

Perth and Kinross Council
Planning & Development Management Committee – 8 May 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/131)

PROPOSAL: Siting of 43 caravans, formation of landscaping and associated works

LOCATION: Mains Of Taymouth, Kenmore

Ref. No: [19/00080/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 consent is sought for the siting of 43 caravans, formation of landscaping and associated works at Mains of Taymouth Kenmore. Mains of Taymouth is located within the village of 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 is currently 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 to the caravans 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 The proposal seeks to site a total of 43 caravans on the site in an east-west layout. The site is split into two groupings of caravans. The northern portion of the site is to be served by two new access tracks which link to the existing track which serves The Gallops, a series of existing residential holiday units located to the west of the application site. A separate access is proposed to serve the southern portion of the site. The site is proposed to be partially contained by landscaping.
- 3 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 new caravan site subject of this application.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 5 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 6 A screening exercise has been carried out as the proposal is considered to be Schedule 2 development as outlined in the Environmental Impact Assessment (Scotland) Regulations 2017. This concluded that an EIA Report was not required. A copy of the screening opinion is available to view on the Council's planning portal.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 11 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 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport

Creating Places 2013

- 12 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

- 13 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

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 15 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 16 *“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.”*
- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 18 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.
- 19 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

Policy 6: Developer Contributions

- 20 Seeks to ensure suitable infrastructure is in place to facilitate new development. Developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Perth and Kinross Local Development Plan 2014

- 21 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.
- 22 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 23 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 24 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 25 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 26 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED3 - Rural Business and Diversification

- 27 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy ED4A - Caravan Sites, Chalets and Timeshare Development

- 28 Encouragement will be given to the retention and improvement of existing caravan and camping sites, provided the improvements are compatible with adjoining land uses. There shall be no presumption in favour of residential development if any of the above uses ceases.

Policy ED5 - Major Tourism Resorts

- 29 The improvement or expansion of Major Tourism Resorts will be encouraged, and the landscape setting which is integral to their tourism offer will be protected.

Policy TA1B - Transport Standards and Accessibility Requirements

- 30 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF2 - Public Access

- 31 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1B - Non Designated Archaeology

- 32 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 33 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE3A - Conservation Areas

- 34 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy HE4 - Gardens and Designed Landscapes

- 35 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1A - International Nature Conservation Sites

- 36 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE2B - Forestry, Woodland and Trees

- 37 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 38 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy ER6 - Managing Future Landscape -Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

- 39 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 40 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 41 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 42 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP5 - Nuisance from Artificial Light and Light

- 43 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 44 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP15 - Development within the River Tay Catchment Area

- 45 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 46 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 47 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 48 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in

modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 49 There is extensive planning history associated with Mains of Taymouth including various small scale developments. However the key historical applications associated with this particular site are outlined below.
- 50 04/01547/FUL Proposed bar/bistro and shopping development and re-location of reception Decision Issued 10 November 2004 Application Approved
- 51 [07/01739/FUL](#) Proposed recreational facilities, including play area and tennis courts, 58 no. residential units varying type, including flatted accommodation and additional parking facilities Decision Issued 29 February 2008 Application Approved at Development Management Committee
- 52 [08/01496/FUL](#) Formation of wastewater treatment works Decision Issued 20 October 2008 Application Approved Delegated Powers
- 53 [10/00367/FLL](#) Erection of 30 residential units (part modification of previous consent) Decision Issued 21 July 2010 Application Approved at Development Management Committee
- 54 [10/00380/FLL](#) Variation of Condition 6 from previous consent (08/01496/FUL) Decision Issued 21 April 2010 Application Approved – Delegated Powers
- 55 [12/00352/FLL](#) Deletion of condition 23 from planning consent (07/01739/FUL) re holiday accommodation occupancy at Units 15-18 Decision Issued 30 July 2012 Application Approved at Development Management Committee
- 56 [14/00502/FLL](#) Variation of planning permission 07/01739/FUL - removal of condition 23 relating to holiday accommodation occupancy Units 19-24 And 25-28 Decision Issued 15 May 2014 Application Approved Delegated Powers

CONSULTATIONS

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

External

Historic Environment Scotland

- 58 No objection subject to provision of additional landscaping on north boundary of the site. The development should be determined in accordance with local and regional policy and guidance.

Scottish Water

- 59 No objection

Internal

Perth and Kinross Heritage Trust

- 60 No archaeological investigation required as previously undertaken as part of consented development on site.

Commercial Waste Team

- 61 No objection

Biodiversity Officer

- 62 No objection subject to conditions
Environmental Health (Contaminated Land)

- 63 No objection

Structures And Flooding

- 64 No objection subject to condition relating to Sustainable Urban Drainage (SUDS)

Environmental Health (Noise Odour)

- 65 No objection

Transport Planning

- 66 No objection

Development Negotiations Officer

- 67 No contributions required

REPRESENTATIONS

- 68 The following points were raised in the ten letters of representation received:

- Roads safety and traffic generation
- Impact on visual amenity
- Contrary to Development Plan
- Inappropriate density
- Loss of open space
- Loss of trees
- Noise pollution

- Overlooking
- Loss of value to property/rental income
- Loss of view
- Lack of need
- Out of character with area
- Lack of associated leisure facilities/partial loss of golf course and stables
- Parking provision
- Loss of privacy
- Impact on bio diversity
- Light pollution
- Overdevelopment
- Lack of open space and landscaping
- Occupancy
- Construction times

69 These issues are addressed in the Appraisal section of the report. The loss of a view and the impact on the value of a property and its rental income are not material planning considerations.

ADDITIONAL STATEMENTS

70	Environment Statement	Not Required
	Screening Opinion	Undertaken as part of assessment of application 19/00080/FLL
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Reports on Impact or Potential Impact	Landscape and Visual Impact Assessment, Protected Species Survey

APPRAISAL

71 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. 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, which are outlined above.

Principle

72 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 applications 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 such, there is an established precedent for development here extending outwith the settlement boundary. I consider the previous planning permissions granted and implemented on these sites to be a key material consideration in the assessment of this application and on the basis of these previous permissions I consider the principle of extending development outwith the settlement boundary of Kenmore to be acceptable.

- 73 As the proposal is essentially a rural tourism proposal within the Mains of Taymouth Estate, Policy ED3 - Rural Business and Diversification; Policy ED4 - Caravan Sites, Chalets, and Timeshare Developments; and Policy ED5 - Major Tourism Resorts are all applicable.
- 74 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. Policy ED5 supports the improvement or expansion of such resorts provided the landscape setting will be protected.
- 75 Policy ED4C 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 submitted business plan suggests that it is highly unlikely that the proposed caravans will be suitable for all year round permanent residency. Policy ED3 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.
- 76 The development of 43 caravans is an expansion of the Mains of Taymouth Estates tourist accommodation portfolio. The submitted business plan indicates 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. Once the site is operational it is indicated that the new caravans 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 caravans and their location close to walking and cycle routes will help extend the tourism season into the winter months.
- 77 Concerns have been expressed regarding the lack of existing or proposed facilities to serve the accommodation. However, Mains of Taymouth currently includes a golf course, restaurant, cafe, horse riding and stables and a retail unit which sells local produce which is clearly focused on tourism.
- 78 The previous consent on this site included a relatively large scale leisure centre with a golf clubhouse, tennis courts and children's play facilities. This proposed caravan park 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. The applicant has also confirmed that the stables have moved and that Mains of Taymouth will continue to offer horse riding. On that basis I consider the level of recreational facilities at Mains of Taymouth to be appropriate to serve increased visitor numbers given the context of the wider Highland Perthshire tourism market.

- 79 Based on the above it is considered that the proposal complies with LDP Policy ED3, ED4 and ED5.

Design and Layout

- 80 The proposal consists of 43 single storey caravan structures with a footprint of 16.3m x 6.09m and extending to 3.6m in height. Whilst the proposed structures are defined as caravans under the Caravan Sites Act 1968 the units have the appearance of a lodge and are proposed to be clad in timber with a tiled roof and are to accommodate three bedrooms, an en-suite, separate shower room and a kitchen/lounge area. The caravans are laid out in a linear arrangement, 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 caravans 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.
- 81 On that basis the proposal is considered to comply with policy PM1 and the design criteria outlined in policy ED3 and ED4 of the LDP as the design, density and siting of the caravans is considered to respect the character and amenity of the place. Samples of the finishing materials will be secured by condition (Condition 2). A condition is also recommended to ensure details of any boundary treatments are also submitted (Condition 3)

Landscape and Visual Impact

- 82 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 LDP Policy ER6 - Managing Future Landscape as it will maintain and enhance the landscape quality of the area and the proposed planting will compliment 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. (Condition 9).

Flooding and Drainage

Surface Water

- 83 The site is proposed to be served by a Sustainable Urban Drainage System (SUDS). PKC Structures and Flooding have been consulted on the proposal and offered no objection in terms of surface water drainage. A condition is recommended to ensure the site connects to a SUDS system to meet the requirements of policy EP3C of the LDP (Condition 4).

Foul Drainage

- 84 The submission indicates that the caravans 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 EP3B - Foul Drainage.

Flood Risk

- 85 There is not considered to be any flood risk associated with this site. PKC Structures and Flooding have offered no objection to the application in relation to flood risk. The proposal is therefore considered to comply with policy EP2 of the LDP.

Ecology and Biodiversity

- 86 A Protected Species Survey Report accompanies the application in accordance with the requirements of Policy NE3 of the LDP. 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.
- 87 The Biodiversity Officer has offered no objection to the application subject to conditions to protect ecology and to protect the existing trees on site. (Conditions 5, 6, 7, 8 and 9)
- 88 I am satisfied that the site is sufficiently remote from the River Tay Special Area of Conservation to ensure its qualifying interests are not affected by the proposed development but for the avoidance of any doubt a Construction Method Statement will be requested by condition to ensure construction techniques are appropriate to avoid any silt escaping from the site into the SAC (Condition 14). The proposal is therefore considered to accord with policy EP15 of the LDP.

Cultural Heritage

- 89 Policy HE2 of the LDP requires new development to respect the setting of listed buildings. Furthermore policy HE3A 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. Furthermore, given the consented development on the site I consider the proposed development 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 provided additional landscaping is provided along the boundary of the site with the B846 to screen views of the caravans from the public road. The landscaping scheme for the site has been amended to reflect this with a deeper and more robust landscaping boundary now proposed on the north boundary of the site. On that basis I consider the proposal to comply with policy HE4 of the LDP which seeks to manage and enhance the integrity of HGDL. I do not consider the development to impact on the setting of nearby listed buildings 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 Policy HE2 of the LDP.

Overlooking/Overshadowing

- 90 Policy PM1A and PM1B require new development to respect existing levels of residential amenity. Letters of representation have raised concern regarding the proposal to site caravans and the impact this would have on the amenity of existing properties in the area. Whilst the opinions of adjacent property owners are noted, I consider the proposal to site caravans on this site to continue the established tourism accommodation character of the Mains of Taymouth development. Whilst I note that the proposal to site caravans is different in terms of the type of accommodation provision it will provide an alternative type of tourist accommodation and therefore introduce an alternative option to visitors to the area.
- 91 The scale of the caravans and their position is not considered to result in overlooking to neighbouring buildings to any significant extent and will not overshadow neighbouring properties.
- 92 I do not consider the proposal for caravans on this site to result in any planning policy concerns relating to residential amenity and therefore consider the proposal to comply with the requirements of policies PM1A and B and ED3 where they refer to residential amenity.

Light Pollution

- 93 Light is likely to be emitted from within the proposed caravans 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 I do not consider the

lighting associated with the proposal would be detrimental to the surrounding environment. The proposal complies with LDP Policy EP5 - Nuisance from Artificial Light and Light Pollution. A condition is recommended to ensure light spill from the site is limited (Condition 11).

Noise

- 94 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.
- 95 In this case I do not consider the proposed caravans will result in any noise pollution issues of 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) as the proposed caravans which ensures the proposal complies with LDP Policy EP8.

Transport/Parking Provision

- 96 Policy TA1B of the LDP 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. I do not consider the level of traffic to be generated by the proposal to be any greater than the level generated by the consented development on this site. Transport Planning have been consulted on the proposal and state that the level of parking to be provided for each caravan to comply 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 Transport Planning. The proposal is therefore considered to meet the requirements of Policy TA1B of the LDP and the relevant national guidance.

Economic Impact

- 97 The siting of 43 caravans is considered to extend the type of tourism accommodation available at Mains of Taymouth, result 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.

Occupancy

- 98 Members will be aware of the circumstances relating to the use of an occupancy condition on the previously approved Mains of Taymouth development. The occupancy condition was eventually removed after protracted discussions with the applicant when the application was considered by this 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. The applicant seeks for a similar condition to be used on these caravans.
- 99 This proposal is for the siting of caravans which, by their very nature, cannot be utilised as a permanent residence. They are not chalets nor are they permanently constructed buildings. The planning fee for the development was based upon the use of the site as a caravan park. On that basis I consider it to be entirely prudent to limit the occupancy of the caravans to holiday accommodation only. This can be secured by condition (Condition 13). Without this condition the proposal would be unacceptable. The reasoning for this is set out in paragraphs 100 and 101. The previously applied condition has been proven not to restrict the occupancy of the units and is entirely unenforceable from a planning perspective.
- 100 This application is being assessed on the basis that the properties are not permanent households and therefore will not put pressure upon local services. If they were assessed as caravans which could be occupied permanently, the affordable housing policy and education policy would be applicable which could therefore result in developer contributions being required in accordance with Policy PM3 of the LDP.
- 101 If a holiday occupancy condition is not applied there is a potential that the caravans could be occupied on a permanent basis. This course of action could set a dangerous precedent for all other caravan developments within the boundaries of Perth & Kinross Council particularly where the site is laid out as a caravan park and is in no way designed to have the normal standards in terms of garden ground and amenity space which would be required for a permanently occupied residential site.

Construction Times

- 102 In order to protect the amenity of neighbouring units a condition is recommended to restrict construction times on the site to 0700 to 1900 hrs Monday to Friday and 0800-1300 on a Saturday, with no audible works permitted outwith these times (Condition 12).

Archaeology

- 103 As this site was subject to a 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 HE1B of the LDP.

LEGAL AGREEMENTS

104 None required

DIRECTION BY SCOTTISH MINISTERS

105 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

106 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

107 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

1. 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.

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as

subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

4. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

5. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

6. Prior to the commencement of any works on site, 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.

7. Temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary and permanent lights must not illuminate the surrounding tree lines, to reduce impact on foraging bats.

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

8. 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.

9. 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.

10. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

11. 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.

12. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

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

13. 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 to the satisfaction of the Council as Planning Authority.

Reason: In order to clarify the terms of the permission; to control and restrict the use of the building.

14. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds

- (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. 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.
3. 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.
4. An application for Building Warrant may be required.
5. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild

birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

7. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
8. The applicant should be advised that the caravans are required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to the Environmental Health if planning consent is approved.
9. 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.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 10 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 25 April 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.
