

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 18 November 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, T Gray, D Illingworth, I James, C Purves, C Reid, R Watters, M Williamson and W Wilson.

In Attendance: P Marshall, K Smith, J Scott, A Condliffe, L MacLean, A Rennie, G Fogg, D Williams, A Brown, M Pasternak and L McGuigan (all Corporate and Democratic Services); G Bissett and L Reid (both Housing and Environment).

Apology for Absence: Councillor E Drysdale.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interested made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 21 October 2020 was submitted and approved as a correct record subject to the addition of the Amendment and outcome of the roll call vote for Item 5(1)(ii) (see Appendix 1).

4. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear depositions in relation to the following planning application:

Planning Application No.
20/01040/FLL

Art. No.
5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 20/01103/IPM - INVERGOWRIE - Mixed-use development, including alterations and erection of buildings for agricultural research and development, industry**

engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle), The James Hutton Institute, Errol Road, Invergowrie – Report 20/216 – The James Hutton Institute

Mr J Scott introduced the report and provided the following update:

To address the requirements of Transport Scotland in their consultation response dated 13 November 2020 an additional condition to link the delivery of this road (subject of planning application: 20/01104/FLL) to the wider development of the site was proposed (Condition 18).

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a construction (including demolition) phasing plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part

- of the development phase, relative to existing ground levels and a fixed datum point.
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths/cycleways and structures throughout the development;
- (v) details of any screen walls/fencing including any retaining walls to be provided;
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vii) details of any landscaping, structure planting and screening associated with the development;
- (viii) full details of the proposed means of disposal of foul and surface water from the development;
- (ix) details of protection of scheduled monuments;
- (x) lighting details;
- (xi) bin storage, collection location and recycling facilities provision;
- (xii) air quality assessment;
- (xiii) updated ecology assessment including protected species survey, a breeding bird survey of buildings and potential bat roost features in any buildings proposed to be demolished;
- (xiv) biodiversity action plan (to specifically include biodiversity enhancement and opportunities to support protected species);
- (xv) contaminated land assessment;
- (xvi) a Green Travel Plan (GTP); and,
- (xvii) archaeological working scheme of investigation.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

3. No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 15 metres in height.
Reason: To not impact on the operations of Dundee City Airport.
4. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed applications, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: To ensure a satisfactory standard of local environmental quality.

5. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason: To ensure a satisfactory standard of local environmental quality.
6. All external lighting shall be sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
Reason: To ensure a satisfactory standard of local environmental quality.
7. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an Air Quality Assessment shall be submitted to the Council as Planning Authority. The assessment should assess the air quality impacts from traffic and heating systems associated with the development also cumulative effects from other development sites and consideration should be given to impacts on the Dundee AQMA.
Reason: To ensure a satisfactory standard of local environmental quality.
8. Core paths and right of way must not be obstructed during construction or on completion. All public paths created as part of any layout or design submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 must be suitable for all non-motorised user groups (minimum 2m width with suitable surface in wider corridor).
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.
9. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, details of the location and measures proposed for the safeguarding and continued operation of any Scottish Water supply pipes sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.
Reason: To safeguard Scottish Water infrastructure.
10. Development shall not commence until the developer has secured the implementation of a programme of

archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard archaeology in the area.

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

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

Reason: To ensure a satisfactory standard of local environmental quality.

12. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a hard and soft landscaping scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include the following specification:

- (i) existing and proposed finished ground levels relative to a fixed datum point;

- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture and equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

13. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application an updated Ecology Survey including; a Protected Species Survey, a Breeding Bird Survey of Buildings, a Survey of potential Bat Roost Features in buildings to be demolished shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

14. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

15. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application the mitigation measures identified for Junction 4 - A85 Riverside Avenue / Main Street for its signalisation to reduce the queueing impact from the development, a detailed design shall be undertaken, along with a date for their implementation shall be submitted and agreed in writing by the Council as Planning Authority.
Reason: In the interests of road safety.
16. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Council as Planning Authority.
Reason: In the interests of road safety.
17. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, the applicant shall provide the following parking provision numbers on site:
- Car Parking – 334 spaces
 - Secure Covered Cycle Parking – 100 spaces
 - Powered Two Wheelers – 19 spaces
 - Disabled Allocation – 17 spaces
- Coach parking provision on site shall also be included as part of any detailed application.
Reason: To provide a suitable parking provision for the development.
18. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

Justification

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

Informatives

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions

must be made within 6 months of the date of such refusal or dismissal.

2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing any demolition work. If bats are found during works, the work should stop immediately, and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
4. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. This planning permission is granted subject to conditions, some of which require further information to be submitted

to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

8. The granting of planning permission does not stop the continued right of public access along the existing core paths INGI/8 and 52/8. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000
10. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/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 Environment Protection Agency.
12. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Specified by Condition.
13. 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 Environment Protection Agency.

14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

- (ii) **20/01180/FLM - PERTH - Erection of 75 dwellinghouses and associated works (changes to house type/layout on plots 0024 - 0091 permission 15/01109/FLM), land at Bertha Park, Perth – Report 20/217 – Springfield Properties PLC**

Motion (Councillor I James and R McCall)

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. The foul drainage shall be drained to a mains sewerage system.
Reason: In the interests of public health and to prevent pollution.
3. Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA (where necessary). The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement (submitted in support of planning application 15/01109/FLM). Thereafter, all works shall be carried out in accordance with the agreed details and be

operational prior to the bringing the development phase into use.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

4. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability and in accordance with Policy 32 of LDP (2).

5. In association with condition 5, noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

6. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish

Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason: In the interest of protecting environmental quality and existing residential amenity.

- 7. Prior to the commencement of the development hereby approved, further detail (to include optimum numbers of native species) of the proposed landscaping and planting scheme shall be submitted to and agreed in writing by the Council as Planning Authority. The detailed scheme as subsequently approved shall be carried out and completed no later than the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.**

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.**

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 9. Prior to the commencement of development hereby approved, details of the location and specification of bird nesting bricks or boxes (25% of all two storey-dwellings must include a bird nesting brick or box) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.**

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

- 10. Prior to the commencement of development hereby approved, details of the location and specification of the required bat brick(s) or bat nest box(s) (25% of two storey-dwellings to include a bat brick, tube or box) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.**

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

Justification

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

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. Applications for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.**
- 5. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 6. The applicant should be advised that in terms of Section 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 Environment Protection Agency.**
- 7. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:**

- Displayed in a prominent place at or in vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
8. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01109/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
 9. The applicant is advised to take note of Scottish Water response (dated 23 September).
 10. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Amendment (Councillors R Watters and M Williamson)

Approve the application subject to the conditions and informatives outlined in Report 20/217, with a revision that the proposal is not recognised as being compliant with the Affordable Housing policy, and that suitable Affordable Housing is still to be provided within the overall development.

In accordance with Standing Order 58, a roll call vote was taken.

10 members voted for the Motion as follows:
Councillors H Anderson, M Barnacle, B Brawn, T Gray, D Illingworth, I James, R McCall, C Purves, C Reid and W Wilson

2 members voted for the Amendment as follows:
Councillors R Watters and M Williamson

Resolved:

In accordance with the Motion.

(2) Local Applications

- (i) **20/00434/FLL - PITLOCHRY - Erection of a garage with workshop and store, Westlands Hotel, Altholl Road, Pitlochry – Report 20/218 – Westlands Hotel**

Motion (Councillors R McCall and I James)

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. For the avoidance of any doubt the approved building shall be used as a garage/workshop/store. At no time shall the building be used as residential accommodation.
Reason: To ensure that the building is only used as a garage/workshop/store incidental to the planning unit.

Justification

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

Informatives

1. 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.
2. An application for Building Warrant will be required.
3. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://shop.bgs.ac.uk/georeports/) and at <http://shop.bgs.ac.uk/georeports/>.

Amendment (Councillors M Williamson and M Barnacle)

Defer the application, to allow for additional information to be brought forward to a future meeting of the Planning and Development Management Committee, with regards to establishing the internal layout of the buildings and as to whether any internal works may have taken place.

In accordance with Standing Order 58, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors B Brawn, T Gray, D Illingworth, I James, R McCall, C Purves, C Reid and W Wilson

4 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, R Watters and M Williamson

Resolved:

In accordance with the Motion.

(ii) 20/01040/FLL - ERROL - Alterations and extension to form roof terrace and stairs, The Errol Pub, The Cross, Errol – Report 20/219 – Mr A Neilson

Mr A Neilson, applicant, addressed the Committee and answered members questions via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area, it should also include a procedure for complaints.
Thereafter, the approved plan shall be implemented for the life of the development and the use roof terrace, to the satisfaction of the Council as Planning Authority.
Reason: In order to safeguard the residential amenity of the area.
3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason: In order to safeguard the residential amenity of the area.
4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination

of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

5. The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2000 hours daily.

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

6. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

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

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and

Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

5(3) Proposal of Application Notice (PAN)

- (i) **20/00008/PAN - PITLOCHRY - Residential development, land east of Middleton of Fonab Cottages, Foss Road, Pitlochry – Report 20/220**

Councillor Williamson requested that consideration be given to any future expansion of Fonab Cemetery. Councillor Williamson also requested that consideration be given to services at the Fonab Cemetery during the construction phase.

Councillor Anderson requested that consideration be given to suitable Affordable Housing provision.

The contents of the Head of Planning Development's Report were noted.