

Perth and Kinross Council
Planning and Placemaking Committee – 22 February 2023
Report of Handling by Head of Planning & Development
(Report No 23/65)

PROPOSAL: Erection of 27 holiday accommodation units and associated works

LOCATION: Mains of Taymouth, Kenmore

Ref. No: [22/01711/FLL](#)

Ward No: P4- Highland

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of 27 holiday accommodation units and associated works at Mains of Taymouth, Kenmore. The application site is adjacent to Loch Tay on the north side of the River Tay and is sandwiched between the river and the Drummond hillside all within the boundaries of Taymouth Castle Designed Garden & Landscape. The site was previously part of the golf course and is partly interspersed with pockets of young to mature trees. The site has an overall slope rising from south east to north west from approximately 113m to 123m AOD. The site sits immediately to the east of existing built development within the estate and the access is located through this existing development to the west onto the A827. To the north the site is bound by the B846 which separates the site from Drummond Hill. The southern boundary of the site runs adjacent to the existing Mains of Taymouth caravan park with the River Tay beyond. To the east of the site the Mains of Taymouth golf course extends eastwards towards Taymouth Castle. There is a grouping of trees located on the eastern boundary.
- 2 Planning permission 19/00080/FLL granted permission on this part of the Mains of Taymouth site for a total of 43 caravans in May 2019. Following the 2019 permission, the applicant sought to alter the layout and reduce the density levels on the site and therefore a further planning permission was granted for 25 holiday accommodation units (22/00219/FLL). Sixteen of these approved twenty five lodges are to be built out under the 2022 permission and eleven are now built and occupied with the remaining five having had their bases completed but are still to be erected. The current application relates to the land to the east and south of the sixteen lodges referred to above.

- 3 This proposal now seeks to erect seven further holiday accommodation units to the immediate north east of the 16 approved units of a similar design and form as the approved 16 units. These are proposed to be served by an extension to the existing approved access tracks serving the adjacent 16 units. These units are similar to those approved under the 2022 permission which were 16.3m x 6m x 3.6m. The units have the appearance of a lodge and are proposed to be clad with a tiled roof, timber effect cladding and timber doors and windows. Each unit is proposed to accommodate three bedrooms, each with an en-suite bathroom, kitchen and living area and a utility room.
- 4 To the south 20 further smaller holiday accommodation units are now proposed. These have similar finishing materials to the larger lodges but are proposed to be 10m x 4.2m x 3.9m and accommodate two bedrooms. These are laid out in a similar east-west fashion on the site served by a separate access from the units to the north. The site is proposed to be partially contained by landscaping.
- 5 Therefore, this proposal, if approved, would result in a total of 43 holiday accommodation units on this part of the site. The same number which was granted here by the 2019 permission. Therefore, overall, this proposal does not result in an increase in the number of units in comparison with the previous 2019 permission.
- 6 The proposal also includes the relocation of the tee for hole 1 of the golf course and the relocation of the green for hole 9 to accommodate the development.
- 7 There is extensive planning history to this site. Planning consent was granted in February 2008 for the erection of recreational facilities, including play area and tennis courts, 58. residential units of varying type, including flatted accommodation and additional parking facilities ([07/01739/FUL](#)). A further permission was then granted in 2010 for the erection of 30 residential units ([10/00367/FLL](#)) which was a partial modification to the 2007 permission. Only those units granted in the south west corner of the 2010 permission have been completed. The remainder of the 2010 approval is now proposed to form part of the site subject to this application.

National Policy and Guidance

- 8 The Scottish Government expresses its planning policies through the National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and since 13 February 2023 comprises part of the statutory development plan.

- 10 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document.
- 11 In this instance the primary policies relevant seek to encourage, promote and facilitate development that supports the growth of the sustainable tourism sector in a way which manages impact on local communities.

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60: Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 1/2011: Planning and Noise

Creating Places 2013

- 13 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 14 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

Development Plan

- 15 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2019.

National Planning Framework 4

- 16 NPF 4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 17 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Bio Diversity
- Policy 4: Natural Place
- Policy 7: Historic Assets and Places
- Policy 29: Rural Development
- Policy 30: Tourism

Perth and Kinross Local Development 2019

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 6: Settlement Boundaries
 - Policy 8: Rural Business and Diversification
 - Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome / Campervan, and Camping Sites
 - Policy 15: Public Access
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 27A: Listed Buildings
 - Policy 28A: Conservation Areas: New Development
 - Policy 29: Gardens and Designed Landscapes
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites
 - Policy 39: Landscape
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 47: River Tay Catchment Area
 - Policy 52: New Development and Flooding
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Light Pollution
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 20 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction

upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 21 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Flood Risk and Flood Risk Assessments Supplementary Guidance 2020

- 22 The Adopted Flood Risk & Flood Risk Assessment (PDF) [5MB] supports the Adopted Perth and Kinross Local Development Plan 2 (2019) Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage.

Site History

- 23 [07/01739/FUL](#) Full Planning Permission was Approved On 29 February 2008 for Proposed recreational facilities, including play area and tennis courts, 58 no. residential units varying type, including flatted accommodation and additional parking facilities
- 24 [10/00367/FLL](#) Full Planning Permission was Approved On 21 July 2010 for Erection of 30 residential units (part modification of previous consent)
- 25 [12/00352/FLL](#) Full Planning Permission was Approved On 30 July 2012 for Deletion of condition 23 from planning consent (07/01739/FUL) re holiday accommodation occupancy at Units 15-18
- 26 [14/00502/FLL](#) Full Planning Permission was Approved On 15 May 2014 for Variation of planning permission 07/01739/FUL - removal of condition 23 relating to holiday accommodation occupancy Units 19-24 And 25-28
- 27 [19/00080/FLL](#) Full Planning Permission was Approved On 9 May 2019 for Siting of 43 caravans, formation of landscaping and associated works
- 28 [22/00219/FLL](#) Full Planning Permission was Approved On 8 June 2022 for Erection of 25 holiday accommodation units (in part retrospect)
- 29 [22/01153/FLL](#) Full Planning Permission application was Withdrawn On 14 August 2022 for Erection of 27 holiday accommodation units and associated works

CONSULTATIONS

- 30 As part of the planning application process the following bodies were consulted:

External

Kenmore Community Council

- 31 Objection due to prevalence of holiday accommodation which exists in Kenmore and lack of recreational facilities to serve tourism population. Proposal is also considered to be detrimental to the village. Proposal is considered to be contrary to the Local Development Plan as it results in detrimental impact on the existing golf course and results in a reduction in open space. Concerns are also expressed regarding the impact which traffic from the development will have on the A827 public road.

Scottish Water

- 32 No objection.

Historic Environment Scotland

- 33 No objection but recommend planting provision along public road.

Perth And Kinross Heritage Trust

- 34 No objection.

Internal

Transportation And Development

- 35 No objection as existing road network is capable of accommodating the proposed development.

Structures And Flooding

- 36 No objection as proposed surface water drainage system is considered to be appropriate.

Biodiversity/Tree Officer

- 37 Ecological Impact Assessment Report findings and mitigation is considered to be acceptable subject to conditions which secure mitigation.

Conservation Team

- 38 No objection.

Environmental Health (Noise Odour)

- 39 No objection but advised that units will require a license and that discussions are ongoing with the applicant regarding this.

Representations

40 Five letters of representation were received including one of the Kenmore Community Council. The main issues raised within the representations are:

- Lack of recreational/leisure facilities to serve level of accommodation proposed
- Contrary to Development Plan
- Loss of open space
- Impact on golf course
- Traffic impact
- Road safety
- Lack of business plan
- Noise pollution
- Ecological impact
- Impact on residential amenity
- Over development

41 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

42

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats R	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Landscape and Visual Assessment Landscape and Planting Plan Drainage Design Planning Statement Ecology Survey

APPRAISAL

43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, as identified elsewhere in this report.

44 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning

authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 45 Policies 29 and 30 of NPF4 seek to encourage, promote and facilitate sustainable tourism development which contributes to the viability, sustainability and diversity of rural communities and the local rural economy.
- 46 Policy 8 of the LDP2 aligns with the requirements of NPF4 and states that the Council will give favourable consideration to the expansion of existing businesses or creation of new ones in rural areas and that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. It goes on to state that proposals for new tourism related developments and the expansion of existing facilities will be supported where it can be demonstrated that they improve the quality of existing facilities, allow a new market to be exploited or extend the tourism season. Policy 9 contains similar criteria.
- 47 The site is partially located within the settlement boundary of Kenmore as identified within the Local Development Plan but extends eastwards outwith the settlement boundary. The previous application for the erection of 58 units (07/01739/FUL) and the 2010 permission (10/00367/FLL) both involved built development partly located out with the settlement boundary of Kenmore as does the extant 2019 permission (19/00080/FLL). As such, there is an established precedent for development here extending outwith the settlement boundary. Therefore there are existing permissions on this site for the same number of holiday accommodation units which remains extant at this time. The previous permissions are considered to be key material considerations in the assessment of this application and on the basis of these previous permissions the principle of extending development outwith the settlement boundary of Kenmore is considered to be acceptable.
- 48 As the proposal is essentially a rural tourism proposal within the Mains of Taymouth Estate, Policy 8 - Rural Business and Diversification; Policy 9B - Caravan Sites, Chalets, and Timeshare Developments are applicable.
- 49 Mains of Taymouth Estate is a major tourism resort and significant employment provider in the area. It plays a significant role in the local, national and international tourism economy.
- 50 Policy 9B supports new chalet type developments where it is clear they will not be used for permanent residential purposes. The location, layout, design, materials and information contained within the submission suggests that it is highly unlikely that the proposed units will be suitable for all year round permanent residency. Policy 8 Rural Business and Diversification supports

the expansion of existing rural businesses and the creation of new ones. Sites outwith settlements may be acceptable if related to a site specific opportunity and contribute to the local economy through the provision of jobs, visitor accommodation and help extend the tourism season.

- 51 The proposal for 43 holiday accommodation units is the same total number of units granted on this site previously. The proposal results in a mixture of unit types compared to the previous approvals with both two bedroom and three bedroom units now proposed. An updated Business Plan accompanies the application and states that Mains of Taymouth has recently been sold to a new owner, Pure Leisure Ltd who are seeking to make significant investment in the business. It states that the site will be marketed in conjunction with Pure Leisure's existing sites in Scotland and the UK. The submission states that the conclusions of the 2019 business plan remain relevant in that the construction phase is scheduled over 4 years and generates a total of 69 FTEs (full time equivalent jobs) from direct, indirect and construction sources and this revised proposal is considered to generate a similar level. Once the site is operational it is indicated that the new units will add £7.66 million to the local and regional economy over a 5 year period from sales, rental income and associated charges. It is considered that the units and their location close to walking and cycle routes will help extend the tourism season into the winter months.
- 52 Mains of Taymouth includes a golf course, restaurant, cafe and a small retail unit which sells local produce. The applicant has confirmed that the Mains of Taymouth Golf Course is open to the public and the new owner has experience of operating golf courses elsewhere. The golf course also hosts two local clubs as their home course and the applicant has indicated that both locals and visitors are welcome to use the facility. An equestrian facility which was previously part of Mains of Taymouth at Inchadney has now been sold and does not form part of the Mains of Taymouth operation but the applicant has indicated that they now have an alternative stables and pony club at Keltneyburn. Whilst the Community Council raises concerns with the lack of facilities on offer, and the over use of existing facilities, there remains facilities on the site and nearby which are clearly focused on tourism and will be directly linked to the proposed development. It is important to note that there is no increase in units proposed compared with previous extant permissions. The Community Council also raised concerns regarding the closure of other nearby recreational/tourism facilities in Kenmore including Kenmore Hotel and boating facilities on Loch Tay but it is understood that these are closed temporarily and that these will reopen. Nevertheless these matters are not in control of the applicant.
- 53 The Community Council have also raised the concerns regarding the number of holiday homes in Kenmore. However, the provision of this type of facility at Mains of Taymouth provides purpose built holiday accommodation therefore limiting the impact on existing housing in the village being utilised as short term lets/holiday accommodation.
- 54 A previous 2007 permission on this site included a relatively large scale leisure centre with a golf clubhouse, tennis courts and children's play facilities.

This proposed development is partly on the land which was approved for this leisure centre and as such that development will no longer proceed. Whilst it is noted that this larger scale recreational use on the site will no longer proceed, there are still existing facilities available to visitors to Mains of Taymouth including those mentioned above, together with those visitor attractions around the Kenmore and wider Highland Perthshire area. On that basis the level of recreational facilities at Mains of Taymouth are considered to be appropriate to serve increased visitor numbers given the context of the wider Highland Perthshire tourism market and the fact that there is already extant approval for the same number of units.

- 55 Based on the above it is considered that the proposal complies with LDP2 Policies 8 and 9 and NPF4 Policies 29 and 30.

Design and Layout

- 56 Policies 1A and B relate to placemaking and require new development to respect the character and visual amenity of the area. Furthermore policies 8, 9 and 39 state that the existing landscape should be capable of accommodating the new development. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 57 The proposal consists of 27 holiday accommodation units, seven with a footprint of 16m x 7m x 4.1m accommodating three bedrooms and the remaining 20 to be 10m x 4.2m x 3.9m with two bedrooms.
- 58 These units are similar in design to those approved under the 2019 permission. The units have the appearance of a lodge and are proposed to be clad with a tiled roof, timber effect cladding and timber doors and windows. Each unit is proposed to accommodate either three or two bedrooms each with an en-suite bathroom, kitchen and living area and a utility room.
- 59 The units are laid out in a linear arrangement, similar to the extant permission extending west to east, with the areas between the caravans interspersed with tree planting and new landscaping. The overall layout of the site and design of the units relates successfully to the adjacent caravan site to the south and is considered to be appropriate in the context of the wider development in the area.
- 60 The proposal results in some minor changes to the existing golf course by relocating a tee and green. The changes to the golf course are not considered to be significant and whilst the course is to be shortened to some degree this is considered to be appropriate.
- 61 On that basis the proposal is considered to comply with Policy 1A and the design criteria outlined in Policies 8 and 9 of the LDP2 as the design, density and siting of the units is considered to respect the character and amenity of the place.

Landscape and Visual Impact

- 62 Policy 39: Landscape requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things, not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The site is located within the Loch Tay Local Landscape Area (LLA).
- 63 Safeguarding and enhancing landscape character is an important planning objective. It is considered that potential long term visual effects of the proposal will not have a significant impact on the landscape as its visibility is highly restricted owing to the site levels and surrounding screening. The Landscape and Visual Impact Assessment accompanies the application given the sensitivities of the area. The development, where views are possible, will appear as a number of small units set amongst trees and set adjacent and related to existing built development. The proposal will involve significant landscaping and planting and will result in the creation of an appropriately scaled development of a smaller scale than the previous approvals on the site. Full details of the landscaping density and species have been submitted with the application. The proposal complies with Policy 39- Managing Future Landscape as it will maintain and enhance the landscape quality of the area and the proposed planting will complement existing tree cover in the area and allow visual containment for the site. A condition is recommended to ensure the landscaping is undertaken within an appropriate timescale.
- 64 The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

Flooding and Drainage

- 65 Policy 53C of the LDP2 requires surface water drainage to be managed by a Sustainable Urban Drainage System (SUDS). A Drainage Report which outlines the use of gravel trench soakaways and permeable surfaces around each unit accompanies the application. Modelling and porosity testing has been produced for the surface water drainage solution has been accepted by PKC Structures and Flooding. The information submitted is therefore considered to comply with the requirements of policies 52 and 53B of the LDP2. A condition is recommended to ensure the drainage arrangements are installed in accordance with these details.

Foul Drainage

- 66 Policy 53B seeks to ensure that a public waste water drainage connection is utilised where available. The submission indicates that the units will be connected to the public drainage system. Scottish Water has been consulted on the application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their infrastructure in Kenmore. Scottish

Water's connection requirements will ensure that foul flows are connected to the public drainage network and that the proposal will comply with LDP Policy 53B - Foul Drainage. An informative is recommended to ensure the applicant is aware of the need to agree a connection with Scottish Water prior to adding the new development to the system.

Ecology and Biodiversity

- 67 Policy 3 of NPF4 relates to the protection and enhancement of bio diversity and Policy 4 seeks to ensure that development proposals do not have an adverse effect on locally, regionally, nationally and internationally protected designated sites. Policy 41 of the LDP2 aligns with this and states that 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. The River Tay is designated as part of The River Tay Special Area of Conservation (SAC) and therefore Policy 38A is applicable.
- 68 A Protected Species Survey Report accompanies the application in accordance with the requirements of Policy 40B of the LDP2. This has been updated to reflect the current circumstances on the site.
- 69 The survey concludes that the site is of low ecological value given the present uses in the area and the mainly grassland. The trees surrounding the site will not be impacted upon by the proposed development. On that basis the proposal is not considered to result in a detrimental impact on protected species. Conditions to limit the impact on protected species will be applied as recommended by the Bio Diversity Officer. Furthermore, a condition to ensure that the approved Construction Method Statement is adhered to will also be applied in order to protect the River Tay SAC during construction operations.
- 70 Subject to these conditions it is considered that the proposal will meet the requirements of Policies 38A and 41 of LDP2 and 3 and 4 of NPF4 in relation to the SAC and Bio Diversity.

Cultural Heritage

- 71 Policy 7 of NPF4 relates to Historic Assets and Places and seeks to protect and enhance the historic environment. Policy 27A of the LDP2 aligns with this and requires new development to respect the setting of listed buildings. Furthermore, Policy 28A requires new development to either preserve or enhance the character of Conservation Areas. The closest listed buildings to the site are The Mains, Kenmore (Category B listed) which is located approximately 55m to the west and the Category A listed Maxwells Temple which is approximately 195m to the east. Kenmore Conservation Area is also located to the south of the site on the opposite side of the River Tay. Given the consented development on the site the proposed development is considered to be appropriate in terms of impact on the Taymouth Castle

Historic Garden and Designed Landscape (HGDL). Historic Environment Scotland (HES) have offered no objection to the application and the proposed landscaping matches that approved previously with additional depth along the public road to the north as was requested by HES. On that basis the proposal is considered to comply with Policy 29 of the LDP2 which seeks to manage and enhance the integrity of HGDL. The development is not considered to impact on the setting of nearby listed buildings or the Conservation Area given the distance to these, the existing and proposed landscape containment and the scale of the units. The proposal is therefore considered to comply with Policies 27A and 28A of the LDP2 and Policy 7 of NPF4.

Overlooking/Overshadowing

- 72 Policies 1A and B require new development to respect existing levels of residential amenity. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. The proposal involves the siting of holiday units and continues the established tourism accommodation character of the Mains of Taymouth development. It should be noted that some of the adjacent neighbours have raised concern regarding overlooking. These neighbours occupy the existing approved holiday accommodation units to the west which were approved under the previous permissions referred to above. The site is laid out as a holiday accommodation development and is to be operated for that purpose. It therefore does not require to meet the Council's normal placemaking requirements which would apply to a permanent residential housing site in terms of window to window and window to boundary distances.
- 73 The scale of the units and their position is not considered to result in overlooking to neighbouring buildings to any significant extent given the use proposed and will not overshadow neighbouring properties.
- 74 The proposal is not considered to result in any planning policy concerns relating to residential amenity and therefore consider the proposal to comply with the requirements of policies 1A and 1B where they refer to residential amenity.

Light Pollution

- 75 Policy 55 of the LDP2 relates to light pollution and states that consent will not be granted for proposals where lighting would result in obtrusive and/or intrusive effects. Light is likely to be emitted from within the proposed units and low level bollard lighting along the access road and paths. In this case taking account of its location and proximity to existing built development the lighting associated with the proposal is not considered to be detrimental to the surrounding environment. The proposal complies with Policy 55. A condition is recommended to ensure light spill from the site is limited.

Noise

- 76 Policy 56 of the LDP2 relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels

of noise in the locality of existing noise sensitive land uses. The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

- 77 In this case the proposed units are not considered to result in any noise pollution issues for neighbouring properties. Environmental Health do not raise any potential noise issues. The proposed development is not considered to be a high generator of noise. The adjacent units are of the same use type (holiday accommodation) and as mentioned elsewhere there is an extant permission on this site for the same number of units. Therefore, the proposal complies with Policy 56 relating to noise pollution.

Transport/Parking Provision

- 78 Policy 60B of the LDP2 requires new development to be well served and easily accessible by all modes of transport. Given the rural nature of the site the majority of users of the site will travel by car. Access to the site is to be from the west, through the existing development. This is similar to the previously approved development on this site. The level of traffic to be generated by the proposal will be the same as the extant permissions on the site given the same number of units are proposed. Transportation and Development have been consulted on the proposal and state that the level of parking to be provided for each unit complies with the requirements of the National Roads Development Guide. They also consider the existing private access with a 10mph speed limit to be an appropriate route into the site. There are speed bumps on this route which will ensure compliance with the speed limit. As an existing access is to be used and parking and turning facilities are marked on the plans no conditions are recommended by Transportation and Development. They also consider the existing road network to be capable of accommodating the development. The proposal is therefore considered to meet the requirements of Policy 60B of the LDP2 and the relevant national guidance.

Economic Impact

- 79 The siting of 27 holiday accommodation units is considered to extend the type of tourism accommodation available at Mains of Taymouth, resulting in increased employment opportunities and boost the local and regional economy as outlined within the policy appraisal above. On that basis the economic impact of the development is considered to be significant and in accordance with Policies 29 and 30 of the NPF4.

Occupancy Restriction

- 80 There is a long protracted history of occupancy conditions associated with Mains of Taymouth for the wider redevelopment of the site since 2007. This submission indicates that these units are to be operated both as holiday lets

and for holiday ownership with an ability to let to third parties through the Mains of Taymouth business.

- 81 Historically, the standard holiday occupancy condition was eventually removed from previous permissions after protracted discussions with the previous applicant when the application was considered by Committee, with an officer recommendation of refusal. The decision of Committee was to substitute the occupancy condition with one which related to the management of the site rather than specifically restricting the use of the units to holiday accommodation only.
- 82 In this instance the new applicant has confirmed that they would be content with the standard holiday occupancy condition which is considered to be more appropriate than the condition applied to the previous permissions on this site which will ensure the units are used for holiday accommodation only and cannot be used as the sole or main residence of any occupant, which meets the requirements of Policy 8 and 9 of the LDP2.

Archaeology

- 84 As this site was subject to previous planning consent, investigation has been undertaken on this particular part of the site previously. On that basis Perth and Kinross Heritage Trust do not require any further investigation to be undertaken. The proposal therefore complies with the criteria contained within Policy 26B of the LDP2.

Developer Contributions

- 84 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 85 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 86 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 comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 87 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

3. The surface water drainage arrangements shall be installed and operated in accordance with the surface water drainage information hereby approved as outlined in approved documents 14, 18, 19 and 30.

Reason - To ensure the provision of effective drainage for the site.

4. All trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.

Protection measures, once in place, shall remain in place for the duration of construction.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 31 relates) 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.

Reason - In the interests of protecting environmental quality and of biodiversity.

6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In the interests of protecting environmental quality and of biodiversity.

7. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

8. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

9. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - To ensure the suitable occupancy of the units.

10. All construction operations shall be undertaken in strict accordance with the Construction Method Statement hereby approved (doc ref: 33).

Reason - In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory

requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. 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. <https://www.pkc.gov.uk/ldp2floodrisk>
4. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: 5 letters of representation

Contact Officer: John Williamson

Date: 10 February 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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