

LRB-2023-25

23/00186/FLL – Part demolition, alterations and extension to dwellinghouse, Forest Lodge, Ladywall, Birnam, Dunkeld, PH8 0DU

FURTHER INFORMATION

CDS Planning Local Review Body

From: Tim Bayman [REDACTED]
Sent: 27 September 2023 09:15
To: CDS Planning Local Review Body
Subject: Re: LRB-2023-25
Attachments: image001.jpg

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Audrey, Lisa and the Planning Local Review Body Team

The current ecology report is a full survey of the garage and surrounding area looking at bats and nesting birds, The existing house renovation, phase 1, of the project did not require planning permission and has already been carried out.

This had to be done quickly to get our client into the house as soon as possible due to family and budgetary constraints.

As we have noted in our appeal statement we feel we were given advice that a bat survey was only a requirement if our design intervened in the existing roof of the house. We took this to be the main roof of the house as the other parts of the development including the demolition of the garage did not require planning permission. Extract from our report below.

4.3 The pre-application also stated that “a bat survey would be required for any intervention into the roof, in line with Policy 41 of PKC LDP2 and our Bat Survey Supplementary Guidance.”

We also find ourselves in this position because our case officer, contrary to guidance, didn't give us the opportunity to withdraw our application and resubmit it along with an ecological survey as requested by the Tree and Biodiversity Officer.

Below is the relevant extract from our Appeal Statement.

5.48 “No ecological survey has been submitted. Therefore, the ecological impact of the development cannot be ascertained, and it cannot be shown that any impact can be avoided, or satisfactorily mitigated, to ensure the safeguarding of protected species and wildlife habitats.

5.49 Accordingly, the proposal is contrary to Policy 4(f) of NPF4, Policy 41 of Perth and Kinross Local Development Plan 2 2019, Perth & Kinross Council's Development Management and Wildlife Guide: Planning for Nature 2022 and Perth & Kinross Council's Bat Surveys guidance: "What are bat surveys and when do I need one?", which seek to safeguard wildlife, habitats and protected species from detrimental impacts.”

5.50 While this statement is factually accurate, the applicants were not made aware of the requirement for an ecological statement, nor given the opportunity to provide one during the application process, in contravention of the Council's own guidance. Had this information been requested prior to or during the application process it would have been commissioned and submitted. A bat survey has now been carried out and is included as additional information with this appeal statement.

I have spoken to our Ecology consultant, Andrea Hudspeth of Aquila Ecology. She has subsequently spoken to the original planning case officer Keith Stirton regarding your request for a Full Ecological Survey. Both Andrea and Keith believe that the current ecology report, which remains unseen by the Tree and Biodiversity Officer, covers the necessary ground in this case.

It is our understanding that the request for the full ecology survey by the Biodiversity Officer mentioned at the Local Review Body Meeting and on page 330 & 331 of the agenda item for LRB-2023-25 was made prior to the officer seeing the report provided to the LRB.

We would therefore request that the current report is reviewed by the Perth and Kinross Council Tree and Biodiversity officer before we commission a further ecology survey.

It may be that the officer would like further information to be provided in determining this case, which we would be happy to provide, but at present our ecology consultant does not know what information this might be beyond what is already in the current report.

We would be grateful if this request could be reviewed at the next meeting of the Planning local Review Body.

Yours Sincerely

Tim Bayman
(Agent)

CDS Planning Local Review Body

From: Keith Stirton
Sent: 12 October 2023 10:39
To: CDS Planning Local Review Body
Cc: Audrey Brown
Subject: FW: LRB-2023-25 and 23/00186/FLL
Attachments: 20230928 Planning (25).pdf; Phase 1 & 2 Bat Roost Assessment.pdf; 20230927 Email from Agent (25) redacted.pdf

Follow Up Flag: Follow up
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In response to your request for comments on the submitted Bat Survey Report, please see the following:

The attached Bat Survey is in accordance with best practice and its conclusions are agreed. Should planning permission be granted for the proposed development, all recommendations listed in section 3 of the report should be implemented in full. Provision of bat boxes would lead to this development providing biodiversity enhancement which would be in line with our policy and guidance documents.

Accordingly, if planning permission is granted for the proposed development, the following condition would be required:

“The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (*INSERT document reference number) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority”.

Kind regards,

*Keith Stirton
Planning Officer
Development Management
Planning & Development
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD*

