.



Photograph C – the western site boundary

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- 3.6 The site is contained on the north side some trees beyond which there is a group of large commercial and storage buildings.



Photograph D - looking north east across the site

- 3.7 It is proposed that access would be on foot via a track leading south from the farm to a field gate in the northwest corner.

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Photograph E – view south towards the site along the existing access path

Description of Proposal:

- 3.8 Planning Permission is sought for the change of use of agricultural land to leisure use and the erection of an artificial surfaced tennis court and enclosure. It is proposed that the tennis court provide a facility for visitors to the holiday accommodation at Auchendennan Farm.

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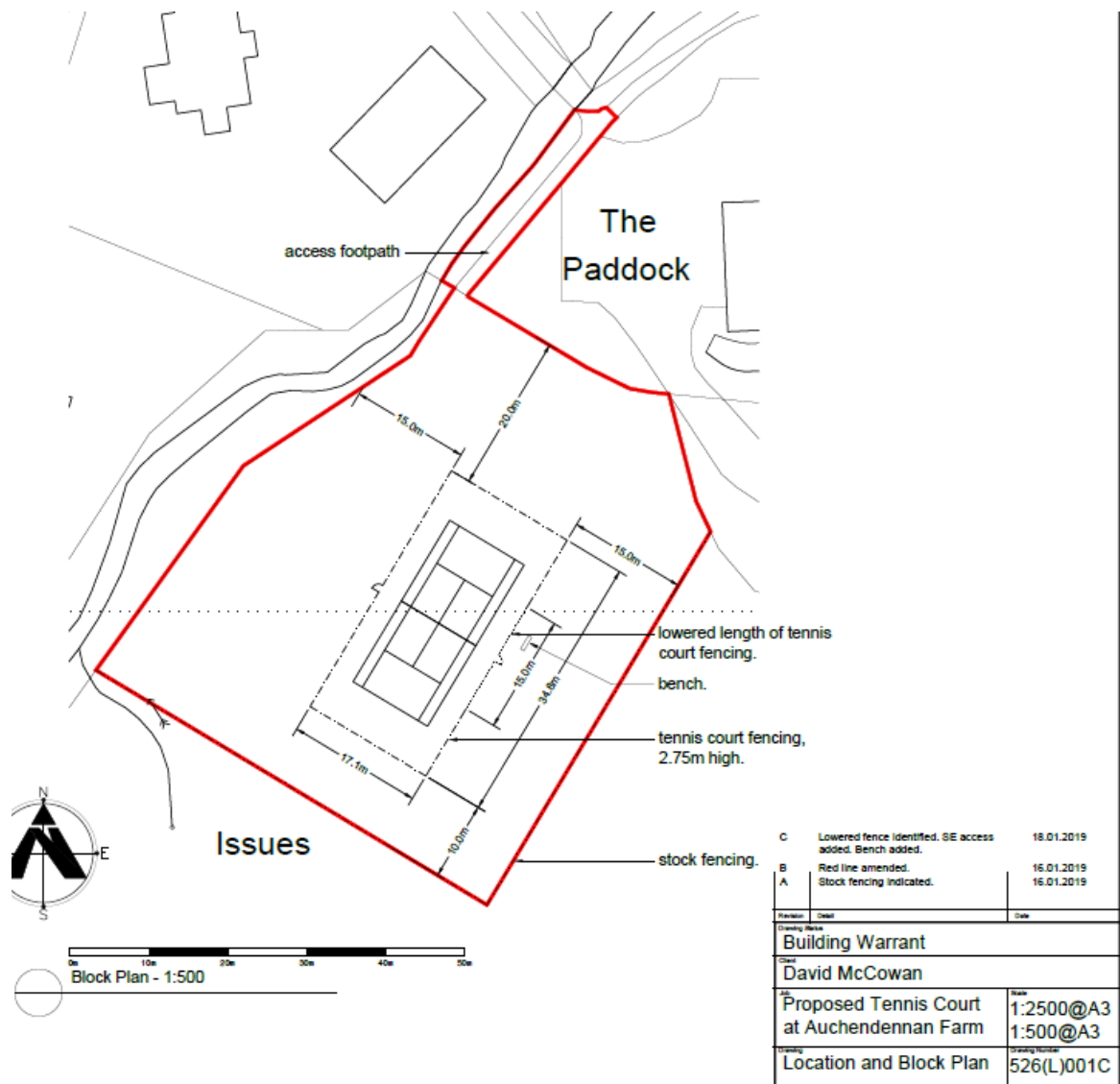


Figure 3. Site Plan

- 3.9 It is proposed that the corner of the field be enclosed with a stock-proof fence to protect the court itself and the area immediately surrounding it from intrusion by livestock. The fence would be placed along the south and eastern site boundaries.

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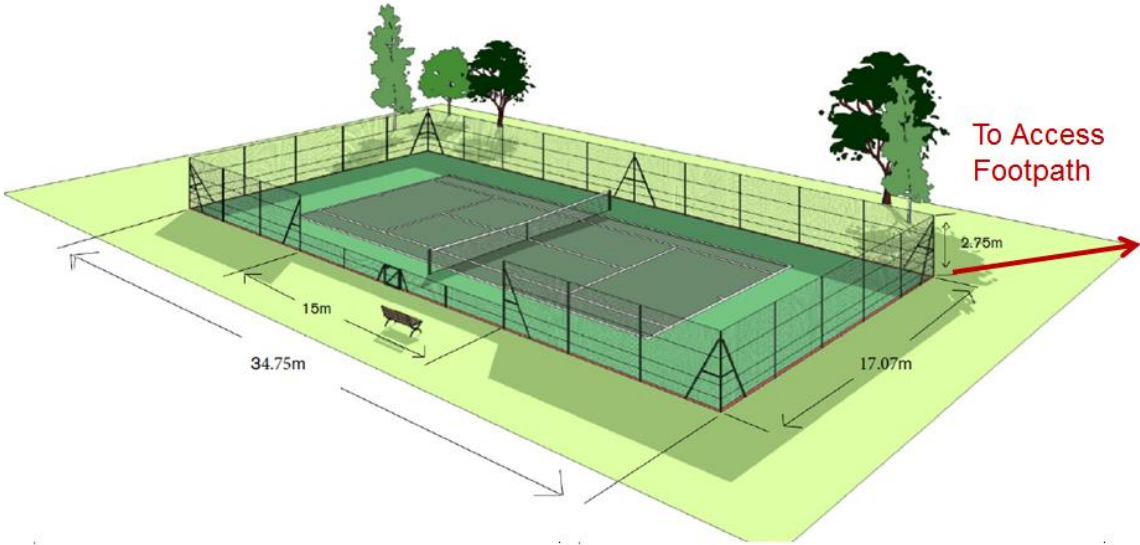


Figure 4. Illustration

The tennis court would be set within an enclosed area measuring 17.1m in width by 34.8m in length. The proposed enclosure would be a 2.7m high comprising metal frame with chain link screen coloured green. There would be an access gate on either side. The court surface would be artificial red clay which is a macadam court base overlaid with an artificial carpet polymer filled with sand. The playing surface would be 'rustic-red' in colour.

Landscaping is proposed between the stock proof fence and the court enclosure comprising a grassed area around the court which would be augmented with some shrub planting and flower beds with a bench for spectators. Around this is it is proposed to plant around 30 fruit trees and a mix of native deciduous trees to the south, east and west sides (in total around 20 trees). The trees will be planted a suitable distance away from the court in order that they do not shed sap or leaves over the playing surface and so that their roots do not damage the surface in the future.

To provide a level surface some removal of soil is anticipated to a depth of 210mm. All material removed during construction is proposed to be retained on site and graded into the land around the court perimeter.

No external lighting is proposed at the present time however, in order to protect the visual amenity of the area and maintain the quality of the dark skies, a condition is recommended to ensure that the approval of the planning authority is required for any lighting that may require to be installed in future.

Planning History:

3.10 There have been previous planning permissions for holiday accommodation on the adjacent land owned by the applicant in association with which the tennis court is proposed. These include:

2016/0311/DET - Erection of holiday let unit (Approved February 2017)

2014/0308/DET - Conversion of existing outbuilding to form 3No. holiday let units (Approved March 2015)

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2011/0030/DET - Conversion of farm stables to form 4 holiday letting units (Approved June 2011)

2010/0034/DET - Conversion of offices to form 2 No holiday letting units (Approved April 2010)

4 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4.1 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2011. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

5 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

- 5.1 Argyll and Bute Flood Prevention Authority – No response received

Representations Received:

- 5.2 At the date of writing this report no representations had been received.

6 POLICY CONTEXT

National Park Aims:

- 6.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

- (a) to conserve and enhance the natural and cultural heritage of the area;
- (b) to promote sustainable use of the natural resources of the area;
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- (d) to promote sustainable economic and social development of the area's communities.

- 6.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Development Plan:

- 6.3 Local Development Plan (2017-2022)

Relevant Policies:

OP1 - Overarching Policy 1: Strategic Principles

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OP2 - Overarching Policy 2: Development Requirements

VE1 - Visitor Experience Policy 1: Location and Scale of New Development

NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact

NEP6 - Natural Environment Policy 6: Enhancing Biodiversity

NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands

NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management

Other Material Considerations:

6.4 National Park Partnership Plan (2012-2017)

Relevant Priorities:

Visitor Experience Priority 7.1 – Growing Tourism Markets

Supplementary Guidance

Design and Placemaking

7 SUMMARY OF SUPPORTING INFORMATION

7.1 Supporting Statement (received 13 September 2018) - explaining the siting and design rationale, including orientation of the court and details of the construction including the playing surface and fencing materials.

Tender for Works (received 13 September 2018) – includes costings and a detailed schedule of works.

Landscape Scheme (received 18 January 2019) containing a written description of the proposed planting.

8 PLANNING ASSESSMENT

8.1 This section considers the principle of development and the following key issues for consideration of the application:

- Principle of development
- Landscape and Visual Impact
- Trees
- Ecology
- Drainage / Flood Risk

Principle of Development

8.2 Policy VE1(d) supports the expansion or improvement of an existing tourism business in the countryside where this involves small scale development.

The tennis court proposal represents a small-scale development to expand the opportunities for leisure activity in connection with the existing Auchendennan Luxury Cottages holiday accommodation. The proposal therefore accords with Policy VE1 and

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is acceptable in principle.

Landscape and Visual Impact

- 8.3 Policy NEP1 requires development proposals to protect the special landscape qualities of the National Park, be sympathetic to their setting and minimise visual impact. OP2 requires development to safeguard visual amenity and important views and protect landscape character.

The tennis court playing surface would be clay-red and the enclosure would be green. Views of the red surface would be screened from ground level by the 2.75m high court enclosure itself. The applicant is also proposing new planting within the site including a mix of native fruit and deciduous trees as well as more formal flower beds which would provide further screening of the surface and enclosure.

The site is set down and visually contained in views from the north and west by existing built development and trees along the boundaries. The site is open to the south and can be seen from the public path which runs along the southern field boundary. From the higher ground here, the red surface has potential to be directly visible over the enclosure. However views from the path would also be glimpsed as the site is obscured by the mature hedgerow on the field margin and where the site is visible the development would be viewed in the context of the already developed backdrop. Further east along the path the site is completely obscured by raised topography and tree cover.

Due to the small scale of the development, the relative containment of the site and proposed landscaping, the visual impact on the landscape would be localised. However given the artificial colour of the playing surface and to ensure the appearance of the development as a whole is suitably softened and integrated into this rural landscape setting, it is recommended that a scheme of structural landscaping be secured by condition.

The landscape scheme required by condition will secure details for the provision of structural landscaping within the site's east, south and west boundaries which shall provide a screening function. The scheme shall also provide details of the site perimeter enclosures and any hard surfaces proposed along with the location and any profiling of excess topsoil if it is proposed to dispose of this outwith the site. A condition is also recommended to approve the final variant of the court surface and enclosure materials (including colour) to ensure the appearance of the development is appropriate in this rural landscape setting.

With these conditions the development would not have an unacceptable impact on the landscape and visual amenity therefore it accords with Policies NEP1 and OP2.

Trees

- 8.4 The siting of the court away from the field margins avoids any impact on the root systems of the boundary trees. This also has the advantage of minimising leaf spill onto the playing surface and any subsequent need to restrict or prune the canopies. The proposal therefore accords with Policy NEP8 which requires development to avoid loss and/or damage to trees and hedgerows.

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Ecology

- 8.5 Policy NEP8 requires all developments to secure the protection, management and enhancement of the natural landscape and wildlife habitats. The applicant proposes to plant a number of native fruit and deciduous trees within the site. As well as addressing landscape and visual impacts this will also enhance the site's biodiversity value in accord with the policy.

Drainage/Food Risk

- 8.6 Policy NEP12 requires new development to minimise the area of impermeable surface and consider the impact of managing additional surface water including during the construction phase.

Argyll & Bute Flood Authority did not respond to the consultation on the application. However the proposal is not in an area of flood risk and the change of use is to a use classified in SEPA guidance as a water-compatible use. Information provided by the applicant (Tender for Works) includes for the installation of perimeter drainage and adjacent soakaway. The details of the drainage and location of the soakaway has yet to be determined. A condition is therefore recommended for these details to be provided once the finer design details are fixed and prior to commencement of the development. The proposed soakaway drainage is a form of Sustainable Urban Drainage System (SUDS).

The proposal therefor complies with Policy NEP12.

9 CONCLUSION

- 9.1 In conclusion the proposal is a small scale expansion of an existing tourism business in the countryside and is acceptable in principle under Policy VE1. The development would have a localised visual impact which can be mitigated by a landscaping scheme and the proposal raises no conflict with Policies NEP1 or OP2. The proposal would safeguard trees and new planting would enhance the site's biodiversity value in accordance with Policies NEP6 and NEP8. There are no drainage or flood issues and the proposal accords with Policy NEP12.

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: *Click on view applications, accept the terms and conditions then enter the search criteria as '2018/0291/DET'*

List of Appendix 1 Conditions, Informatives and List of Plans

Appendices: **Appendix 2 Site Location Plan**

Appendix 1 Conditions

1. Landscape Scheme: Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- a. details of structural landscaping (which shall include native species) and a planting schedule which shall include plant species, sizes and proposed numbers/densities along with specifications for the establishment of any trees, shrubs and hedging proposed;
- b. details of any hard surfaces;
- c. details of the stock-proof enclosure (including materials and height);
- d. if outwith the site, the location for the disposal of excess topsoil and associated proposed finished levels and contours.

The details of the structural landscaping (as approved under (a) above) shall thereafter be implemented in the first planting season after the commencement of development and retained thereafter. All other landscaping shall be as approved unless any variation is agreed in writing by the Planning Authority.

REASON: The proposed development site requires landscaping to fully integrate with its surroundings and to enhance the site's biodiversity value. Without such landscaping the proposal would be considered contrary to the provisions of the development plan Policies NEP1, OP2 and NEP6.

2. Drainage and Soakaway Details: Prior to the commencement of development details of the design and location of the perimeter drainage and soakaway shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details unless any variation is agreed in writing by the Planning Authority.

REASON: To ensure the development incorporates sustainable drainage in accordance with Policy NEP12.

3. Materials Details: Prior to the commencement of development details of the tennis court enclosure fencing and court surface (including materials/specification and colour) shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details unless any variation is agreed in writing by the Planning Authority.

REASON: To ensure the satisfactory appearance of the development in the rural landscape in accordance with Policies NEP1 and OP2

4. External Lighting: No external lighting shall be installed in association with the development hereby approved unless details (including the specification, location, type, angle of direction and wattage [degree of illumination as expressed by Ev and Eh]) are submitted and approved by the Planning Authority prior to their installation.

REASON: In order to minimise the effect of light pollution in the interests of the amenity of the area and protect the quality of the dark skies.

List of Plans

Location and Block Plan 526(L)001C Received 21/01/19

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Informatives

1. Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. Notification of Initiation of Development - 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. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.