

Perth and Kinross Council
Development Management Committee – 14 May 2014
Report of Handling by Development Quality Manager

Rehabilitation and reinstatement of land at former quarry and erection of 38 leisure lodges at Kenmore Quarry, Kenmore, Aberfeldy PH15 2LS

Ref No: 14/00239/FLM
Ward No: 4 Highland

Summary

This report recommends approval of the application for the rehabilitation and reinstatement of land and erection of 38 leisure lodges and associated landscaping on land of the former Kenmore Quarry as the proposal complies with the development plan if made subject to a conditional control.

BACKGROUND

- 1 The application site is a 3.76 hectare former sand and gravel quarry located two miles outwith Kenmore village along the public road (B846) to Comrie Bridge. Because of its location and its former use the site is classified as rural brownfield.
- 2 The public road (B846) forms the boundary to the site to the north west and separates the site from the foot of Drummond Hill and its forest to the west. The River Tay runs immediately south east of the site, with an area of tree cover and vegetation along a steep bank forming the boundary. There are small areas of ancient woodland to the north east and south west of the site. There is an existing access into the site at the south west corner. Immediately north of the site are two dwellings, a showroom for wood burning stoves, a craft centre and café.
- 3 The site lies within the Taymouth Castle Designed Garden and Landscape. The River Tay is a designated Special Area of Conservation (SAC). Rustic Lodge which is a Category A listed property is located across the road immediately north west of the site but is in a poor state of repair.
- 4 The application site was in use until 2013 as a sand and gravel quarry and as a storage area for materials prior to recycling. The site has not been in use since this date and there is a requirement as part of SEPA's licencing for the reinstatement of the quarry should this application be unsuccessful.

PROPOSAL

- 5 Following any site decontamination and the importing of uncontaminated top soil to raise the level of the quarry by 3 to 5 metres, 38 Leisure Lodges are proposed to be located within the former quarry. The lodges will be between 4 metres and 5.5 metres below the level of the public road. Each lodge will be a single storey two bedroom units and will have a footprint of 67.8 sqm. In terms

of exterior materials each lodge will have timber clad walls and corrugated profile sheet roofing. The distance between each lodge will be at least 18 metres with significant landscaping in between. No formalised garden areas are proposed for the lodges but they will have 2 car parking spaces to the side of each lodge.

- 6 All the lodges will be constructed off site with only utility connections, foundations, roads and landscaping being performed on site. Foul drainage is proposed to be via the mains drainage in Kenmore. Refuse and recycling facilities are proposed to be located at the entrance to the site.
- 7 Vehicular access will be via the existing access to the quarry. The stone wall at the entrance and along the roadside boundary will be made good. The roads throughout the site will be 3.7 metres wide and the external lighting will be dark bollard lighting to reduce light spillage. No street lighting is proposed throughout the site.
- 8 A rural buffer zone is proposed at the northern end of the site to screen and protect both Rustic Lodge and the neighbouring properties. The buffer zone is proposed to be around 4,000 sqm. A significant amount of open space and tree planting is also proposed in between each lodge.
- 9 In terms of access for pedestrians and cyclists pathways are proposed to connect with the existing network including the core path along the river bank that lead to Kenmore Village.

Environmental Impact Assessment (EIA)

- 10 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale project to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 12 A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case due to the projects size, nature and location an Environmental Statement was required.

PRE-APPLICATION CONSULTATION

- 13 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland)

Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The contents of the PAN were subsequently agreed by the Council under 12/00005/PAN.

- 14 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the content of the measures agreed through the Proposal of Application Notice.

NATIONAL POLICY and GUIDANCE

- 15 The Scottish Government expresses its planning policies through the National Planning Framework 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework

- 16 The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. 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.

The Scottish Planning Policy 2010

- 17 The 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.
- 18 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraph 25: Determining planning applications
 - Paragraph 33: Sustainable Economic Growth
 - Paragraphs 34 – 44: Sustainable Development and Climate Change
 - Paragraphs 77 - 84: Location and Design of New Development

- Paragraphs 110 – 112: Historic Environment
- Paragraph 123: Archaeology
- Paragraphs 125 – 148: Landscape and Natural Heritage
- Paragraphs 149 – 158: Open Space and Physical Activity
- Paragraphs 165 – 176: Transport
- Paragraphs 196 – 211: Flooding and Drainage
- Paragraph 215: Waste Management
- Paragraph 255: Outcomes

19 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 33 Development of Contaminated Land
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

DEVELOPMENT PLAN

20 The Development Plan for the area consists of the TAYplan Strategic Development Plan Approved June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAY plan Strategic Development Plan June 2012

21 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”

Policy 2: Shaping Better Quality Places

22 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation

technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 23 Seeks to further assist in growing the year round role of the tourism sector and understand and respect the regional distinctiveness by safeguarding habitats, watercourses, floodplains, species and wildlife, landscapes, archaeology, historic buildings and monuments.

Policy 8: Delivering the Strategic Development Plan

- 24 States, *"To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010"*.

Perth and Kinross Local Development Plan February 2014

- 25 The site lies outwith any settlement boundaries and the principal relevant policies are in summary:

Policy PM1A: Placemaking

- 26 Development must contribute positively, to the quality of the surrounding built and natural environment respecting the character and amenity of the place.

Policy PM1B: Placemaking

- 27 All proposals should meet a series of placemaking criteria.

Policy PM2: Design Statements

- 28 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 ED3: Rural Business and Diversification

- 29 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

Policy ED4C: Caravan Sites, Chalets and Timeshare Developments

- 30 Favourable consideration will be given to new chalet and timeshare / fractional ownership developments where it is clear that these cannot be used as permanent residences and where they satisfy the criteria set out.

Policy ED5: Major Tourism Resorts

- 31 The improvement or expansion of Major Tourism Resorts will be encouraged, and the landscape setting which is integral to their tourism offer will be protected.

Policy TA1: Transport Standards and Accessibility Requirements

32 TA1A

Encouragement will be given to the retention and improvement of transport infrastructure identified in the plan.

33 TA1B

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 CF1B: Open Space within New Developments

- 34 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate.

Policy CF2: Public Access

- 35 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1 Scheduled Monuments and Non Designated Archaeology

36 HE1A

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

37 HE1B

Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ.

Policy HE2 Listed Buildings

- 38 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable

them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

Policy HE4 Gardens and Designed Landscapes

- 39 The integrity of sites included on the inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1: Environment and Conservation Policies

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

41 NE1A – International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE2A: Forestry, Woodland and Trees

- 42 Support will be given to proposals 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 NE3: Biodiversity

- 43 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out.

Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

- 44 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

Policy EP2: New Development and Flooding

- 45 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere

Policy EP3B: Foul Drainage

- 46 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer.

A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3: Surface Water Drainage

- 47 All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP5: Nuisance from Artificial Light and Light Pollution

- 48 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8: Noise Pollution

- 49 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP12: Contaminated Land

- 50 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

51 Policy EP15: Development within the River Tay Catchment Plan

The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment Area.

OTHER POLICIES

- 52 In addition the following documents are relevant in the determination of the application:-

Tayside Landscape Character Assessment (TLCA)

- 53 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The Structure Plan and the newer local plans within the Perth & Kinross Areas (Highland, Kinross and Strathearn Plans) make it clear that the TLCA will be a 'material consideration' when considering any proposal in Perth & Kinross. The TLCA suggests that the overall aim of any management strategy should reflect the sensitivities of the landscape and to protect it from inappropriate development.

Planning Site History

- 54 00/00009/MW: Planning application for the extraction of sand and gravel, temporary storage of materials prior to recycling, recycling of materials and further storage prior to dispatch. Approved April 2000.
- 55 05/00137/FUL: Planning Application for the erection of new wastewater treatment works. Withdrawn February 2005.
- 56 05/00310/FUL: Planning Application for the erection of new wastewater treatment works. Withdrawn July 2005.
- 57 09/01346/FLM: Temporary storage of materials prior to recycling and storage prior to dispatch, extraction of sand and gravel and landfill. Minded to approve December 2009 but S75 Legal agreement not signed requiring reinstatement of quarry.
- 58 12/00850/SCRN: Screening Opinion submitted for the rehabilitation and reinstatement of Kenmore Quarry. March 2012.
- 59 12/00005/PAN: Planning Application Notice submitted for the rehabilitation and reinstatement of Kenmore Quarry and erection of 74 lodges. August 2012.
- 60 12/02208/SCOP: Scoping Opinion submitted for the rehabilitation and reinstatement of Kenmore Quarry. December 2012.
- 61 13/01469/FLM: Erection of 38 permanent residential lodges. Withdrawn January 2014.

CONSULTATIONS

- 62 **Scottish Environment Protection Agency:** No objection provided conditions are applied to the decision notice regarding the following:
- Finished floor levels to be above the design flood level and include a freeboard allowance;
 - Finished ground levels to slope away from each lodge to prevent surface water ponding.
 - Measures in place to intercept surface water run off that might enter the site from the road and higher ground.
- 63 **Scottish Water:** No objection to proposal. Applicant will be required to fund connection to the public sewer network.
- 64 **Scottish Natural Heritage:** No objection provided a condition is applied to the decision notice requiring the development to be undertaken strictly in accordance with a detailed Construction Environmental Management Plan (CEMP). SNH are content with the scope of the CEMP suggested by the applicant within the Environmental Statement.

- 65 **Transport Scotland:** No objection as the percentage increase in traffic on the trunk road network will cause minimal environmental impact.
- 66 **Historic Scotland:** No objection to the proposal and are supportive of the rural buffer zone across the road from Rustic Lodge.
- 67 **Forestry Commission:** No objection to the proposal.
- 68 **Perth and Kinross Heritage Trust:** No objection to the proposal.
- 69 **Flood Risk:** No objection provided the conditions recommended by SEPA are imposed.
- 70 **Environmental Health:** No objection provided a condition is applied to the decision notice requiring a scheme to deal with on-site contamination has been submitted to and approved by the Planning Authority prior to the commencement of development.
- 71 **Education & Children Services:** No objection provided properties are not used for permanent residence. Based on designs and information submitted, this is unlikely to occur.
- 72 **Affordable Housing:** No objection provided properties are not used for permanent residence. Based on designs and information submitted, this is unlikely occur.
- 73 **Biodiversity Officer:** Has agreed with the recommendations within the Environmental Statement for further protected species surveys prior to construction and has recommended specific conditions.

REPRESENTATIONS

- 74 The application has attracted four letters of representations within the consultation period against the proposal (from separate addresses). Two letters of representation were submitted after the consultation period expired.
- 75 The issues raised by objectors are summarised as follows:
- Contrary to Housing in the Countryside
 - Contrary to Local Development Plan
 - Over development of site.
 - Inappropriate location/land use
 - Flood risk
 - Light pollution
 - Noise pollution
 - Loss of open space
 - Impact on neighbouring land uses.
 - Impact on infrastructure especially drainage.
 - Loss of amenity, privacy and overlooking.
 - Impact on roads, unsafe access, congestion, road safety.

Response to issues

- 76 The appraisal section of this report responds to the material planning concerns raised.

ADDITIONAL STATEMENTS

77	Environment Statement	Submitted
	Screening Opinion	Undertaken
	Environmental Impact Assessment	Submitted
	Appropriate Assessment	Submitted
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Planning Assessment; Transport Assessment within EIA

APPRAISAL

Policy Appraisal

- 78 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of TAYplan Strategic Development Plan 2012 and the Perth and Kinross Council Local Development Plan 2014.
- 79 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary guidance; or if there are any other material considerations which justify a departure from policy.

Local Development Plan

- 80 The adopted Perth and Kinross Local Development Plan 2014 does not allocate the site for any specific use class. Because it is located outwith the settlement boundary of Kenmore and its former use as a quarry, the site is classified as rural brownfield.
- 81 The proposed 38 leisure lodges are proposed to meet the growing demand for holiday style chalets in rural locations with easy access to outdoor pursuits such as hill walking, mountain biking etc. Because the proposal is essentially a rural tourism proposal within the Mains of Taymouth Estate, Policy ED3 - Rural Business and Diversification; Policy ED4 - Caravan Sites, Chalets, and Timeshare Developments; and Policy ED5 - Major Tourism Resorts are all applicable.
- 82 Mains of Taymouth Estate is a major tourism resort and significant employment provider in the area. It plays a significant role in the local, national and

international tourism economy. Policy ED5 supports the improvement or expansion of such resorts provided the landscape setting will be protected. The proposal complies with this policy provided the development is carried out in strict accordance with a Construction Environmental Management Plan (CEMP). SNH have raised no issues provided a detailed CEMP meeting the scope specified in the applicants Environmental Statement is submitted to and approved by the Planning Authority prior to the commencement of development. The requirement for a CEMP can be secured through conditional control.

- 83 Policy ED4C supports new chalet type developments where it is clear they will not be used for permanent residential purposes. The location, layout, design, materials and information contained within the submitted business plan suggests that it is highly unlikely that the proposed lodges will be suitable for all year round permanent residency. Occupants of each lodge will be required to meet the terms of the Mains of Taymouth Estates Management Agreement prior to occupancy. Conditional control will ensure the Council can view and approve each management agreement. This procedure has been used in recent years for other Mains of Taymouth Estates and there have been no reported issues. Therefore the proposal is considered to comply with Policy ED4C.
- 84 Policy ED3 Rural Business and Diversification supports the expansion of existing rural businesses and the creation of new ones. Sites outwith settlements may be acceptable if related to a site specific opportunity and contribute to the local economy through the provision of jobs, visitor accommodation and help extend the tourism season.
- 85 The development of 38 leisure lodges is an expansion of the Mains of Taymouth Estates tourist accommodation portfolio and will involve the rehabilitation of a derelict site close to numerous outdoor activity pursuits. The business plan shows that during development 50 jobs will be created. The lodges will be constructed in Aberfeldy, providing 6 new jobs and once the site is operational will lead to 11 full time jobs and add over £2 million per annum to the local and regional economy. It is considered that the lodges and their location close to walking and mountain biking routes will help extend the tourism season into the winter months. Based on the above it is considered that the proposal complies with LDP Policy ED3.

Design and Layout

- 86 The proposal consists of 38 single storey detached lodge houses set in amongst a rehabilitated former quarry, with large areas of landscaping and planting in between each lodge. It is considered that the proposal for 38 lodges within 3.67 hectares is very low density. The lodge houses are of traditional chalet design that has been sensitively located within the site to fit into the existing landscape and will have minimal impact on the surrounding area or land uses.

- 87 It is considered that the proposed development of this rural brownfield site and will provide a positive impact on the surrounding built and natural environment and complies with Policy PM1 Placemaking as the design, density and siting of the lodges respects the character and amenity of the place with improved connections and new landscaping and planting. Samples of the building material colours should be submitted for agreement with the planning authority and this can be secured through conditional control.

Flooding and Drainage

Surface Water

- 88 Scottish Environmental Protection Agency (SEPA) has been consulted on the proposal and offers no objection subject to conditional control to ensure any surface water flood risk is mitigated. SEPA are satisfied that the proposed minimum finished ground level will be above a significant risk of flooding from the adjacent River Tay. They also confirmed that there is no significant risk of flooding to the development from groundwater.
- 89 SEPA confirmed there may be a risk of some surface water flooding onto the site from the higher slopes of Drummond Hill across the road. They advised that this risk can be mitigated by raising the finished floor levels of the proposed lodges above the surrounding ground levels and constructing a drain to intercept any surface water entering the site. Minimum finished floor levels should include a 600 mm freeboard allowance above the estimated 0.5% AP (1:200) flood level in the River Tay and including an allowance for the impact of climate change. SEPA also strongly recommend that the ground levels should slope away from the individual lodges to prevent surface water ponding around the buildings.
- 90 The Councils Flood Risk Team have confirmed they are in agreement with SEPAs requirements and this can be secured through conditional control. The proposal therefore complies with LDP Policy EP2 – New Development and Flooding and Policy EP3C – Surface Water Drainage as the proposals will be above the functional flood plain and drainage will be put in place to prevent surface water flooding from Drummond Hill.

Foul Drainage

- 91 Scottish Water has been consulted on the application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their infrastructure in Kenmore. Scottish Water's connection requirements will ensure that foul flows are connected to the public drainage network and that the proposal will comply with LDP Policy EP3B – Foul Drainage.

Contaminated Land

- 92 Desktop research undertaken by Environmental Health indicates that the proposed development is on land identified as being a landfill and a quarry.

While some information regarding contamination at the site has been provided it is considered that further information is required in order to fully assess the risk from contamination. To ensure the proposal complies with LDP Policy EP12 - Contaminated Land, they recommend conditional control to ascertain if contamination is present and whether a remediation strategy requires to be deployed.

Ecology & Biodiversity

- 93 The proposed development is located adjacent to the River Tay which is designated as a Special Area of Conservation (SAC) because of its important population of Atlantic salmon, otters, brooks, sea and river lamprey. SNH consider that there is potential for salmon and lamprey to be affected by sediment and pollutant release during the construction period. To mitigate this SNH recommend that a detailed Construction Environmental Management Plan (CEMP) is strictly adhered to during construction. SNH are content with the approach specified within the applicants Environmental Statement (Appendix 10). The submission of and strict adherence to a Construction Environmental Management Plan (CEMP) can be secured and enforced through conditional control.
- 94 As part of the Environmental Statement, an otter, red squirrel, badger, pine marten, sand marten, amphibian, reptile, osprey and bat survey was undertaken. The survey showed that otter and sand marten activity exists along the banks of the River Tay and there was evidence of suitable habitats for red squirrels, bats and ospreys in the vicinity of the site. Licences from SNH will be required for activity within the vicinity of otter, squirrel and bat habitats. The applicant proposes that pre-commencement surveys will be undertaken prior to construction and SNH have confirmed they are content with the findings and recommendations within the Environmental Statement. The Councils Biodiversity Officer concludes that the submission of further habitat surveys prior to construction will be required and can be secured through conditional control. The proposal complies with LDP Policy NE3 -Biodiversity as it is considered that the development adhering to a CEMP and SNH licences will in the long term protect and enhance all wildlife and wildlife habitats within the area.
- 95 There are little useful habitats within the quarry area itself and the proposed remediation, landscaping and planting will provide a much improved habitat for many species that exist in the area. The existing trees bordering the site provides some good habitats and the proposed rural buffer zone at the north end of the site will benefit bird and insect species. Due to the significant tree planting and the rural buffer zone within the site, the proposal is considered to comply with Policy NE2 – Forestry, Woodland and Trees as it protects existing trees, establishes new woodland and expands the woodland cover in Perth and Kinross.

Heritage

- 96 The redevelopment and the rehabilitation of the derelict quarry and significant buffer planting is considered that it will have a positive impact on the Taymouth Castle Gardens and Designed Landscape and will not have an adverse impact on the Category A listed Rustic Lodge across the road from the northern boundary of the site. Historic Scotland is content with the proposal and welcomes the rural buffer zone protecting Rustic Lodge. The proposal complies with LDP Policies HE2 - Listed Buildings and HE4 - Gardens and Designed Landscapes.
- 97 There are 3 burial mound located 610 metres away on the other side of the River Tay. Historic Scotland is content that any impact is unlikely to be significant. Therefore the proposal is considered to comply with Policy HE1A - Scheduled Monuments.

Private Amenity Space

- 98 Because the site is proposed to be for leisure/holiday purposes no designated private amenity/garden space is provided for each of the lodges. Nevertheless it is important to ensure that there are no permitted development rights for investors/purchasers of the lodges. This can be secured through conditional control.

Overlooking/Overshadowing

- 99 In this case I do not consider the proposed lodges will result in any overlooking or overshadowing of neighbouring properties due to different site levels, separation distances and the development of a rural buffer in between the lodges and the nearest properties.

Light Pollution

- 100 Light is likely to be emitted from within the proposed lodges and low level bollard lighting along the access road and paths. In this case taking account of its location and proximity to existing built development I do not consider the lighting associated with the proposal would be detrimental to the surrounding environment. The proposal complies with LDP Policy EP5 - Nuisance from Artificial Light and Light Pollution.

Noise

- 101 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.

- 102 In this case I do not consider the proposed lodges will result in any noise pollution issues of neighbouring properties. Environmental Health did not raise any potential noise issues. The proposed development is not considered to be a high generator of noise. The separation distances and the development of a rural buffer in between the lodges and the nearest properties should ensure the proposal will comply with LDP Policy EP8 - Noise Pollution.

Landscape and Visual Impact

- 103 Safeguarding and enhancing landscape character is an important planning objective. It is considered that potential long term visual effects of the proposal will not have a significant impact on the landscape as its visibility is highly restricted owing to the site levels and surrounding screening. The development where views are possible will appear as a number of small lodges set amongst trees. The proposal will involve significant landscaping and planting of a derelict quarry site and will result in the creation of more attractive landscaped area. The proposal complies with LDP Policy ER6 - Managing Future Landscape because it will maintain and enhance the landscape quality of the area.

Transport

- 104 A Transport Statement has been prepared as part of the EIA and this has been audited by Transport Scotland and the Council's Transport Planning team. While the development will generate extra traffic, the trip generation figures for the lodges will result in a minimal increase and can easily be absorbed by the local transport network. No impact is predicted on the trunk road network. Because the lodges will not be used for permanent residential use, the majority of the trips will be off peak.
- 105 As Transport Planning offers no objection to the proposal and Transport Scotland also does not advise against the granting of consent, the proposal is deemed to comply with LDP Policy TA1 - Transport Standards and Accessibility Requirements.

Affordable Housing and Primary Education Contributions

- 106 The Council's Affordable Housing Officer and Education and Children's Services have confirmed they are satisfied that because of the design and layout of the lodges and information submitted with the application that the lodges are unlikely to be used on a permanent residency basis. As a result no contributions will be required in this instance.

Economic Impact

- 107 It is considered that the impact on the local economy will be reasonably significant. Over the five year period of development and operation it is predicted the proposal will generate a direct income of £9 million providing up to 50 full time jobs. The lodges itself will be constructed in Aberfeldy, requiring the manufacturer to employ four new joiners and two new apprentices.

- 108 Post construction, the development will generate an direct economic impact of over £800,000, per annum leading to the creation of five full time jobs and induce a further £1.27 million of expenditure per annum into the local economy and create six full time jobs.

LEGAL AGREEMENTS

- 109 None required

DIRECTION BY SCOTTISH MINISTERS

- 110 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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

- 111 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 112 In this case it is considered that the application is in accordance with the adopted Development Plan, I have taken account of material considerations and find none that would justify refusing the application. It is considered that the proposal involves the remediation and rehabilitation of a derelict rural site into a use and of a density that is acceptable at the proposed location. The proposed lodges will be sensitively sited and the area will be heavily landscaped. The proposal will have minimal impact on neighbouring properties and land uses. The application is therefore 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 plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the ownership of any lodge house, the applicant shall submit full details of the management/title deeds which links every lodge house to the wider Mains of Taymouth Estate. These details shall be submitted and agreed in writing with the Planning Authority prior to the ownership of any of the properties. Every property on the application site shall enter into this management agreement and be subject to these title deeds. This agreement between the Applicant (or successor) and each property owner shall be maintained in perpetuity.
- 3 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including

the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

- 4 Details of the specification and colour of the proposed external finishing materials to be used shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The scheme as approved shall be implemented prior to the occupation and/or use of the development.
- 5 The lodge houses, hereby approved, shall be connected to the Kenmore Public Drainage system to the satisfaction of the Council as Planning Authority.
- 6 A detailed surface water runoff scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of the dwellings. The scheme shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C697) and should incorporate source control.
- 7 The finished floor levels of the lodge houses shall be at a minimum 600mm above the design flood level (0.5% AP (1:200) including allowance for climate change) and shall include a freeboard allowance to be agreed by the planning authority, in consultation with SEPA.
- 8 Finished ground levels should be designed to ensure they slope away from each lodge house so as to prevent surface water ponding around the buildings.
- 9 Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures

Before any lodge is occupied or in use the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.

- 10 Details of the waste and recycling storage facilities to be located at the site entrance to be submitted to and approved in writing by the Planning Authority prior to occupation or use of the lodge houses. Such drawings shall show the siting, design and capacity thereof. Following approval the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the Planning Authority.

- 11 Prior to the commencement of development, an Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures to control dust arising from site infilling and construction work shall be submitted to and approved in writing by the Planning Authority, thereafter the development shall be undertaken in strict accordance with the approved CEMP.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking and re-enacting that order the proposed lodge houses on the applicant's Drawing 805/P/60 shall not be extended or altered in any way nor any building or means of enclosure erected within the curtilage of the dwellinghouse without an express grant of planning permission from the Planning Authority.
- 13 Prior to the commencement of development details of the infilling and topsoil for the quarry has been submitted to and approved in writing by Planning Authority thereafter the development shall be carried out in accordance with the approved details.
- 14 Prior to the commencement of development a detailed phasing plan of the rehabilitation of the quarry, siting of the lodge houses, proposed landscaping and planting shall be submitted to the Planning Authority for written approval.
- 15 Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved phasing plan for the development. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
- 16 The 'rural zone' indicated on the approved drawing no 805/P60 shall be planted in accordance with the approved landscape plan and completed in accordance with the approved phasing plan. The rural zone shall thereafter be maintained in perpetuity.
- 17 Detailed plans for night time lighting of the proposed development shall be submitted prior to the commencement of development for the approval of the Planning Authority. These plans should be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level.
- 18 Not more than a month prior to the proposed date of commencement of works an updated survey for Otters shall be submitted to the Planning Authority for consideration. Where surveys have identified the presence of otters, such as otter holts and couches the applicant must obtain a licence from Scottish Natural Heritage prior to work commencing.

Where surveys have identified the presence of otters, or otter holts and couches protective fencing, either Heras or Chespale fencing shall be erected not less than 50m from an identified otter holt or couch to ensure no disturbance shall take place within the otter protection zone. Signs will be erected to inform the workforce and public of the exclusion zone.

- 19 Not more than a month prior to the proposed date of commencement of works an updated survey for Red Squirrels within 50m of the site boundary shall be submitted to the Planning Authority for consideration and where surveys have identified the presence of Red Squirrels otters, such as dreys or feeding signs the applicant must obtain a licence from Scottish Natural Heritage prior to work commencing. The applicant must obtain a licence from Scottish Natural Heritage prior to work commencing.

Where it has been identified that Red Squirrels are present the works shall take place between September and February to avoid the breeding season and raising of young. No trees shall be felled within 50m of any dreys to avoid disturbance unless otherwise agreed in writing by the Planning Authority.

- 20 All excavations shall be covered at the end of each working day. Failing which, escape ramps of no more than 45° shall be provide from all open excavations to allow any mammals to exit excavations.
- 21 All exposed pipework shall have ends securely plugged at the end of each working day to prevent accidental ingress of animals.
- 22 Not more than a month prior to the commencement of development an updated breeding survey shall be submitted to the Planning Authority for approval. This will include an area 500m around the site for all Schedule 1 birds.
- 23 No site or vegetation clearance will take place during the bird breeding season, between 1st March and 30 August inclusive. If work is to take place during the bird breeding season then all site clearance must be completed before 1st March unless otherwise agreed in writing by the Planning Authority.
- 24 Prior to the commencement of development the locations of recorded sand martin colonies tarpaulins will be placed to prevent access to the nest sites. Alternative permanent nest sites will be constructed no later than 1st March unless otherwise agreed in writing by the Planning Authority and to a design agreed with the Council as Planning Authority.
- 25 Prior to the commencement of development a series of refugia shall be created with sheets of corrugated metal across the site. These shall be checked in areas where work is being undertaken at the start of each working day and any amphibians or reptiles found removed and placed under refugia where no work is being undertaken.

REASONS:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 To ensure the suitable occupancy of the properties.
- 3 In the interest of highway and pedestrian safety in accordance with the policies of the adopted development plans.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 5-6 To ensure the provision of an acceptable foul drainage system in the interests of the amenity of the area and for the protection of the water environment.
- 7 To ensure there is no flood risk to each lodge house.
- 8 To ensure there is no surface water ponding around the lodge houses.
- 9 To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.
- 10 To encourage the recycling of appropriate waste products.
- 11 To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
- 12 In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.
- 13 To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.
- 14-16 To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority
- 17 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
- 18-25 To safeguard the welfare of any protected wildlife.

B JUSTIFICATION

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

C PROCEDURAL NOTES

1 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 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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 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.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he 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.
- 6 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. 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.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction

and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.

- 8 The applicant is advised that the granting of planning consent 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.
- 9 The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin and recycling storage requirements for the development.
- 11 The applicant is advised the works are likely to need a licence under the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994. The applicant should contact SNH at Battleby Perth (Tel. 01738 444177) in regards to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SNH's Guidance, found at www.snh.org.uk

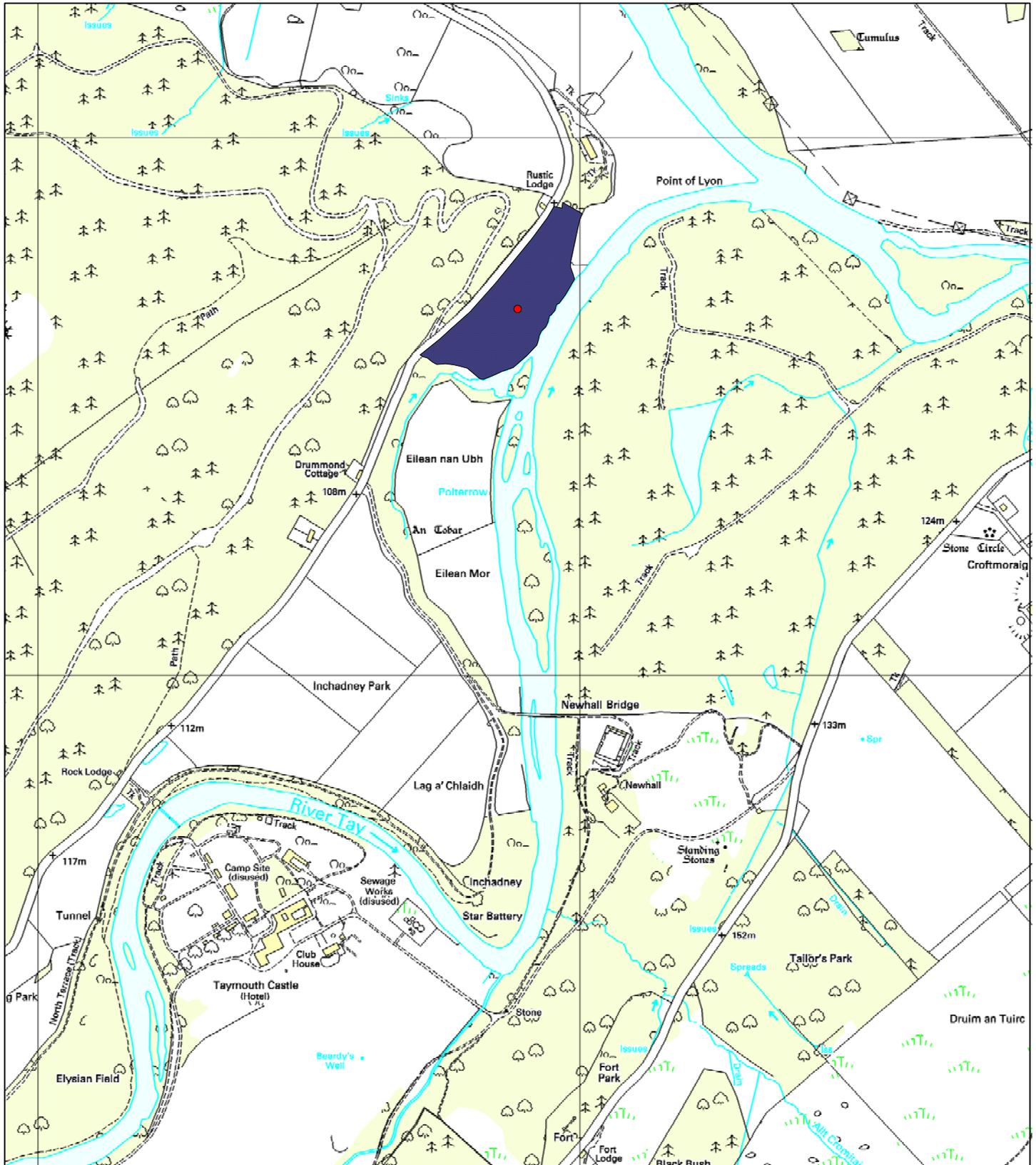
Nick Brian
Development Quality Manager

Background Papers: 5 letters of representation
Contact Officer: Steve Callan Ext 75337
Date: 16 April 2014

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

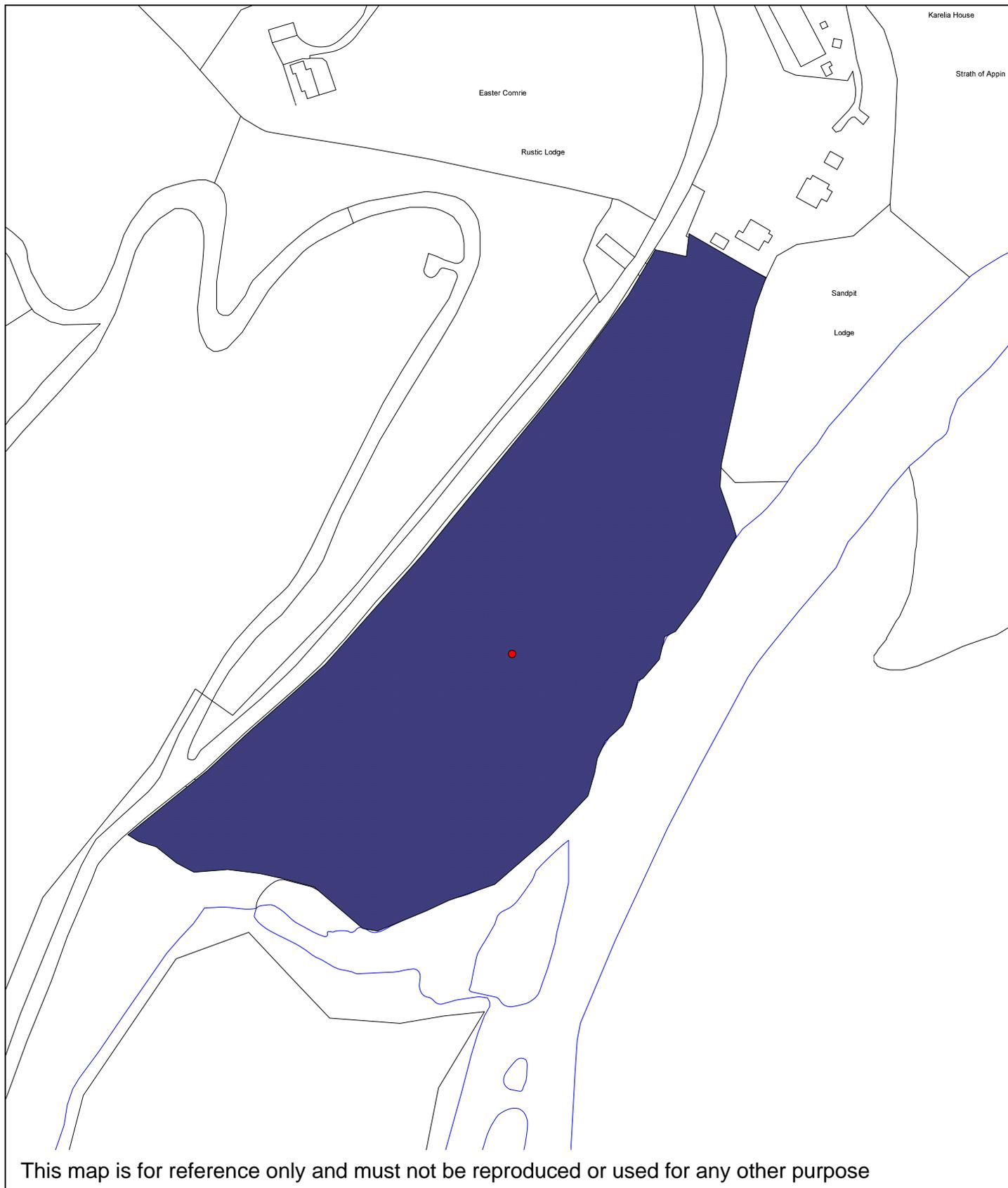


Council Text Phone Number 01738 442573



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1:10000



Scale
1 1 1:2500