

Perth and Kinross Council  
Planning & Development Management Committee – 1 June 2021  
Report of Handling by Head of Planning & Development (Report No. 21/73)

**PROPOSAL:** Change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works

**LOCATION:** Auchterarder House Auchterarder PH3 1DZ

Ref. No: [20/00805/FLL](#)  
Ward No: P7- Strathallan

### **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 proposal is for the change of use, alterations and extension of former stable buildings to form a function venue (class 11). It is also proposed to form an associated car park in a woodland area sited between the stables and the main house, and other required works such as the provision of drainage. The buildings are associated with Auchterarder House, which recently saw planning permission granted for its part time use as an events venue (Ref: 20/00297/FLL). The stable buildings are some 180m north-east of Auchterarder House, both are Category B listed. Access is off the B8062, via a private gated driveway.
- 2 It had initially been intended that the three related applications would be brought to the same meeting of this Committee. However further information was awaited in relation to the impact on the woodland area, and as the house and stables operations could operate independently, it was considered appropriate to progress the application related to Auchterarder House. It was however clear that the fact that all three applications are related and that the Auchterarder House proposals were supported by a Noise Assessment (NA) which included reference to the proposals for the stables, caused some confusion. However, that NA is considered adequate to assess the issues raised by this application. As the tree and woodland information is now available this planning application and associated Listed Building Consent application (20/00806/LBC) are now presented to the Committee.

### **PRE-APPLICATION CONSULTATION**

- 3 Pre-Application advice was sought in February 2020 (Ref: 20/00031/PREAPP) and comment was given on the options presented: use of the existing house,

conversion of stables and the possibility of erecting a free-standing events venue in the grounds.

- 4 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 any formal pre-application consultation with the local community.

## **NATIONAL POLICY AND GUIDANCE**

- 5 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**

- 6 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) (Revised December 2020)**

- 7 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.
- 8 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
  - Valuing the historic environment paragraphs 135 – 142

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 1/2011 Planning and Noise

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

- 10 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**

- 11 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**

- 12 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.”*

- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 3 – A First Choice for Investment
  - Policy 9 – Managing TAYplan’s Assets

### **Perth and Kinross Local Development Plan 2**

- 14 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.
- 15 The principal relevant policies are:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 5: Infrastructure Contributions
  - Policy 8: Rural Business and Diversification
  - Policy 27A: Listed Buildings
  - Policy 31: Other Historic Environment Assets
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 16 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

## **SITE HISTORY**

- 17 **89/00237/FUL** - Planning Permission was granted on 23 May 1989 for an extension to Auchterarder House.
- 18 **89/01256/FUL** - Planning Permission was granted on 4 January 1990 for alterations to Auchterarder House.
- 19 **90/00970/FUL** - Planning Permission was refused on 16 July 1990 for extension of Auchterarder House.
- 20 **90/02004/FUL** - Planning Permission was granted on 21 January 1991 for a conservatory at Auchterarder House.
- 21 **97/01119/FUL** - Planning Permission was granted on 20 October 1997 for an extension to Auchterarder House.
- 22 **02/01132/PPLB** - Planning permission was granted on 3 October 2002 to alter and change the use of Auchterarder House from a hotel to a dwellinghouse.
- 23 **02/01874/LBC** - Listed Building Consent was also granted on 18 February 2003 for the removal of existing lead gutters/installation of new profiled cast iron gutters and additional hoppers and down Pipes, as well as the replacement of eight stone pediment features, all at Auchterarder House.
- 24 **04/02121/FUL** - Planning Permission was granted on 4 February 2005 for a dwellinghouse with garages, ancillary to Auchterarder House.
- 25 [20/00297/FLL](#) - Planning Permission was granted on 9 March 2021 for a part change of use from dwellinghouse to both a dwellinghouse and events venue

- 26 [20/00806/LBC](#) - An application for Listed Building Consent is under consideration for alterations and extension of stable buildings.

## CONSULTATIONS

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

### External

- 28 **Perth And Kinross Heritage Trust:** No objection, subject to a condition related to recording the special architectural and historic interest of stable building, prior to development works.
- 29 **Scottish Water:** No objection. Advise of capacity for a public water supply, but that there is no Scottish Water wastewater infrastructure in the area. As such a private treatment system will be required.
- 30 **Transport Planning:** No objection, subject to a condition regarding the access specification of the car park access onto the private road within Auchterarder House grounds.
- 31 **Development Contributions Officer:** Advise that no contributions are required, as per section 5.5 of the Supplementary Guidance.
- 32 **Environmental Health (Noise/Odour):** No objection, subject to conditions. Initially requested a Noise Impact Assessment, which after submission and review, sees requested conditions regarding: noise, servicing and deliveries, number of events, a noise management plan, ventilation systems, fireworks and external lighting.
- 33 **Environmental Health (Contaminated Land):** No objection. Confirm that a search of the historic records did not raise any concerns regarding ground contamination.
- 34 **Biodiversity/Tree Officer:** No objection, following initial concerns over the lack of information related to tree impact and biodiversity. Following submission of such information the impact on trees and biodiversity is considered acceptable, subject to conditions.

## REPRESENTATION

- 35 A total of 8 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Impact on residential amenity;
  - Noise;
  - Traffic and road safety;
  - Parking;
  - Lack of a business plan;
  - Impact on character of the area;

- Impact on farmland, livestock and pets;
- Impact on Ancient Woodland;
- Light pollution;
- Lack of detail of type and frequency of events;
- Considered contrary to LDP2 policies 1 (Placemaking), 8 (Rural Business and Diversification) and 56 (Noise Pollution);
- Impact on cultural heritage of stable buildings;
- Future intensification.

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

### **ADDITIONAL STATEMENTS**

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Tree and Wildlife Survey submitted

### **APPRAISAL**

- 37 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 Guidance 2020.
- 38 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**

- 39 The site is not located within a settlement boundary as defined in the Local Development Plan. The principal policies of relevance are: Policies 1A and 1B, Placemaking; and Policy 8, Rural Business and Diversification. Placemaking policies seek to ensure that developments contribute positively to the built and natural environment and respect the character and amenity of the place. Policy 8 seeks to support proposals that involve either the expansion of existing rural

businesses or the creation of new ones, subject to a number of criteria. In general, sites within settlement boundaries are preferred. However, locations outwith settlements can be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. In this case Auchterarder House, a former hotel, and its associated grounds and buildings are considered a site-specific resource with an opportunity to create a business. Although objections query the lack of a business plan, this is only required where the proposal relates to a new tourism development. This proposal is likely to be more generally available, such as: to the local population rather than specifically tourism related. Overall, it is for applicants to determine whether the proposals are likely to be economically viable. As such the principle of the change of use can be supported. Beyond this, the detail of the proposal must be assessed, with regard to its impact on the character and amenity of the area and compliance with policies related to safeguarding listed buildings, impact on trees, woodland and biodiversity, noise and transport impacts.

### **Design and Layout**

- 40 The proposal includes the renovation and refurbishment of the stables for use as a function venue, and seeks to safeguard the character of the building with a minimal intervention approach. The proposed physical alterations are the subject of the related application for Listed Building Consent. These alterations include: the installation of new windows and doors, the removal of two chimneys, and the refurbishment of the roof. Rainwater goods will be replaced with new cast iron replacements, where required. A new glazed roof will also be installed over the internal courtyard, and doors are proposed within an existing opening on the south-west elevation to reduce noise levels during functions.
- 41 The proposal includes the provision of a vehicle parking area within an area of woodland located between the stables venue and Auchterarder House.

### **Landscape**

- 42 The site is set within an existing treed/landscaped area that provides the setting for Auchterarder House and the stables building. The landscape setting of the buildings will generally be maintained, although some landscaping would be cleared, and other trees removed to allow the development to proceed. In particular the woodland area alongside the private access to the site will largely be retained. This comprises of a mix of tree species and an understorey of evergreen shrubs. New planting will be undertaken to compensate for trees which are to be felled to form the car park. Further discussion on the impact on trees, woodland and biodiversity is set out in other sections of this report however, the addition of new trees and shrubs of a variety of species is considered to be beneficial and will improve the landscape setting of the stables and Auchterarder House.

## **Residential Amenity**

- 43 Policy 8 (c) requires proposals to be compatible with surrounding land uses and not to detrimentally impact the amenity of residential properties within or adjacent to the site. Policy 56 identifies that noise generation is also relevant. In this regard, there have been objections related to the potential impact on residential amenity from events. In assessing this potential the most likely impacted properties have been identified. The closest residential property to the stable building is 'Garden Cottage', approximately 70m to the north-east. The next closest are 'Collyhill Lodge' and 'Sutton House' around 160m to the north, with 'The Kennels' another 75m beyond. 'North Lodge', owned by the applicant is 310m to the south-west. The next nearest property, not owned by the applicant, is 'Braehead', 360m to the south-west.
- 44 In assessing the potential impacts, consideration must be given to the types of activities likely at the venue, these may include: weddings, birthday celebrations and small conferences. In these scenarios it is anticipated that use of the stables venue, could also be undertaken in association with Auchterarder House, with guests staying at the house and also attending functions at the stables. It is also anticipated that between 20-30 events may be held each year.
- 45 It is accepted that, without controls or mitigation, there is potential that residential amenity could be adversely affected, particularly from amplified music. Review of this potential issue has been aided by the preparation of a Noise Impact Assessment (NIA). The NIA considers potential impact on the surrounding residential property. Notably it assesses the combined impacts anticipated from both the approved use of Auchterarder House and also the proposals subject of this application.
- 46 The NIA determined baseline noise levels at the two nearest residential properties: 'Plus Trees' (Garden Cottage) being closest (c.70m) from the stables; and 'Braehead' approximately 170m to the west and closest to Auchterarder House.
- 47 Three scenarios were then modelled; two looking at predicted noise levels at noise sensitive properties from amplified music associated to both proposed venue areas. Scenario 1 looked at impacts with 'no mitigation' measures at the stable venue; and Scenario 2 was 'with mitigation' measures at the stables, including a glazed roof, installation of doors on the west elevation, and windows all having acoustic properties (32dBRw). The likely noise impact from amplified music related to Scenario 1 (no mitigation) was predicted not to achieve the Licensing Board noise policy requirements, due to the lack of mitigation at the stable Venue. However, Scenario 2 (with mitigation) was predicted to satisfy the Licensing Board's noise policy.
- 48 A third scenario was modelled for noise from fixed plant, based on a conceptual design of 4 items of external plant with a sound power level of 75dB <sub>LWA</sub>. The report concluded that any proposed plant to be installed at the Stable venue is predicted to achieve the required standard – NR20 (2300 to 0700), at the closest noise sensitive dwellinghouse.



- 49 On this basis it is considered that the Stables development impacts could be mitigated via conditions controlling both plant noise (Condition 3) and the provision of an effective ventilation system (Condition 4). Design mitigation is also proposed including a glazed roof covering the courtyard, doors in the opening on the south-west elevation and new windows to have acoustic properties.
- 50 The NIA states that deliveries and collection of waste are to be made within normal working business hours and there will be no external storage of waste or glass recycling bins. Potential impacts from these operations can also be controlled by condition as set out in paragraph 51 below.
- 51 Noise from patrons arriving, moving about the venue areas and leaving the venue is also recognised to have the potential to affect neighbouring residential properties. However, this can be controlled through a noise management condition, requiring design standards and appropriate management practices. To this end a Noise Management Plan will be required by condition (Condition 2). The Plan will set out measures to minimise and control sources of noise, including: equipment, music, noise limiter settings, vehicle movements, times of any deliveries to and from the site and activities associated with events including fireworks.
- 52 The NIA was prepared on the basis of up to 30 events in a calendar year. Environmental Health has requested that the number of events be controlled to this number by condition, to ensure that the NIA approach is appropriate in practice. In the light of local objection, it is considered appropriate to limit the number of days on which events can be held to 30 (Condition 5), taking a risk averse approach. This will also provide an opportunity to demonstrate the operational impact of the proposal. Should the applicant wish to vary this condition in future and potentially hold events on more than 30 days, an application to consider this would be required. This subject area was discussed in some detail when this Committee granted planning permission at its meeting in March 2021 for the use of Auchterarder House for events (20/00297/FLL). That planning permission sees a condition restricting the number of days when events could take place to 30. Given the two premises could operate either independently or together, a similar if separate condition is recommended to be attached should this application be approved. Notwithstanding the possibility of independent events taking place, it would be those cumulative event days which would be subject to the condition for both premises. Thus, an event utilising both facilities would count as one day for both, and where an individual use of either would only count against that property. Therefore, although there is potential for more than 30 events to take place, across the two properties, no more than 30 could take place at either. This recognises that the noise assessment notes that mitigations are required to adequately control activity at the Stables, whilst no mitigation is required at Auchterarder House, whilst also recognising that conjoined use of both Auchterarder House and the Stables would be more intensive than Auchterarder house in itself. All such that the stables would be limited to 30 days, in any scenario.

## **Visual Amenity**

- 53 The impact on visual amenity is considered acceptable. The visual amenity of the stables building will be improved by this proposal, as they are currently in a run-down condition. In addition, the landscape setting of the stables will be enhanced by the proposed tree and shrub planting which includes a greater variety of species than presently exists.

## **Roads and Access**

- 54 Access is from the B8062, via a gated driveway. However, there is potential that other routes could be used, and some objectors are concerned that this would cause disturbance to residents. However, the applicant has confirmed that there is no intention to use or direct clients to any access other than the gated driveway from the B8062.
- 55 Transport Planning has been consulted and considers that the additional traffic generated should not have a significant impact on the public road network. It is noted that a gated controlled entry system is in place on the private access track and that during events this should remain open to allow a free flow of traffic from the B8062. Overall Transport Planning raise no objection, subject to a condition regarding the specification of the access into the car park (Condition 6) where it joins the private access within the grounds of Auchterarder House

## **Drainage and Flooding**

- 56 The site is not located within the functional floodplain, as shown on the SEPA Flood Map. Otherwise, the proposals include a private foul drainage system and soakaway, to be located to the south-east of the car park. Surface water will drain to a separate soakaway at the eastern end of the car park.

## **Waste Collection**

- 57 It is indicated in the application that there are existing waste arrangements in place. An informative is recommended to ensure compliance with the Council's waste collection requirements (Informative 8).

## **Conservation Considerations**

- 58 Perth and Kinross Heritage Trust were consulted and noted that the site is considered to be archaeologically sensitive, as it proposes to alter an existing historic stable complex, which pre-dates the 1<sup>st</sup> Edition Ordnance Survey of the area and is an important part of the original historic estate. It is also advised that the stables are B Listed (LB5814) and were designed by Scottish architect William Burn in 1833.
- 59 PKHT support the applicant's intention to retain and renovate the historic fabric and restore the stables for a new use. However, as the building function will change considerably PKHT request that an archaeological standing building

survey of the buildings existing condition should be made prior to conversion work (Condition 7).

- 60 From a conservation perspective, the principle of conversion provides a good alternative use for the building and the conversion works see the existing spaces reused without excessive subdivision or loss of historic features and spaces. The proposal is thus considered to retain the character and appearance of the listed building and its setting. Details of proposed replacement and new doors and windows, as well as details of the proposed replacement slates can be controlled via condition on this permission and the related Listed Building Consent (Conditions 15 and 16). Further details are also required of surface materials and lighting for the proposed car park, to ensure that appropriate arrangements are made for development in a woodland setting (Conditions 8 and 14).

### **Natural Heritage and Biodiversity**

- 61 There have been objections expressing concern over the potential impact on woodlands and wildlife.
- 62 Policy 40: Forestry, Woodland and Trees states that the Council will apply the principles of the Scottish Government Policy on 'Control of Woodland Removal' and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 63 In this case the proposals for the car parking area will impact on a woodland area, that is also designated as Ancient Woodland. It was initially indicated in the planning application that no trees were to be removed. However, it became apparent that this was not the case and that an area of woodland would require to be removed. As such further assessment of the full impacts was requested. This assessment then informed revised existing and proposed site plans, submitted in April 2021, along with a tree and woodland survey and management report.
- 64 This information was assessed by Tree and Biodiversity Officers and an assessment of the impacts on the loss of the ancient woodland undertaken. It is accepted that the parking area cannot reasonably be located in any other area within the applicant's ownership, such that it was proportionately accessible to the stables. As such, compensation and mitigation of the impact on the woodland is required. In this respect, landscaping plans show details for planting and transplanting of existing stock, as well as use of ornamental shrubs within the site. 27 new trees are proposed, although the tree species are not specified. The detail submitted also highlights the presence of various plants within the woodland including: lesser periwinkle, snowdrops, dog mercury, stinging nettle, wild garlic, creeping buttercup, and sanicle. Where these exist within affected areas they should be retained or re-positioned within the site. Taking these issues together, full details of the proposed tree species to be planted, the location of planting / re-planting areas and inclusion of additional enhancement to a wider area of the woodland is controlled by

condition (Condition 8). A further condition requiring a Construction Method Statement is also attached (Condition 9), to ensure that any excavated soils are not dispersed into the woodland and that protective fencing is in place. It is concluded that the impact of the localised felling on the woodland is acceptable and that the introduction of a range of native species, woodland enhancement, and the provision of beneficial understorey and potential habitat provides sufficient mitigation.

- 65 Policy 41: Biodiversity states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Beyond this planning permission will not be granted for development likely to have an adverse effect on protected species, unless clear evidence shows that the ecological impacts can be satisfactorily mitigated, and that planning permission will not be granted for development that would be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)).
- 66 To this end a Protected Species Survey and Assessment was submitted in October 2020, exploring the potential of the stables building as well as the woodland area for use by bats and nesting birds. The survey contains sufficient information for the planning authority to be satisfied that the impact on protected species is understood and that the development, if carried out in line with the recommendations within the survey, will not be detrimental to protected species of European significance.
- 67 Conditions with regard to bats, nesting birds and adherence to the Protected Species Survey are attached (Conditions 10, 11, 12 and 13). A further condition requiring details of external lighting is also included (Condition 14), in the interests of biodiversity and to avoid light pollution in a rural area.

### **Developer Contributions**

#### **Auchterarder A9 Junction**

- 68 The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering A9 junction improvements.
- 69 However, although the application site is within the area identified where contributions will be sought, section 5.5 of the Guidance exempts non-residential development where a Transport Assessment (TA) is not required. In this case a TA was not considered to be required, thus no contributions are applicable.

### **Economic Impact**

- 70 The proposal is for a business use for a building that is currently little used and in need of maintenance and upgrading. The establishment of the events business as well as the construction works proposed would lead to some positive economic impact.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 71 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate the provision of addition information such as a noise impact assessment and biodiversity and landscaping information.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 72 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 73 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**

- 74 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.
- 75 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons**

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

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

- 2 Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment, music, noise limiter settings, vehicle movements, times of any deliveries to and from the site, event activities such as fireworks, etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall

be reviewed on a regular basis, 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.

Reason - In order to safeguard the residential amenity of the area.

- 3 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 residential amenity of the area.

- 4 Prior to the commencement of the development hereby approved, details of an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the written agreement of the Council as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated, such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

- 5 The number of days on which events can be held shall be restricted to a maximum of 30 within any calendar year.

Reason - In order to reflect the position assessed in the Noise Impact Assessment and in order to safeguard the residential amenity of the area from impacts beyond that assessed within that Assessment.

- 6 Prior to the development hereby approved being completed or brought into use, the vehicular access to the car park as shown in drawing ref. 11, shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail.

Reason - In the interests of pedestrian and traffic safety.

- 7 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. Details of the 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 an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

- 8 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include full details of all hard and soft landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted as well as provision for re-locating plants and trees and measures to enhance a wider area of woodland. 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 - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 9 Prior to commencement of development a Construction Method Statement shall be submitted for the written agreement of the Council as Planning Authority. Such Statement should set out the sequence and scope of site operations and include details of how excavated soils are to be distributed such that they are not inappropriately dispersed into the woodland and that protective fencing is in place post felling and before any physical site development works.

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

- 10 The conclusions and recommended action points within the supporting protected species survey dated October 2020 (Drawing Ref: 09) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

- 11 Prior to the commencement of development hereby approved, details of the location and specification of compensatory bat roosts, in the form of integrated bat boxes, bat bricks and Morris slates shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat bricks, slates or boxes shall be installed in accordance with the agreed details, prior to the operation of the development.

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).

- 12 Prior to the commencement of development hereby approved, details of the location and specification of at least four swallow nest boxes shall be submitted

for the written agreement of the Council as Planning Authority. Thereafter, the nest boxes shall be installed in accordance with the agreed details, prior to the occupation of the development

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

- 13 An updated bat survey will be required prior to works to the roof, if roof works have not commenced within 18 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works to the roof shall not commence until after such written agreement has been issued by the Council.

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).

- 14 Prior to the installation of any external lighting, details 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 biodiversity and to avoid light pollution in a rural area.

- 15 Prior to the commencement of the development hereby approved, elevation and section details of the proposed new windows/doors at 1:20 scale shall be submitted to and agreed in writing by the Council as Planning Authority. The windows/doors as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

- 16 Prior to the commencement of the development hereby approved, a sample of the replacement roof slates, shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.



## **D    INFORMATIVES**

- 1    This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2    Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3    As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4    No work shall be commenced until an application for building warrant has been submitted and approved.
- 5    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.
- 6    A search of historic records did not raise any concerns regarding ground contamination. However, it is the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development.
- 7    The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 8    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.
- 9    This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto: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.
- 10   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 Environmental Protection Agency.

- 11 This is approval of your application Ref no 20/00805/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 20/00806/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
- 12 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.

Background Papers: 6 letters of representation  
Contact Officer: Persephone Beer  
Date: 20 May 2021

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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

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

All Council Services can offer a telephone translation facility.