

Perth and Kinross Council  
Planning & Development Management Committee – 26 September 2018  
Report of Handling by Interim Development Quality Manager (Report No. 18/294)

**PROPOSAL:** Alterations and extension to hotel and erection of a staff and manager's accommodation unit with garage.  
**LOCATION:** Westlands Hotel, 160 Atholl Road, Pitlochry, PH16 5AR

Ref. No: 18/00595/FLL  
Ward No: P4 - Highland

### **Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan if conditional control is applied. There are no material considerations apparent which outweigh the Development Plan.

### **Background and description of proposal**

- 1 This application relates to Westlands Hotel (160 Atholl Road), an eighteen bedroom hotel located to the north of Atholl Road in Pitlochry. The hotel building when viewed from Atholl Road comprises a substantial one and a half storey building of traditional construction sitting in an elevated position within the plot. In the past single storey extensions have been formed on the southern principal elevation, there are also a number of extensions to the rear of the property as well as a staff bungalow and outbuildings in the rear curtilage. The hotel's curtilage includes a number of mature trees.
- 2 There is an existing access from Atholl Road which leads to an area of hardstanding to the east of the property that is utilised as car parking. The entrance into the hotel building is on the eastern (side) elevation.
- 3 To the east of the site is Sunnybrae (158 Atholl Road) a site that is operated by Abbeyfield as supportive housing. To the west is the Claymore Guest House with staff accommodation and 4 self-catering flats located to the rear of the premises. To the north-west and north in an elevated position are the curtilages of Sonamore and Ardarroch, both residential properties.
- 4 Westland Hotel is not a listed building but it is located within Pitlochry Conservation Area.
- 5 The proposal is to remove the existing extensions that currently exist to the rear of the hotel to accommodate a new extension that is one and a half storey in appearance. The new extension would provide twenty six en-suite

bedrooms over the two levels. Alterations to the existing building will be undertaken to form ten en-suite bedrooms. The capacity of the hotel would therefore be increased from eighteen rooms to thirty-six rooms. A further level in the proposed extension's roof space would be used for servicing and staff accommodation.

- 6 The proposal also includes the demolition of the existing detached bungalow currently used for staff accommodation and the formation of a new staff/manager's accommodation to the rear of the curtilage. The proposed accommodation will be incorporated into a stone wall which separates the more formal curtilage to the south compared to the steep wooded slopes that rise to the rear. There are four bedrooms proposed to the staff/manager's accommodation on the lower floors with living spaces and kitchen arranged over the upper level.

### **PRE-APPLICATION CONSULTATION**

- 7 The proposal has been subject to pre-application discussions following the withdrawal of an earlier application for a dwelling on the site, ([17/01037/IPL](#)). This confirmed that there were wider aspirations for the site not just the replacement of staff accommodation. As a consequence plans were submitted detailing the comprehensive redevelopment of the site rather than piecemeal applications being submitted ([17/02113/FLL](#) and [17/02265/CON](#)). It should be noted that these applications were withdrawn and the extent of the hotel accommodation has been reduced in scale as part of this current application.

### **NATIONAL POLICY AND GUIDANCE**

- 8 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**

- 9 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**

- 10 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.

11 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**

12 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
- PAN 77 Designing Safer Places

### **Creating Places 2013**

13 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.

### **DEVELOPMENT PLAN**

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

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

15 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

16 "By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

## **Perth and Kinross Local Development Plan 2014**

18 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

19 The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

21 All proposals should meet all eight of the placemaking criteria.

### **Policy PM2 - Design Statements**

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

### **Policy PM3 - Infrastructure Contributions**

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

### **Policy RD1 - Residential Areas**

24 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

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

### **Policy HE3A - Conservation Areas**

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

### **Policy HE3B - Conservation Areas**

27 There is a presumption against demolition of buildings within a Conservation Area and in favour of retention and restoration. Proposals for demolition should be accompanied by a detailed application for the replacement development.

### **Policy NE2A - Forestry, Woodland and Trees**

28 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

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

### **Policy NE3 - Biodiversity**

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

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

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

## **SITE HISTORY**

- 34 02/00238/ADV Display of illuminated sign box, Application Approved under delegated powers 18 March 2002
- 35 [17/00106/FLL](#) Erection of a tree house (in retrospect), Application Permitted under delegated powers 24 April 2017
- 36 [17/02113/FLL](#) Extension to hotel and erection of staff and manager's accommodation unit with garage, Application Withdrawn 8 March 2018
- 37 [17/02265/CON](#) Demolition of buildings, Application Withdrawn 5 March 2018
- 38 [18/00596/CON](#) Demolition of buildings, Pending Consideration

## **CONSULTATIONS**

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

## **External**

### **Scottish Water**

40 No objection.

## **Internal**

### **Transport Planning**

41 No objection.

### **Development Negotiations Officer**

42 The proposal is for staff accommodation so is exempt from contributing towards primary education.

## **Environmental Health**

43 This extension to the existing hotel includes provision for a plant room. This has the potential to lead to loss of residential amenity at nearby receptors, some of which are a little over 20 metres away. Due to this conditional control is recommended.

### **Perth and Kinross Area Archaeologist**

44 No objection.

## **REPRESENTATIONS**

45 The following points were raised in the seven letters of representations received:

- Overdevelopment, concerns with scale and height
- Impact on Conservation Area
- Loss of trees
- No need for additional accommodation
- Impact on wildlife
- Concern with timing of bat survey
- Increase in noise
- Increase in traffic
- Concern with the nature of the staff accommodation/owners accommodation.
- Loss of privacy
- Concerns with the proposed materials utilised in the development.
- The development should be phased in a manner where the hotel accommodation is provided first
- Concern that the use class has changed from a hotel to a Bed and Breakfast.

- Concerns with cross-sections.

46 These issues are addressed in the Appraisal section of the Report. The following matter is best addressed at this stage:-

- Concern that works may have impact on retaining walls/foundations – Impact from the way construction works are undertaken and how this relates to retaining walls/foundations would be a civil matter to resolve between the parties affected it is not a planning consideration.

## ADDITIONAL STATEMENTS

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Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Bat Survey & Tree Survey

## APPRAISAL

- 48 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 49 In addition section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 50 It should be noted that an application for Conservation Area Consent has been submitted which deals with the demolition of the bungalow at the rear of the site, application [18/00596/CON](#) refers. The Conservation Area Consent application and planning application are inextricably linked as the demolition under the Conservation Area Consent cannot be granted until a satisfactory replacement scheme is in place. If this application is approved then the Conservation Area Consent can be approved under delegated powers.

## Principle

- 51 Tourism plays a key role in employment provision and economic viability of services and facilities within the area. This application is for the extension of the existing hotel building to improve the extent of accommodation on offer it

therefore complies with the Plan which seeks to promote and enhance existing and future tourism developments.

- 52 Letters of representation note that the extent of facilities on the site have changed and have questioned the site's approved use. I am content that the use of the site can be still be classed as a Hotel as per Class 7 of the Use Classes Order 1997 (as amended).
- 53 Representations have also raised concerns that there is no need for further accommodation. The design statement contradicts this claim and notes that the development is to satisfy an increased demand for quality accommodation in the Pitlochry Area. I consider the applicant's submission for upgrades to the existing building as well as the proposed new extension will enhance tourism provision in Pitlochry, tourism being a key economic and planning objective of the Council.

### **Design, Layout and Conservation Considerations**

- 54 I am content with the extent of drawings submitted with this application to enable an assessment of the design, layout and conservation considerations as required by Policy. The proposed extension to the hotel has been reduced in scale from previous design iterations. While the extension is large in scale the site curtilage is of a sufficient size to accommodate the development and the visual impact from Atholl Road will be minimal. The mass of the extension has also been broken up by incorporating gable features on the east and west elevation as well as ensuring the roofline sits below the existing hotel ridgeline.
- 55 The successful integration of the extension which takes account of the traditionally detailed hotel building will depend on the specification of materials, detailing and the manner in which works are undertaken. High quality finishes are required including timber windows and more information should be submitted regarding the proposed stone cladding and roof slate. This also applies to the proposed staff/manager's accommodation. The scale and layout of the proposed staff/manager's accommodation can be accommodated in this area due to the rising topography behind the building. There will be an element of cut and fill to accommodate this building, with the partial removal of the stone wall, a fixed feature, running up to the rear elevation of the accommodation. I consider it prudent to understand the extent of cut and fill and re-contouring in this area and this can be dealt with as part of the landscaping plan.
- 56 Taking the above into account these matters can be dealt with by conditional control (Condition 2 and 3) to ensure there is compliance with the placemaking policies PM1A and PM1B as well as Conservation Policy HE3B.

### **Landscape**

- 57 Policy ER6 of the local plan seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural

dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded.

- 58 Section 159 of the Planning Act imposes a general duty on the Planning Authority to include appropriate provision for preservation and planting of trees. While Local Plan Policy NE2B also seeks the submission of a tree survey where there are existing trees on a development site with Policy NE2A protecting trees.
- 59 Following the withdrawal of planning application [17/02113/FLL](#) the proposed extension has been reduced in scale which has enabled the staff/manager's accommodation to be re-sited on the south side of the existing retaining wall, which in turn provides further protection for the woodland area to the North.
- 60 The layout still results in the felling of a birch tree to enable the proposed staff/manager's accommodation to the rear of the site. The loss of this one tree is not significant in visual amenity terms when taking account of the woodland backdrop to the north. A landscape plan can be secured by condition to ensure that the planting of a further tree on the site occurs along with further boundary planting to enhance the boundary definition of the site where new car parking is introduced.
- 61 An arboriculture report has been submitted in support of the application. This identifies the extent of the tree resource at the site and also sets out the extent of root protection areas that should be protected by fencing. Some of the development areas overlap locations where there are proposed tree protections measures to be deployed. This relates to the formation of an access deck to the rear of the staff/manager's accommodation as well as elements of the parking layout. This will mean further arboriculture reporting will be needed to specify methods of construction to ensure no adverse impacts on the root protection areas occur. A negative suspensive condition should be utilised to ensure that this can be achieved to ensure there is not a detrimental impact on the tree resource.
- 62 With conditional control applied (Condition 3 and 4) I do not consider there is a conflict with Policy ER6: Landscape or Policy NE2A, NE2B that relate to trees.

## **Residential Amenity**

### Privacy and Overlooking

- 63 I consider that the proposed extension to the rear of the hotel and the replacement of an existing staff bungalow with new staff/manager's accommodation can be accommodated on the site without resulting in an unacceptable level of overlooking.
- 64 Council guidance advises that a minimum 18m window to window distance at 90 degrees is usually sought between properties to achieve a reasonable level of residential amenity however this requires to be applied flexibly taking

account of site specific circumstances. This distance is reduced as the angle between the windows change and become more acute.

- 65 Sunnybrae a residential home is located to the east of the site. There is sufficient separation between the hotel extension and this property at some 24 metres window to window at a 90 degree angle. There is also sufficient separation between the proposed staff/manager's accommodation and Sunnybrae at 28 metres at an acute angle window to window.
- 66 Claymore Guest House is to the west of the site and like Westlands, sits at the front of the site with further accommodation to the rear including the coachhouse and holiday apartments. There is a sufficient distance between the proposed extension and the holiday apartments at 18m at an acute angle, as well as the coach house at 28m at 90 degrees and the Claymore Guest House at 21m on a 90 degree angle. With regards to the proposed staff/manager's accommodation at a 90 degree angle the holiday apartment building is within 16.4m. However at this point there are only bathroom windows and further along the roof lights to the living accommodation in the roof space are in excess of 18 m and are also at an acute angle. Taking this into account I consider an appropriate level of amenity will be maintained between these properties. The coach house is some 34 m from the proposed staff/manager's accommodation while the hotel is some 49 m distant.
- 67 I note representation has raised concern that the development will overlook Sonamor to the north west however I do not consider that there will be a detrimental impact as Sonamor sits in an elevated position above the proposed development at Westlands Hotel.
- 68 Taking account of site context, including the topography of the site I am of the opinion that an acceptable level of privacy will be maintained in the surrounding properties taking account of window to window distances and the use of boundary treatment.

#### Overshadowing

- 69 Although not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration as The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 2011' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 70 Having had the opportunity to assess the plans based on plans an element of overshadowing will likely occur to the neighbouring car park area at the Claymore Guest House. This will relate to the afternoon and due to the angle of the sun will increase during the winter months however the extent of overshadowing to neighbouring ground is not excessive when taking account the extent of curtilage at Claymore Guest House. In any case, any impact will

be largely contained to the rear car park of the neighbouring guest house and no neighbouring residential properties will be adversely impacted.

### Amenity space

- 71 The hotel's front lawn area will catch the sun in the late evening and I consider this will provide a suitable environment amenity space for hotel residents.
- 72 Although the staff/manager's accommodation is intertwined with the operation of the hotel I consider it prudent to try and achieve some form of private amenity space for the managers/staff accommodation. In this case the proposed staff/managers accommodation has been designed to sit in front of the existing stone wall that traverses part of the application site. This will provide some form of private amenity space to the rear of the site although I accept its use will be limited in nature due to the steep topography and tree cover.

### **Noise**

73 Policy EP8 of the LDP relates to noise. The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

74 Consultation has been undertaken with Environmental Health and they note that the extension to the existing hotel includes provision for a plant room. This has the potential to lead to loss of residential amenity at nearby receptors, some of which are a little over 20m away. As a consequence they recommend conditional control (Condition 7). With this applied, there is not a conflict with Policy EP8.

### **Roads and Access**

75 Policy TA1B is concerned with providing safe access and appropriate car parking. The proposal utilises the existing hotel access onto Atholl Road and proposes to increase the amount of car parking within the site curtilage. Transport Planning has been consulted and they offer no objection to the proposed development.

### **Drainage and Flooding**

76 The proposal will utilise the existing water supply and foul drainage arrangements at the site. The site is not in an area subject to river flooding.

## **Waste Collection**

- 77 The agent confirms that the existing waste collection regime shall remain. However, from reviewing the plan with the redevelopment of the site a new waste location will be required to be specified. This can be dealt with by conditional control (Condition 6).

## **Natural Heritage and Biodiversity**

- 78 When determining a planning application the planning authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how European Protected Species (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts. To enable an assessment against the Regulations the applicant was advised that a bat survey should be undertaken.
- 79 The application includes a full bat survey which provides evidence of bat roosts in the existing hotel building. The report sets out a number of recommendations and mitigation works that require to be deployed before undertaking work to the hotel building. These recommendations have to be undertaken prior to works to the hotel building but not the demolition of the existing staff bungalow.
- 80 With conditional control applied to secure mitigation measures (Condition 5) the works will not be detrimental to the maintenance of the population of species and there will be no conflict with Policy NE3.

## **Developer Contributions**

- 81 The proposal is for staff/manager's accommodation so it would be exempt from contributing towards primary education. There are no other contributions required for the hotel element.

## **Economic Impact**

- 82 Some letters of representation consider that the economic benefits of the hotel accommodation should be secured first prior to the development of the staff/manager's accommodation. I do not consider this is required. If this occurred it would mean that the existing on site staff accommodation would be lost and would not be replaced until some considerable time following the completion of the hotel extension. I consider it would be prudent to undertake the proposed staff/manager's accommodation first which would then allow the demolition of the staff bungalow and the erection of the hotel extension. I consider that it would be prudent to ensure the demolition of the staff bungalow prior to the occupation of the new staff/manager's accommodation (Condition 8).

- 83 Overall there will be a positive economic impact associated with this proposal. This will be associated the construction phase of the development as well as increasing the extent of tourist accommodation within Pitlochry.

### **LEGAL AGREEMENTS**

- 84 Not required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 85 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**

- 86 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.
- 87 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 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.

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

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

- 5 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.

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

- 6 Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the accommodation hereby approved shall be occupied until the agreed scheme has been provided in full.

Reason - In order to ensure adequate servicing facilities are provided.

- 7 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 25 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.

- 8 The proposed staff/manager's accommodation building at the rear of the site shall not be occupied until the existing staff bungalow on the site has been demolished. Thereafter the proposed staff accommodation at the rear of the site shall be used in conjunction with the Westlands Hotel and shall not be used as the sole or main residence of any occupant unless it is a person employed at Westlands Hotel.

Reason - In order to control and restrict the use of the 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 For information, foul flows only will be allowed to discharge to the public drainage system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
- 5 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.

- 6 No work shall be commenced until an application for building warrant has been submitted and approved.
- 7 Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: 7 letters of representation  
Contact Officer: John Russell 01738 475346  
Date: 13 September 2018

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

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