

PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 24 August 2021 at 10.00am.

Present: Councillors B Brawn, M Barnacle, R Brock, T Gray, D Illingworth, I James, C Purves (substituting for R McCall), C Reid, L Simpson, R Watters and W Wilson.

In Attendance: D Littlejohn, K Smith, A Condliffe, J Scott, D Salman, L Reid, G Bissett and A Rennie (all Communities); C Elliott, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors R McCall, T McEwan and M Williamson.

Councillor B Brawn, Vice-Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and noted apologies as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 28 July 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

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

Planning Application No.	Item No.
19/01430/AMM	5(1)(i)
19/01433/AMM	5(1)(ii)
20/01877/FLM	5(1)(iii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/01430/AMM - Formation of primary vehicular access and associated works (approval of matters specified in conditions of planning application 15/01157/IPM or a subsequently superseded by application 21/00383/IPM), Land Adjacent to Huntingtowerfield and Ruthvenfield – Report 21/126 – Almond Valley Limited**

Mr Wood, agent on behalf of the applicant, addressed the Committee via audio conference and answered members questions.

Grant, subject to the following direction, conditions, terms and informatives:

Conditions

General

1. The development hereby approved under this Approval of Matters Specified in Conditions is only for the benefit of and under Permission in Principle reference: 21/00383/IPM. For the avoidance of doubt, this Approval of Matters Specified in Conditions is not approved under Planning Permission in Principle reference: 15/01157/IPM. The development hereby approved must be carried out in accordance with the approved drawings and documents for this approval and the terms of Planning Permission in Principle 21/00383/IPM, 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.

Construction

2. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

Contamination

3. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with 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 construction work commences on part two of the proposed access and roadway, the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

Roads/Access specific

4. In association with Condition 19 of Planning Permission in Principle 21/00383/IPM and prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority, a Construction Traffic Management Plan (CTMP) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development
 - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists, and equestrians
 - (i) details of information signs to inform other road users of construction traffic
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded
 - (k) co-ordination with other significant developments (to include Vector Aerospace International Ltd) known to use roads affected by construction traffic
 - (l) traffic arrangements in the immediate vicinity of temporary construction compounds
 - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction
 - (n) monitoring, reporting and implementation arrangements
 - (o) arrangements for dealing with non-compliance; and
 - (p) details of HGV movements to and from the site.

The CTMP as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: To mitigate any adverse impact of development traffic and ensure the safe and efficient operation of the existing road network.

Biodiversity

5. The conclusions and recommended action points within the supporting ecology details submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

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

6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

7. Wildlife kerbs shall be installed adjacent to all road gullies within 500m of a SUDS pond or watercourse as part of the construction phases of the development. The timing for the delivery of kerbs shall be specified in the Construction Environment Management Plan (CEMP) required under Condition 36 of Planning Permission in Principle 21/00383/IPM.

Reason: In the interests of protecting biodiversity.

8. The conclusions and recommended action points within the Landscape, Biodiversity and Community Woodland Management Plan submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

Reason: In the interests of protecting biodiversity and delivering associated biodiversity enhancement.

9. Prior to commencement of development, a detailed Construction Method Statement (CMS) shall be submitted for written approval to the Council as Planning Authority; ensuring all mitigation measures listed in Section 7 of the Almond Valley - Phase 1 Application Habitats Regulations Appraisal (Plan 54 dated March 2021) are captured.

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

Landscaping

10. In association with Condition 8, and prior to the commencement of development, further details on the access, timing and implementation of the Community Woodland area shall be confirmed and submitted for the written approval of the Planning Authority, in consultation with Community Greenspace. The approved details will thereafter be developed out and handed over at the appropriate time.

Reason: In the interests of visual amenity, ensuring earliest practical establishment of this associated community benefit and to ensure the satisfactory implementation of the proposed planting scheme.

Archaeology

11. 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 ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

Justification

The proposal is considered to remain broadly in accordance with the Development Plan overall and there are no material considerations which justify refusal of the planning application.

Procedural Notes

The existing Section 75 relating to Planning Permission in Principle 15/01157/IPM requires to be replaced or modified, to reflect the changes sought in the S42 Planning Permission in Principle (21/00383/IPM). Permission shall not be issued for this Approval of Matters Specified in Conditions application until a new or updated Section 75 Agreement has been signed and registered to take account of the above S42 application and that decision notice has been issued accordingly. This legal agreement should be concluded and completed within 4 months of the date of the Committee approval. Failure to conclude a legal agreement within 4 months will result in this planning application being re-assessed and could be ultimately recommended for refusal under delegated powers. It should be

noted that as a result of the changes to the proposed development, as a result of Planning Permission in Principle (21/00383/IPM), to which this application must now relate, the description to be applied in any decision notice will reflect that the parent permission is 21/00383/IPM and not 15/01157/IPM.

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This 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 the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised that in terms of Section 68 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to stop up any public roads or footways prior to the commencement of roadworks. The Roads Authority shall satisfy

themselves that a suitable alternative road exists or that no alternative road is necessary prior to the granting of consent.

7. The applicant should be advised that in terms of Section 96 of the Roads (Scotland) Act 1984 a road condition survey may be required to be agreed with the Council as Roads Authority prior to the commencement of works. To ensure the public road is reinstated to its present standard.
8. The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
9. 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.
10. There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 21/00383/IPM, relating to:
 - Delivery of a site for a 2-stream primary school;
 - Primary school financial contributions;
 - Transport infrastructure contributions;
 - Public transport improvement;
 - Delivery of key transport infrastructure (including the new A85 roundabout);
 - Affordable housing provision;
 - Open space provision and maintenance;
 - Sports pitches and pavilion provision and maintenance;
 - Play area provision and maintenance;
 - Structure planting delivery; and

- Delivery of associated community facilities including community woodland.

A copy is available to view on the Council's [Public Access portal](#).

11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations involve minor changes to the scheme incorporating the re-alignment of the carriageway at Town Lade crossing point and supporting plan updates to reflect an updated delivery strategy with background clarification. Additional information was also submitted, including updated Transport Statement, Habitat Regulations Assessment (HRA) and associated EIA addendums.
12. The developer is advised to contact Sophie Nicol, Archaeologist (Tel 01738 477080) to discuss terms of reference for work required by Condition 11.

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum '2' dated February 2021. The public had opportunity to participate in the decision-making process through notification of the EIA supplementary information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.
3. The EIA addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal with scoping out of all other elements. The significant effects on the environment are identified to be directly linked to baseline planning permission 15/01157/IPM, application 21/00383/IPM, this AMSC planning submission and 19/01433/AMM. In terms of significant parameters, the addendum's focus is primarily on climate change and traffic and transport impacts.
4. The Planning Authority is satisfied that the background EIA Statement, the 2019 EIA Addendum '1' and current EIA Addendum '2' submissions (all now forming the EIA Report) is up-to-date and complies with Regulation 5 and

is therefore suitable for determination of the planning application.

5. The Planning Authority has considered the original EIA Statement and both the Addendum 1 and 2 submissions, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

(ii) 19/01433/AMM - Erection of 284 dwelling houses, 21 detached garages, 56 flats, 3 retail units, a refuse/bike store and a sports changing pavilion, formation of boundary treatments, retaining walls, leisure facilities, SUDS ponds, parking areas, landscaping and associated works (approval of matters specified in conditions of planning permission 15/01157/IPM or as subsequently superseded by application 21/00383/IPM (Phase 1 and 1A), Land Adjacent to Huntingtowerfield and Ruthvenfield – Report 21/127 – Almond Valley Limited

Mr McAdam, objector, followed by Mr Wood, agent on behalf of the applicant, addressed the Committee via audio conference and answered members questions.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

General

1. The development hereby approved under this Approval of Matters Specified in Conditions is only for the benefit of and under Permission in Principle reference: 21/00383/IPM. For the avoidance of doubt, this Approval of Matters Specified in Conditions is not approved under Planning Permission in Principle reference: 15/01157/IPM. The development hereby approved must be carried out in accordance with the approved drawings and documents for this approval and the terms of Planning Permission in Principle 21/00383/IPM, 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.

Construction

2. The Construction Environment Management Plan (CEMP) submitted to satisfy Condition 36 of planning permission 21/00383/IPM shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amendments will be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

Reason: In the interest of protecting environmental quality and of biodiversity.

3. The Dust Management Plan (DMP) shall be strictly adhered to during the operations of the site. The DMP shall be a dynamic document which shall be updated to reflect any changes to the operations of the site and to address any substantiated complaints by residents. The details contained within the DMP, as approved by the Council as Planning Authority in writing shall be implemented in full as part of the operations of the site.

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

4. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07.00 to 19:00-hours, Saturday 08.00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

Residential Amenity

5. Prior to the commencement of the development full details shall be submitted for the layout and incorporation of EV charging duct points within the development and all other proposed Air Quality mitigation measures to be implemented and evidenced that the predicted insignificant impact from the development is maintained .

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

6. Prior to the commencement of the development hereby approved, the developer shall submit a scheme, for the written approval of the Planning Authority, which shall include the proposed means of ventilation for all habitable rooms that require acoustic trickle ventilation and the glazing specification for all habitable rooms for those properties affected by road traffic noise, as identified in

Section 9 of the submitted Noise Impact Assessment (drawing number 19/01433/331: '*Detailed Noise Impact Assessment - Almond Valley, Perth*' dated June 2020), to ensure that the habitable rooms can achieve the internal sound levels Daytime 35 dBLAeq,16hrs and Night time 30dB LAeq,8hrs. The agreed scheme shall thereafter be implemented in accordance with the agreed details.

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

7. For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

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

8. All plant or equipment including any ventilation system associated with operation of the commercial areas 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: In the interests of public health and to prevent noise pollution.

9. Commercial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.

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

10. For commercial and sport pavilion areas, all external lighting to be installed 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.

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

11. Prior to the occupation of any dwellinghouse in site H4, A 2-metre-high acoustic barrier shall be installed along the whole length of site boundary between 'J&E Smillie' and site H4. The acoustic barrier shall have a superficial mass of a least 20Kg/m² and shall be of a solid construction with no gaps.

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

12. Prior to the commencement of development at site H2, the applicant must submit a further noise impact assessment (NIA) to assess noise from the operations of

the Huntingtower Hotel for the written approval of the Planning Authority, in consultation with Environmental Health Team. The NIA should be undertaken by a qualified noise consultant. All mitigation measures proposed in the NIA, which are agreed or required by the Planning Authority, shall be fully implemented prior to the occupation of any dwellinghouse in site H2.

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

Contamination

13. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with 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 residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: To ensure any contamination present on site is satisfactorily remediated.

Flood risk and Drainage

14. Notwithstanding the submitted drainage details, prior to the installation of any drainage works on site, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the development.

Reason: To ensure the technical specification of the drainage system for the site accords with Policy EP3C - Water, Environment and Drainage (Surface Water Drainage) of the Perth and Kinross Local Development Plan 2014.

Roads and Access

15. No more than 200 residential units are permitted to be occupied until such time as a detailed design and specification for the following works has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority and Perth & Kinross Council Structures team:

- a) new primary road route as shown in application 19/01430/AMM, connecting the site to the new A85 roundabout; and
- b) new vehicular lane crossing as shown in 19/01430/AMM, connecting to the site.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

16. For clarification, and in association with Condition 16 b) of Planning Permission in Principle 21/00383/IPM, no more than 90 residential units or any units in the 'Local Centre' hereby approved shall be occupied until a new active travel lane crossing, as approved in writing, to an agreed design and specification to the satisfaction of the Planning Authority, in consultation with the Perth & Kinross Council Structures team is delivered, connecting to all elements of the occupied site.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

17. No more than 61 residential units within Phase 1A are permitted to be occupied until new vehicular and active travel accesses connecting the site to both Bleachers Way and Phase 1 of the development is provided, to a design and specification approved in writing by the Planning Authority, after consultation with the Perth & Kinross Council Structures team.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

18. A scheme for the design specification and timing for delivery of public transport infrastructure internally within the development of Phase 1 & Phase 1A, including hard stand areas, bus shelters, poles & flags and any required bus stop road markings, shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Council's Public Transport Unit.

Reason: To ensure that committed sustainable transport measures are delivered on site to an agreed specification.

19. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority, a Construction

Traffic Management Plan (CTMP) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians
- (i) details of information signs to inform other road users of construction traffic
- (j) arrangements to ensure that access for emergency service vehicles are not impeded
- (k) co-ordination with other significant developments (to include Vector Aerospace International Ltd) known to use roads affected by construction traffic
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction
- (n) monitoring, reporting and implementation arrangements
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The CTMP as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the local road network.

20. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means

of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pursuing and ensuring sustainable travel options are fully considered holistically for this site and linkages to existing residential areas and future development phases.

21. For the avoidance of doubt and in association with condition 2, there shall be continued access maintained to all core paths and rights of way across the site, for the duration of the construction period.

Reason: To ensure adequate and appropriate public access is retained at all times, including the construction phases of the development.

Landscaping and Public Open Space

22. The detailed landscaping and planting scheme hereby approved shall, with the inclusion of the matters detailed in Condition 23 of this permission, be implemented as part of the site development programme and thereafter maintained.

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

23. In association with Condition 22 of this permission, and for the avoidance of doubt, an updated scheme to incorporate the following specifications shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Community Greenspace Team:

- The identified non-motorised bridges shall be finished in treated Larch, to a specification agreed with the Council and not recycled plastic as currently proposed.
- The informal path identified through existing woodland adjacent to the local centre shall be located nearer the lade, finished with a stone dust surface to ensure suitability for all non-motorised users.
- Review of the meadow mix proposal, with no current capacity to maintain through annual cut and lift requirements. Indicate topsoil should be stripped from areas of wildflower planting and steep ground with gradient of greater than 1:4 will not be mowed.

- Incorporate a simple low-level fence (with staggered gaps for access) between pitches and riverside to assist the prevention of balls going into the river.

Reason: In the interests of maintenance acceptability, visual amenity, consistency and sustainability.

24. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.

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

25. Prior to the completion of the development hereby approved, a scheme confirming the arrangements for handover of the approved Community Pavilion to an end user, shall be agreed between the applicant and the Council. The agreed arrangement shall thereafter be undertaken as approved, subject to any agreed periodic review specified in the scheme.

Reason: In order to safeguard and appropriately deliver a community asset in the immediate and long term.

Biodiversity

26. No removal of vegetation, including trees and shrubs will be permitted between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Planning Authority for approval prior to commencement of works.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

27. The conclusions and recommended action points within the supporting biodiversity survey and Habitats Regulation Survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

28. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them

at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

29. Prior to the commencement of development hereby approved, details of the location and specification of the bird nesting bricks or boxes 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. 25% of two storey-dwellings should contain a bird nesting brick or box.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

30. Prior to the commencement of development hereby approved, details of the location and specification of the integrated bat bricks, boxes or tubes shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the integrated bat bricks, boxes or tubes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. 25% of two storey-dwellings should contain a bat brick, box or tube.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

31. Prior to commencement of development hereby approved, a detailed Construction Method Statement (CMS) shall be submitted for written approval to the Council as Planning Authority; ensuring all mitigation measures listed in Section 7 of the Almond Valley - Phase 1 Application Habitats Regulations Appraisal (Plan 384 - dated March 2021) are captured.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

32. The conclusions and recommended action points within the Landscape, Biodiversity and Community Woodland Management Plan submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

Cultural Heritage

33. 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 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 ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

Material Finishes

34. Prior to the commencement of the development of any building hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to, and agreed in writing by, the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

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

Justification

The proposal is considered to remain in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

Procedural Notes

The existing Section 75 relating to Planning Permission in Principle 15/01157/IPM requires to be replaced or modified, to reflect the changes sought in the S42 Planning Permission in Principle (21/00383/IPM). Permission shall not to be issued for this Approval of Matters Specified in Conditions application until a new or updated Section 75 Agreement has been signed and registered to take account of the above S42 application and that decision notice has been issued accordingly. This legal agreement should be concluded and completed within 4 months of the date of the Committee approval. Failure to conclude a legal agreement within 4 months will result in this planning application being re-assessed and could be ultimately recommended for refusal under delegated powers. It should be noted that as a result of the changes to the proposed development, as a result of Planning Permission in Principle (21/00383/IPM), to which this application must now relate, the description to be applied in any decision notice will reflect that the parent permission is 21/00383/IPM and not 15/01157/IPM.

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person

undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This 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 the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. The developer is advised to contact Sophie Nicol, Archaeologist (Tel 01738 477080) to discuss terms of reference for work required by Condition 33.
5. 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 Environment Protection Agency.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
7. The applicant should be advised that in terms of Section 96 of the Roads (Scotland) Act 1984 a road condition survey may be required to be agreed with the Council as Roads Authority prior to the commencement of works. To ensure the public road is reinstated to its present standard.
8. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08

where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

9. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
11. 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.
12. The applicant is encouraged to provide access for hedgehogs sheltering, hibernating in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.
<https://www.taysidebiodiversity.co.uk/information/information-guides-manuals/>
13. 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, including construction phasing.
14. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate wholesale changes to the scheme. Additional information was also submitted in respect of updated Transport Statement, Noise Impact

Assessment, ecology, drainage and flood risk clarification.

15. There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 21/00383/IPM, relating to:
- Delivery of a site for a 2-stream primary school;
 - Primary school financial contributions;
 - Transport infrastructure contributions;
 - Public transport improvement;
 - Delivery of key transport infrastructure (including the new A85 roundabout);
 - Affordable housing provision;
 - Open space provision and maintenance;
 - Sports pitches and pavilion provision and maintenance;
 - Play area provision and maintenance;
 - Structure planting delivery; and
 - Delivery of associated community facilities including community woodland.

A copy is available to view on the Council's [Public Access portal](#).

Environmental Impact Assessment (Eia) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum '2' dated February 2021. The public had opportunity to participate in the decision-making process through notification of the EIA supplementary information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.
3. The EIA addendum provides a brief summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal with scoping out of all other elements. The significant effects on the environment are identified to be directly linked to baseline planning permission 15/01157/IPM, application 21/00383/IPM, this AMSC planning submission and planning application 19/01430/AMM. In terms of significant parameters, the addendum's focus is primarily on climate change and traffic and transport impacts.

4. The Planning Authority is satisfied that the background EIA Statement, the 2019 EIA Addendum '1' and current EIA Addendum '2' submission (all now forming the EIA Report) is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the original EIA Statement and both the Addendum 1 and 2 submissions, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

(iii) **20/01877/FLM - Erection of 107 dwellinghouses, garages and associated works (change of house types and revised design plots 1-179 and 87-114), Land south2west of Maple Place, Blairgowrie – Report 21/128 – Scotia Homes Ltd and GS Brown Construction Ltd**

Mr Laird, on behalf of the applicant, addressed the Committee via audio conference and answered members questions.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

General

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.

Landscaping and Open Space

2. Prior to the commencement of development hereby approved, all trees identified for retention on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837

2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

3. Within 6 months of the date of this decision notice, finalised details on the layout, boundary treatment and specification of the identified and committed play area (NEAP) shall be submitted for the written agreement of the Council as Planning Authority, in consultation with Community Greenspace. The details shall include a commitment to delivery timescales. The scheme and specification agreed will thereafter be fully implemented to the satisfaction of the Council as Planning Authority on the timescales set out and agreed.

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

4. The detailed landscaping and planting scheme hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

Biodiversity

5. The conclusions and recommended action points detailed within the Habitat Survey and Great Crested Newt Survey (Plan 123, dated 24/06/21) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

6. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

7. Wildlife kerbs shall be installed adjacent to all road gullies within 500m of a SUDS pond or watercourse as part of the construction phases of the development. The timing for the delivery of kerbs shall be specified in the Construction Environment Management Plan (CEMP) required under Condition 10 of this permission.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

8. Notwithstanding the plans hereby approved, "hedgehog highways" (gaps of 13 x 13 centimetres) shall be incorporated at ground level in a fence for each plot, or section of fence not within a plot, as part of the finished boundary fence detailing. The "hedgehog highways" shall be delivered prior to occupation of any affected plot and prior to the completion of development for all other fences, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

Amenity and Construction Management

9. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of public health and to prevent adverse noise pollution.

10. The Construction Environment Management Plan (CEMP) submitted with this application shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amendments will be submitted to the Planning Authority as soon as reasonably practicable, citing the relevant amendment and appropriate guidance.

Reason: In the interest of protecting environmental quality and of biodiversity.

11. In association with Condition 12, Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

12. In association with Condition 12 and for the duration of construction, a temporary surface water treatment facility

shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is fully implemented and operational.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

13. Prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason: To ensure the provision of effective drainage for the site.

Recycling

14. Prior to the completion and handover of public open space, a mini-glass recycling point shall be incorporated at an appropriate location within the site, agreed in consultation with the Council's Community Waste Service team.

Reason: In the interests of sustainability and to compliment the kerbside recycling services that will be provided.

Justification

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

Procedural Notes

Consent shall not be issued until a revised or new Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

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 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 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 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.
6. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
7. 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.
8. No work shall be commenced until an application for building warrant has been submitted and approved.

9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
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.
11. 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.
12. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the landscaping scheme to incorporate more native species planting and updated play area layout. Additional information was also submitted in respect to ecology, drainage and an updated Flood Risk Assessment.

(2) Local Applications

- (i) **21/00435/FLL – Change of use, alterations and extension from former telephone exchange to form coffee/snack bar (Class 3) and associated works, former Telephone Exchange, Moncur Road, Inchtute – Report 21/129 – Mr G Taylor**

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, a Noise Management Plan (NMP) shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be

fully implemented for the lifetime of the development to the satisfaction of the Council as Planning Authority.

Reason: In order to safeguard the neighbouring residential amenity in the area.

3. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason: In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

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 the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

5. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: In order to safeguard the neighbouring residential amenity in the area.

6. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to safeguard the neighbouring residential amenity in the area.

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

Reason: In order to safeguard the neighbouring residential amenity in the area.

8. 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 ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

9. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to the submitted Bat Survey and Assessment - Final Report, Heritage Environmental Ltd, July 2021.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

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

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

11. Prior to the completion or bringing into use of the building, whichever is the earlier, at least four swallow nest boxes shall be provided on the building, to the satisfaction of the Council as Planning Authority.

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

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. 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. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it 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.
6. 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.
7. 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.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development

Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

10. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
11. 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.
12. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
13. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
14. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout of the external seating area.