

Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Change of use of dwellinghouse to form conference/venue facilities, alterations and extension, erection of toilet facilities, siting of a marquee, formation of car parking area and an earth bund and associated works

**LOCATION:** The Old Manse, Blair Atholl, Pitlochry, PH18 5TN

Ref. No: 17/01976/FLL

Ward No: P4- Highland

**Summary**

This report recommends approval of the detailed planning 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 The application site relates to The Old Manse, Blair Atholl – an attractive listed building which is set within spacious grounds to the west of Blair Atholl. The property is currently a dwelling, but it has recently been available for private rent. Some of the reception rooms within the dwelling have also been used for small functions/meetings, and are currently available for bookings.
- 2 This planning application seeks to obtain detailed planning permission for a number of elements which are all directly linked to the applicant's desire to expand their existing business at The Old Manse to create a more extensive executive conference /function venue, with overnight accommodation.
- 3 The principal elements of this planning application are:
  - The change of use of the dwellinghouse to allow for conferences, meetings and entertaining to take place
  - Alterations and extension to the main house
  - Erection of a stand-alone toilet block (including showers)
  - Siting of a marquee to the east of the main building
  - Formation of a new 30 space car parking area for guests/visitors
  - Formation of an earth bund surrounding the new car park
- 4 The existing dwelling has been used recently for private let accommodation. In addition to this, small scale private functions/meetings have taken place in some of larger the receptions rooms. However, with the proposed extension, the new marquee and new toilet block, the applicants are now looking to use the main part of the dwelling more extensively for conferencing / functions – with the public rooms being used for group meetings/dining/reception areas, and the bedrooms for overnight accommodation for visiting guests. The principal gathering point for any larger functions, such as weddings receptions would not be within the main

building due to the size of the rooms, but would be within the marquee - which is intended to accommodate approximately 70 guests. Access and use of the main house for overnight accommodation, and pre/post event socialising would be available for guests.

- 5 The marquee is to be located to the east of the main building and measures 10m x 12m, with a 4m pitched roof. Both the roof and walls are to be white fabric. The marquee is to be a temporary structure with minimal physical fixings to the ground, but it is proposed to remain in situ between functions.
- 6 The alterations and extension to the existing building comprises some down takings to rear, and the erection of a new glass roofed 'orangery' room. The applicant has indicated that this new room would be used as a gathering/dining area with a sitting down capacity of approximately 32 guests. The physical works associated with the orangery have already been granted listed building consent, and are considered acceptable in terms of the character of the listed building.
- 7 The proposed toilet facilities are to be located to the north of the walled garden area, which is to the east of the main vehicular access. The new toilet block will measure approximately 4m x 18m and will be used by guests using the marquee during functions. Within the toilet block are showering facilities which would also be available for guests to use on arrival at the venue, or on departure. The toilet block has a shallow mono-pitched roof finished with grey profile sheeting, with the external walls finished in timber cladding.
- 8 To the south of the new toilet block is the proposed new car parking area, which will be accessed directly from the main vehicular access. A short section of new access (from the existing access) is proposed between several existing trees. The ground which the new toilet block and car park is on is uneven, slightly built up and disturbed land so the excess soil is proposed to be moved to the edges of the car park to form landscaped bunds.
- 9 The vehicular access to the site is via a private access which joins the public road at a point south east of The Old Manse. There is a secondary access further to the west which also serves a neighbouring property, however the applicants have made it clear that they only intend to use the eastern access in relation to the development, and their planning submission reflects this.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 10 Directive 2011/92/EU 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.

- 11 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. This 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. An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **PRE-APPLICATION CONSULTATION**

- 12 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community. It is noted that within the letters of representation a concern has been raised that this planning application should have been treated as a Major development due to the size of the planning site. I can confirm that as the area subject to 'development' is less than 2ha and the other relevant thresholds are not breached, this proposal is not considered to be a Major development.

## **NATIONAL POLICY AND GUIDANCE**

- 13 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**

- 14 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**

- 15 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.

- 16 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
- Supporting Business and Employment : paragraphs 92 – 108

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 68 Design Statements

### **National Roads Development Guide 2014**

- 18 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**

- 19 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Cairngorms National Park Development Plan 2015.

### **TAYPlan Strategic Development Plan 2016-2036**

- 20 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:
- 21 *“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.”*

The following sections of the TAYplan 2017 are of particular importance in the assessment of this application.

- 22 **Policy 7** seeks to protect our cultural heritage from inappropriate new developments.

## **Cairngorms National Park Local Development Plan 2015**

- 23 This Plan was adopted by the CNPA on 27 March 2015. The Local Development Plan replaces the Cairngorms National Park Local Plan 2010 and the Local Plans covering parts of Perth and Kinross inside the National Park. The Local Development Plan (LDP) sets out where the right kind of development should happen in the right place in the National Park to deliver the aims of the National Park. All planning applications in the National Park are assessed against the LDP

### **Policy 2: Supporting Economic growth**

- 24 Proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where proposals are compatible/complementary with existing business activity in the area; and when proposals it supports the vitality and viability of the local economy and the broader economy of the park.

### **Policy 3: Sustainable Design (Design statements)**

- 25 A design statement must accompany all development proposals to demonstrate how the proposal has been designed to ensure that it does not have an adverse impact on the environment and provides sustainability.

### **Policy 5: Landscape**

- 26 There will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park including wildness, and in particular, the setting of the proposed development.

### **Policy 9: Cultural Heritage (National Designations)**

- 27 Development affecting a scheduled ancient monument, listed building and inventory Gardens, landscapes and battlefields should have no adverse effect on a structure or other remains of human activity or their setting, where possible conserve and enhance any structure or other remains and enhance its character and the contribution it makes to the cultural heritage of the national park.

### **Policy 11: Developer Contributions**

- 28 Development which gives rise to a need to increase or improve public services, Facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the Additional costs or requirements. Such contributions will be consistent with the Scale and nature of the development proposed and may be secured through a Planning obligation or other legal agreement where necessary.

## **SITE HISTORY**

- 29 A previous detailed planning application (17/00707/FLL) for the change of use, alterations and extension to the dwellinghouse and outbuildings to form function venue, guesthouse accommodation and managers' accommodation was refused planning permission last year under delegated powers. The reason for that refusal was that due to the close relationship between some of the proposed function areas and an existing residential property, it was unlikely that the existing residential amenity of the affected property could be protected.
- 30 Submitted at the same time as 17/00707/FLL, was a sister application for listed building consent (17/00708/LBC) that related solely to the alterations and extension to the main building, and was approved under delegated powers.
- 31 Following on from the refusal of 17/00707/FLL, a detailed planning application for the change the use of one of the outbuildings to a private dwelling was approved 21 November 2017 under delegated powers (17/01660/FLL).
- 32 Lastly, a number of applications for the display of advertisements have been lodged by the applicant and these are still under consideration by the Council, but are likely to be determined under delegated powers.

## **CONSULTATIONS**

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

### **External:**

- 34 **SNH** have commented on the proposal in terms of drainage and the impact on the River Tay SAC. Subject to precise drainage details being submitted for further approval prior to any works starting on the toilet block, they have no objection to the proposal.
- 35 **Cairngorm National Park Authority** - No specific comments.
- 36 **Network Rail** - No concerns in relation to the impact on the railway.

### **Internal:**

- 37 **Structures and Flooding** - Have commented on the proposal and indicated that further information in relation to the means of disposal of surface water from hard surfaces is required.
- 38 **Transport Planning** – No concerns regarding the proposal.
- 39 **Environmental Health** – Have commented on the proposal specifically on noise related matters. Subject to conditions, they have raised no objection to the proposal.

## REPRESENTATIONS

- 40 A total of 37 letters of representations have been received, of which 11 are objecting to the proposal and 26 are offering support for the proposal. Included in the 26 is a representation from one of the Ward Councillors who has offered support for the proposal.
- 41 The main issues raised within objections are:
- Visual impact
  - Noise / Impact on Residential amenity
  - Roads safety concerns
  - Impact on Listed Building and its setting.
- 42 The main issues raises within the letters of support are:
- Welcome boost to local economy
  - Employment opportunities
  - Positive renovation of the building
  - Enhances the character of the area
- 43 These issues are addressed in the Appraisal section of the appraisal.

## 44 ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Undertaken by the Council
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Noise Management Plan

## APPRAISAL

- 45 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.
- 46 The Development Plan comprises the approved TAYplan Strategic Development Plan 2016–2036 and the adopted Cairngorms National Park Local Development Plan 2015. The relevant policy considerations are outlined in the policy section above, and are considered in more detail below.
- 47 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Developer Contributions and Affordable Housing 2016 document.

## **Land Use**

- 48 In terms of land use policies, the key policy relevant to this proposal is found within the Cairngorms Local Development Plan (LDP). Within this plan, Policy 2 (supporting economic growth) is directly relevant to a new economic proposal, and this policy looks to offer support to appropriate new economic developments, which ensures sustainable growth and supports our communities.
- 49 The Cairngorms LDP acknowledges that whilst most of the new development in the LDP area is expected to be within existing settlements, some new developments (by their very nature) will require a more rural setting, and to this end Policy 2 looks to offer support for new (rural) proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities. This policy goes on to say that new proposals will be considered favourably where the new proposal is compatible and complementary with existing business activity in the area, and it supports the vitality and viability of the local economy and the broader economy of the park.
- 50 With the exception of details of the likely number of guests that the marquee and orangery can hold (approx. 70 and 32 respectively); no financial / business information has been submitted in support of the application. However, it is case that the existing dwelling is established as a private let /small function venue, and has obtained a 5\* rating from the Scottish Tourist board which is only awarded to exceptional accommodation. I therefore consider the existing business enterprise to be firmly established, and the proposed change of use to allow for more extensive conferencing/ functions, the new marquee and the associated toilet block to be a clear sign of the willingness of the applicant to invest in the local area – which in turn, will have a positive impact on the local economy and the general vitality of the surround area.
- 51 I consider the proposed use (for conferencing/entertaining) to be acceptable and in line with the aims of Policy 2 of the Cairngorms LDP.

## **Visual Amenity, Design and Layout**

- 52 In terms of the visual impact, and the overall design and layout of the various elements I have no concerns. As stated previously, the physical works to the main building already benefit from listed building consent and are considered to be acceptable on a listed building.
- 53 In relation to the marquee, the position of the marquee next to a large rural building is not uncommon. I do accept that the marquee will be visible from the public road, however being visible does not necessarily render it unacceptable. The key issue is whether or not its visual impact is likely to be an adverse one, and in this case I do not consider it to be so.



- 54 In terms of the proposed toilet block, car parking and associated landscaping/bunds, these are all to be located to the rear (north) of the existing walled garden. The applicant has indicated that the ground level of the car parking will be comparable to the base of the walled garden, with the finished floor level of the toilet block approx. 1m higher. It will therefore be the case that the existing wall of the walled garden will provide for screening for both, which would also be complemented by the presence of a number of existing large trees.
- 55 Therefore both individually and collectively, I consider the proposal to be acceptable from a design and visual point of view.

### **Impact on Landscape**

- 56 In terms of the impact on the natural landscape of the area, the proposal will have limited impact. Both the marquee and the toilet block will be visible from the public road to some degree, and their presence would inevitably change the visual appearance of the area however this change will be minimal and not necessarily a negative one.

### **Residential Amenity**

- 57 Whilst the location is remote, there are nevertheless two neighbouring residential properties which are close to the site and are in separate private ownership. The proposed use of the main building and the marquee as a conference venue would include the provision for occasional weddings, and music from such events can occasionally lead to complaints to the Council, particularly in relation to noise from inside the marquee and the immediate area outside. The neighbouring property to the west (Banvie House) is around 90 metres away from the marquee, with the other property to the east (West Lodge) around 200m away. The relatively close proximity of the marquee to Banvie House does mean that there is the potential for disturbance to occur if noise levels are not suitably controlled – particularly if guests gather outside for any length of time. Nevertheless, there are other wedding venues locally with a marquee as close or closer to residential properties which operate with few complaints so this particular arrangement is not unique.
- 58 To help assist in assessing the likely impact, the applicant employed a noise consultant to take some background measurements and has produced a noise management plan in support of this application, which primarily considers noise which would be generated from the inside the marquee from music. This technical information has been reviewed by my colleagues in Environmental Health, and subject to a series of noise related conditions (conditions 3, 4 and 5), clarification of the extent of outside movement (condition 14), and the regular review of the submitted Noise Management Plan (condition 5), I am confident that the proposed commercial use can co-exist with the existing residential neighbours. In terms of potential noise nuisance from use of the proposed car parking area and the impact on the residential amenity of the residential property to the west, I am satisfied that due to the speeds of vehicle movements, the distance between the parking area and the dwelling and also

the creation of bunds, noise nuisance from usage of the car parking area is unlikely to occur to an unacceptable level. In terms of noise arising from the toilet block facility (such as the use of any external plant/equipment associated with heating water); standard noise level conditions are proposed to be attached to this consent which will control noise emissions to acceptable levels.

### **Roads and Access**

- 59 In terms of vehicular access to and from the site, and parking related issues, I have no concerns and this view is shared by my Transport Planning colleagues. I note that within the letters of representation a number of concerns have been raised regarding the existing access point and the achievable visibility at the junction with the public road. The access point is flanked by two existing trees which, from a visual point of view, provide an attractive natural entrance feature to the site. Whilst these two trees do affect visibility in both directions, the available visibility is considered to be acceptable in this location bearing in mind the relatively low level of traffic volume on the public road and the straight nature of the public road in either direction.
- 60 Also within the letters of representations, concerns regarding traffic noise arising from the usage of the western access which passes the residential property at Banvie House have been raised. For clarification, the western access is not part of the planning site and the applicant has made it clear in his submission that vehicular access to the site is to be via the eastern access. As regular movements (perhaps late in the evening) across the western access could have an adverse impact on the residential amenity of the affected property, a planning condition (condition 6) is recommended to control the point of access.
- 61 A further concern has been raised within the representations that the applicant does not have the necessary legal access rights to use the western access for the use(s) that they are proposing. Who may have rights of access (and for what) over a private access is a civil matter between the parties involved, however I am satisfied at this stage that access is achievable to the site via the eastern access and furthermore the applicant has stated that they do not propose to use the western access. In any case if at any stage the applicant proposes to change the vehicular access arrangements to utilise the western access a further planning application would be required.

### **Drainage and Flooding**

- 62 The proposal raises no issues in terms of drainage or flooding matters. In relation to the new car parking, the means of disposal of surface water is to be agreed at a later date via a pre-commencement condition (condition 18) however it is envisaged that the parking area will have a porous surface which will limit any surface water run-off.

### **Impact on River Tay Special Area of Conservation**

- 63 The site lies within the catchment area of the River Tay, which is a Special Area of Conservation. A new private drainage system is required in relation to the proposed new toilet block, and a new septic tank and soakaway system has been indicatively shown to deal with foul drainage. SNH have commented on this proposal, and in principle they have no objection to the proposed private drainage arrangement, however they would wish for the specific details of the system to be agreed prior to any works commencing. To this end, a suitably worded condition (condition 15) is recommended to be attached to this consent that requires the submission of further drainage details.

### **Impact on the Listed Building**

- 64 A separate Listed Building Consent has already been granted for the physical works to the building (17/00708/LBC), which largely relates to the orangery extension.
- 65 In terms of the other aspects, these would not require listed building consent as they are not physically attached to the listed structure. They are however, within the setting of the listed building and their impact on that setting needs to be considered.
- 66 In terms of the marquee, this is to be sited on an area of grassed lawn to the east of the main building. The marquee is of medium scale and would not have a significant impact on the setting of the main building. It is also the case that for large country dwellings, it is not uncommon to have marquees within their curtilages – whether for domestic or commercial use. It would also be the case that due to the temporary nature of the structure, it would not be permanent, and as such it is normal practice for the Council to only grant permission for a temporary period. In this instance it is considered that a three year permission for the siting of the marquee would be appropriate following which any continuation of the use would be reviewed through the submission of a further application for the temporary siting of the marquee.
- 67 In terms of the proposed toilet block and car park, these are suitably divorced from the main dwelling so there would be minimal impact (adverse or otherwise) on the historic setting of the listed building. It would be the case that the toilet block may be visible in combination with the main house in the long views from the public road; however the scale and design of the block is such that it would have little impact on the historic setting or the more general views of the area.

### **Waste / Recycling Collection**

- 68 Existing waste and recycling is collected at end of the western access, and the applicant has indicated that the current arrangement will continue. However, it would be the case that the proposal is likely to increase the quantity of waste and recycling. I therefore recommend that formal collection and storage facilities are provided at the road end, and that an appropriately worded

condition (condition 9) is attached to the permission seeking the submission of the required details and thereafter the implementation and retention of the approved details.

### **Change of Use of the garden ground**

- 69 The grounds associated with The Old Manse are extensive, however the applicant has not applied for the specific change of use of the grounds for any form of outside conferencing/functions/meeting etc. To this end, with the exception of the immediate area surrounding the marquee and designated smoking areas, the wider garden area is not subject to the change of use which is applicable to the dwelling. Within the Noise Management Plan, noise from guests using the marquee for functions has been identified as a potential source of noise however measures to control noise in areas of 'movement and circulation' of guests has not been specifically addressed. To address this, a condition is recommended to clarify the extent of the outside areas which are to be used by guests/visitors, and details must be submitted for the further approval of the Council as Planning Authority (condition 14). Depending on the areas identified, the further details may also require amendments to the Noise Management Plan so that it remains robust and workable.

### **Natural Heritage and Biodiversity**

- 70 There are no known protected species within the area, and no bats are known to use the existing roof area of the main dwelling. However, as a precaution an informative advisory note will be attached to this permission to draw the applicant's attention to their responsibilities in relation to bats and their roosts (Informative 5).

### **Impact on Trees**

- 71 The proposed extension and marquee will not impact on any existing trees. However, to cater for a new access to the carpark and toilet block area, a new access is to be formed between existing, mature trees. The existing trees in this area do have a high degree of visual amenity value, and therefore conditions are recommended to ensure that the existing trees are protected during the course of the construction (conditions 11 and 12) .

### **Impact on Core Paths/Right of Way**

- 72 The proposal does not affect any existing Core Paths or Right of Ways.

### **Light Pollution**

- 73 Some external lights are proposed surrounding the marquee, and also the toilet block however subject to standard compliance conditions I am confident that suitable lighting can be delivered without have an adverse impact on the neighbour or resulting in unnecessary light pollution during the winter months (condition 2).

## **Developer Contributions**

### Affordable Housing

- 74 As the proposal does not involve the creation of any residential dwellings, there is no requirement for any affordable housing provision.

### Primary Education

- 75 As the proposal does not involve the creation of any residential dwellings, there is no requirement for any developer contributions in relation to Primary Education.

### A9 Junction Improvements

- 76 The site is located outwith the catchment area for A9 Junction Improvements.

### Transport Infrastructure

- 77 The site is located outwith the catchment area for Transport Infrastructure contributions.

## **Economic Impact**

- 78 Due to the commercial nature of the development, the proposal has the potential to have a positive impact on the local economy.

## **LEGAL AGREEMENTS**

- 79 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 80 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**

- 81 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.
- 82 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the planning application subject to the following conditions,**

- 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 installation of any external lighting, the details of all external lighting shall be submitted for the further 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, and shall ensure that all lighting is 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. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason – In order to protect the residential amenity of existing properties

- 3 No amplified music is permitted externally or within the marquee between 23.00 and 09.00.
- 4 Noise within the marquee shall be limited to  $L_{Aeq\ 1\ hour}$  85dB
- 5 Measures as detailed within the Old Manse of Blair Noise Management Plan shall be put in place and thereafter followed to minimise the potential for noise nuisance. The effectiveness of the plan shall be reviewed on a 6 monthly basis, and details of any amended procedures (and the reason for such) submitted to the Council as Planning Authority for approval.

Reason – In order to protect existing residential amenity.

- 6 Vehicular access to and from the site shall be from the eastern access only, as shown on the approved plans.

Reason – In order to protect existing residential amenity.

- 7 Prior to the siting of the marquee, precise details of any means of flooring shall be submitted for the approval in writing. The approved details shall thereafter be implemented in full.

Reason – In order to protect existing residential amenity.

- 8 No storage of material, crates or containers shall take place outside the building(s) and the site shall at all times be maintained in a clean and tidy condition.

Reason – In the interest of protecting existing visual amenity.

- 9 Prior to use of the marquee or toilet block commencing, detailed drawings of the proposed waste / recycling facility enclosures or waste and recycling facility storage areas and the associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority

Reason – In order to ensure that suitable recycling and waste provision is provided.

- 10 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. 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.

Reason – In the interest of proper site management, and to ensure that the proposed bunds are appropriately landscaped.

- 11 Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the further written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason – In order to protect the existing trees from unnecessary damage.

- 12 Prior to the commencement of any development 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 order to protect the existing trees from unnecessary damage.

- 13 The siting of the marquee is approved for a temporary period until the 1 March 2021. Prior to this date the marquee shall be removed and the site reinstated.

Reason – In the interest of proper site management and the temporary nature of the structure.

- 14 Prior to the commencement of any part of this permission, a plan which outlines the circulation areas of guests/visitors shall be submitted for the further approval in writing by the Council as Planning Authority. The approved detailed shall thereafter be implemented in full.

Reason – In the interest of proper site management and in the interests of protecting existing residential amenity.

- 15 Prior to the commencement of any development in relation to the new toilet block, precise details of the proposed foul drainage shall be submitted for the approval in writing by the Council as Planning Authority, in consultation with SNH. The approved details shall therefore be implemented in full.

Reason – In order to protect the environmental interests of the River Tay Special Area of Conservation.

- 16 Prior to the commencement of any development on site details of the finished a sectional detail which shows the ground level of the carpark and also the finished floor level of the toilet block in relation to the existing wall of the walled garden shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented.

Reason – In the interest of proper site management.

- 17 All plant or equipment associated with the toilet block shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In the interest of protecting existing residential amenity.

- 18 Prior to the commencement of any development, precise details of the disposal of surface water from the car parking area shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure that the site is adequately drained.

## **B JUSTIFICATION**

- 83 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**

84 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 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 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 Due to the nature of the proposed work to the slate roof, it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>.

Background Papers: 37 letters of representation

Contact Officer: Andy Baxter 01738 475339

Date: 1<sup>st</sup> February 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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