

LRB-2023-16 – 22/01279/FLL – Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD

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LRB-2023-16 – 22/01279/FLL – Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

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Mark this box to confirm all contact should be
through this representative: ☒

Yes ☒ No ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

22/01279/FL

Site address

LAND ADJACENT TO EASDALE WEEM

Description of proposed
development

CHANGE OF USE AND ALTERATIONS TO AGRICULTURAL
BUILDING AND WORKSHOP TO FORM 3 HOLIDAY
ACCOMMODATION UNITS

Date of application

28 JULY 2022

Date of decision (if any)

17 JAN 2023

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land? Yes ☐ No ☒
2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes ☐ No ☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Public safety

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ACCOMPANYING STATEMENT AND
APPENDICES A - D.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

APPENDIX D indicates other land owned by applicant
which could be used for natural Flood mitigation -
See Planning Statement.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

PLANNING APPLICATION +
 Cover letter
 Review Statement
 Appendix A - Photographs
 — u B - Case Summary
 — u C - Devt Plan Policies satisfied
 — u D - Land for planting

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

06 April 2023



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Local Review Body
Perth & Kinross Council
Committee Services
Council Building
2 High Street
Perth
PH1 5PH

April 06 2023

Dear Sirs,

Submission of Request for Local Review

Planning Application: 22/01279/FLL

Proposal: Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units

Site: 'Easdale', Weem, Aberfeldy, PH15 2LD

On behalf of the applicant, Mr R Tainsh I am pleased to submit this request for a review of decision of Planning Application 22/01279/FLL. This request is submitted within 3 months of the Refusal decision and I attach here:

- Applicants Review Forms;
- Applicants Review Statement with Appendices (A-D)
- Appendix A – Photographs of Site and Setting
- Appendix B – Case Summary
- Appendix C – List of Development Plan Policies satisfied by proposals
- Appendix D – Plan showing additional land in ownership of applicant which can be used to deliver new planting as a natural flood management measure.
- Application Refusal Notice;

Please Note Appendix D did not form part of the original submission. However, the planting is suggested as a means of delivering an improvement to the water environment as a public amenity gain. The land is in the ownership of the applicant.

Yours faithfully

GDimeck BTP MRTPI



S43A(8) REVIEW OF PLANNING DECISION

CHANGE OF USE AND ALTERATIONS TO AGRICULTURAL BUILDING AND WORKSHOP TO
FORM 3 HOLIDAY UNITS ON LAND AT 'EASDALE', WEEM, ABERFELDY, PH15 2LD



WRITTEN SUBMISSION OF MR R TAINSH (APPLICANT) IN RESPECT OF
PLANNING REFUSAL 22/01279/FLL



APRIL 2023

DOCUMENT ISSUE RECORD

Client	Mr R Tainsh	
Contact Details	c/o GD Planning Ltd Glen Blackler Glenalmond Perth PH1 3SF	
	Name	Title
Prepared By:	G Dimeck BTP MRTPI	Principal Planner GD Planning Ltd
Approved By:	G Dimeck BTP MRTPI	Director GD Planning Ltd
Date of Issue:	06 April 2023	

Issue	Date	Version
1	18 March 2023	Draft Internal Review
2	06 April 2023	Client Draft
3	06 April 2023	Finalised Statement



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DISCLAIMER

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Appendix A Photographs of site and setting

Appendix B Key point summary of Case

Appendix C Development Plan Policies satisfied by proposals

Appendix D Other land in applicant ownership

1.0 INTRODUCTION

1.1 The building the subject of this review is a redundant agricultural barn within the former *Weem* Farm steading group. The group comprises farmhouse together with a range of traditional stone and slate farm buildings.



Fig 1 Steading group at heart of village visible from B846

1.2 Part of the range has been converted to residential use, with planning permission. That dwelling is the applicants home and is linked to the application site. Part of the remainder benefits from an unimplemented planning permission for a second dwelling.

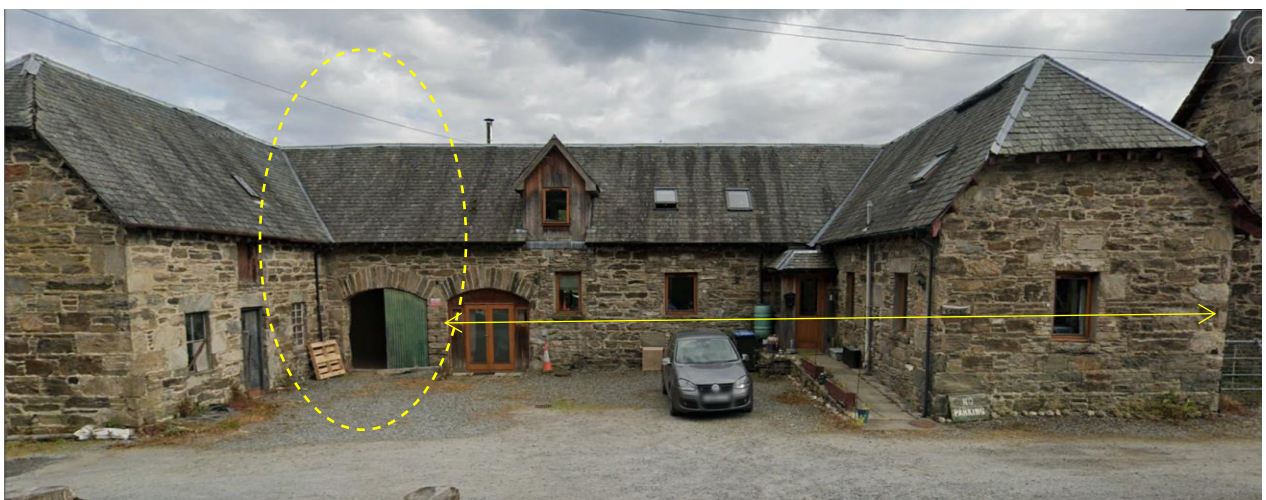


Fig 2 Converted barn (applicants home) with unimplemented planning permission for conversion to residential use circled

1.3 The review building is attached to, and is an integral part of the range, and is located to the rear.



Fig 3 Review building is located to the rear of the Weem Farm steading range



Figs 4 Review building, attached to, and located to the rear of, the Weem Farm steading range

1.4 This is a historic building group (early 19th Century), which largely remains intact, although the adjacent smithy buildings (see historic map below), has since been demolished.



Figs 4 & 5 1862 Six-inch Survey & aerial view today

2.0 LOCATION

2.1 The steading group is prominently sited adjacent to the road (B846), at the heart of Weem.

2.2 LDP2 identifies Weem as a *historic village*, and defines a settlement boundary *to allow for small-scale infill development to help sustain the community*.

2.3 The application site lies within that village settlement boundary.

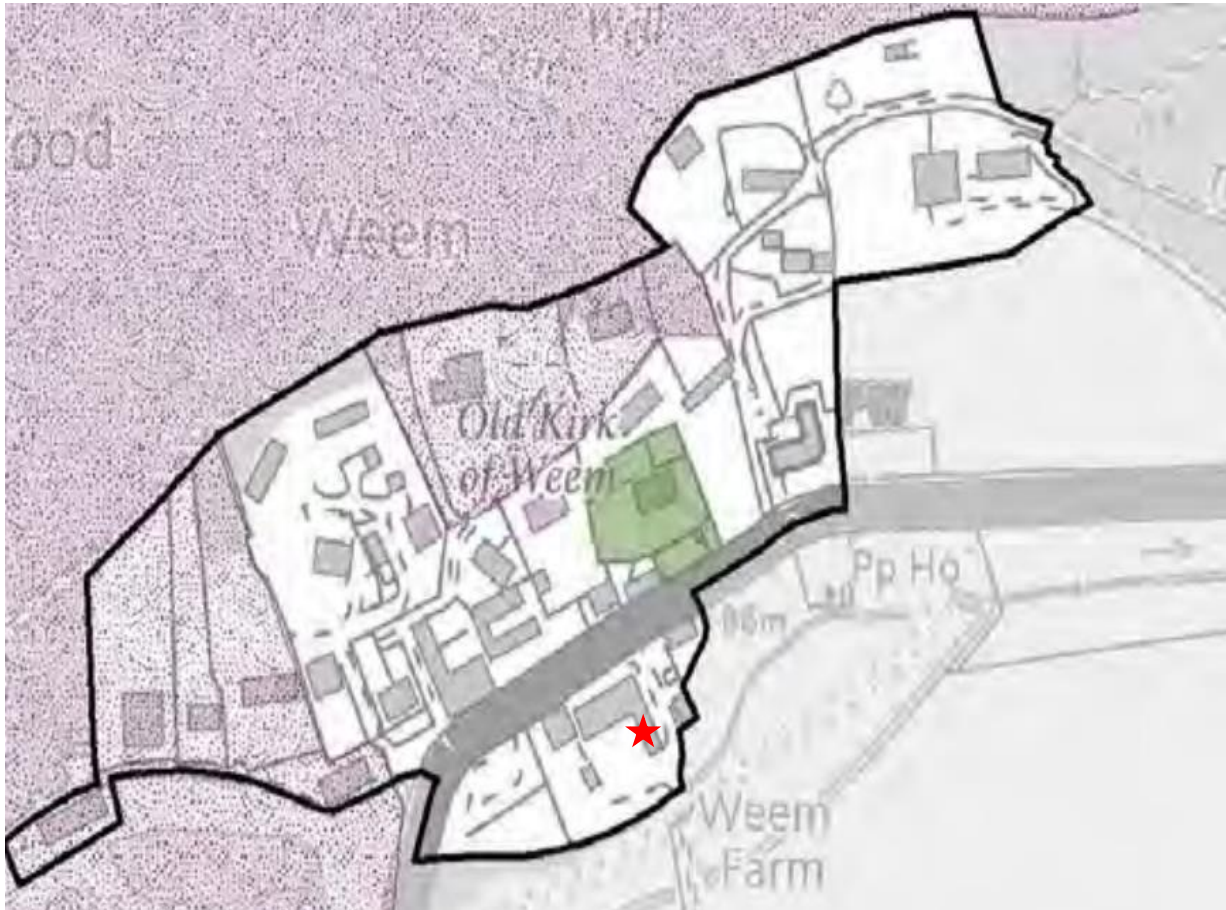


Fig 6: Weem settlement boundary (black line) and application site

2.4 The whole of the village is behind a permanent Flood Protection Scheme (FPS) which was constructed in 2006 and is maintained by PKC. This comprises a 4m high earth bund at the southern edge of the village, and provides a physical obstruction beyond the boundary of the application site.

2.5 In addition, on land immediately adjacent, is a pump house which forms an essential element of the village FPS, and which can return standing surface water to flood plain.

2.6 The extent and route of the Flood Barrier is identified on the plan below (Fig 7).



Fig 7 Flood Defence bund shown by solid red line and location of application site identified ★



Fig 8 Weem Flood Defence bund – approximately 4m above flood plain adjacent to application site

2.7 The whole of the village of *Weem* lies within the *Strath Tay Local Landscape Area* (LLA).

3.0 PROPOSALS

3.1 The proposals will create 3 x 1bed, self-contained holiday letting units, available for let year-round. The units would be managed by the applicant who lives in the converted barn adjoining.

3.2 The target market is the active, short-stay, traveller (walker, cyclist, tourer, climber), and the site is well-placed to access the recreational, environmental and historic assets of Highland Perthshire, including the new Weem Rock Mountain Biking course, and local Rafting and Quad bike facilities. single night

3.3 The applicants own research has identified a shortage in the area of self-contained accommodation available for bookings (ie suitable for the walker and/or touring cyclist), with most letting establishments requiring a minimum two-night stay. With planning permission, the applicant would apply to PKC for a short-term letting license.

3.4 Private courtyards will be created on the eastern side of the building providing amenity space and bin storage for each of the units.

3.5 Vehicular access would be from the B846 by way of an existing tarmaced driveway along the east side of the building with parking and turning provided at the southern end of the building.

3.6 Accommodation would be arranged across two floors, with first floor bedrooms lit by rooflights and new dormers.

3.7 The Planning Officer has not raised concern with the proposed use; the manner of conversion; or the relationship with adjacent properties.

4.0 REASON FOR REVIEW

4.1 The submitted application was refused for one reason only:

1. The site is located within an area identified by SEPA as being at medium risk of flooding (1:200 or 0.5% AEP flood event). Notwithstanding the level of protection that is offered by the Weem Flood Protection Scheme, the proposed holiday accommodation would increase the vulnerable classification on the site from a 'least vulnerable use' (agriculture) to a 'highly vulnerable use' ('solid' walled holiday accommodation), as per SEPA Flood Risk and Land Use Vulnerability Guidance. The proposal is therefore contrary to the principles and aims of Policy 52 of the adopted Perth and Kinross Local Development Plan 2 (2019), SEPA Planning Information Note 4 (PIN4), the Scottish Planning Policy 2014 and Policy 24 of the emerging National Planning Framework 4 (2023) which all look to protect new land uses from unacceptable flood risk.

Justification: *The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.*

4.2 It is a concern to the applicant that in concluding that the proposal fails to accord with the Development Plan, little weight in the balance of the decision, has been given to important policy gains:

- Economic and community benefits of the proposal (LDP2 Policy 8);
- Preservation of an important heritage asset (LDP2 Policy 31);
- The positive contribution the building provides to the Strath Tay Local Landscape Area; (LDP2 Policy 39)

- The potential to deliver positive biodiversity improvements at the site (LDP2 Policy 41).
- The extent to which the site is already protected from flooding (LDP2 Policy 52); &
- The potential to positively improve the water environment (LDP2 Policy 53);

4.3 Furthermore, neither the Community Council, nor third-parties raise objection to the proposals, and no concerns have been raised by SEPA.

5.0 PROCESS OF REVIEW

5.1 The applicant considers that a written process of Review together with Site Inspection would be an appropriate mechanism for appraisal of the issues raised in this case. This would enable the LRB Members to view the proposal in its local context and understand the qualities of the building group.

6.0 SUBMITTED DOCUMENTS

6.1 Together with the application documentation, the following are presented to support this Review Statement and assist Members understanding of the proposal:

- Existing photographs of building and wider setting (**Appendix A** to this Review Statement);
- A short, key-point summary of the applicants case (**Appendix B** to this Review Statement).
- Development Plan Policies satisfied by the proposals (**Appendix C** to this Review Statement)
- Plan identifying other land in applicant ownership (**Appendix D** to this Review Statement)

7.0 THE DEVELOPMENT PLAN

Role of the Development Plan

7.1 The Town & Country Planning (Scotland) Act 1997, requires a Planning Authority, to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Sections 25 & 37(2)).

7.2 When interpreting the Development Plan, relevant case law has determined that it should be read as a whole, with a focus on relevant objectives and policies which give effect to sustainable development objectives which underpin the Plan (Tesco Stores Limited v Dundee City Council [2012] UKSC 13).

7.3 In taking a decision on any application the Planning Authority is required to consider more than just conflict with any single policy before determining conflict with the Development Plan as a whole (Cummins v L B Camden [2001] EWHC Admin 1116). 7.4 Put simply, it is rare that any proposal will meet all the policies of a Development Plan. Refusal can be expected where adverse impacts *significantly and demonstrably outweigh the benefits*, when assessed against Plan policies taken as a whole.

The Development Plan

7.4 The Development Plan is made up of National Planning Framework 4 (NPF4), and the Perth & Kinross Local Development Plan 2 (LDP2). **Appendix C** to this Review Statement sets out the many Development Plan Policies which would be satisfied by the proposals.

8.0 RESPONSE TO REFUSAL REASON

8.1 It is the applicants firm view that the following matters should be weighed in the balance of any planning decision:

Flood Risk

8.2 There would appear to be confusion about the extent to which the site is exposed to fluvial flooding. Given the specific reason for Refusal, it is important to clarify that risk, and to examine relevant SEPA guidance pertaining to that risk.

8.3 In raising objection the PKC Flood Officer asserts that the application site is *a location subject to a medium to high risk* of fluvial flooding.

8.4 The Refusal reason itself refers to the application site as a location subject to a *medium risk* of flooding.

8.5 SEPA Flood Map shows the application site to be at *medium to low risk* of fluvial flooding, with the building clearly lying outside of the *high risk* flood zone, which is shown to correspond with the existing village flood defence barrier, (see Figs 9 & 10 below).

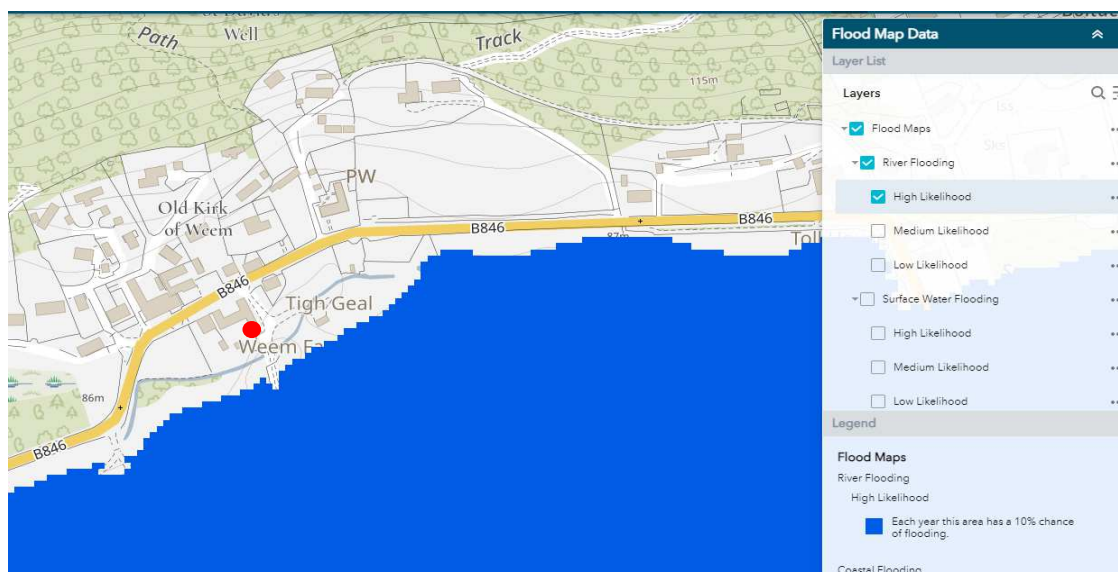


Fig 9 SEPA Flood Map: Application site in relation to *high risk* fluvial flood areas

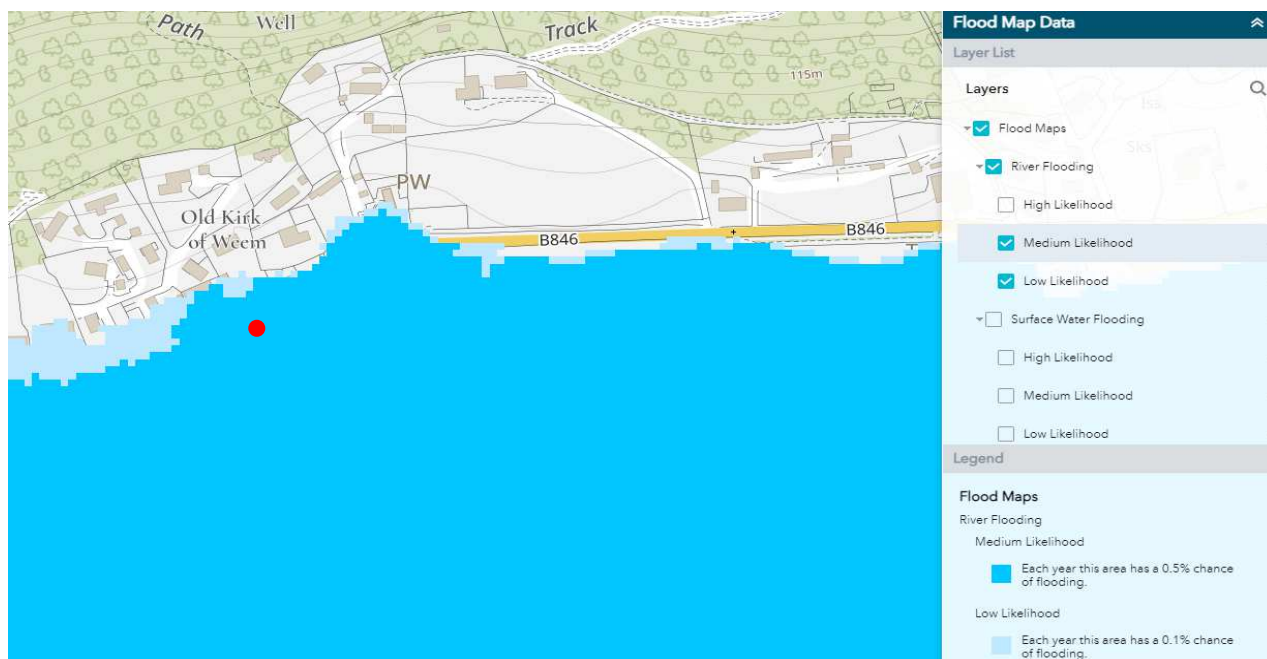


Fig 10 SEPA Flood Map: Application site in relation to medium & low risk fluvial flood areas

SEPA Guidance

8.6 The refusal reason simply states that as a *highly vulnerable* use (as determined by SEPA's *Flood Risk & Land Use Vulnerability Guidance*) the proposal is contrary to the principles and aims of SEPA's Flood Guidance, in particular, *Flood Risk and Land Use Vulnerability Guidance & Planning Information Note 4* (PIN4).

SEPA Flood Risk and Land Use Vulnerability Guidance (July 2018)

8.7 This guidance uses a matrix (Table 1) to categorise the vulnerability of differing developments to flooding, and although not categorised as the *most vulnerable* of uses, a residential use is considered to be a *highly vulnerable* use (Table 1).

8.8 The matrix then identifies where, in terms of flood risk, such uses can be supported (Table 2).

8.9 As the Flood Map extract shows (**Fig 10** above) the application building is within a *low to medium* flood risk area.

8.10 An extract from Table 2 is produced below (**Fig 12**) and the corresponding locational advice for *highly vulnerable* uses makes clear that they will generally be suitable for location within all *low to medium risk* flood areas (Table 2 extract – see below).

SEPA Flood Risk and Land Use Vulnerability Guidance

Table 2: SEPA Matrix of Flood Risk (to be read in conjunction with our [Flood Risk Planning Guidance](#))

Classification	Most Vulnerable Uses	Highly Vulnerable Uses	Least Vulnerable Uses
Flood Risk			
Little or no risk (<0.1% AP)	No constraints	No constraints	No constraints
Low to medium risk (0.1% - 0.5% AP)	Generally not suitable for Civil Infrastructure: where Civil Infrastructure must be located in these areas, or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events (i.e. 0.1% AP). May be suitable for other Most Vulnerable Uses	Generally suitable for development though an FRA may be required at upper end of the probability range (i.e. close to 0.5% AP).	Generally suitable for development though an FRA may be required at upper end of the probability range

Fig 12 Extract from SEPA Flood Risk and Land Use Vulnerability Guidance (July 2018) – Low to medium flood risk areas

8.11 Within *medium to high* risk flood areas, the same Table 2 (see Fig 13 below) makes clear that in ‘built-up areas’, *highly vulnerable uses* although generally not be suitable for development, can find support in certain circumstances. This will be where a settlement boundary has been defined by an up-to-date and adopted Development Plan; and SEPA Flood Guidance has not changed in the interim.

Medium to high risk within built up area (>0.5% AP)	interim. Generally not suitable for development unless one of the following apply: <ul style="list-style-type: none">Redevelopment of an existing building, including changes of use to an equal or less vulnerable use to the existing use.Redevelopment of a previously developed site where it involves the demolition of existing buildings and/or erection of additional buildings within a development site, and the proposed land use is equal or less vulnerable than the existing land use.	Generally not suitable for development unless one of the following apply: <ul style="list-style-type: none">Redevelopment of an existing building, including changes of use to an equal or less vulnerable use to the existing use.Redevelopment of a previously developed site where it involves the demolition of existing buildings and/or erection of additional buildings within a development site, and the proposed land use is equal or less vulnerable than the existing land use.	Generally not suitable for development unless one of the following apply: <ul style="list-style-type: none">Redevelopment of an existing building, including changes of use to an equal or less vulnerable use to the existing use.Redevelopment of a previously developed site where it involves the demolition of existing buildings and/or erection of additional buildings within a development site, and the proposed land use is equal or less vulnerable than the existing land use.
Medium to high risk	<ul style="list-style-type: none">Where the principle of development on the site has been established in an up-to-date, adopted development plan or the National Planning Framework and flood risk issues were given due consideration as part of the plan preparation process and our assessment of risk has not changed in the interim.	<ul style="list-style-type: none">Where the principle of development on the site has been established in an up-to-date, adopted development plan or the National Planning Framework and flood risk issues were given due consideration as part of the plan preparation process and our assessment of risk has not changed in the interim.The site is protected by a flood protection scheme of the appropriate standard that is already in existence and maintained, is under construction, or is planned for in a current flood risk management plan.	<ul style="list-style-type: none">Where the site has been established in an up-to-date, adopted development plan or the National Planning Framework and flood risk issues were given due consideration as part of the plan preparation process and our assessment of risk has not changed in the interim.The site is protected by a flood protection scheme of the appropriate standard that is already in existence and maintained, is under construction, or is planned for in a current flood risk management plan.
Medium to high risk	Generally not suitable for development unless one of the following apply:	Generally not suitable for development unless one of the following apply:	Generally not suitable for development unless one of the following apply:

Fig 13 Extract from SEPA Flood Risk and Land Use Vulnerability Guidance (July 2018) – Medium to high risk flood risk areas

8.12 A 'built-up area' is defined in the Guide as a location within the settlement boundary of a village, where such a boundary has been defined by the Development Plan, and where the adjoining land uses are predominantly developed in nature.

8.13 The application building at *Weem* is within such a 'built-up' area.

Settlement Boundary

8.14 LDP2 is a Development Plan which is up-to-date (2019), and its adoption post-dates both SEPA's *Flood Risk and Land Use Vulnerability Guidance* and its *Planning Information Note 4*. In relation to Flood Risk and the water environment, SEPA were a key consultee in the production of that document.

8.15 The Plan promotes a sustainable, spatial development strategy which can provide for growth and community needs within environmental limits. To that end, each town and village has been reviewed and, where appropriate, settlement boundaries defined within which new development, including housing, can be supported in principle (LDP2 **Policy 6**).

8.16 The Plan defines a settlement boundary at *Weem & Boltachan*. There are no specific site allocations for housing, and the settlement summary notes indicate that a boundary has been drawn to allow for some small-scale infill development, to help sustain the two communities (see **Fig 13** below). That settlement boundary has been set outside of the *high risk* flood area shown on SEPA's Flood Map, and behind the village Flood Barrier. It incorporates land within the *low to medium flood* risk areas.

8.17 Delivering small-scale infill development in *Weem*, through the residential conversion of redundant historic buildings within the settlement, would accord with the development strategy of the adopted plan, and would meet a number of Policies which seek to deliver sustainable development (**Policies 1; 6; 17 & 31**), and NPF4 (**Policies 9, 14 & 29**).

8.18 In this case, the principle of development is clearly supported by the settlement strategy of an up-to-date, adopted Development Plan; and SEPA 's guidance has not been updated since Plan adoption.

Weem and Boltachan

Settlement Summary

The historic village of Weem lies partly within the Castle Menzies Garden and Designed Landscape. Boltachan has a more dispersed building pattern and the settlement boundaries have been drawn to allow for some small-scale infill development to help sustain the existing communities.

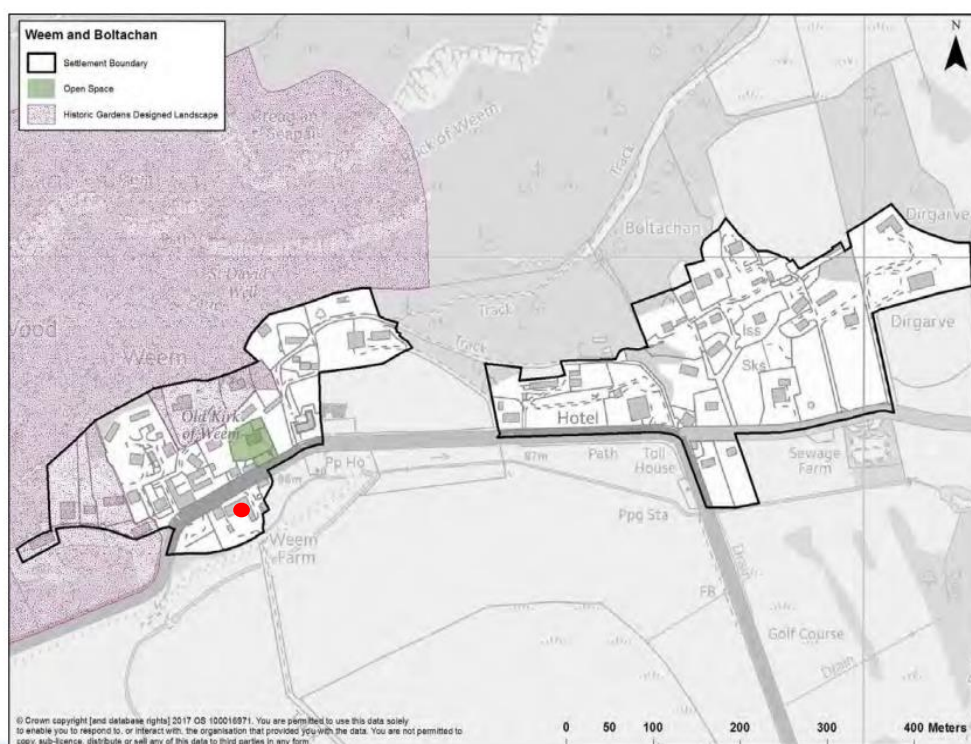


Fig 13 LDP 2 extract – settlement summary with application site clearly shown within settlement boundary at Weem ●

SEPA Planning Information Note - 4 July 2018

8.19 The SEPA Planning Information Note 4 (PIN4) also referred to in the Refusal Reason is distilled from SEPA's more comprehensive *Planning Background Paper – Flood Risk* (July 2018).

8.20 It outlines an approach of general avoidance of any *proposed development* within areas protected by flood barriers, but accepts that proposals which do not increase overall flood risk, and which are locations where the principle of development is supported by an up-to-date Development Plan, may find support (ie built-up areas within settlement boundaries).

SEPA Planning Background Paper – Flood Risk (July 2018)

8.21 This comprehensive document accompanies the *Flood Risk and Land Use Vulnerability Guidance* and sets out, more fully, SEPA's position generally, in relation to Flood Risk and Flood Management.

8.22 In terms of its consultation role with Planning Authorities at Development Plan production stage, it states:

.....We work jointly with planning authorities to ensure that flood risk has been afforded due weight throughout the plan preparation. This includes all potential development allocations (including those that have been included in previous plans), the policy framework and supplementary guidance. &

To help achieve this, we have clarified the requirements and recommendations relating to flood risk that we consider should be addressed through strategic and local development plans (DP.1 & DP.2).

8.23 SEPA were key consultees in the preparation of LDP2 and the settlement boundary at Weem, an integral part of the Development Plan, encompasses the application building. The settlement boundary has been drawn within the *low to medium risk* Flood areas.

8.24 In relation to development within 'built-up areas' behind Flood Protection Schemes (FPS), the Paper sets out SEPA's development management expectations (DM.34). Whilst *highly vulnerable* uses should incorporate design standards to achieve 0.5% (200 year) plus climate change protection; development may be appropriate behind any FPS, if it meets any one of the criteria (a-d) as set out in DM Requirement 1 (DM36).

8.25 Criterion (d) of DM Requirement 1 provides for development in locations where the *principle* of the proposed development has been established by an up-to-date, adopted Development Plan, but any development should be built to a water resilient design and have adequate evacuation procedures in place (DM16).

8.26 Elsewhere the Flood Risk Background Paper identifies that

- within any fluvial flood risk area, it may be possible to manage flood risk to enable development (DM.24);
- redevelopment of a building can provide a valuable opportunity to reduce the vulnerability of a site to flooding, reducing overall flood risk (DM27); &
- Whilst Planning Authorities are *encouraged* by SEPA to consider changes to less vulnerable uses (DM. 28); redevelopment could be considered acceptable if suitable mitigation measures are introduced to avoid a net increase in flood risk on or off site (DM.29).

8.27 The paper states that mitigation measures for the management of flood risk on a site can include flood resilient design; reducing off-site flooding (DM30), provision of adequate access and egress (DM.84); evacuation plan (DM.87); and increased freeboard (DM.97). These mitigation measures can be delivered by way of condition on any planning approval.

LDP2 Flood Policy

8.28 In addition to defining a settlement boundary for *Weem*, LDP2 also includes a specific policy relating to Flooding (Policy 52). The Refusal reason contends that the proposals are contrary to that policy.

8.29 In relation to *low to medium* risk flood areas (ie the application site), the **Policy** 52: (Category (2) states that such areas are suitable for most forms of development, but should incorporate a freeboard allowance, and use flood resilient materials and construction methods. It is the applicants intention to do so, and these measures can be conditioned as part of any planning approval.

Drainage Summary

8.30 In summary, the application site is within an area, shown on the SEPA Flood Map, to be at ***low to medium*** risk of flooding on the SEPA Flood Map.

8.31 The Flood Protection scheme at *Weem* has been in place since 2006 and is maintained by PKC. It provides less than a 200year standard of protection, but does protect existing historic buildings on the application site.

8.32 The PKC *Flood Risk Management Plan – Tay Local Plan District* (December 2021), commits the Council to maintaining the existing PKC Weem Flood Protection Scheme in good order; and SEPA maintaining its Floodline flood warning service.

8.33 The proposals do not increase the footprint of the building through extension; and flood resilient materials and construction methods can be delivered through the conversion works.

8.34 Although a *highly vulnerable* use would be introduced through conversion of a historic building, the *principle* of development is supported by an adopted, up-to-date Development Plan.

Other Matters

Refusal Reason wording:

8.35 In relation to the wording of the Refusal Notice it should be noted that Scottish Planning Policy has now been superseded by NPF4; and the relevant policy of NPF4 relating to Flooding is now **Policy** 22, not 24.

Landscape Impacts

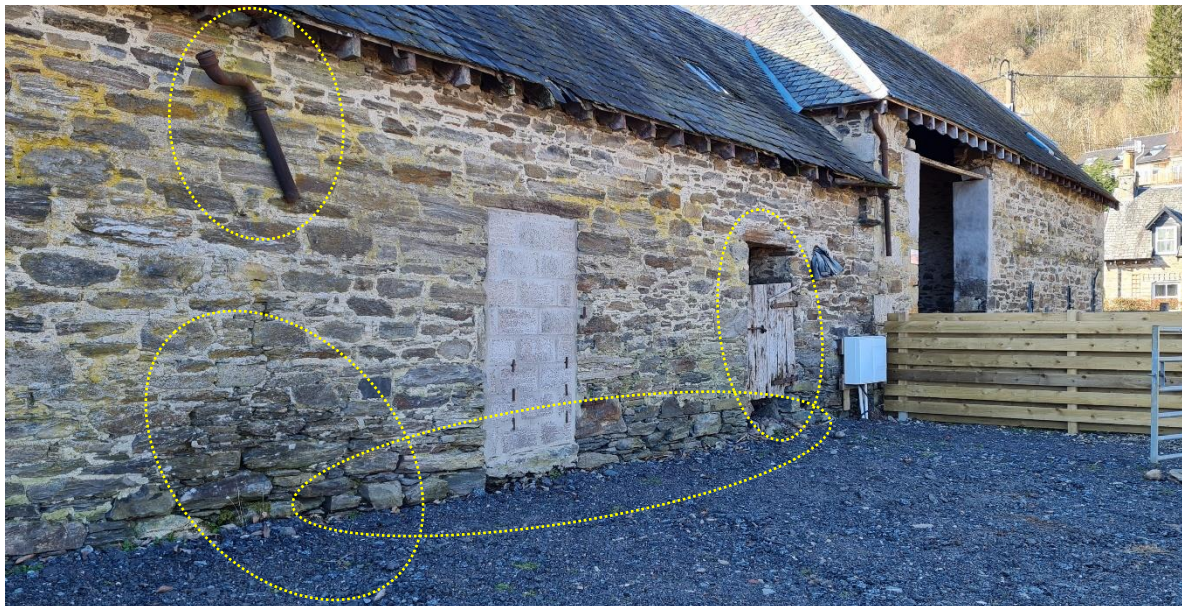
8.36 A key objective for the *Strath Tay* LLA, as set out in the Landscape Supplementary Guidance 2020, is to:

- *Maintain distinctive character of settlements and built development, particularly the Victorian farm buildings often prominent by the roadside.*

8.37 The application building is an integral part of the range of Victorian farm buildings at the heart of *Weem*. The buildings are visually prominent and, together with the farmhouse, make a positive contribution to the character of the *place*, and the quality of the landscape.

8.38 The application building is in poor condition and requires physical upgrade at significant cost (current water ingress; damp, timber rot, masonry failing, re-pointing; rooflight replacement, rhones, flooring, etc). Without a viable new use which can provide an economic return, investment in building upgrade is unlikely.

8.39 The proposals can safeguard the buildings future for the long-term and preserve its positive contribution to local amenity and the character of the area.





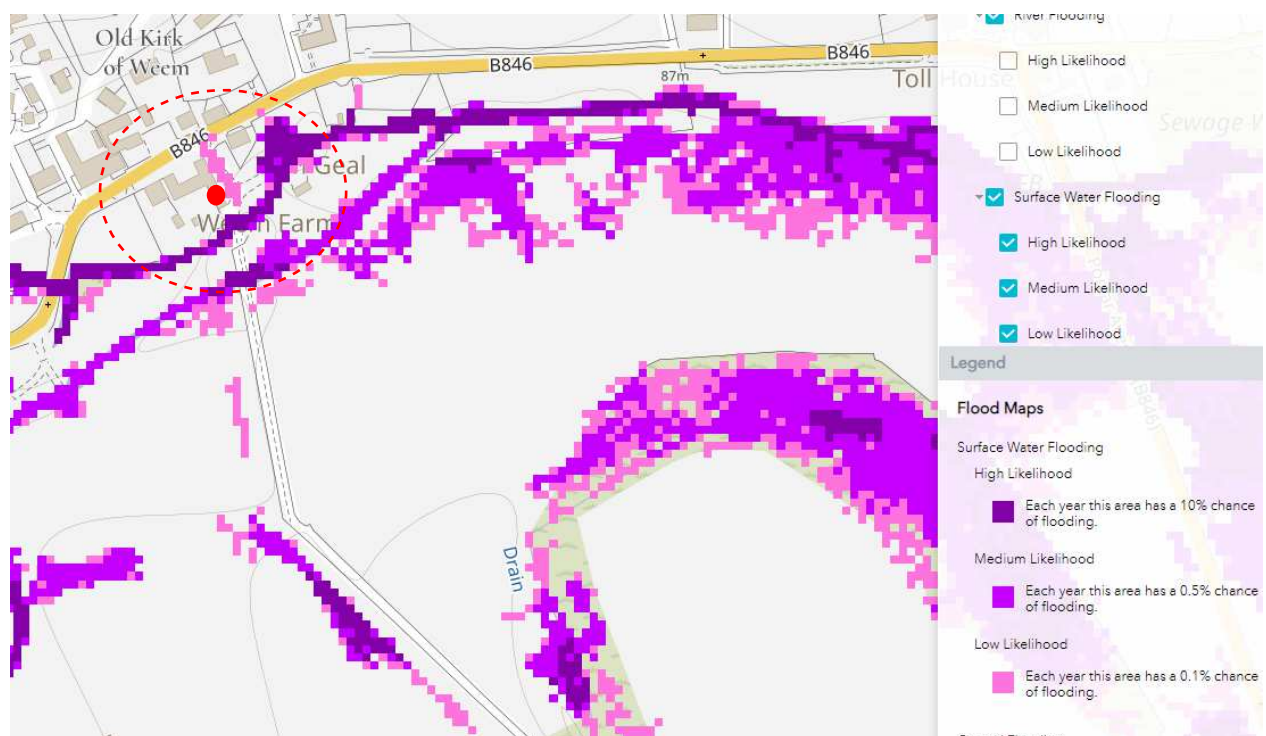
Figs 14 & 17 – Building condition and defects

Manner of Conversion

8.40 The manner of conversion is sympathetic to the character of the building. The Report of Handling identifies that some minor changes to the appearance of the proposed dormers would be desirable but could be achieved by way of condition of any planning approval.

Natural Flood Management

8.41 The SEPA Flood Map shows that areas away from the building, but within the ownership/control of the applicant, experience surface water flooding.



Figs 18– Surface water flooding

8.42 Much of this surface water will come from the public road and the higher ground to the north. At times of flooding the existing pump station, maintained by PKC as an integral part of the *Weem* Flood Protection scheme, pumps excess standing water over the flood barrier to the flood plain.

8.43 Within the application site there are extensive areas of hard-surfacing, some of which is impermeable.

8.44 Removal and replacement with porous tarmac can ensure that surface run-off rate into the site from the B817 is reduced; and that water storage capacity within the site is enhanced. These improvements could be delivered by condition on any planning approval.

8.45 Also, planting of other land within the applicants ownership with suitable trees (willow, alder, birch), could also improve storage capacity within the area protected by the PKC Flood embankment; reduce surface-water run-off, absorb and lock-up carbon, and enhance biodiversity. These positive measures could be delivered by way of a suitably worded condition on any planning permission, and attached as **Appendix D** is an OS plan identifying that land immediately adjacent to the application site.



Figs 19–21 Removal of areas of impervious hard-surfacing within the site will improve SUDs drainage and the planting of land adjacent can check run-off rate and enhance surface water storage capacity

Building Flood Resilience Measures:

8.46 As can be seen from **Fig 17** above, installation of a new floor would be necessary as part of any conversion, ensuring the buildings freeboard is raised. Other flood resilience measures could incorporate practical measures such as:

- flood boards (Floodshield or similar) fixings provided to external doors;
- adoption of water-resistant construction techniques (ie hard-water resistant floors and surfaces incorporated at ground floor);
- installation of elevated electrics;
- rendered/block work construction at ground floor with timber frame structure above;
- provision of toilet protection (eg Floodkit Toilet Stopper or similar www.floodkit.co.uk);

8.47 The applicant as 'Manager' would register with SEPA Floodline service. In addition, a Flood warning Evacuation Plan can be put in place providing awareness of the issue for occupiers of the building; mitigation measures to be employed to manage risks; detailing actions required by tenants in the event of flood; and identifying access and egress routes in the event of flood to be providing routes for escape to a low Flood risk area.

8.48 All these practical steps, consistent with the SEPA Guidance, could be delivered by way of planning condition.

Economic Benefits

8.49 The Perthshire Tourism Action Plan (2019 – 2025) commits to maintaining and growing Perthshire's share of the domestic visitor market through 'responsible tourism', focussing on day trippers, staycations, workcations; and to growing the length of stay. It expressly commits to maximising extra capacity across the area, promoting day visitors, and converting those visits into overnight stays, by encouraging visitors to base themselves in Perthshire (the Industry recognises that overnight stays will generate significantly larger visitor spend).

8.50 The proposals for short-stay, overnight accommodation for the adventure market, falls comfortably within the Council's aspirations for growing the visitor economy; and the applicant has already forged links with a number of existing commercial operators who are locally based and provide services to the outdoor tourist sector.

Use of Planning Conditions

8.49 Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission (SG Planning Circular 4/98 – para 2).

8.50 The use of planning conditions in this case, delivering flood resilience measures, improvements to the appearance of the building and to the water environment, would be reasonable and would meet the statutory tests.

9.0 CONCLUSION

*Everyone is responsible for protecting themselves and their property from flooding. Property and business owners can take simple steps to reduce damage and disruption to their homes and businesses should flooding happen. This includes preparing a flood plan and flood kit, installing property flood resilience measures, signing up to Floodline, engaging with their local flood group, and ensuring that properties and businesses are insured against flood damage – **LDP8 River Tay Flood Risk Management Plan (SEPA 2021)***

9.1 Whilst it is acknowledged that there is some flood risk at the application site, it is also clear that within villages with a settlement boundary, where the principle of development is supported by an up-to-date Development Plan, SEPA's guidance can support the introduction of a *highly vulnerable use*.

9.2 The principle of infill housing within Weem is a key part of the development strategy set out in LDP2, and Policy 52 of that Plan makes clear that low to medium flood risk areas will be suitable for most forms of development.

9.3 The proposals deliver relation to *low to medium* risk flood areas (ie the application site), the **Policy 52:** (Category (2) states that such areas are suitable for most forms of development, but should incorporate a freeboard allowance, and use flood resilient materials and construction methods.

9.4 Flood resilient materials and construction methods can be incorporated through building conversion; and improvements to the water storage capacity of the site, and the water environment generally, can be delivered.

9.5 The building is in poor condition. The proposals deliver economic, environmental and landscape gains through the introduction of a viable new use. Without that viable new use the building will

continue to deteriorate, and the quality of the protected landscape, and the *placemaking* character and interest of Weem, will be diminished.

9.6 The purpose of the planning system is to contribute to the achievement of *sustainable development* and the applicants have provided sufficient information to demonstrate that *sustainable development* can be delivered in this case.

9.7 That Plan is required to be interpreted *broadly* and read as a whole. Consideration is required to be given to the sustainable development objectives which underpin the plan. Any decision taker is required to consider more than just conflict with a single policy (or part of a policy or Guideline) before determining conflict with the Plan as a whole.

9.8 The applicant has shown that there are no adverse impacts which *significantly and demonstrably* outweigh the benefits which can be delivered in this case. Accordingly, it is respectfully suggested that the presumption in favour of *sustainable development* set out in the Principal Act, should be applied in this case, and that planning permission should be granted.

Appendix A

Photographs of Site and Setting:



Fig 1 The Application building



Fig 2 Application Building and Applicants house



Fig 3 Application Building



Fig 4 Application building is part of traditional farm group at the centre of Weem



Fig 5 Former barns part converted to residential use. Extant permission for additional dwelling yet to be implemented



Fig 6 Application building attached to, and integral part of prominent barn group



Fig 7 Prominent barn group at village centre



Fig 8 Impermeable surfacing within application site



Fig 9 Part of area prone to surface water flooding and available for new planting delivering natural flood management (pump houses to rear)

Appendix B

Key point summary of case:

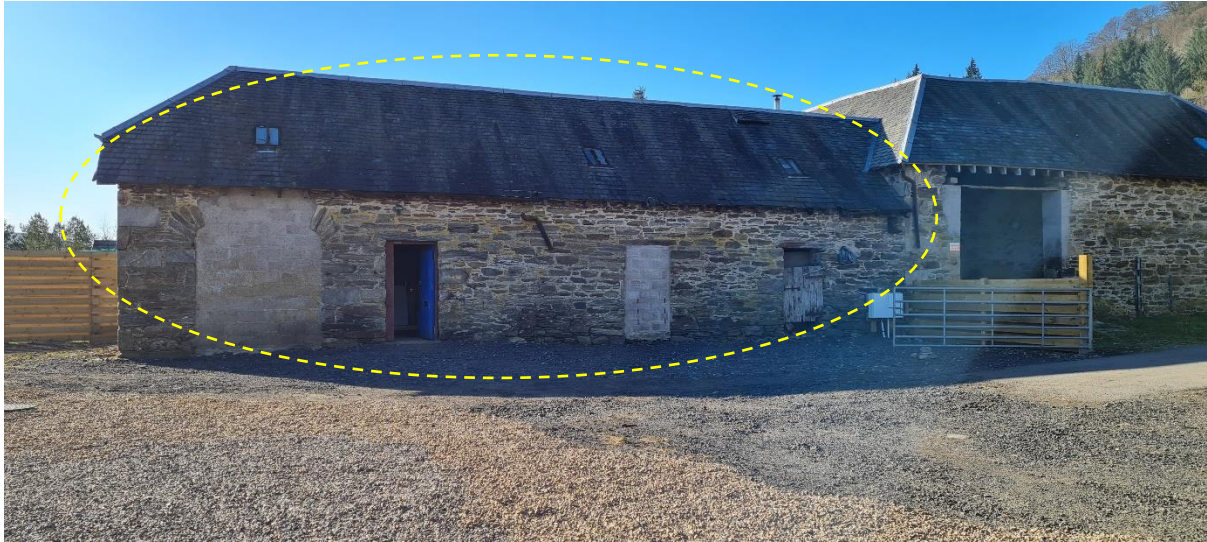


Fig 1 The Appeal building



Fig 2 Appeal Building and Applicants house

A Review Statement has been prepared to directly respond to the single reason for refusal, and to identify other planning policy objectives which are satisfied by the application. It includes a number of photographs (**Appendix A**) which will help the Local Review Body to understand more fully, the application site; the property's setting; and the degree of flood protection already afforded to the site.

To assist Members a brief summary is presented here.

The Application Site

The building **is**:

- an important heritage asset;
- acknowledged to be a valued feature within a protected landscape;
- in need of repair, and on-going maintenance;
- next to the applicant's house;
- part of a range, a section of which is in use as a dwelling (applicant's house), and another part of which benefits from an extant planning permission for conversion to a house (PKC Ref: 06/01058/MOD)
- within a Settlement Boundary for *Weem & Boltachan*, defined through an up-to-date Development Plan (LDP2); and
- the *principle* of conversion of is supported by policies of that Development Plan.

Setting

The site **is**:

- within a protected landscape where traditional farm buildings are considered to make a positive visual contribution to the areas character (PKC Landscape Supplementary Planning Guide);
- within a fluvial flood area of **Low to Medium** risk, as defined by SEPA Flood Map;
- adjacent to a surface water flood area of **Low** risk, as defined by SEPA Flood Map;
- protected by an existing flood protection scheme (FPS), constructed and maintained by PKC;
- extensively hardsurfaced,
- immediately adjacent to the Flood pump-house which is designed to move surface waters to the flood plain;

SEPA Guidance

Relevant guidance identifies that:

- within **low to medium** fluvial flood risk areas, *highly vulnerable uses* can be supported;
- within **medium to high** fluvial flood risk areas, *highly vulnerable uses* can be supported on sites within settlement boundaries where the principle of development is supported by an up-to-date Development Plan;
- *highly vulnerable uses* can be supported on sites behind any FPS where the principle of development is supported by an up-to-date Development Plan;

- flood resilient construction methods should be adopted with flood risk areas.

The Development Plan

- SEPA were key consultees involved in the production of LDP2, and its settlement strategy.
- LDP Policy 52 (Category 2) provides support for development within low to medium flood risk areas provided a suitable freeboard allowance and flood resilient materials are delivered.
- The proposals can satisfy a range of planning policy objectives which seek to deliver *sustainable development*. Those Policies are identified in the Review Statement (Appendix C).

Mitigation and Planning Conditions

Appropriately worded planning conditions can ensure:

- building conversion works are *flood resilient*;
- areas of impervious hard-surfacing are replaced with permeable surfacing;
- natural flood management is delivered through the introduction of extensive new planting;
- the risks of site flooding are made known to users of the property;
- the applicant, as immediate neighbour and site operator, registers with SEPA Flood line for flood alerts;

Circular Guidance makes clear that conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. Appropriately worded planning conditions in this case can meet the statutory ‘tests’ and can deliver positive public amenity and economic benefits.

Benefits

The proposals will:

- introduce a viable new use which can preserve an important heritage asset for the long-term;
- deliver visual enhancement to *place*, and a protected landscape;
- provide a type of tourist accommodation known to be lacking in the area;
- deliver benefits to the local economy through employment and increased visitor spend;
- deliver improvements to the local water environment;
- reduce flood risk to the wider community (extend flood storage capacity; check flow);
- enhance biodiversity at the site.

Those net gains will meet Development Plan policy objectives through the delivery of *sustainable development* - the key purpose of planning.

Interpreting the Development Plan

The Development Plan is required to be interpreted holistically, and Planning Case Law has determined that it does not automatically follow that conflict or tension with a single planning policy, will mean that a development proposal will fail to accord with the Development Plan as a whole.

Appendix C

Development Plan Policies satisfied by the proposals:



It is rare that any development proposal will satisfy all relevant policies of an adopted Development Plan.

A balanced approach to assessment is required when reaching a planning application decision, entailing a holistic appraisal of the broad sustainable development objectives which underpin the Development Plan. Put simply, refusal can be expected where adverse impacts *significantly and demonstrably outweigh the benefits*, when assessed against Development Plan policies taken as a whole.

In this case, the following Development Plan policies are met:

NPF4 (February 2023)

Policy 1 Tackling the climate and nature crises: Nature recovery and restoration can be delivered as an integral part of the proposal.

Policy 2 Climate mitigation and adaptation: Reuse of an existing redundant building can minimise the loss of greenfield sites and the use of new-build materials.

Policy 3 Biodiversity: Removal of hard-surfacing and the delivery of new landscaping can reverse biodiversity loss.

Policy 4 Natural Places: Off-site planting in the control of the applicant can restore natural assets and reinforce nature networks.

Policy 6 Forestry woodland and trees: Increased woodland cover can be delivered on land in the control of the applicant.

Policy 7 Historic assets and places: A redundant neglected building, which is a non-designated historic environment asset, will be brought back into use.

Policy 9 Restoration and re-use of a vacant building will reduce the need for greenfield development and deliver a positive transformation of place.

Policy 12 Zero Waste: The reuse of an existing building will minimise waste and reduce pressure on virgin resources.

Policy 14 Design, quality and place: Bringing back into use a redundant building of architectural and historic interest would improve the quality of the area.

Policy 22 Flood Risk and water management: The site is protected by an existing formal flood protection scheme; there is no reduction in flood plain capacity as a consequence of the works; and flood resilient materials and construction methods can be used. Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported

Policy 29 Rural Development: Conversion of a redundant building will reinforce the viability, sustainability and diversity of the rural economy and support local employment.

Policy 30 Tourism: The proposal will facilitate sustainable tourism without giving rise to unacceptable impacts on local amenity or character.

LDP2(2020)

6.4 In explaining *How to use the Plan*, the document confirms the position determined by the Courts, namely that:

..... the Plan should be read in its entirety and that individual policies and land allocations do not set out the whole picture for the various types of development. The Vision, Objectives and Spatial Strategy are intended to be as much part of the decision-making process on development proposals as the detailed policies and Supplementary Guidance.

6.5 The Refusal reason asserts that the proposals fail to meet only the requirements of **Policy 52** of the LDP2. As a consequence, it concludes the application fails to accord with the Development Plan, despite all other relevant Development Plan policies being satisfied.

6.6 In relation to those other Development Plan **Policies**, LRB Members are asked to note:

Policy 1A: requires positive change to the quality of the built and natural environment, in particular character and amenity – the proposals achieve this objective.

Policy 1B: sets out a range of *placemaking* criteria (listed a-j) which must be met. This includes ensuring that existing buildings that contribute to the local townscape are retained and sensitively integrated into new development proposals - the proposals achieve this objective.

Policy 6: where settlement boundaries are identified new development should be contained within those defined boundaries- the proposals achieve this objective.

Policy 8: Commits to favourable consideration of the establishment of new businesses in rural areas encourages location within existing settlements - the proposals achieve this objective.

To find support, any new tourism-related developments should demonstrate they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season - the proposals achieve this objective.

Such a use should be compatible with its location, be satisfactorily accommodated within the landscape and environmental capacity of the site; and not adversely affect the amenities of residential properties nearby - the proposals achieve these objectives.

Policy 17: within settlement boundaries, existing new development will be required to safeguard and protect *residential amenity*; and improve the character and environment of the village – the proposals achieve these objectives.

Policy 31: New development should protect and preserve non-designated heritage assets of historic interest as an important part of Scotland's heritage - the proposals achieve this objective.

Policy 39: Development should only be permitted within Local Landscape Areas where it will not have a significant adverse impact on their special character or qualities. The individual statements of significance for each LLA should be used to consider their special qualities and potential impacts – the proposals achieve these objectives.

Policy 41: Protection and enhancement of both protected and non-protected wildlife, from the impacts of development will be sought – the proposals achieve these objectives.

Policy 53: Development proposals should protect and improve the water environment. Within sewered areas foul disposal should be to the public sewerage system; and surface water should be managed by means of sustainable urban drainage - the proposals achieve these objectives.

Policy 60: Development proposals should satisfy Transport standards in terms of access; visibility & off-street parking provision - the proposals achieve these objectives.

6.7 It is clear that any perceived tension with LDP Policy 52, is significantly and demonstrably outweighed by the many positive Development Plan policy objectives which are met in this case.

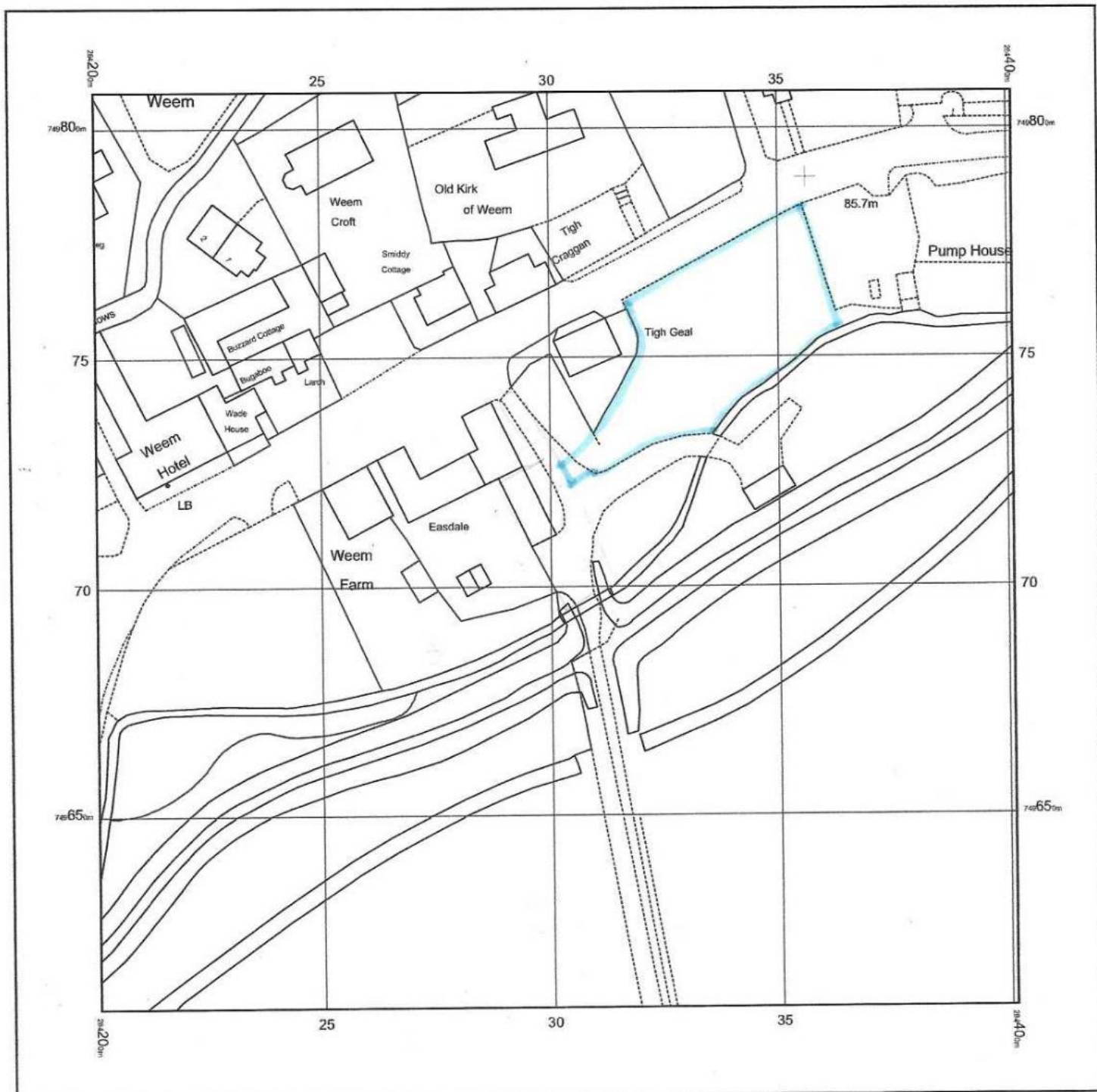
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0m 1cm = 12.5m 62.5m
Scale 1:1250



Mr Ruairaidh Tainsh
c/o George Rollo
Bruadir
Craiglunie Gardens
Moulin
Pitlochry
PH16 5QG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **17th January 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **22/01279/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 28th July 2022 for Planning Permission for **Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units Easdale Weem Aberfeldy PH15 2LD**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The site is located within an area identified by SEPA as being at medium risk of flooding (1:200 or 0.5% AEP flood event). Notwithstanding the level of protection that is offered by the Weem Flood Protection Scheme, the proposed holiday accommodation would increase the vulnerable classification on the site from a 'least vulnerable use' (agriculture) to a 'highly vulnerable use' ('solid' walled holiday accommodation), as per SEPA Flood Risk and Land Use Vulnerability Guidance. The proposal is therefore contrary to the principles and aims of Policy 52 of the adopted Perth and Kinross Local Development Plan 2 (2019), SEPA Planning Information Note 4 (PIN4), the Scottish Planning Policy 2014 and Policy 24 of the emerging National Planning Framework 4 (2023) which all look to protect new land uses from unacceptable flood risk.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Notes

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

03

04

05

06

07

LRB-2023-16 – 22/01279/FLL – Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD

PLANNING DECISION NOTICE *(included in applicant's submission, pages 171-172)*

REPORT OF HANDLING

REFERENCE DOCUMENTS

REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/01279/FLL	
Ward No	P4- Highland	
Due Determination Date	27th September 2022	
Draft Report Date	16th January 2023	
Report Issued by	AMB	Date 17 January 2023

PROPOSAL: Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units

LOCATION: Easdale, Weem, Aberfeldy, PH15 2LD

SUMMARY:

This report recommends **refusal** of a detailed planning application for the change of use of an existing building at Weem to holiday accommodation as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning permission for the change of use and alterations of an existing, traditional agricultural building into three holiday units. The building is located within the settlement of Weem, at the southern part of the village.

Another part of the steading (to the north) has planning consent for the conversion into two dwellings, and one of those dwelling has been formed.

The other part (eastern) of the consent remains vacant.

In terms of this proposal, the majority of the physical works are internal, but some external works – such as new dormers and replacement / new opening are proposed.

SITE HISTORY

Detailed planning permission was granted in 2003 (03/01563/FUL) for the change of use and alterations to the principal 'U' shaped steading at the roadside to form two housing units, and removal of existing portal frame cattle court to south of existing stone building. That permission was modified slightly via 06/01058/MOD.

These permissions relate (insofar as one of the units) to the area of the steading which is subject to the pending planning application, and is to the north of this application.

Since these approvals were issued, Unit 1 (the western unit) has been implemented but the eastern one remains untouched. In light of this commencement, the permissions remain 'live' and Unit 2 could still be implemented (for one dwelling) and is no longer *time barred*.

A detailed planning application (21/01736/FLL) for the change of use and alterations to the agricultural steading to the north of the site to form 2 dwellinghouses was withdrawn prior to determination, due to concerns over the lack of ecological work. That application was essentially for the area covered by the extant planning permission, in relation to the undeveloped approved unit.

PRE-APPLICATION CONSULTATION

None undertaken.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

The SPP supports new tourist related development, and also seeks to ensure that new development is not adversely affected by flood risk. It should be noted that whilst this document is current at the present time, this document will however be likely be superseded by the NPF4 in mid- February.

National Planning Framework 4

The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. Once adopted by the Scottish Ministers (expected to be 13th February), the NPF4 will have an increased status over previous NPFs and will comprise part of the statutory development plan.

At this stage, it is therefore a significant material consideration.

In light of this, *Policies 22* which relates to flood risk, and *Policy 30* which relates to tourism of the NPF4 are relevant to this application.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019). It should be noted that adoption, the NPF4 will also form part of the Development Plan.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states "*By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without*

creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the settlement of Weem, where the following policies are applicable,

Policy 1 – Placemaking
Policy 17 – Settlements
Policy 31- Other Historic Environmental Assets
Policy 41 – Biodiversity
Policy 52 – Flood Risk

OTHER COUNCIL POLICIES

Placemaking Guide 2020

This is the most recent expression of Council policy towards Placemaking Standards.

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policies towards Developer Contributions.

Planning and Nature 2022

This is the most recent guidance in relation to planning and bio-diversity matters.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and raised no objections.

INTERNAL COUNCIL COMMENTS

Transportation And Development have commented on the proposal and raises no objection in terms of parking or access related matters.

Structures And Flooding have objected to the proposal on the ground of flood risk.

Biodiversity Officer has commented on the proposal in terms of the bats survey, and has no objections subject to conditions.

Perth And Kinross Heritage Trust have commented on the proposal and suggested that in the event of any approval being forthcoming, a standard condition is attached.

REPRESENTATIONS

None received.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

In terms of other material considerations, consideration of the Council's SPGs on Placemaking, Developer Contributions, Flooding and Bio-diversity are material considerations. The NPF4 is also now a significant consideration.

Policy Appraisal

In terms of land use policies, the key policies are found within the LDP2, and the NPF4. Within the LDP2, the site is located within the settlement boundary of Weem where *Policies 1 (Placemaking), 17 (settlements) and 52 (flooding)* of the LDP2 are all applicable.

Policy 1 seeks to ensure that new developments do not have an adverse impact on the areas in which they are located, whilst *Policy 17* looks to protect the character and amenity of existing residential areas. *Policy 52* looks to ensure that new sites are acceptable from a flood risk point of view, and do not create flooding elsewhere.

In terms of the NPF4, *Policy 22 (flooding) and 30 (tourism)* are applicable.

Policy 22 of the NPF4 looks to protect areas and new uses from flooding, whilst *Policy 30* generally looks to support new tourism but does look to limit the reuse of existing buildings for STL when there would be an unacceptable impact on the local amenity of character of an area.

Land Use Acceptably

The principle of reusing this building for holiday use is, in isolation from other issues (i.e flooding) perfectly acceptable and aligns with the general feel of the LDP2 and also the emerging NPF4 through *Policy 30*. Both these documents look to promote tourism developments, when there is no adverse impact on existing areas – which is the case here.

In the event of any support being forthcoming for this proposal, standard conditions in relation to holiday use only and associated informative notes concerning STL licencing requirements should be attached to any decision notice.

However, the main issue for this proposal in terms of the acceptability of the use proposed (holiday use) is the flooding implications. The same applies to the adjacent application for a proposed residential development.

Flooding

The key consideration for this proposal is the flooding implications for this proposal.

Policy 52 of the LDP2 states that there will be a general presumption against new development which is at risk from flooding.

The site lies within the area identified by SEPA's flood maps as being at medium flood risk (200 year or 0.5% AEP flood event). This proposal looks to change the use of existing agricultural buildings to 3 holiday units, with the other pending application looking to create two residential units. This proposed change of use constitutes an increased vulnerability to flood risk, in terms of with SEPA's flood risk land vulnerability guidance. The existing agricultural use would be considered to be a 'least vulnerable use', whilst a holiday accommodation would be considered as a 'highly vulnerable' use.

The site does however sit inside the Weem flood protection scheme.

The Council constructed the scheme in 2006, which protects the village from the risk of flooding from the River Tay. The scheme was designed to provide a level of protection up to a 100 year (or 1% AEP) flood event. The Council recently carried out a flood protection study for Aberfeldy (completed in June 2019), and the modelling exercise also covered the Weem area. After the assessment, the scheme was considered to still provide a 100-year standard of protection - although any additional 'freeboard' has been reduced due to the impacts of climate change. The modelling also highlighted the level of risk behind the defence during a 200 year (or 0.5% AEP) flood event (which is used to define the functional floodplain for planning purposes).

New development behind flood defences is something that is generally not supported, with few exceptions and further information on this is provided in SEPA PIN4 guidance - [planning-information-note-4-sepa-position-on-development-protected-by-a-flood-protection-scheme.pdf](#).

Based on this guidance, new development cannot (should not) be supported unless it is behind a scheme providing the necessary level of protection, or the redevelopment of an existing site does not increase the vulnerability to flood risk. Neither of these are the case here, and additional mitigation measures are not supported by either SEPA guidance, the SPP, the LDP2 or the NPF4.

The proposal is therefore contrary to *Policy 52* of the LDP2, the SPP and also SEPA guidance.

In addition to this, *Policy 22* of the NPF4 also states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for (amongst other things) the redevelopment of an existing building or site for a new use which is equal or less vulnerable use than the existing use. As this is not the case here, the proposal is contrary to the principles of *Policy 22* of the NPF4.

The SEPA PIN guidance is explicitly clear in relation to development behind areas protected by flood prevention schemes and offers no mitigation options. In light of this position, the ultimate recommendation and also the fact that this application was submitted before a distinct change in the triage consultation process between Development Management, it was not considered necessary to consult SEPA as part of this planning application. In the event of a minded to approve recommendation being advanced at any stage, SEPA should be consulted to ensure that their settled view on this development is known before any approval decision is made.

Drainage

The site is located within a sewered area, so the foul drainage will be connected to the public system. Disposal of surface water will be via soakaways within the curtilage of the building. Both arrangements are considered to be acceptable in this location.

Visual Amenity, Design and Layout

The main changes to the existing building are new openings and dormer windows. The principle of these is generally acceptable, however in the event of any approval being forthcoming the design of the dormers should be amended via conditions as the ones presented look slightly awkward.

Subject to this minor change, and some additional clarification on the proposed roofing repairs, the general appearance of the building upon completion would be acceptable in terms of the impact on the visual amenity of the area.

Residential Amenity

In terms of the impact on existing residential amenity, the proposal would have limited impact and it is noted that no letters of representation have been received.

In terms of being able to provide some level of amenity for future users of the holiday accommodation units, a degree of amenity space is being offered which is considered to be acceptable.

Roads and Access

The proposal raises no issues in terms of road relates matters. Transport Planning have recommended a series of conditions which should be attached to any decision in the event of an approval being forthcoming.

Conservation Considerations

Whilst not listed or covered by a designation, the existing building is of some architectural note and of interest. The proposed re-use of the building for a long-term use is therefore welcome and in aligns with the principles of *Policy 31* of the LDP2.

In the event of any approval being forthcoming, a standard condition in relation to a standing building survey should be attached to any permission.

Natural Heritage and Biodiversity

A bat survey has been undertaken, and its recommendations should be adhered to in full.

Contaminated Land

It is likely that there could be some land contamination with the site, and within the building. In the event of any approval being forthcoming, this should be fully explored.

Developer Contributions

The proposal is for a holiday development only, which means that the proposal does not attract any requirements for Primary Education contributions or Affordable Housing provision.

In terms of Transport related contributions, the site is located outwith the catchment area for these, so these are not required.

Economic Impact

Approval of the application could have a positive impact on the local economy, albeit a localised one.

VARIATION OF APPLICATION UNDER SECTION 32A

The application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused for the reason identified below.

- 1 The site is located within an area identified by SEPA as being at medium risk of flooding (1:200 or 0.5% AEP flood event). Notwithstanding the level of protection that is offered by the Weem Flood Protection Scheme, the proposed holiday accommodation would increase the vulnerable classification on the site from a 'least vulnerable use' (agriculture) to a 'highly vulnerable use' ('solid' walled holiday accommodation), as per SEPA Flood Risk and Land Use Vulnerability Guidance. The proposal is therefore contrary to the principles and aims of Policy 52 of the adopted Perth and Kinross Local Development Plan 2 (2019), SEPA Planning Information Note 4 (PIN4), the Scottish Planning Policy 2014 and Policy 24 of the emerging National Planning Framework 4 (2023) which all look to protect new land uses from unacceptable flood risk.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

None, refusal.

Procedural Notes

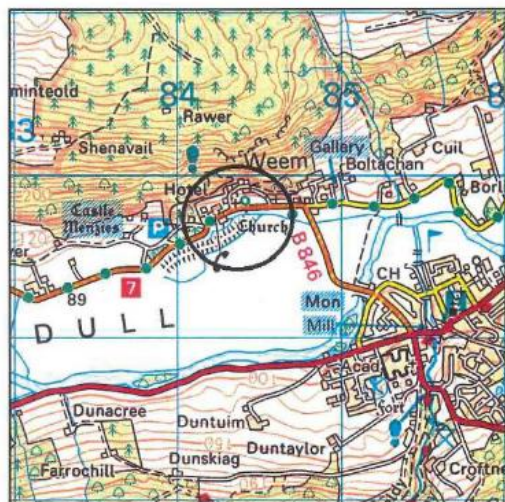
Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 – 07 (inclusive)

THIS IS THE PLAN REFERRED TO

LOCATION



National Grid Ref:- NN 84296 49714



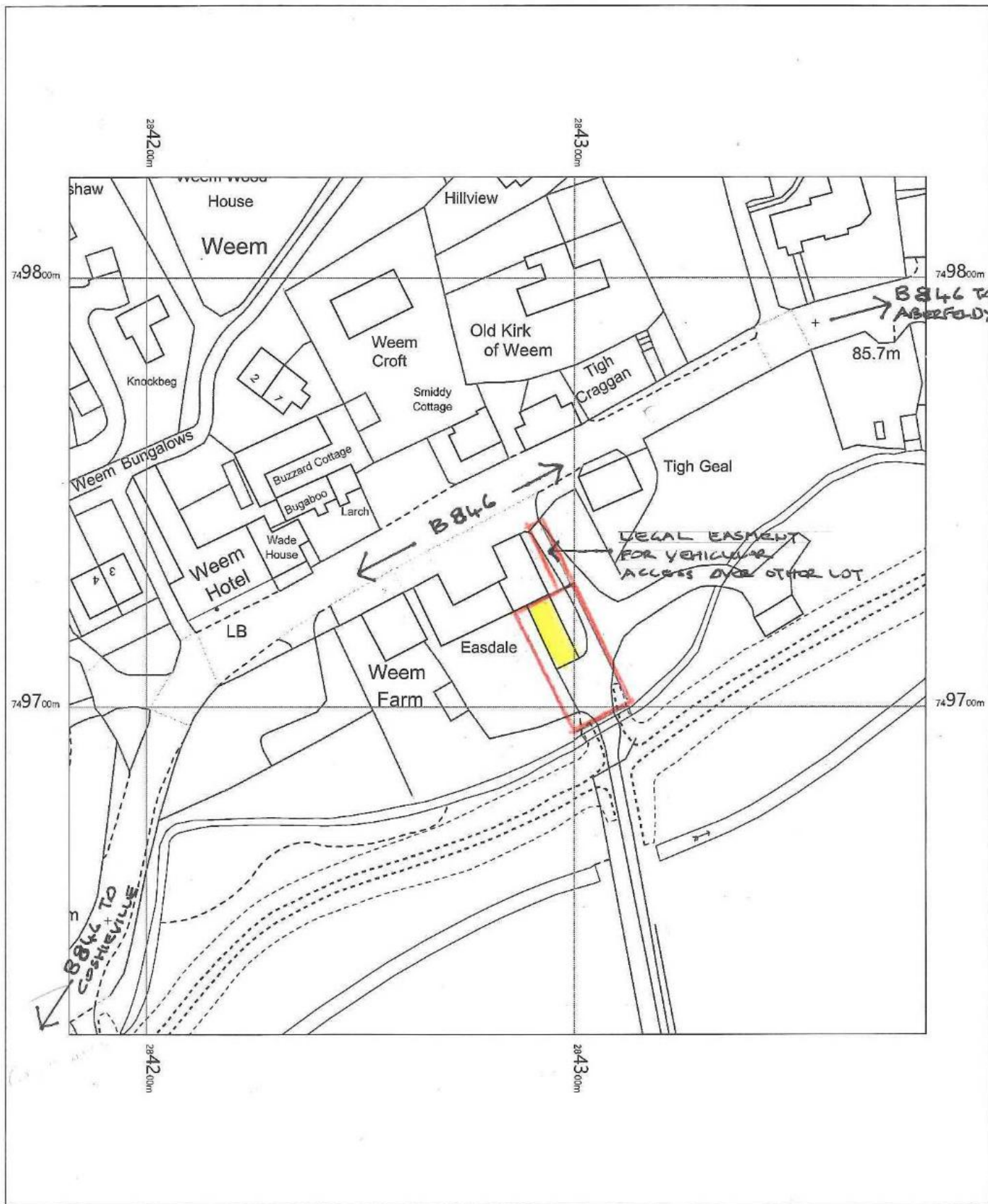
Tel: 01738 567566

Fax: 01738 567565

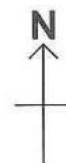
Email: enquiries@countypropertysearches.co.uk

First Floor Office Suite
48 Scott Street
Perth
PH1 5EH

www.countypropertysearches.co.uk



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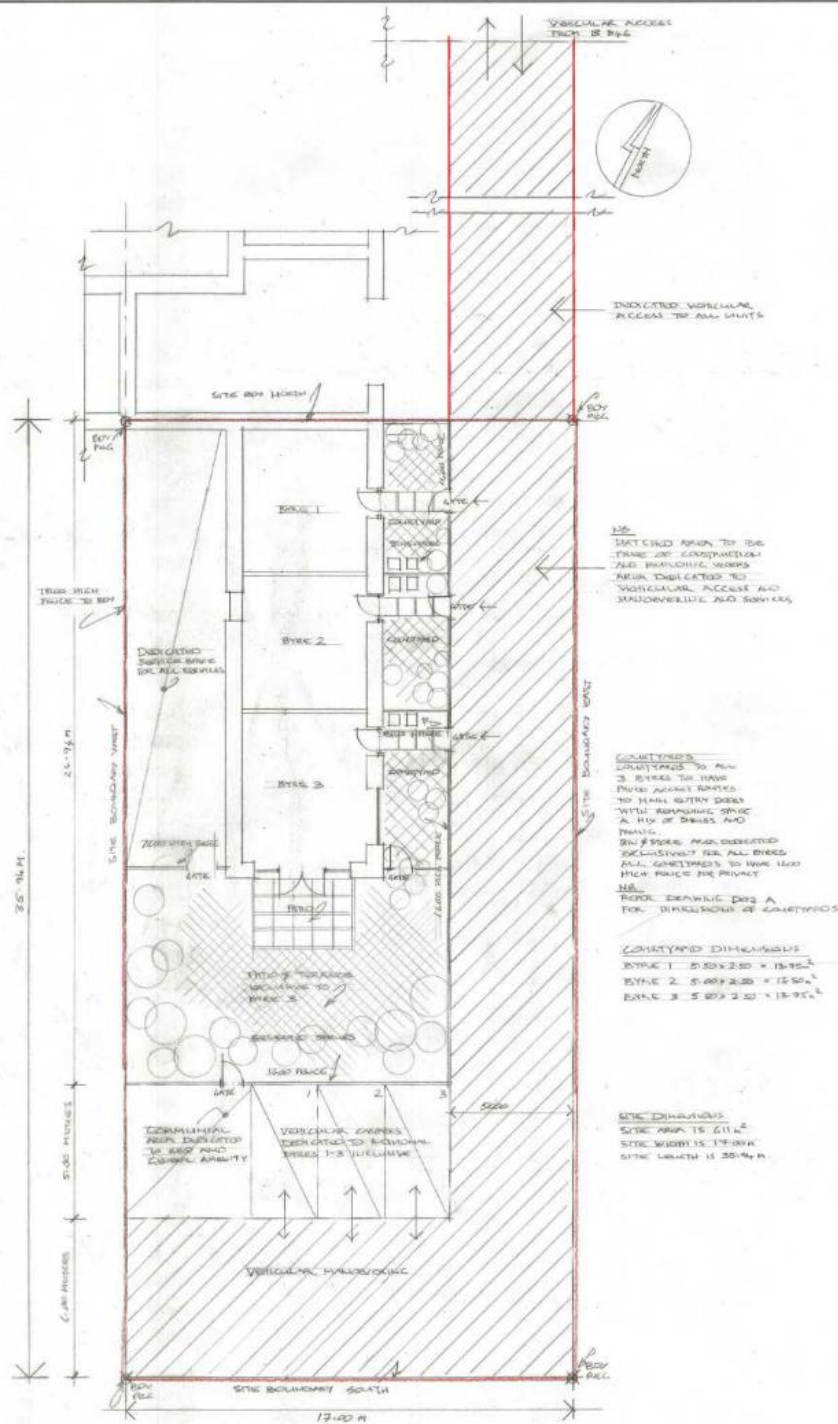


OS MasterMap 1250/2500/10000 scale
Wednesday, September 1, 2021, ID: M4P-00987505
www.nicolsondigital.com

1:1250 scale print at A4, Centre: 284282 E, 749724 N

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NOTES
All dimensions must be checked on site and not copied from this drawing—



E		
D		
C		
B		
A		

© copyright

Client
JERRY J. KENNEDY TAYLOR
WEEK 10
WEEK 11

Job Title
THE 3 STAGE
WASH PUMP STANDING UNIT 2
WASH, AIR-DRY
PROCESS DEVELOPMENT OF
EXISTING PUMP STANDING
UNIT 3 SELF EXHAUSTIVE UNIT
STAGES 1, 2, AND 3

Drawing Title

SITE PLAN TO SCALE TO
INCLUDE BIR AND STONE AREAS
DEDICATED COURTYARDS WITH
TREE LANDSCAPING AND SELECTED
SPRING PLANTING

Scale 1 (100)

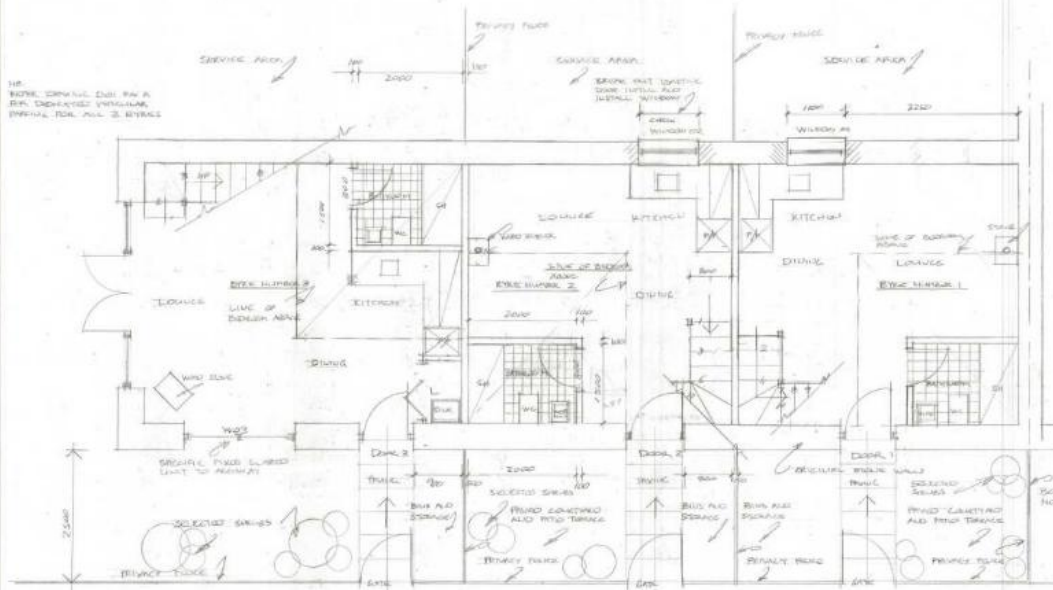
Date	Drawn by
14/12/2022	

Drawn by

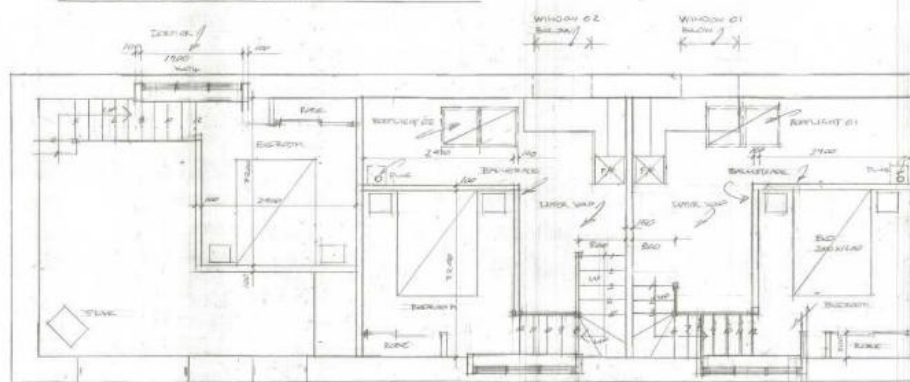
Org. No.	Rev.
D03	

Rev.

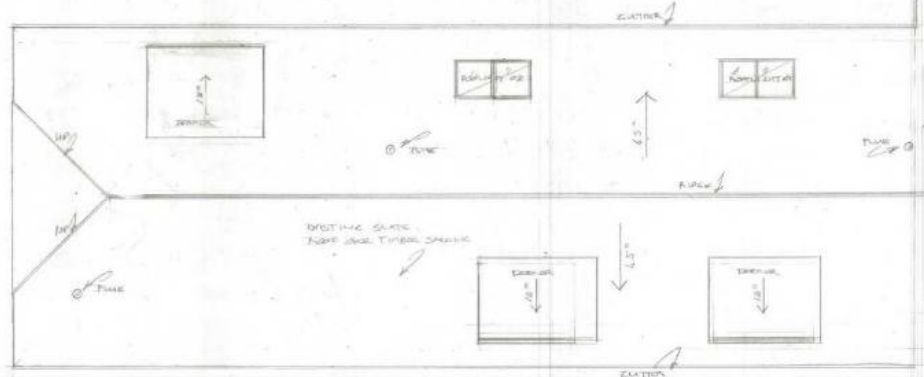
118. NOTE: EXISTING DOOR FROM A
BAY, DEDICATED VESTIBULE
PROVIDE FOR ALL 3 ENTRANCE



PROPOSED GROUND FLOOR LAYOUT PLAN - SCALE 1:150

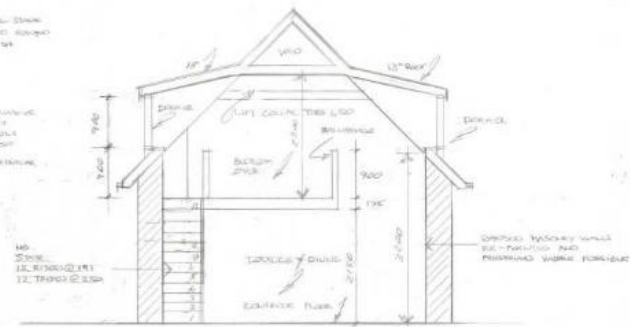


FIRST FLOOR LAYOUT PLAN - SCALE 1:150

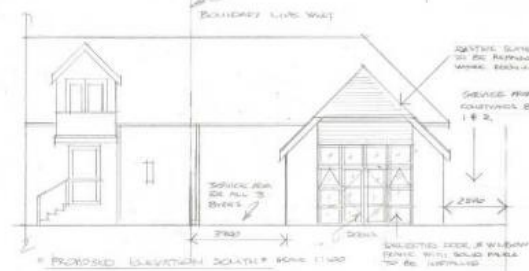


119. NOTE: EXISTING INTERNAL DOOR
WALLS TO BE DEMOLISHED AND REBUILT
TO PROVIDE SERVICE PORCH

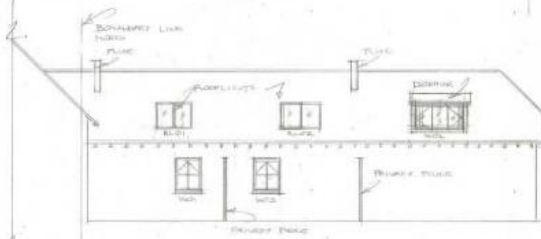
120. NOTE: EXISTING 1200mm WIDE
TO REMAIN AS EXISTING
BUILT WITH 2000mm WIDE
BUILT TO PROVIDE 2000mm
CLEARANCE FROM STAIR
DOOR TO BE 800mm WIDE



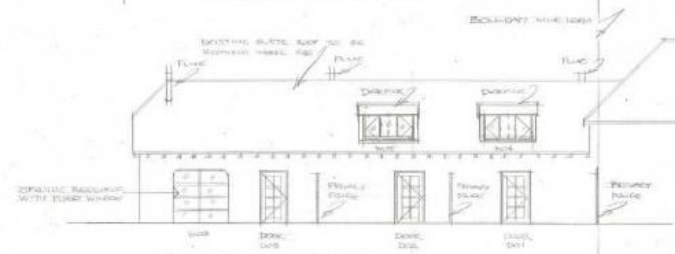
PROPOSED SECTION ELEVATION



PROPOSED ELEVATION SOUTH - SCALE 1:150



PROPOSED ELEVATION WEST - SCALE 1:150



PROPOSED ELEVATION EAST - SCALE 1:150

NOTES
All dimensions must be checked on site and not
scaled from this drawing
SCALE 1:150
SCALE 1:150

SCALE 1:150
SCALE 1:150

Date	Revisions

Client
TERRY AND ALAN RICH THRESH
WINDY HILL, EASTERN
VICTORIA

Job Title
WINDY HILL STANDING UNIT 2
WINDY HILL, VICTORIA
PROPOSED DEVELOPMENT
UNIT 2 AND UNIT 3
EXISTING UNIT 1

Drawing Title
PROPOSED GROUND AND FIRST
FLOOR LAYOUTS
PROPOSED ELEVATIONS

Scale 1:150 1:150

Date 10/10/2022 Drawn by G.R.

Dr. No. 002 Rev. 1

BRUADAIR
CRAIGLUNIE GARDENS
MOULIN
PITLOCHRY
PH16 5QG

PERTH AND KINROSS COUNCIL
PULLER HOUSE
35 KINOULL STREET
PERTH
PH1 5GD
15 July 2022

Ref. PLANNING APPLICATION

Ref. 22/01279/FLL

**CHANGE OF USE AND ALTERATIONS TO AGRICULTURAL BUILDING AND WORKSHOP
TO FORM 3 HOLIDAY ACCOMODATION UNITS EASDALE WEEM ABERFELDY PH15 2LD**

Dear Sir,

Please find enclosed the following documents as part of the following planning application to convert the existing agriculture steading known as UNIT 2 to provide three individual self catering holiday units for tourist accommodation.

Architctural Drawing D 01 Revision B dated May 2022.

Architctural Drawing D 02 Revision A dated May 2022.

Application for Planning Permission duly signed.

Ordinance Survey map with ID M4P-00987505

Outline Specification and general notes for the proposal.

Copy of location and site confirmation as presented on attached drawing Ref. 51940/SN/V1. Rev. A

Copy of preliminary Roost Assessment Report dated March 2022.

The site area is confirmed at 611 m2. The Roost Assessment Report confirms the building UNIT 2 exhibits no evidence of bat use of the building. I refer you to paragraph 5.2 Assessment of bat roost potential item 5 **ASSESSMENT** of the attached report.

I am advised the planning authority will advise the appropriate fee to be paid for this submission.

I have attempted to calculate the fee based on an earlier application which confirms the following:

Planning Fee	£ 1000.00
--------------	-----------

Total Fee payable is of the order of £ 863.10.

The client Mr Ruairaidh Tainsh will deposit the funds of £ 1000.00 into Perth and Kinross account sort code 83 47 00 account number 11570174 with the reference Ruairaidh Tainsh planning application Reference 22/01279/FLL.

If you require any additional information please contact the writer.

Please proceed to validate this application.

Yours Faithfully



George Rollo

Email barrollo@outlook.com

mob. 075 13382926

APPENDIX A

Ref. 22/01279/FLL

CHANGES OF USE AND ALTERATIONS TO AGRICULTURE BUILDING AND WORKSHOPS TO FORM 3 HOLIDAY ACCOMODATION UNITS AT EASDALE WEEM ABEFELDY PH15 2LD

Please note the following comments and responses to letter received from Perth and Kinross Council dated 26 May 2022. And subsequent telephone discussions held on 14 July 2022.

- 1.0. Please refer to the Preliminary Roost Assessment Report pages 15 and 16 which clearly represents the status and as built confirmations of the subject of this planning application.
- 2.0. The site plan drawing D 01 Rev B clearly notes the existing and proposed site plan which contains a north point and scale bar. Site boundaries are noted in red and which are confirmed in the ordinance survey plan which forms part of this submission. **As requested the area assigned as a legal easement over an adjacent property for vehicular access and service access has been included within additional red lines.**
- 3.0. Drawing D 01 Rev B also shows the proposed vehicular parking and manoeuvring along with landscaping. The proposed vehicular manoeuvring and landscaping of the private area to proposed unit 3 has also been amended to include the gable end of the existing steading and workshop. Architectural drawing D 02 Rev A shows the presence of paved courtyards, bin storage areas and shrub planting specific to all three units. Fences and access roads are also defined. There is no reference to canopy spread of trees as none exist. This is clearly shown on the architectural drawings which accompany this submission. I refer you to drawing 51940/SN/V1 Rev. A: CPS Country Property Services which shows the legal access in yellow made available for the site which is the subject of this application. As requested I have noted the area is designated as a legal easement.
- 4.0. Architectural drawing D 01 Rev B confirms the extent of the site boundary in red and includes the area assigned as legal easement. The drawing also attempts to clarify the site boundaries on the existing elevations. The red lines clearly identify the areas within the site to be adopted for vehicular parking and manoeuvring.
- 5.0. This item is a Building Warrant item. The selection of type of wood burner is to be determined at that stage of the process. The proposed wood burning stove is to comply with Scottish Building Standard Section 3.0 for domestic building installation. The size of flue pipe to be to BS EN 1856.2.2004 and to be 1.5 X diameter of pipe with non-combustible shield to comply with 3.19.4 . The hearth to be a minimum of 50mm non-combustible material.
- 6.0. You have advised the original submitted fee is incorrect . The total fee now confirmed is the value of £ 1000.00.

- 7.0. Please note architectural drawing D 01 Rev. B includes the as built and existing roof plan of the steading and workshop.

Ref. PLANNING APPLICATION

FOR THE STEADING, UNIT 2,

EASDALE, WEEM

Architectural Drawing D 01 Revision B dated May 2022.

The design proposal is to convert and develop the existing agriculture steading listed as unit 2 into three individual self-catering units to be named BYRES.

ARCHITECTURAL DRAWING D 01 Revision B DETAILS AS BUILT AND SITE MEASURE OF THE EXISTING PROPERTY.

External.

Architectural drawing D 01 Revision B confirms the dimensions and site layout of UNIT 2 the steading at EASDALE, WEEM.

All existing doors and penetrations to the existing stone structure are detailed.

Previous penetrations and openings which had been in filled are also detailed.

Architectural Drawing D 01 Revision A also details the proposed parking for the three individual BYRES.

Ref. PLANNING APPLICATION

FOR THE STEADING, UNIT 2,

EASDALE, WEEM

Architectural Drawing D 02 Revision B dated May 2022.

The design proposal is to convert and develop the existing agriculture steading listed as unit 2 into three individual self-catering units to be named BYRES.

BYRES 1-3 INCLUSIVE ARE TO PROVIDE THE FOLLOWING ACCOMODATION.

Ground Floor.

Open plan lounge, dining and kitchen

Utility cupboards to be provided under stairs.

Bathrooms with dedicated two person showers.

External courtyards to the north east are provided for BYRES 1 and 2.

Large individual courtyard and patio terrace facing south is provided for BYRE 3.

Wood burning stoves provided to all BYRES.

Individual staircases specific to each BYRE to be installed.

Service space exclusive to all three BYRES is provided on the west part of the site.
Bin storage and shed lock ups to be provided within the service space.

First Floor.

Mezzanine floor bedroom with wardrobe fitted provided for all three BYRES.

Size of bedroom designed to allow splitting of beds to provide single arrangements.

Balustrading to be installed and rooflights installed to provide bright interiors.

Vehicular parking

Single car space is provided for each individual BYRE. Parking is located on the south boundary with access free of any building. I refer you to Architectural Drawing D 01 Revision A which indicates the proposed layout.

Ref. PLANNING APPLICATION

FOR THE STEADING, UNIT 2,

EASDALE, WEEM

Architectural Drawing D 02 Revision B dated May 2022.

The design proposal is to convert and develop the existing agriculture steading listed as unit 2 into three individual self-catering units to be named BYRES.

BYRES 1-3 INCLUSIVE ARE TO ACCOMMODATE THE FOLLOWING CONSTRUCTION DETAIL.

Internal.

Where appropriate retain the existing stone wall features.

Install concrete floor with under floor heating.

Maintain existing door openings.

Where lintols are required to be lifted to provide headroom maintain stone finish and mortar pointing detail to match existing.

Retain integrity of roof structure with lifting of collar ties.

Increase insulation to values to comply with building control.

Where new windows are to be installed maintain the visual appearance as currently exists in the stonework.

The proposed staircases are to provide a rise of 191 mm and a going of no less than 250mm.

Bathrooms to consist of two-person shower, water closet and wash hand basin.

Kitchen to be fitted out with general white ware appliances.

First Floor.

Mezzanine floor to be constructed with steel beam and timber flooring to specific design.

Fitted wardrobes with selected doors to be provided in all three BYRES.

Rooflights to BYRES 1 and 2 are to be installed.

Dormer windows to be installed to provide headroom approaches for all BYRES.

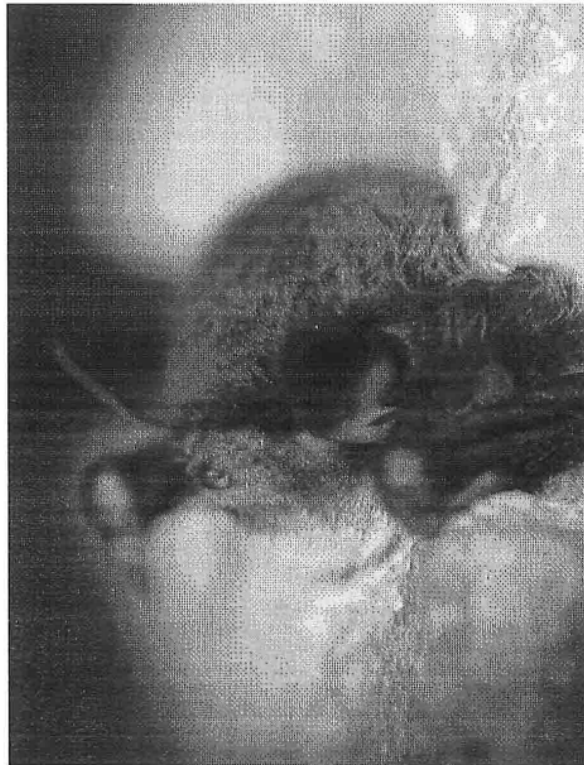
Balustrading to be installed in compliance with building regulations.

External.

All existing stonework is to remain and be pointed with new mortar. Any penetrations to the existing stonework is to be constructed in stone to match existing.

The existing slate roof is to remain. All remedial works to the roof to include sarking replacement is to match existing. Where required removal of slates to provide access for repairs is to be replaced to match.

Roofing to the dormers which is pitched at 13 degrees is to be finished in appropriate membrane to provide good weather protection to the building.



Unit 2, Easdale, Weem

Preliminary Roost Assessment Report

(March 2022)



The Wildlife Survey Unit
an ecological consultancy

Clachan
Boat of Garten
Inverness-shire PH24 3BX

Tel: 01479 420101
Email: info@thewildlifesurveyunit.co.uk
Website: www.thewildlifesurveyunit.co.uk/

Registered No. 6807319

Project no.	P22010	Document version	FINAL
Project name	Unit 2		
Location	Unit 2, Easdale, Weem, PH15 2LD		
Document reference	Preliminary Roost Assessment Report		
Date	14 th March 2022		
Prepared by	Peter Stronach		
Qualifications	<p>Full Member of the Chartered Institute of Ecology and Environmental Management</p> <p>BSc(Hons) in Environmental Science and Agricultural Ecology</p>		
Quality Assurance	<p>All staff employed by The Wildlife Survey Unit Ltd are full members of the Chartered Institute of Ecology and Environmental Management and follow the Institutes' <i>Code of Professional Conduct</i> (CIEEM 2013) whilst undertaking ecological survey work and reporting.</p> <p>This survey report follows the standard bat report template produced by the Bat Conservation Trust in their 2016 publication <i>Bat Surveys for Professional Ecologists – Good Practice Guidelines 3rd Edition</i>, the industry standard.</p>		

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1 EXECUTIVE SUMMARY

The Wildlife Survey Unit Ltd were commissioned by Ruairaidh Tainsh in March 2022, to undertake a preliminary roost assessment survey of Unit 2, Easdale in Weem, Perth and Kinross.

This is in relation to the proposed renovation and change of use of the building from an agricultural steading to 3 self-catering units.

In summary, no evidence of bat use of the buildings was identified during the preliminary roost assessment survey.

The steel ridgetile of the roof of the building has the potential to support Pipistrelle species roosts based on its construction.

Unit 2 is assessed as of being of *high* bat roost potential using the Bat Conservation Trust categories shown in Table 1 of Section 3.3.

Full recommendations are detailed in Section 6.

2 INTRODUCTION

2.1 Background

The Wildlife Survey Unit Ltd were commissioned by Ruairaidh Tainsh in March 2022, to undertake a preliminary roost assessment survey of Unit 2, Easdale in Weem, Perth and Kinross.

This is in relation to the proposed renovation and change of use of the building from an agricultural steading to 3 self-catering units.

2.2 Site description

Unit 2 is a traditional stonebuilt agricultural steading currently used as a workshop. It is located on the main road in Weem, Perth and Kinross at OS grid reference NN8429549710.

2.3 Full details of proposed works

The application to Perth and Kinross Council is to convert the exiting agricultural steading into 3 self-catering units.

2.4 Aims of the survey

The aims of the bat survey were to:

- Undertake an external and internal bat inspection survey to identify whether bats are, or have been, present and, if so, which species.
- Identify the need for further survey and measures needed to be taken to ensure legal compliance and recommend mitigation measures suitable for biodiversity enhancement.

2.5 Planning and legislative context

The full legal and planning framework relating to bats and development can be found in the Appendix. This includes the current national legislation protecting all species of bat in Scotland.

3 METHODS

3.1 Pre-survey data search

A desk study was undertaken to identify any bat records from the site or within the surrounding area, as well as identifying potential bat roosting, feeding and commuting habitats and protected sites.

As the scale of the development is small, only a single building, a datasearch from the local biological Records Centre was not undertaken, however the following sources were used:

- The National Biodiversity Network (NBN) website (www.nbn.org.uk) was accessed for records in the 10km square in which the site sits.
- The Multi-Agency Geographic Information for the Countryside website (www.magic.gov.uk)
- The Ordnance Survey website (www.ordnancesurvey.co.uk)

3.2 Surveyor information

The bat surveys were undertaken by Wildlife Survey Unit Ltd surveyor, Peter Stronach MIEEM (SNH licence no.147682).

Peter Stronach is a terrestrial and marine ecologist with a specialist interest in bats and protected mammals. As owner and director of The Wildlife Survey Unit Ltd he has managed, designed and undertaken bat inspection, emergence surveys and activity surveys across Scotland, England and Wales. He has a working knowledge of the national and international legislation protecting bats and how that relates to development. He has been a licensed batworker for eleven years, including handling of bats for identification and survey of hibernation sites.

3.3 Field survey methods

All bat surveys are undertaken in accordance with current best practice guidance with reference to:

- Hundt, L. (2012) *Bat Surveys. Good Practice Guidelines*. Bat Conservation Trust, London.

- ❑ Mitchell-Jones, A. J. & McLeish, A. P. (2004) *The Bat Workers' Manual*. 3rd ed. JNCC, Peterborough.
- ❑ Mitchell-Jones, A. J. (2004). *Bat Mitigation Guidelines*. JNCC, Peterborough.

The site was assessed and categorized using the following roost suitability criteria in Table 1 below:

Table 1: Roost suitability categories

Assessed suitability for roosting bats	Description of roosting habitats
Negligible	No features on the structure likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or for hibernation roosts).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed Roost	A structure that during the survey was found to have bats present within it, or evidence of current or past use by bats i.e. droppings or corpses

(Table adapted from Collins, J 2016)

3.4 Equipment

The following equipment was used during the preliminary roost assessment survey:

- High power T7 LED Lenser torch
- 4.2m ladder
- 8 x 42 binoculars
- Sample bags

3.5 Weather, survey dates and timing

The preliminary roost assessment survey was undertaken on the 9th March 2022. The weather was cool (7c), dry and with a force 3-4 southeasterly wind.

4 RESULTS

4.1 Desk study

A search on the National Biodiversity Network website returned the presence of 12 bat records within 2km of the site (<http://www.nbn.org.uk/> accessed March 2022). These were six records of Daubenton's from Aberfeldy, two of Soprano Pipistrelle records again from Aberfeldy and from 500m to the east of the site, and four Brown Long-eared records to the south of the site but none from the site itself.

4.2 Preliminary Roost Assessment

Potential access points and roosting areas

The roof of Unit 2 is a thick slate roof with a steel ridge flashing, this construction is traditionally associated with providing roosting opportunities for Pipistrelle species, allowing access under any lifted sections of ridgetile. There were a small number of lifted sections of ridgetile along the entire length of the roof on both the east and west face.

There are two rooflights in the roof on the west face of the roof, one with glass and another covered in plastic sheeting. On the east face there are three rooflights in the slatework. The slatework and leadwork around the rooflights is in good condition and tight.

The interior of the building is open to the ridgetile and is currently used as a workshop with lighting and frequent noise. It is unsuitable as a roosting location because of this fact. No evidence of bats was found in the interior during a through search.

House Sparrow nests were present along the eaves in the gap beneath where the rafters emerge, see Photograph 3 below.

It is thought this building is unsuitable for hibernating bats due to the very limited nature of the potential roost locations in the stonework and the fact that it is an active workshop with lighting and disturbance constantly during the day.

Evidence of bats

No evidence of bats was found during the survey of Unit 2, the steel flashing along the ridgetile of the roof offers opportunities for Pipistrelle bat species to roost.

House Sparrow nests were present along the eaves in the gap beneath where the rafters emerge.

5 ASSESSMENT

5.1 Survey constraints

All areas could be surveyed within the building during the preliminary roost assessment survey.

The survey was undertaken in March, during the transition from hibernation roosts to maternity roosts and non-breeding summer roosts.

5.2 Assessment of bat roost potential

In summary, no evidence of bat use of the buildings was identified during the preliminary roost assessment survey.

The steel ridgetile of the roof of the building has the potential to support Pipistrelle species roosts based on its construction.

Unit 2 is assessed as of being of *high* bat roost potential using the Bat Conservation Trust categories shown in Table 1 of Section 3.3.

6 CONCLUSION – RECOMMENDATIONS AND MITIGATION

6.1 Recommended approach

Unit 2 is assessed of having *high* bat roost potential, however the area of high bat roost potential on the building [REDACTED] and this is to be unaffected during the works. The three existing rooflights are to be replaced with modern rooflights and the eave timbers are to be renewed around the perimeter of the roof.

The following recommendations are made:

- In the highly unlikely event of bats being discovered during the works, works should stop immediately and The Wildlife Survey Unit Ltd (01479 851413) or NatureScot (01463 725364) should be contacted immediately for advice.
- As per NatureScot guidance this bat survey report has an 18 month lifespan, if works occur after September 2023, a resurvey of the building would be required.

Evidence of breeding birds was found during the bat survey, House Sparrow have bred in the building in recent years. The following recommendation is made:

- ❑ All wild nesting birds are protected from disturbance of the nest site through current UK legislation. If works are due to involve scaffolding and are due to occur April-August it is recommended that proposed scaffolding locations and areas within 20m are checked by an ornithologist. Presence of a nest, would delay works in that area until eggs have been incubated and hatched and the nestlings have fledged.
- ❑ Gaps in stonework beneath the rafters on the external walls of the building should be retained to allow them to be continued to be used by House Sparrow to breed (see Photograph). If stonework needs repaired, old nests should be removed, repairs done and then left in original state.

7 REFERENCES

HMSO (1981) *The Wildlife and Countryside Act 1981*. HMSO, London.

Hundt, L. (2012) *Bat Surveys. Good Practice Guidelines*. Bat Conservation Trust. ISBN-13 9781872745985.

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National Biodiversity Network website - <http://www.nbn.org.uk/>

The Conservation of Habitats and Species Regulations 2010

The Scottish Government (2010) *Scottish Planning Policy*

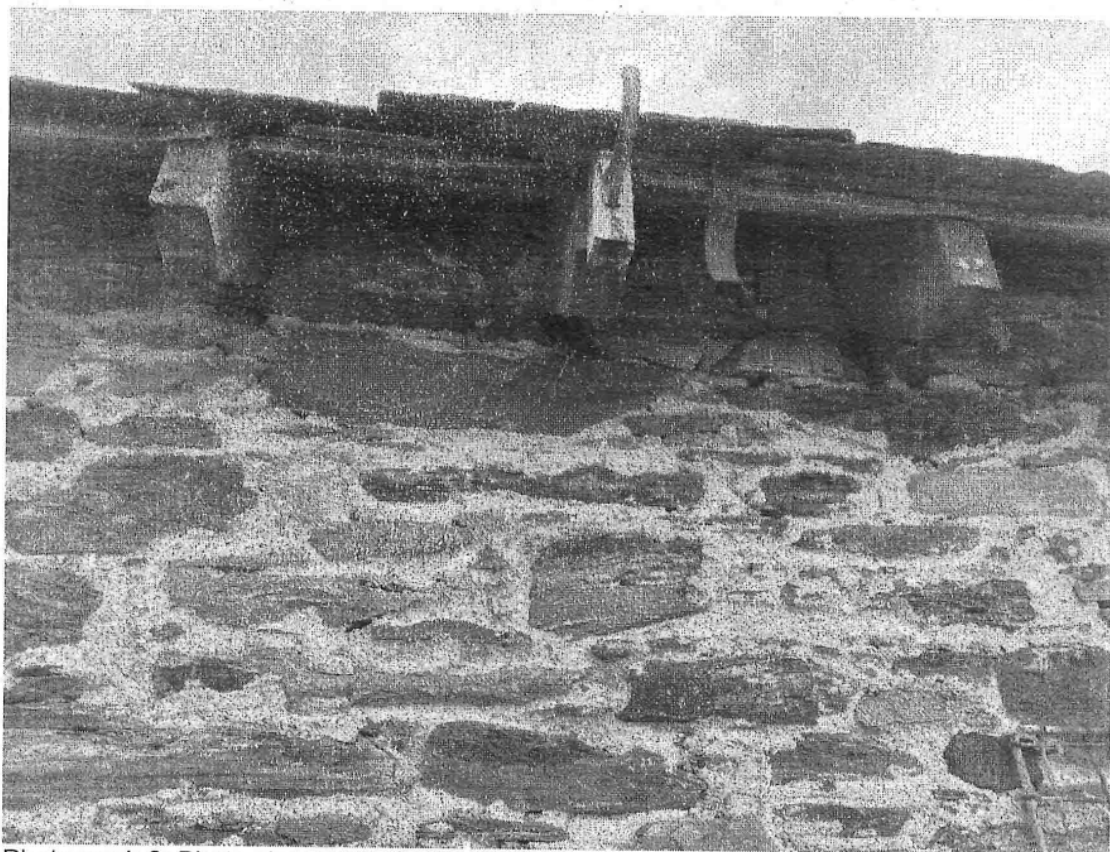
The Scottish Government (2000) *Planning for Natural Heritage: Planning Advice Note 60*



Photograph 1: The east and south face of Unit 2.



Photograph 2: the west and south face of Unit 2.



Photograph 3: Photo showing the rafters at the eaves creating gaps underneath for House Sparrows to nest.

Legislation

In Scotland, the EC Habitats Directive and other nature conservation legislation previously under European law has now been transposed into national law by means of the Conservation (Natural Habitats,&c.) Regulations 1994 (as amended).

As a result of this legislation, it is an offence to:

- Deliberately capture, injure or kill a bat
- Deliberately disturb a bat, in particular any disturbance which is likely: to impair bats ability to survive, to breed or reproduce, or to rear or nurture their young or; in the case of hibernating or migratory species, to impair their ability to hibernate or migrate, or; to affect significantly the local distribution or abundance of the species to which they belong.
- Damage or destroy a breeding site or resting place of a bat
- Possess, control, transport, exchange or sell a bat or parts of a bat, alive or dead.

Licensing is used to permit illegal activities relating to bats and their roosts for specific purposes. When the licensing authority decides whether to grant a licence it must apply three tests to the proposed action:

- The main reason for undertaking the action must be one for which a licence can be issued, for example for the purpose of preserving public health or public safety, or other imperative reasons or overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- There must be no satisfactory alternative
- The proposed action must not be detrimental to the maintenance of the species concerned at "favourable conservation status" in its natural range.

In order for these tests to be correctly applied it is essential that survey information of a sufficient quality and standard is supplied, without this information a licence or planning application can't be assessed or issued.

More information can be found on the SNH website (<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/legal-framework/habitats-directive/euro/>) and on the Online Bat Planning Protocol (http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=211_interactive_bat_protocol)

Planning policies

Scottish Planning Policy (SPP) superceded NPPG14 Natural Heritage and states the following in relation to protected species:

"If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, their presence must be established, the requirements of the species factored into the planning and design of the development and any likely impact on the species fully considered prior to the determination of the planning application.

Planning permission must not be granted for development that would be likely to have an adverse effect on a European protected species²¹ unless the planning authority is satisfied that:

- there is no satisfactory alternative, and*
- the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

In no circumstances can development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Planning permission must not be granted for development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 unless the development is required for preserving public health or public safety.

Applicants should submit supporting evidence for any development meeting these tests, demonstrating both the need for the development and that a full range of possible alternative courses of action have been properly examined and none found to acceptably meet the need identified."

PAN60 Planning for Natural Heritage commits the Scottish Government to safeguarding Scotland's natural heritage and integrating the principles of sustainable development into all Government policies.

LRB-2023-16 – 22/01279/FLL – Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units, Easdale, Weem, Aberfeldy, PH15 2LD

REPRESENTATIONS

Thursday, 04 August 2022



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Easdale, Weem, Aberfeldy, PH15 2LD

Planning Ref:

Our Ref: DSCAS-0070090-WWN

Proposal: 22/01279/FLL | Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units | Easdale Weem Aberfeldy PH15 2LD

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the KILLIECRANKIE Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by WEEM Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it

directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778

0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/01279/FLL	Comments provided by	Joanna Dick Tree and Biodiversity Officer
Service/Section	Strategy and Policy	Contact Details	Phone 75377 Email biodiversity@pkc.gov.uk
Description of Proposal	Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units		
Address of site	Easdale Weem Aberfeldy PH15 2LD		
Comments on the proposal	<p>Policy 41: Biodiversity The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p>European Protected Species Planning permission will not be granted for development that would be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)).</p> <p>All bat species found in Scotland are classed as European protected species. They receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) making it an offence to disturb a bat in a roost, obstruct access to a roost and damage or destroy a breeding or resting place of such an animal.</p> <p>When we consider a planning application, we are required by law to have regard to the presence or potential presence of bats and their resting places in our decision.</p> <p>To fulfil our obligations, when it is reasonably likely that bats will be present at or affected by a scheme, we will insist that a bat survey (which is up to date and undertaken at the correct time of year) is submitted to assess the potential presence of bats.</p> <p>A Preliminary Roost Assessment was undertaken in March 2022 by a suitably qualified surveyor to determine the presence of bats. This is in line with the PKC Bat Survey Guidance (2018) and Bat Conservation Trust Good Practice Guidelines (2016). The survey has concluded moderate bat roost potential. It concluded that Unit 2 (a traditional stone-built agricultural steading) has high roost potential.</p> <p>As the PRA has high roost potential, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) should be carried out between the dates of 1st April and 1st October in any year. Any works undertaken during the specified</p>		

	<p>periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.</p> <p>Breeding Birds For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest.</p>
Recommended planning condition(s)	<ul style="list-style-type: none"> No activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) should be carried out between the dates of 1st April and 1st October in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
Recommended informative(s) for applicant	<p>BATS2 Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.</p> <p>BION Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.</p>
Date comments returned	11 August 2022

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/01279/FLL	Comments provided by	David Stephens
Service/Section	HE/Flooding	Contact Details	[REDACTED]
Description of Proposal	Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units.		
Address of site	Easdale, Weem, Aberfeldy, PH15 2LD		
Comments on the proposal	<p>Objection.</p> <p>The agricultural building is in a location subject to a medium to high risk of fluvial flooding. The application constitutes a change of use to dwelling, which is considered a highly vulnerable use.</p> <p>This building is considered not suitable for development.</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	<p>The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.</p>		
Date comments returned	11/08/2022		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/01279/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units		
Address of site	Easdale, Weem, Aberfeldy PH15 2LD		
Comments on the proposal	<p>The applicant is proposing to change the use and alter an agricultural building to form three one bedroomed holiday accommodation units. A previous application for the same site (which was withdrawn) was submitted under Ref: 21/01736/FLL to change the use and alter the adjoined agricultural building to form two dwellinghouses.</p> <p>The vehicle access to the public road network for the property will be via an existing private access off the B846. The plans state this is via a legal easement for vehicles to access the property over another owner's land. The vehicle access shall be formed to the Council Standard as set out in Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail. A condition is recommended for the vehicle access formation.</p> <p>Parking will be provided on site for three vehicles, one for each unit, which is in line with the requirements of the National Roads Development Guide.</p> <p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its upgrade. This will allow the applicants contractor to apply for the necessary consents to work within the public road network. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following conditions.</p>		

Recommended planning condition(s)	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p> <p>Prior to the development hereby approved being completed or brought into use, the access shall be constructed so that no surface water is discharged to the public road.</p> <p>Reason - In the interests of road safety.</p>
Recommended informative(s) for applicant	<p>The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>
Date comments returned	<p>23 August 2022</p>



To:	Andrew Baxter, Planning Officer
From:	Sophie Nicol, Historic Environment Manager
Tel:	01738 477027
Email:	Sophie.Nicol@pkht.org.uk
Date:	30 th August 2022

22/01279/FLL | Change of use and alterations to agricultural building and workshop to form 3 holiday accommodation units | Easdale Weem Aberfeldy PH15 2LD

Thank you for consulting PKHT on the above application. The proposed development site is considered to be archaeologically sensitive as it includes the alteration of an existing steading/historic building which pre-dates the 1st Edition Ordnance Survey of the area and is an important part of the historic settlement at Weem.

PKHT believes that wherever possible historic buildings should be retained and re-used in order to preserve the character of the local rural landscape. As noted in Scottish Planning Policy (paragraph 137) sensitive re-development that protects the special characteristics of historic buildings can positively contribute to a sense of place. This is reflected in the Local Development Plan policies relating to Placemaking and Housing in the Countryside. We appreciate the elements of reuse in the application and the majority of historic fabric being retained but as the building will be changed considerably in its use, we believe a basic record should be made prior to conversion.

Therefore, should this application be approved a negative suspensive condition for standing building recording of the building should be attached to consent to ensure a permanent record is made prior to change of use and modification.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for historic building survey be attached to consent, if granted:

HE26 *Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.*

Notes:

- 1. Should consent be given, it is important that the developer, or their agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
- 2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.**