

Perth and Kinross Council
Planning & Placemaking Committee – 23 November 2022
Report of Handling by Head of Planning & Development
(Report No. 22/287)

PROPOSAL:	Siting of 8 holiday accommodation units, erection of ancillary building, alterations and extension to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works
LOCATION:	Dunkeld House Hotel, Dunkeld

Ref. No: [21/02005/FLL](#)
Ward No: P5 – Strathtay

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 Dunkeld House Hotel is a category C listed building dating from 1900. It is set within substantial landscaped grounds which are included on the Inventory of Gardens and Designed Landscapes for Scotland. The hotel has had various extensions over its life, with other developments undertaken within the grounds – including a marquee and a timeshare development to the west of the hotel. The hotel and wider grounds are also covered by several ancient woodland designations and a number of ancient trees are present.
- 2 This is a revised proposal which follows on from two withdrawn applications and seeks to address issues regarding the accuracy of plans and the siting of lodges. The revisions also see the number of lodges reduced from 14 to 8, and lodges re-sited to reflect the findings of an updated tree survey.
- 3 The site where lodges would be situated comprises a dell surrounded by steep sloping sides. The dell floor is mostly clear of trees but covered in bracken. Otherwise, the dell slopes vary in the density of trees, with some areas open and others featuring dense woodland. The proposal will retain all the existing trees and aims to have minimal impact on them. The 8 lodges would be set within existing open areas/clearings free of trees. A central access track is proposed, but the main parking areas are a distance to the west adjoining the main hotel access road. As such the access track is primarily for small service vehicles and not guest traffic, as such there would be limited vehicular traffic. The two lodges closest to the hotel and parking would be 'accessible' with clear access without steps. A further 6 lodges will utilise the existing slopes and be placed on raised platforms accessed via steps and paths. Additional works will

see the extension of two ancillary buildings and erection of a small tank room building.

- 4 Wider access to the site will be via the existing hotel access road. 9 parking spaces are to be added in the west of the site, accessed off the existing access road and a further 6 added to the existing parking area to the rear of the hotel.

Pre-Application Consultation

- 5 Concerns have been raised regarding the lack of public consultation on the proposal. However, the proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As such the applicant was not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

- 6 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 2014

- 7 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. This is a statutory document and material consideration in any planning application. It 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.

The Scottish Planning Policy 2014 (SSP)

- 8 The Scottish Planning Policy (SPP) 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.
- 9 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
 - Promoting Rural Development : paragraphs 74- 83
 - Supporting Business and Employment : paragraphs 92 -108

- Valuing the Historic Environment paragraphs : 135 - 151
- Valuing the Natural Environment paragraphs : 193 - 218

Planning Advice Notes

- 10 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 Statement
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 60 Natural Heritage
 - PAN 75 Planning for Transport

National Roads Development Guide 2014

- 11 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

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 13 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:

“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.”

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice For Investment
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 15 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.

16 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 9C: Caravan Sites, Chalets and Timeshare Developments: Chalets, Timeshare and Fractional Ownership
- Policy 27A: Listed Buildings
- Policy 29: Gardens and Designed Landscapes
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- 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

Placemaking Supplementary Guidance 2020

- 17 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.

Forest and Woodland Strategy Supplementary Guidance 2020

- 18 The council has prepared guidance relating to the Perth and Kinross Local Development Plan (2019) Policy 40: Forestry, Woodland and Trees, and will be used in the assessment of planning applications. The Guidance has been updated to align with the adopted Local Development Plan (2019) and changes

to national policy particularly the publication of the Scottish Forestry Strategy (2019-2029).

SITE HISTORY

- 19 **20/01799/FLL** A Full Planning Permission application was withdrawn on 18 March 2021, this has proposed the siting of 14 holiday accommodation units, erection of ancillary building, alterations and extensions to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works
- 20 **21/00436/FLL** A second Full Planning Permission application was withdrawn on 29 November 2021, again proposing the for siting of 14 holiday accommodation units, erection of ancillary building, alterations and extensions to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works

CONSULTATIONS

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

External

Dunkeld And Birnam Community Council

- 22 Object. Citing the following reasons: impact on natural heritage, contrary to Scottish Government Policy, light pollution, increase in traffic, detrimental visual impact and that there was no public consultation.

Historic Environment Scotland

- 23 No objection, in terms of impact on Historic Garden and Designed Landscape and scheduled ancient monuments.

Scottish Water

- 24 No objection. Advise the nearest public water main is 1.5km distant and that there is no foul connection.

Scottish Environment Protection Agency

- 25 No consultation required.

NatureScot

- 26 No objection. They consider the proposal will not adversely affect the integrity of the NSA or the objectives of the designation

Scottish Forestry

- 27 No comments. Although it should be noted that no trees are to be felled and ancient woodland considerations are set out in supporting information.

Internal

Transport Planning

- 28 No objection. Advise that access and parking arrangements are acceptable. No conditions requested.

Development Contributions Officer

- 29 Advise that no developer contributions are required.

Biodiversity/Tree Officer

- 30 Tree Officer: No objection, request detailed conditions associated to tree protection during construction. Biodiversity Officer: No objection, note biodiversity enhancements proposed and surveys are to be conditioned.

Structures And Flooding

- 31 No objection. The Flood Officer has previously confirmed that there is no flood risk associated with the site and that drainage arrangements can be controlled by condition.

Commercial Waste Team

- 32 No objection. Advise the hotel is already served by commercial waste collections.

Perth And Kinross Heritage Trust

- 33 No objection. No archaeological concerns.

Environmental Health (Noise Odour)

- 34 No objection, due to site being well contained within a hotel resort complex.

REPRESENTATIONS

- 35 A total of 41 letters of objection have been received, the main issues raised are:

- Impact on woodland/ancient woodland
- Impact on wildlife/habitat
- Construction Impacts
- Noise pollution
- Light pollution
- Overlooking
- Adverse effect on visual amenity
- Inappropriate land use
- Over intensive development
- Lack of details on drainage
- Inappropriate design and finishes
- Contrary to Development Plan Policy
- No business plan
- Loss of open space
- Out of character with the area
- Lack or loss of car parking
- Traffic congestion
- Road safety concerns

- Lack of parking generally within hotel ground
- Loss of a view
- Reduction of rental income

36 These issues are addressed in the appraisal section of the report. Other than: loss of a view or impact on a view, and reduction of rental income which are not material planning considerations.

ADDITIONAL STATEMENTS

37

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal completed
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Arboriculture Assessment; • Heritage, Design and Impact Assessment; • Mammal and Tree Report; • Ecological Appraisal; • Landscape Strategy and Report.

APPRAISAL

38 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 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.

39 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.

Principle

40 The proposals are related to a long-established hotel business operating within large grounds out with the settlement boundary of Dunkeld, on the banks of the River Tay. The principle of development is thus to be primarily considered

under LDP2 Policy 8: Rural Business and Diversification and Policy 9: Caravan Sites, Chalets and Timeshare Developments.

- 41 Policy 8 considers the expansion of existing businesses and the creation of new ones in rural areas. There is generally a preference that such development will be within or adjacent to existing settlements. However, sites out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. The proposal is for holiday accommodation that is related to a well-established existing hotel operation and is an opportunity to diversify an existing business with a site-specific resource.
- 42 There are a number of criteria outlined within the policy which require development to contribute to the local economy, not to result in suburbanisation or encourage unsustainable travel patterns, be compatible with surrounding land uses, able to be accommodated within the landscape and environmental capacity, meets a need by virtue of the location in relation to existing business/tourist facilities, be of high-quality design, and that the road network can accommodate development traffic.
- 43 Therefore, in this case the policy supports the expansion of existing businesses and for reasons covered in more detail below the proposal is considered to meet the Policy criteria.
- 44 Policy 9C refers to 'chalet style' developments and states that favourable consideration will be given where these cannot be used as permanent residences. It goes on to provide criteria for development proposals to satisfy and indicates that the expansion of an of an existing hotel offering will be supported. The criteria require that a proposal doesn't involve an overdevelopment of a site or its setting and meets a specific need by virtue of its quality or location in relation to existing tourism facilities. In this instance the proposal involves a relatively small-scale expansion of an existing well-established hotel offer and therefore the principle of extending the level of accommodation across the wider site, given the facilities already available, is considered acceptable and in accordance with the requirements of Policy 9C. Condition 3 is recommended to ensure each unit is solely used for holiday accommodation only and not as a permanent residence.
- 45 The principle of the development is considered acceptable in terms of both Policy 8 and 9. The detail of the proposal and its impact on residential amenity, landscape and other matters is considered below.

Design and Layout

- 46 The lodges are proposed to be sited within an area aptly known as 'The Dell' and characterised by steeply sloping banks and areas of mature tree coverage. The lodges are generally to be placed on stilts, to raise them above the gradients the dell floor, and accessed via a deck, steps or paths depending on the immediate terrain. The lodges all have a similar layout and design: bedroom, bathroom and an open plan living/kitchen space. A large floor to ceiling window will be positioned within the living space. Two of the lodges

although of similar layout are designed to be 'accessible' accommodation with low gradient ground level access.

- 47 The lodges are of a panel-built construction system, designed for easy on-site assembly, responding to the complex site constraints. Externally cladding with Larch boards is proposed, whilst the roof is a dark grey single ply roofing membrane. The windows are dark framed and double glazed.
- 48 The site is well contained with the scale of the development and siting of the lodging taking cognisance of the site limitations. As such, the proposal is considered to be of an appropriate scale and design and is considered to be conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2

Residential Amenity

- 49 The nearest residential properties are located in excess of 350m away. There are holiday homes located to the west, but as the development is of a similar use it is considered that any noise from the operation of the lodges would not be different to that which already exists. Concerns have also been noted in relation to overlooking but the distance between the nearest proposed and existing holiday unit is in excess of 100 metres and not considered to result in any unacceptable impingement.
- 50 The application includes the extension of three buildings, to be used to house the biomass, plant equipment and tank/pump. As above due to the intervening distance there would be no unacceptable impact on residential amenity of neighbouring properties.
- 51 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties in accordance with the placemaking policies 1A and 1B.

Light Pollution

- 52 Policy 55 of LDP2 states that consent will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The plans indicate low level lighting but to ensure that the details are fully agreed with an appropriate scheme a condition will be added (Condition 5).

Conservation Considerations

- 53 The proposed development is located within the Dunkeld House designed landscape, which is included in the Inventory of Gardens and Designed Landscapes, in recognition of its national importance. The hotel building is also Category C(s) listed, whilst Kings Seat Scheduled Monument lies to the north-west.
- 54 Historic Environment Scotland (HES) have considered the proposals and were involved previously in discussions regarding opportunities for development within the wider hotel grounds. They consider that this enclosed and secluded

part of the designed landscape could, in principle, accommodate a very limited level of development. This was subject to any lodge development being carefully designed to have the minimum impact on the character of this part of the inventory landscape. Such a development should be: a small number of lodges, with minimal landforming (cut and fill) and infrastructure (pedestrian access rather than road, minimal lighting and service infrastructure). HES noted that great care should be taken to ensure that the number and location of units, design, scale, access and landscaping and planting reinforced the parkland character of this part of the inventory landscape.

- 55 HES have considered the current proposals and are satisfied that the form of development would not have a detrimental impact on this part of the Inventory site or the setting of the scheduled monument. It is further considered that for the reasons stated by HES that the development is adequately screened and separated from the listed building that it would not impact the setting.
- 56 The proposal is therefore considered to comply with Policy 26A Scheduled Monuments, Policy 27A Listed Buildings and Policy 29 Gardens and Designated Landscapes.

Landscape

- 57 Policy 39: Landscape, requires proposals to be compatible with the landscape character of the area and be a good fit with the landscape and amongst other things, not erode local distinctiveness. In general development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape, with proposals that do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross supported.
- 58 The site is within a National Scenic Area (NSA) and whilst concerns are noted within representations regarding a lack of information, in particular a Landscape and Visual Impact Assessment, the small scale of the proposal and the containment within the landscape combined with the comments from Historic Environment Scotland and NatureScot conclude that an LVIA is not proportionately required.
- 59 The proposal is therefore considered of small scale and within an existing hotel complex, so as to be readily accommodated with the capacity of the landscape and therefore complies with Policy 39 of LDP2.

River Tay Special Area of Conservation

- 60 The River Tay Special Area of Conservation (SAC) is located approximately 150 metres to the southeast and separated by existing development, with no watercourses adjacent. In this context consideration of impacts during the construction period could be adequately covered by a Construction Method Statement. (Condition 4)

Natural Heritage and Biodiversity

- 61 Dunkeld Estate is a candidate local nature conservation site in the process of survey and assessment. Until designation, this is covered by Policy 38C: Nature Conservation. However it has clearly been identified as an area at least of local importance for biodiversity, either in the past or due to expert opinion, and therefore a precautionary approach should be taken to impacts via consideration against Policy 41 Biodiversity.
- 62 The additional survey requirements outlined in an updated Preliminary Ecological Appraisal Report (PEAR) (Echoes Ecology Ltd, 2020) and requested in previous applications have been carried out and the results are reported in the submitted Mammal Survey (29 September 2021). In addition, red squirrel and bat surveys were undertaken. It is noted that the survey requirement sections in the PEAR have not been updated to reflect that all surveys have been completed. All recommendations outlined in the submitted Mammal Survey will require to be implemented and fully adhered to (Condition 10).
- 63 Overall enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations. Opportunities for enhancement are discussed within the PEAR and include: deadwood retention, provision of bird and bat boxes, planting wildflower meadows and native shrubs. All these measures would be welcomed as positive measures for biodiversity. A Site Biodiversity Action Plan was encouraged but not provided. Therefore, enhancement shall be confirmed via condition (Condition 12).

Ancient Woodland/Trees

- 64 Large areas of the surrounding land and part of the application site are identified within Scotland's Ancient Woodland Inventory. This defines land that is currently and has continually been wooded since at least 1750. Although not legally protected, Ancient Woodland Inventory sites are an important and irreplaceable habitat and the Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage of ancient woodland. There are no LDP2 policies which prohibit development within ancient woodland, although the impact of development must be carefully considered. One tree of cultural merit is a veteran European Larch tag no. T1362 known as the 'Pedestal Larch'.
- 65 As mentioned, the site itself is partially zoned as Ancient Woodland, with 5 of the 8 lodges within the zoning. The hotel grounds are largely designated as such and as such opportunities to develop out with the designation are limited. The area selected also has areas of natural clearings which allow development to be sited without tree removal.
- 66 The number of chalets proposed has been reduced (14 to 8) from the previous application, and the chalet positions are now in a preferable location, less likely to affect trees.

- 67 The information provided advises that as a mitigation method to reduce impact on tree roots, the chalet units would be secured through the use of screw piling and a galvanised steel framework. The use of 'Bogmats' to minimise ground disturbance is also proposed and welcomed. The application is also supported by a detailed method statement setting out how the works will be undertaken, the phasing of the operations and the control measures to be adopted. Strict compliance with the terms of the *Arboricultural Method Statement* will be conditioned as well as pre-start meetings to control site operations and tree protection systems (Conditions 6, 7, 8 and 9).

Roads and Access

- 68 The accommodation units will use the existing road infrastructure from the public road network to access the site and no changes are proposed.
- 69 Associated with the development is the provision of an additional 15 car parking spaces. The level of parking provision for the one bedroomed holiday units is acceptable and meets the minimum requirements in the National Roads Development Guide. As it is likely that the associated parking requirement would be one space per lodge it is considered that the proposal will create more parking than needed, adding to the hotels overall provision.
- 70 The access along the main front drive, as shown in the red line boundary, to the site sees regular passing places along its length. This will provide space for vehicles to pass. It has been noted that there is an additional access to the hotel which could also be utilised. However, this has not been indicated as the proposed access and is not currently promoted for hotel patrons.
- 71 Whilst public transport does not serve the hotel, Dunkeld sees bus and train services. There are also opportunities for walking and cycling in the area and the proposal is of a relatively small scale so as not to encourage unsustainable travel patterns or result in suburbanisation of the rural area.
- 72 Overall, the proposal is acceptable in terms of traffic and road safety and therefore accords with Policy 60B of LDP2.

Drainage and Flooding

- 73 SEPA's indicative flood maps do not identify the site as being at risk of flooding and there are no known issues or concerns in respect to flooding at the site.
- 74 The site is accompanied by drainage information which shows a number of small soakaways and a piped connection to the existing sewage treatment plant. These mainly follow the proposed paths and roads to minimise ground works.
- 75 The Flood Team note that it is not clear to what rainfall event the soakaways have been designed. However as this is private on-site drainage any impacts would be to the wider site which is under the applicant's control. The Flood Team therefore advise the applicant to consider where the potential overland flow paths would go if the drainage capacity were to be exceeded. A SUDs condition is recommended (Condition 13).

Waste Collection

- 76 The existing hotel is served by commercial bin collection and the small scale of the proposal is not considered to have a significant impact on these arrangements.

Embedding Low & Zero Carbon Generating Technologies

- 77 Policy 32 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.
- 78 There are no details within the submission of any renewable technologies and with most developments it is considered that some measures could be incorporated. It is therefore considered that a planning condition can be added to require the inclusion of low and zero-carbon generating technologies (Condition 14).

Developer Contributions

- 79 There are no developer contributions applicable to the site.

Economic Impact

- 80 The proposal provides additional tourist accommodation increasing the choice of accommodation at the hotel and potential employment opportunities. This is likely to create a positive economic impact. There is also likely to be some short-term economic gain from the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 81 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 82 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 83 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

- 84 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 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 adopted Development Plan.

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

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

4. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing. 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.

5. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

6. Prior to the commencement of any works on site, an independent and fully qualified Arboricultural Clerk of Works (ArbCow) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration of the construction and shall have the responsibility of ensuring tree protection measures are implemented in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction, and tree protection measures are maintained secure at all times, and until completion of the development. In addition the following is required;
 - (a) The developer's appointed ArbCow to contact the local planning authority tree officer in order to arrange a prestart meeting to agree on site tree pruning works required to facilitate the development, but before commencement of development.
 - (b) The developer's appointed ArbCow to contact the local planning authority tree officer to arrange a prestart meeting for inspection of all tree & ground protection measures, before commencement of development.
 - (c) The developer's appointed ArbCow to contact the local planning authority tree officer to agree drainage installation method, and non-dig geocell technique used to form the access pathway in accordance with Chapter 14 (New Surfaces Detailed Specification) of Roavr Environmental Tree Report dated 10.10.21.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

7. The development shall be undertaken in full compliance with the Arboricultural Method Statement by Roavr Environmental, Tree Report dated 10.10.21 Chapter 9 (plan ref 31, 32, 33, 34) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

8. Prior to the commencement of development a detailed plan that shows the exact position of the proposed fencing, development, trees, and demarcating the Construction Exclusion Zone, (with protective fence type specification) shall be submitted to and agreed in writing with the Council as Planning Authority. The plan as approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

9. Prior to the commencement of development a planting plan for the site showing augmentation planting, using native local provenance sourced pedunculate oak, sessile oak, silver birch, Scots pine, holly, yew, and non-native Quercus ilex (evergreen oak), shall be submitted and agreed in writing by the Council as Planning Authority. The new tree planting to be subject to protection from vermin, including deer. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

10. The conclusions and recommended action points within the supporting biodiversity surveys Red Squirrel Survey Report, Bat Survey Report, Mammal Survey and Bat Survey of Trees Report and Ecological Appraisal by Echoes Ecology Limited dated 29.06.22, 30.08.2022, 29.09.21, 29.09.21 (Plan ref 49, 48, 46, 45, 44) submitted and hereby approved 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. Attention is drawn to both survey documents – Preliminary Ecological Appraisal Report (Echoes Ecology Ltd, 2020) and Mammal Survey and Bat Survey of Trees (Echoes Ecology Ltd, 2021) and need for pre-works checks (in Section 6 - Ecological Constraints Plan) with the results of these checks be submitted to the Planning Authority (Condition). In addition, the recommendations outlined in Section 7 - Ecological Constraints and Opportunities Plan – of the submitted PEAR (Echoes Ecology Ltd, 2020) must be implemented and adhered to in full also. Reference to the measures for invasive non-native species, reptiles, and breeding birds.

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

11. 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.

12. Prior to the commencement of development hereby approved, details of the location and specification of the biodiversity enhancement measures listed in the submitted Preliminary Ecological Appraisal Report (September 2022) (Plan ref 47) including a barn owl box, bat boxes, bird boxes and native planting shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

13. 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.

14. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason – to comply with Policy 32 of the Local Development Plan 2

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. An application for Building Warrant may be required.
4. 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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.
5. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: 41 representations
Contact Officer: Joanne Ferguson
Date: 11 November 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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