

Perth and Kinross Council
Planning & Development Management Committee – 20 October 2021

Report of Handling by Head of Planning & Development (Report No. 21/190)

PROPOSAL: Change of use and alterations from agricultural buildings to form 8 holiday accommodation units, erection of 3 holiday accommodation units, utility building, formation of access roads, car parking, drainage and associated works.

LOCATION: West Gormack Farm, Kinloch, Blairgowrie, PH10 6SF

Ref. No: [21/00940/FLL](#)

Ward No: P3- Blairgowrie & Glens

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 The application site is West Gormack Farm, Kinloch, Blairgowrie. The application seeks detailed planning permission for the change of use and alterations from agricultural buildings to form 8 holiday accommodation units, the erection of 3 holiday accommodation units, a utility building, the formation of access roads, car parking, drainage and associated works. The application was submitted in tandem with application 21/00944/FLL for the formation of passing places, which was approved under delegated powers in July 2021.
- 2 The application forms the resubmission of planning application 20/01579/FLL which was withdrawn in late 2020. The 2020 application included the provision of an owner's accommodation unit, which has now been omitted from the scheme. There have also been various other amendments following concerns from the Planning Authority.
- 3 According to the supporting statement, in recent years a replacement farmhouse and improvements to the existing agricultural sheds at Middleton of Glasclune have meant that the buildings at West Gormack Farm have become surplus to requirements. Middleton of Glasclune is approximately half a kilometre north of West Gormack. This current scheme is therefore to find an alternative use for the buildings at West Gormack Farm and to ensure that they remain in use.
- 4 Units 1 – 6 of the proposed development involve the conversion of the existing buildings which form a courtyard. Units 7 – 9 are new build elements but on the site of existing large agricultural buildings. Unit 10 is the conversion and

expansion of an existing bothy and finally Unit 11 is also the conversion and expansion of an existing bothy.

PRE -APPLICATION CONSULTATION

Pre-application Reference - 19/00542/PREAPP

- 5 A formal pre-application consultation was undertaken where it was identified that the principle of the development was likely to be acceptable subject to suitable justification and detailing.

NATIONAL PLANNING 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.

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 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport.

Creating Places 2013

- 11 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.

Designing Streets 2010

- 12 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government’s place-making agenda, alongside Creating 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 2019.

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:

“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.”

- 16 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 9 – Managing TAYplan’s Assets.

Perth and Kinross Local Development Plan 2

- 17 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.
- 18 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 8: Rural Business and Diversification
 - Policy 15: Public Access
 - Policy 31: Other Historic Environment Assets
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 47: River Tay Catchment Area
 - Policy 52: New Development and Flooding
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Light Pollution
 - Policy 56: Noise Pollution
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Other Policies

Perth & Kinross Council Placemaking Supplementary Guidance 2020

SITE HISTORY

- 19 **07/01939/OUT** – An application for the erection of a dwellinghouse and garage (in outline) was refused on 22 October 2007 .
- 20 **20/01579/FLL** - A detailed application for a change of use and alterations from agricultural buildings to form 8 holiday accommodation units, erection of 3 holiday accommodation units, owners accommodation unit, utility building, formation of access roads, car parking, drainage and associated works was withdrawn on 18 December 2020 following concerns raised by the Planning Authority in the consideration of the application.

CONSULTATIONS

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

External

Perth & Kinross Heritage Trust (PKHT):

- 22 PKHT have no objection to the proposed development and recommend that should the application be approved, a negative suspensive condition for standing building recording should be attached to the permission to ensure a permanent record is made prior to the change of use and modification.

NatureScot

- 23 NatureScot raised no objections.

Scottish Water

- 24 Scottish Water have no objection to the proposed development as there is currently sufficient capacity in the Lintrathen Water Treatment Works to service the development. There is however no Scottish Water Waste Water Infrastructure available in the vicinity of the development.

Blairgowrie and Rattray Community Council

- 25 A late comment was received from the local community council containing a petition objecting to the proposed development. The petition contains 34 names. No reasons are given on the petition for objecting.

Internal

Transport Planning

- 26 Transport Planning have no objection to the proposed development, subject to conditional control regarding passing places and an informative in relation to the requirement for a Section 56 application.

Development Contributions Officer

- 27 The Development Contributions Officer confirmed that no contributions are required as the site is not located within any of the identified transport infrastructure zones.

Structures And Flooding

- 28 The Structures and Flooding Team originally requested further information. A Flood Risk Assessment (FRA) was subsequently received and the Structures and Flooding Team now have no objection to the proposed development, subject to conditional control regarding further detailing of the proposed drainage arrangements.

Biodiversity/ Tree Officer

- 29 The Biodiversity/ Tree Officer has reviewed the submitted ecology work and has no objection to the proposed development, subject to conditional control regarding the recommendations of the survey work and the installation of bird boxes in the development. An informative is also recommended, highlighting that an updated bat survey is required if works do not commence within 18 months. A second informative is recommended in relation to nesting birds.

Environmental Health (Noise Odour)

- 30 The Environmental Health Team have no objection to the proposed development, subject to conditional control regarding a Noise Management Plan, external lighting, and plant equipment noise. An informative is also recommended regarding the operation of the proposed stoves.

Commercial Waste Team

- 31 The Commercial Waste Team have reviewed the proposed waste arrangements and have no objection to offer as suitable waste provisions are proposed.

Community Greenspace

- 32 The Community Greenspace Team have no objection to the proposed development although recommended conditional control to protect Core path BLAI/129 and the Cateran Trail.

REPRESENTATIONS

- 33 A total of 12 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Contrary to development plan
 - Inappropriate density for rural location
 - Out of character with local area
 - Unsuitability of access road and road safety concerns with intensified use
 - Will encourage unsustainable travel patterns
 - Sewerage concerns
 - Impacts upon wildlife
 - Loss of agricultural land
 - Pollution to Lornty Burn
 - Flooding and drainage concerns
 - Impacts upon broadband speeds
 - Noise pollution and loss of amenity.
- 34 These issues are addressed in the Appraisal section of the report, with the exception of impacts upon broadband speeds, as this is not a material planning consideration.

ADDITIONAL STATEMENTS

35

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal: AA Not Required
Design Statement or Design and Access Statement	Submitted (Supporting Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted: <ul style="list-style-type: none">• Business Plan• Flood Risk Assessment• Bat Survey

APPRAISAL

- 36 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, namely the Council's Placemaking Supplementary Guidance 2020.

Principle

- 37 Policy 8 'Rural Business and Diversification' gives favourable consideration to the expansion of existing businesses and the creation of new businesses in rural areas. This policy is directly applicable to this application due to the site being located outwith an identified settlement boundary and the proposal being for a business use.
- 38 Policy 8 sets a preference that new or expanded businesses 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. Existing buildings should also be re-used where possible. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.
- 39 According to the supporting statement, in recent years a replacement farmhouse and improvements to the existing agricultural sheds at Middleton of Glasclune have meant that the buildings at West Gormack Farm have become surplus to requirements. Middleton of Glasclune is approximately half a kilometre North of West Gormack. This current scheme is therefore to find an

alternative use for the buildings at West Gormack Farm and to ensure that they remain in an active use.

- 40 In this instance, the applicant has demonstrated through the supporting statement that the location of the buildings immediately adjacent to the CATERAN TRAIL represents a unique opportunity to invest in high quality tourist accommodation that will encourage visitors and deliver associated economic benefits to the local area. The business plan identifies that the target market are those interested in the outdoors and who are likely to use the CATERAN TRAIL.
- 41 The proposed buildings on site offer a suitable base for this type of business venture. It is therefore considered that a site-specific resource is being utilised as the farm under question is currently redundant and when converted will align with the proposed business model.
- 42 Additionally, as the proposal seeks to convert many existing building to a high-quality design in order to facilitate the new business venture, this broadly complies with the remit of Policy 8. The proposal would be compatible with the surrounding land uses, would not result in the suburbanisation of the area, and would contribute to the local economy. It is therefore considered that the principle of the development is acceptable.

Design and Layout

- 43 Units 1 – 6 of the proposed development involve the conversion of the existing buildings which form a courtyard. The design of the conversion is sensitive to the traditional nature of the buildings and raises no adverse concerns. The building will remain to appear traditional whilst having some contemporary features. The demolition of some larger agricultural buildings will be required to allow the traditional stone buildings to be converted and an open courtyard created.
- 44 Units 7 – 9 are new build units and are located in close proximity to the existing buildings which will form units 1 – 6. Units 7 – 9 are located in areas where there are existing agricultural buildings present which are to be demolished. The design of the new buildings is considered to be acceptable and will complement the neighbouring existing traditional building to be converted. The scale and massing of units 7 – 9 is appropriate for the site and will not appear out of context. A palette of stone and stained siberian larch cladding, with either retained slate or grey coloured metal standing seam roofing will provide a sensitive contrast of high-quality natural materials whilst echoing the agricultural history of the site. Unit 9 also includes staff facilities, the laundry room, plant equipment and storage facilities.
- 45 Units 10 and 11 are currently both single storey buildings (bothy) and these are each to be converted and expanded. Unit 10 is located approximately 30m to the south of the main units (units 1 - 9) and is immediately off the access road. Unit 11 is more isolated and is located approximately 440m to the south east of the main building group. The design of the conversion and expansions are considered to be acceptable and are appropriate for this rural location. The

bothies at present are in a poor state of repair and are uninhabited, therefore their conversion is welcomed.

- 46 Whilst some concerns have been raised within the letters of representation that the proposed development is out of character with the area, it is considered that the proposed scheme is suitable for the site and respects the existing buildings and building pattern of the area. It is therefore considered that the proposal complies with Policy 1 'Placemaking'.

Landscaping and Visual Amenity

- 47 It is proposed to utilise sensitive boundary treatments, such as hedging, in addition to some tree planting. This will help to soften the visual impact of the proposed development and will form a more effective link between the development and the neighbouring rural environment. It is therefore considered that the proposal complies with Policy 39 'Landscape'.

Residential Amenity

- 48 Concerns were raised within some of the representations regarding potential loss of amenity from the proposed development, particularly with regard to noise pollution. The Council's Environmental Health Team were consulted as part of this application, and have no objection to the proposed development, subject to conditional control regarding a Noise Management Plan (condition 5), external lighting (condition 11), and plant equipment noise (condition 10). An informative is also recommended (informative 16) regarding the operation of the proposed stoves. These conditions and the informative will ensure that noise, lighting and smoke nuisance is adequately controlled by the Planning Authority and will not be of detriment to neighbouring amenity. It is therefore considered that the proposal complies with Policy 55 'Nuisance from Artificial Light and Light Pollution' and Policy 56 'Noise Pollution'.

Roads and Access

- 50 The majority of the letters of representation highlight the unsuitability of the existing access road and road safety concerns with the intensified use caused by the proposal. The Council's Transport Planning Team have reviewed the proposed arrangements and consider them to be acceptable for the proposed development. Each holiday unit has sufficient parking allowances and is adequately linked to the access road. The Council's Transport Planning Team did however recommend conditional control to ensure that additional passing places were included along the access track to improve road safety.
- 51 As previously stated, this planning application was submitted in tandem with application 21/00944/FLL for the formation of passing places. That application proposed 3 passing places along the existing access road. Each passing place is 10 m in length and extends the overall road width at these points to 5.5 m. This application was approved under delegated powers in July 2021. These passing places will help to ensure that there are suitable passing opportunities along the existing access track. Condition 6 has been recommended to ensure that the passing places approved under permission 21/00944/FLL are

implemented prior to any works commencing on this development. This will ensure that the passing places are also installed prior to construction vehicles utilising the access road.

- 52 Overall, it is considered that once the passing places are installed this will improve road safety from the proposed development and it is considered that the proposal complies with Policy 60B 'Transport Standards and Accessibility Requirements'. Bad driving and parking is not a material planning consideration.

Core Path and Cateran Trail

- 53 Core path BLAI/129 and the cateran trail passes through the site. The Community Greenspace Team have no objection to the proposed development, although recommend conditional control to protect the core path and cateran trail (Condition 12). This will ensure compliance with Policy 15 'Public Access' and to ensure that the proposed development is not detrimental to this network.

Drainage and Flooding

- 54 Concerns were raised within representations regarding drainage and flooding. The Council's Structures and Flooding Team initially requested further information in the form of a Flood Risk Assessment (FRA). This FRA was subsequently submitted and reviewed. The FRA identified that the site is suitable for this type of development without being of detriment to existing drainage provision. The Structures and Flooding Team have removed their objection, subject to conditional control regarding further detailing of the proposed drainage (Conditions 3 and 4). The recommended conditions will ensure that appropriate drainage is in place to minimise any potential risk of flooding and the proposal is considered to comply with Policy 52 'New Development and Flooding' and Policy 53C 'Water Environment and Drainage'.

Waste Collection

- 55 The Council's Commercial Waste Team have reviewed the proposed waste arrangements and have no objection to offer, as suitable waste provisions are proposed. Informative 14 has been recommended to ensure that the waste arrangements are in line with Council requirements.

Contaminated Land

- 56 The former use of the site and buildings has the potential to result in ground contamination, being part of the farm. Condition 7 has therefore been recommended to ensure that any ground contamination on the site is appropriately dealt with, this will ensure compliance with Policy 58A 'Contaminated and Unstable Land'.

Lornty Burn

- 57 Some letters of representation raised concerns with the potential pollution of the Lornty Burn from the proposed sewerage arrangements of the proposed

development. The sewerage arrangements will be fully assessed at building warrant stage in consultation with SEPA. A CAR licence will also be required from SEPA. It is therefore considered that there will be no impacts upon the Lornty Burn from the proposed development in compliance with Policy 47 'River Tay Catchment Area'.

Conservation Considerations

- 58 Part of the proposed development incorporates the re-use of the traditional buildings on the site. This is welcomed as the existing buildings in question contribute positively to the visual amenity of the area. The retention of these buildings ensures compliance with Policy 31 'Other Historic Assets'.
- 59 Perth & Kinross Heritage Trust (PKHT) raised no objection to the proposed development. They did however recommend that should the application be approved, that a negative suspensive condition for standing building recording should be attached to the permission to ensure a permanent record is made prior to any change of use or modification (Condition 2)

Natural Heritage and Biodiversity

- 60 Some letters of representation highlight the impact of the proposed development upon the natural heritage and biodiversity of the area as a concern. Ecology work has been submitted with this application. The Ecology work shows that the proposed development can be implemented without being of detriment to the ecology of the area. The Biodiversity/ Tree Officer has reviewed the submitted ecology work and has no objection to the proposed development, subject to conditional control regarding the recommendations of the survey work and the installation of bird boxes in the development (Conditions 8 and 9). These conditions will ensure that best practice is undertaken to minimise the impact of the proposed development upon the natural heritage and biodiversity of the area. An informative is also recommended (Informative 7) to highlight that an updated bat survey is required if works do not commence within 18 months. A second informative (Informative 8) is recommended in relation to nesting birds as a precaution, should they be found during any demolitions. The recommended conditions and informatives will ensure compliance with Policy 41 'Biodiversity'.

Developer Contributions

- 61 The Development Contributions Officer has confirmed that no contributions are required as the site is not located within any of the identified transport infrastructure zones in line with Policy 5 'Infrastructure Contributions'.

Economic Impact

- 62 The proposal will bring a redundant farm back into a practicable use and will provide additional tourism facilities and potential employment opportunities for the Blairgowrie area. 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

- 63 None required.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 64 None required.

DIRECTION BY SCOTTISH MINISTERS

- 65 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

- 66 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.
- 67 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

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. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason: To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

3. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

4. Development shall not commence on site until detailed plans of the proposed culvert re-alignment have been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter, the agreed scheme shall be implemented as part of the site development, to the satisfaction of the Council as Planning Authority.

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

5. Prior to the commencement of the development hereby approved, a Noise Management Plan (NMP) shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including user noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development, to the satisfaction of the Council as Planning Authority.

Reason: In order to safeguard the neighbouring residential amenity in the area.

6. Prior to the commencement of development hereby approved, the passing places approved under planning permission 21/00944/FLL shall be implemented in full accordance with the said permission, to the satisfaction of the Council as Planning Authority. Thereafter, the passing places shall be maintained in a reasonable condition for the life of the development.

Reason: In the interests of pedestrian and traffic safety.

7. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site

- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

8. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 7 'Mitigation And Compensation Recommendations' in the submitted Full Bat Survey Report, Jenny Wallace Ecology, 2 August 2020 (Report No 73).

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

9. Prior to the occupation of any part of the development hereby approved, at least six bird nest boxes shall be provided on the completed buildings, to the satisfaction of the Council as Planning Authority. Thereafter, they shall be retained in a reasonable condition for the life of the development.

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

10. All plant or equipment 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 order to safeguard the neighbouring residential amenity in the area.

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 road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

12. The core path BLA1/129 and the Cateran Trail must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good

before the development is completed or brought into use, whichever is the earlier. The width of the road and track and their verges and passing places must be maintained at all times and notices to warn drivers to expect non-motorised access takers and drive slowly should be erected.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

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.

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

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 required.

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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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 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.

6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
8. 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.
9. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
10. 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.
11. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
13. 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.

[https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood Risk and FRA - June 2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)

14. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
15. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
16. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
17. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

Background Papers: 12 letters of representation
Contact Officer: Sean Panton
Date: 7 October 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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