

Perth and Kinross Council  
Development Control Committee – 21 August 2013  
Report of Handling by Development Quality Manager

**Erection of 3 chalets, associated function suite and a dwellinghouse at Land at Craggantoul Farm, Lawers**

Ref. No: 12/01753/FLL  
Ward No: 4– Highland

**Summary**

This report recommends approval of the application for the erection of 3 chalets, associated function suite and a dwellinghouse as the development is considered to comply with the relevant provisions of the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 Full planning consent is sought for the erection of a detached dwellinghouse, 3 chalets and a function suite at Craggantoul Farm which is a large site occupying a position on the north west bank of Loch Tay. The application site is accessed from the north west corner from the A827 public road. The site extends to the south west toward the Loch Tay shore. The north west of the site is currently occupied by woodland and further south east the site opens out to grassland. Located centrally within the site is the existing Craggantoul House which is currently let out by the applicant. There are also five further properties at Craggantoul which are also let out for tourism, these range in size from single bedroom to sleeping up to six. The existing site can accommodate up to 30 people at one time. The applicant also offers wedding packages at Craggantoul and the above accommodation has been upgraded in the recent past to accommodate this.
- 2 The supporting statement submitted with the application states that wedding guests currently have to organise their own marquees, catering facilities and portable toilets. The applicant seeks consent to erect a wedding function suite (plot 4) which is intended to remove the requirement of guests to arrange the above and is proposed to be located adjacent to Craggantoul House. Given the growth in weddings at the site the applicant is also seeking consent for a new dwellinghouse (plot 2) on the site so that wedding operations can be managed successfully and has provided a justification for this. Three additional chalets (plots 1, 3 and 5) are also proposed. Plot 1 is proposed in the north east corner adjacent to the public road partly within existing woodland/planting. Plot 3 is located to the south east of plot 1 and plot 5 is proposed further south beyond the existing Craggantoul House.

**NATIONAL POLICY AND GUIDANCE**

**Scottish Planning Policy 2010**

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

4 The relevant paragraphs of the above are as follows:

- Paragraphs 45 - 51 Economic Development
- Paragraphs 66 - 91 Housing
- Paragraphs 92 - 97 Rural Development
- Paragraph 123 which relates to Archaeology
- Paragraphs 142 - 145 Protected Species
- Paragraphs 146 - 148 Trees & Woodland
- Paragraphs 196 - 211 Flooding and Drainage

## **DEVELOPMENT PLAN**

5 The Development Plan for the area consist of the Approved Tayplan Strategic Development Plan 2012-2032 and the Adopted Highland Area Local Plan 2000

### **Tayplan: Strategic Development Plan 2012-2032**

6 The principal relevant policies are in summary: -

#### **Policy 3: Managing Tayplan's Assets**

7 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy; and
- safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

#### **Policy 6: Energy and Waste/Resource Management Infrastructure**

8 Local Development Plans should be based on a number of considerations, including:

- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure.

### **Highland Area Local Plan 2000**

- 9 The application site is located within the landward area of the plan.
- 10 The principle relevant policies are in summary: -

#### **Policy 1 Sustainable Development**

- 11 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development: -
- (a) The consumption of non-renewable resources should be at levels that do not restrict the options for future generations.
  - (b) Renewable resources should be used at rates that allow their natural replenishment.
  - (c) The quality of the natural environment should be maintained or improved.
  - (d) Where there is great complexity or there are unclear effects of development on the environment, the precautionary principle should be applied.
  - (e) The costs and benefits (material and non-material) of any development should be equitably distributed.
  - (f) Biodiversity is conserved.
  - (g) The production of all types of waste should be minimised thereby minimising levels of pollution.
  - (h) New development should meet local needs and enhance access to employment, facilities, services and goods.

#### **Policy 2 Development Criteria**

- 12 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework, should have regard to the

scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

### **Policy 3 Landscape**

- 13 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. The Council will assess development that is viewed as having a significant landscape impact against the principles of the Tayside Landscape Character Assessment produced by Scottish Natural Heritage.

### **Policy 5 Design**

- 14 The Council seeks high standards of design throughout the plan area for all development. In particular encouragement will be given to: -
- (a) The use of appropriate and high quality materials.
  - (b) Innovative modern design incorporating energy efficient technology and materials.
  - (c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
  - (d) Ensuring that the proportions of any building are in keeping with its surroundings.
  - (e) Ensuring that the development fits its location.

### **Policy 7 Flood Risk**

- 15 Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted. For the purposes of this policy flood risk sites will be those which are judged to lie within:-
- (a) Areas which flooded in January 1993.
  - (b) Sites which lie within a flood plain.
  - (c) Low lying sites adjacent to rivers, or to watercourses which lead to categories a and b above.

### **Policy 17 Nature Conservation**

- 16 The Council will seek to protect and enhance habitats of local importance to nature conservation including grasslands, wetlands, peatlands and habitats which support endangered species.

### **Policy 26 Archaeology**

- 17 The Council will seek to protect unscheduled sites of archaeological significance and their settings.

### **Policy 30 Tourism and Recreation**

- 18 New tourist related development will be supported where it can be demonstrated that it:-

- (a) Meets a new market or extends the season.
- (b) Will not adversely affect landscape or nature conservation interests.
- (c) Will only generate traffic appropriate to its location.
- (d) Offers the potential to generate additional employment opportunities.
- (e) Makes good use of the public transport network, particularly rail.

19 Encouragement will be given to development which improves the quality of existing tourist facilities providing it is consistent with other Local Plan policies.

**Policy 47 Agricultural Diversification**

20 Encouragement will be given to farms wishing to diversify their business particularly where this will generate additional employment, provide additional tourism facilities or accommodation, all subject to criteria.

**Policy 54 Housing in the Countryside**

21 The District Council's District wide policy on Housing in the Countryside will apply within most of the Landward Area.

22 In the western half of the landward area, as shown on Proposals Map 1, Consent may be granted for houses within scattered but recognisable building groups or places subject to specific criteria.

**PERTH AND KINROSS PROPOSED LOCAL DEVELOPMENT PLAN 2012**

23 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

24 The principal relevant policies are as follows:

**Policy PM1 Placemaking**

25 Development must contribute successfully to the quality of the surrounding built and natural environment

**Policy PM3 Infrastructure Contributions**

26 Refers to education contribution below.

**Policy RD3 Housing in the Countryside**

27 Refers to Housing in the Countryside Policy 2009.

### **Policy ED3 – Rural Business and Diversification**

- 28 The Council will give favourable consideration to the expansion of existing business and creation of new ones in rural areas subject to criteria.

### **Policy NE1 Natural Heritage**

- 29 National, local and European protected species should be considered in development proposals.

### **Policy NE3 Bio Diversity**

- 30 The Council will seek to protect and enhance wildlife and wildlife habitats.

### **Policy EP2 Flooding**

- 31 There will be a general presumption against development where a proposal would increase the probability of flooding elsewhere.

## **OTHER POLICIES**

### **Housing in the Countryside Guide 2012**

- 32 A revised Housing in the Countryside Guide was approved by the Council in 2012. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

### **Affordable Housing Policy**

- 33 This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site however for developments of less than 10 units commuted payments maybe acceptable.

### **Education Contributions**

### **Planning Guidance Note – Developer Contributions May 2009**

- 34 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are

required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

### **Planning Guidance Note – Primary Education and New Housing Development May 2009**

- 35 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

### **SITE HISTORY**

- 36 11/02051/FLL Erection of 3 chalets, associated function suite and a dwelling house – Withdrawn on advice of Planning Officer

### **CONSULTATIONS**

#### **Glenlyon and Loch Tay Community Council**

- 37 Objection on grounds of impact on water supply, sewage disposal, flooding, siting, design, policy, archaeology, natural heritage.

#### **PKC Environmental Health**

- 38 No objection subject to conditions and informative notes regarding noise control and private water.

#### **Perth and Kinross Heritage Trust**

- 39 No objection subject to condition requiring programme of archaeological works.

#### **Scottish Water**

- 40 No objection.

#### **Flood Prevention Officer**

- 41 Initially objected to the application on grounds of potential flood risk, plans have since been amended to raise FFL of plot 3 and objection now withdrawn.

#### **SEPA**

- 42 Initially objected on grounds of flood risk. Objection now withdrawn after receipt of amended plans.

## REPRESENTATIONS

- 43 A total of six letters of representation have been received including that from the Glen Lyon and Loch Tay Community Council, referred to above, during the first advertisement period. Following receipt of amended plans the neighbours were re-notified and a further advertisement placed in the local press. This re-advertisement period attracted one further letter of representation from an individual who had commented during the first advert period.
- 44 The following issues were raised by representations
- Private legal matters
  - Impact on private water supply
  - Drainage
  - Flooding
  - Siting
  - Design
  - Contrary to Policy
  - Impact on archaeology
  - Impact on natural heritage
  - Tourism demand and impact on other similar developments in local area
  - Impact on residential amenity/noise/lighting
  - Impact on visual amenity
- 45 These issues are all raised in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

46	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	None submitted.

## APPRAISAL

### Policy

- 47 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are outlined in the policy section above.

### Principle of Chalets (Plots 1, 3 and 5)

- 48 Policy 32 of the Highland Area Local Plan states that favourable consideration will be given to new chalet development which involves the development of an

existing hotel, guest house, caravan park or timeshare development and does not constitute over development of the site or its setting. The current site is relatively low density with a total of six properties available for holiday let. The additional three chalets proposed are not considered to have any detrimental impact on the density of this area. The site will still retain a low density feel as the chalets are proposed to be well spread out and the locations have been chosen to ensure they are not intervisible with each other. The locations proposed also use the existing woodland, planting and topography to provide a landscape setting for each chalet. The application site is located within the popular Highland Perthshire area and I am satisfied that there will be a demand for this type of accommodation particularly given the proposed expansion of the existing wedding facilities.

- 49 Policy 32 also requires new development to be appropriate in terms of visual amenity and landscape character. Plot 1 is located to the north east of the site close to the A827. It is, however, well contained by existing planting and topography. Additional planting is also proposed to the north east to provide screening from the public road. The proposed chalet is also to be relatively small in scale with a height of 5.57m. The finishing materials include natural stone, larch cladding and a natural slate roof, all of which are considered to be appropriate finishing materials for this rural location. Therefore whilst the chalet is close to the public road it will be provided with some screening and the high quality finishing materials will ensure that it will not impact on visual amenity in any case.
- 50 Plot 3 is proposed to be 5.1 metres in height and again utilises appropriate finishing materials. It is proposed to be sited on a sloping area of land adjacent to the Craggantoul Burn. This will involve some cut and fill. Similar to plot 1 the site is surrounded by existing trees which will provide screening and landscape setting for the chalet. Some additional planting is also proposed. Similar to plot 1 I am satisfied that the design and scale can be accommodated on this site successfully.
- 51 Plot 5 is the largest of the proposed chalets and has a similar design and finish to plot 3. It is proposed to be located to the south west of Craggantoul House and whilst in a more open site than the chalets above it still benefits from existing tree screening which will provide an appropriate landscape setting.
- 52 I am satisfied that the design and scale of these chalets can be successfully accommodated within the application site and that the sites for each chalet have been carefully considered based upon existing topography and landscape setting. I do not share the objector's view that the chalets should be grouped together. I therefore consider the chalets to comply with the Development Plan.

### **Principle of Function Suite (Plot 4) and Economic Development**

- 53 Policy 47 which relates to agricultural diversification states that encouragement will be given to farms wishing to diversify their business particularly where this will generate additional employment subject to criteria. This is reinforced in policy ED3 of the Proposed Local Development Plan. The existing site already has an established tourism based use and I consider the introduction of

additional facilities which will compliment the existing tourism accommodation to be welcomed. I note that letters of representation state that other locations in the area also provide for weddings, however does not prevent a further facility cannot be accommodated in the area. Furthermore the presence of competition is not a material planning consideration. This proposal will generate additional employment in the area and the wedding aspect of the proposal will also tie in with existing businesses in the area to boost the wider economy.

- 54 Policy 47 also requires any new development to relate successfully to the existing buildings and character of the area. The proposed function suite is a unique design and is proposed to be partially buried into the sloping land to the south of Craggantoul House. It is proposed to have a grass roof with one open elevation facing south east affording views onto Loch Tay. The burying of the building partially into the hillside will help to reduce its scale when viewing from the immediate surroundings. The glazed front facing south east is proposed to be only 3.7 metres in height which is to be almost entirely glazed. Zinc ridges are proposed as well as natural stone either side of the glazing. I consider the design proposed makes good use of the existing topography to provide a large scale function suite which will have minimal impact on visual amenity and landscape character.

### **Principle of Dwellinghouse (Plot 2)**

- 55 Policy 54 of the Highland Area Local Plan relates to Housing in the Countryside and the Housing in the Countryside Guide 2012 (HICP) provides an updated policy position regarding the erection of houses in the countryside. Category 3.3 of the HICP states that consent may be granted for a house for a key worker associated with either an established or proposed economic activity. The applicant is required to demonstrate that there is a need for the house. The applicant has submitted a supporting document which states that due to the nature of the site the applicant requires to be on site to manage larger wedding events particularly as these take place outwith normal working hours and into the evening. The applicant proposes to relocate his family to this house. It is noted that the existing Craggantoul House is of a size capable of accommodating the family, however the supporting document indicates that this is a key part of their marketing for the site and part of the draw for weddings and explains its unique features. The applicant therefore states that he does not wish for this house to be occupied by his family and would prefer for it to be available for wedding guests.
- 56 Given that operations on the site will intensify and the nature and timings of weddings I am satisfied that there is a reasonable justification for a further private dwellinghouse on the site. However, as required by policy, the occupation of this dwellinghouse should be restricted by condition to ensure that it is only occupied by a person employed at Craggantoul. Furthermore given that part of the justification for this house relates to the proposed economic development of the site I consider it prudent to include a condition which restricts the occupancy of this new dwellinghouse until the function suite and all three chalets have been completed and are available for use, as outlined within the HICP.

- 57 The proposed dwellinghouse is relatively large scale with a ridge height of 7.8 metres. It is proposed to have a “T” shaped footprint. The house is proposed to sit to the south of an existing linear rock outcrop which is referred to in the archaeology section below. The presence of this outcrop will provide screening for the dwellinghouse from the public road and a landscape setting. The section drawing provided with the application demonstrates that the ridge of the dwellinghouse is similar in height to the rock outcrop. Whilst the proposed house is large, I believe it can be accommodated on this site successfully.

### **Impact on Residential Amenity**

- 58 The site is already established as a tourism use which caters for weddings. Whilst the additional accommodation and function suite will inevitably result in increased activity on the site I am satisfied that the site is remote enough from neighbouring properties to ensure the impact on residential amenity will be minimal. The function suite is proposed centrally within the site, a considerable distance from the application site boundary. There is likely to be amplified music from this function suite; however its design, partially underground will help to minimise noise escape. Furthermore, a condition is recommended to ensure that amplified music from the building is not perceptible in neighbouring residential properties which will ensure the Planning Authority retains reasonable control over the use in the interests of residential amenity.

### **Flooding**

- 59 SEPA and the Council’s Flood Prevention Officer initially objected to the application on grounds of flood risk, particularly in relation to plots 1 and 3 which were located within SEPA’s 1 in 200 year flood map. The Flood Prevention Officer visited the site and established that plot 1 is significantly above the watercourse and therefore not at risk from flooding. Plot 3 has been relocated outwith the flood area and SEPA and the Flood Prevention Officer have now withdrawn their objection.

### **Drainage**

- 60 The site is to be served by a partial connection to an existing septic tank and new septic tanks which are to be connected to soakaways. SEPA regulations dictate requirements for private drainage systems and these will ensure that the water environment will not be detrimentally impact upon by private drainage systems. The proposed drainage arrangements in terms of planning policy in this location are considered acceptable and the relevant SEPA regulations which the applicant is required to comply with will ensure impact on neighbours is minimised.

### **Private Water Supplies**

- 61 The site is proposed to be served by a private water supply. The use of a private water supply within a rural area is considered appropriate. The Council’s Environmental Health Department have been consulted. The development is in a rural area with private water supplies (namely Craggantoul supply) known to serve properties in the vicinity. The applicant has indicated

that they will connect to this existing private water supply. To ensure the new development has an adequate and consistently wholesome supply of water and/or to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance an informative note is recommended to be attached to any consent given.

### **Private Legal Matters**

- 62 A letter of representation has raised concerns regarding a right of access to an electricity cable and boundary issues adjacent to plot 2. Whilst I acknowledge the neighbours concerns regarding these aspects, these are private legal matters between the applicant and the neighbour and is not a relevant material planning consideration.

### **Natural Heritage**

- 63 The Council's Bio Diversity Officer has been consulted on the proposal and some revisions to the locations of buildings and access routes have been made to minimise the impact on trees and tree roots. I am satisfied that the overall development will have a minimal impact on natural heritage. It is recommended that conditions are attached to any consent given to ensure suitable protective tree fencing is erected during construction and that all accesses are constructed to minimise impact on tree roots.

### **Education**

- 64 The application site is located within the catchment area for Kenmore Primary School. Education and Children's Services have indicated that this school is currently at capacity and therefore the Developer Contributions Guidance Note applies. This allows for a developer to make a contribution towards upgrading education infrastructure to allow development to be released. The private dwellinghouse proposed is the only unit on the site which will attract a contribution as the other units will be restricted to be occupied as holiday accommodation only. A contribution of £6395 is therefore required.

### **Traffic/Access**

- 65 The application site is proposed to be accessed using the existing access from the A827 public road. Transport Planning have been consulted and offered no objection to the proposal.

### **Archaeology**

- 66 The application site is located within an archaeologically sensitive area. The North shore of Loch Tay has a rich archaeological heritage. There are hundreds of known archaeological and historical sites, many of which are designated as nationally important scheduled monuments.
- 67 There are three known archaeological sites located within the proposed development site. Craggantoul Farmstead (MPK 17308) is depicted in John Farquharson's 1769 Survey of the North Side of Loch Tay. This consisted of

two buildings and two enclosures. The farmstead appears to have been destroyed by the date of the 1st edition of the OS 6-inch map. Remains of these buildings may survive within the development site. Prehistoric archaeological remains are also present in the form of two cup marked stones (MPK 5216 and MPK17340). MPK 5216 consists of a long narrow ridge of outcrop rock with at least a hundred well defined cup marks, averaging 7.5cms in diameter and 5cms deep.

- 68 It is recommended by Perth and Kinross Heritage Trust that a programme of archaeological works be undertaken prior to the development proceeding to evaluate whether there are archaeological remains present within the development site and to help inform further mitigation strategies if deemed necessary. It is also recommended that the cup marked stones MPK 5216 and MPK17340 are fenced off during construction works associated with the proposed development to ensure that no accidental damage is caused to these sites.

### **Precedent**

- 69 A letter of representation raises concerns regarding setting of a precedent for further development in this area, infilling between what is proposed within this application. It should be noted that any application submitted will be considered on its own planning merits at the time of submission and the granting of any planning consent here will have no bearing on any further application submitted.

### **LEGAL AGREEMENTS**

- 70 Provision of education contribution of £6395 can be secured by means of a Section 75 Agreement but in this instance the applicant has indicated the intention to pay this contribution upfront.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 71 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Highland Area Local Plan and Tayplan 2012. I have taken account of material considerations, including the Proposed Local Development Plan 2012 and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

#### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

- 2 The holiday chalets (plots 1, 3 and 5) hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.
- 3 The dwellinghouse (plot 2) hereby approved under this consent shall remain in the same ownership as Craggantoul Farm. The dwelling shall be occupied only by a person employed or last employed at Craggantoul Farm (but including a widow or widower of such a person) all to the satisfaction of the Council as Planning Authority.
- 4 The dwellinghouse (plot 2) hereby approved shall only be occupied upon completion of the approved chalets and function suite all to the satisfaction of the Council as Planning Authority.
- 5 No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Perth and Kinross Heritage Trust.
- 6 No development shall take place until fencing has been erected, in a manner to be agreed with Perth and Kinross Heritage Trust and the planning authority about MPK5216 and MPK17340. Also, no works shall take place within the area inside that fencing without the prior agreement of the Planning Authority and Perth and Kinross Heritage Trust.
- 7 The soundproofing of the premises and the control of all amplified sound shall be such that no amplified sound is perceptible in any nearby noise-sensitive property.
- 8 Prior to the commencement of any development on site a detailed specification of all proposed finishing materials shall be submitted for the written approval of the Planning Authority. The details, as approved, shall be implemented as part of the site development.
- 9 All trees marked for retention on the approved plans shall be protected with all measures complying with the recommendations of BS 5837: 2012 Trees in Relation to Design, Demolition and Construction. All protective tree fencing required by this condition shall be erected prior to the commencement of any other works on site and shall remain in place for the duration of construction works.
- 10 All replacement planting outlined on the plans hereby approved shall be planted during the development of the site and completed in its entirety prior to the occupation of the relevant part of the site to which the planting relates. Any planting failing to establish after 5 years shall be replaced in the following

planting season with others of similar size and species to the satisfaction of the Planning Authority.

- 11 All footpaths and driveways adjacent to trees shall be constructed using a geo textile membrane to ensure the roots of retained trees are not damaged.

### **Reasons**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 To ensure the units are occupied as holiday accommodation only and to comply with the relevant Development Plan policy.
- 3 In order to restrict the occupancy of the dwellinghouse which has been approved solely as workers accommodation.
- 4 To ensure compliance with the economic activity category of the Housing in the Countryside Policy
- 5-6 In order to protect archaeological interests on the site
- 7 In the interests of residential amenity
- 8 In the interests of visual amenity
- 9 In order to ensure the protection of retained trees and in the interests of visual amenity
- 10 In the interests of visual amenity and to ensure the approved landscaping is planted within a reasonable timescale
- 11 In order to protect the roots of retained trees.

### **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

### **C PROCEDURAL NOTES**

No consent shall be issued until the applicant has a paid a contribution of £6395 toward education infrastructure in the local area.

### **D INFORMATIVES**

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 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).
- 4 The applicant shall ensure the private water supply for the house /development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks / pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 No consent shall be issued until the applicant has paid £6395 toward Education Infrastructure.

Background Papers: Seven letters of representation from a total of 6 households/bodies

Contact Officer: John Williamson – Ext 75360

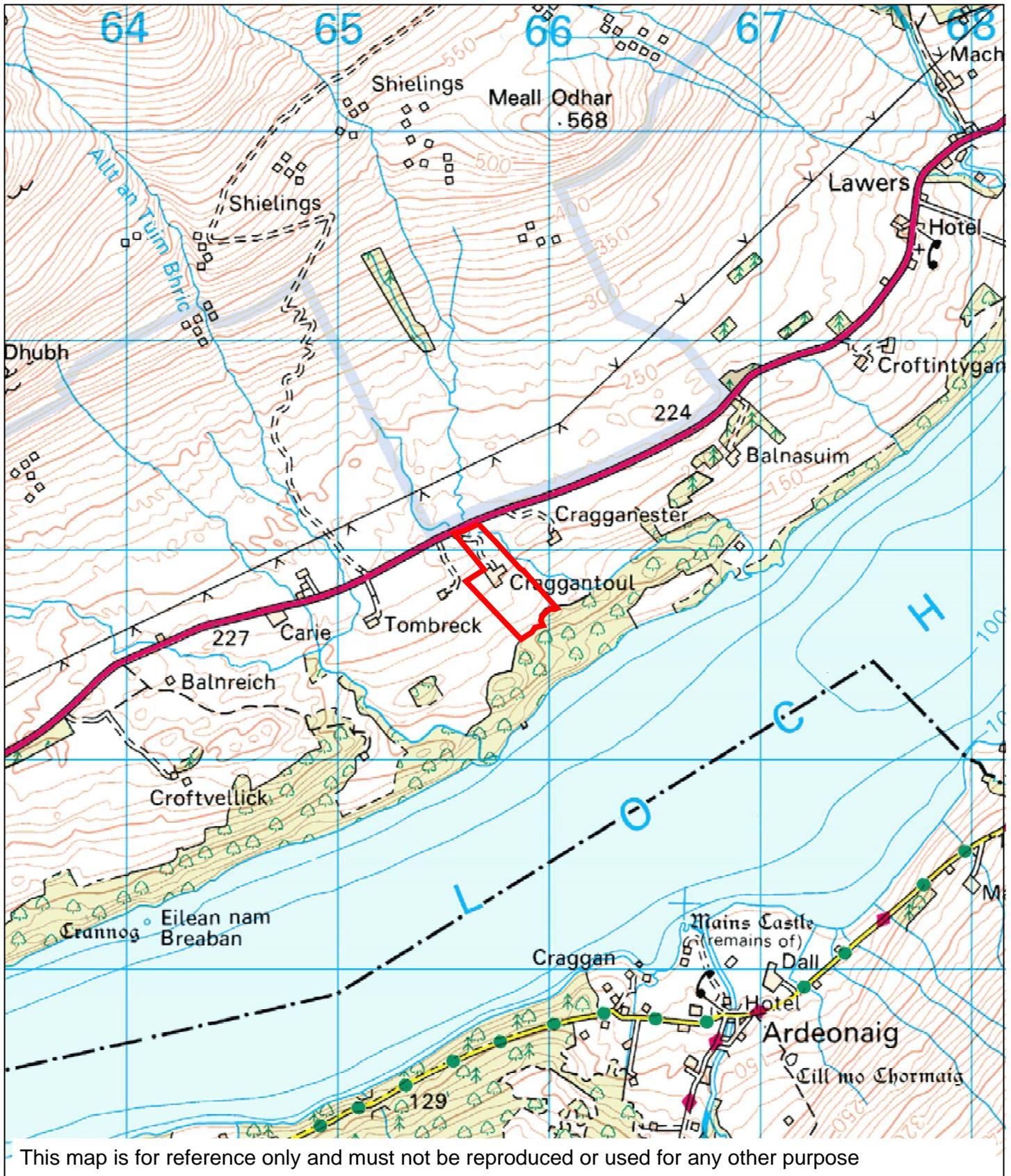
Date: 22 July 2013

**Nick Brian**  
**Development Quality Manager**

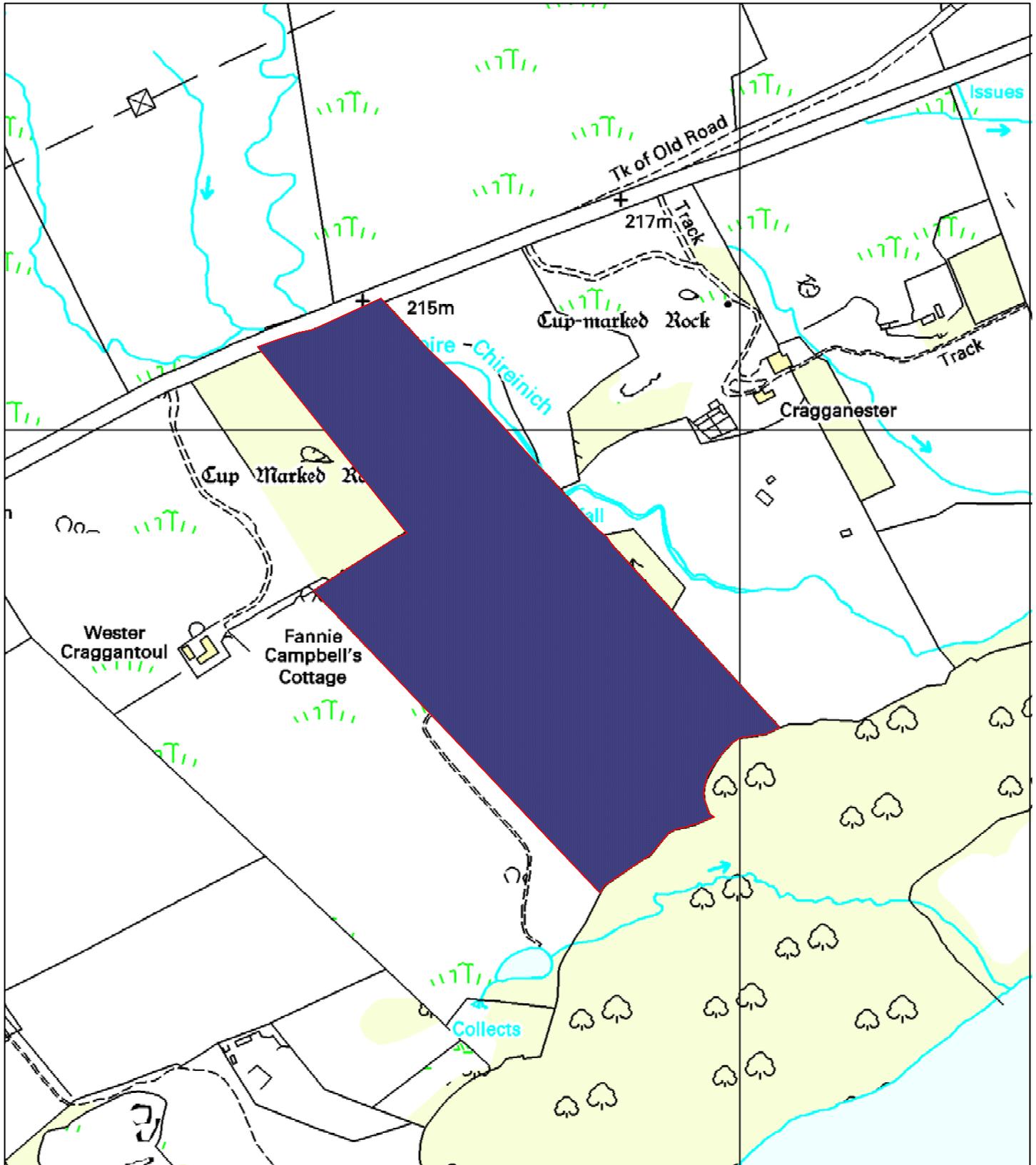
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↑ Scale  
1:25000



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↑ Scale  
1:5001