

PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in Council Chambers, 2 High Street, Perth on Thursday 22 September 2022 at 9:30am.

Present: Councillors I Massie, H Anderson, B Brawn, D Cuthbert, E Drysdale, D Illingworth, I James, K Harvey (substituting for Councillor R Watters), B Leishman, Bailie C McLaren, Councillors C Reid, G Stewart, and Bailie M Williamson.

In Attendance: K Smith, P Williamson, G Peebles, J Torrance, L MacLean and L Reid (all Communities); C Elliott, J Guild, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor R Watters.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

In terms of the Councillor's Code of Conduct, no Declarations of Interest were noted.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 10 August 2022, be approved as a correct record subject to Item 2. and Item 6(1)(ii) being altered to indicate Councillors B Brawn and B Leishman declared an interest and not Councillor D Illingworth.

4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Item No.
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22/00102/FLM	5(1)(i)
22/00832/FLM	5(1)(ii)
22/00746/FLM	5(1)(iii)
22/00334/FLL	5(2)(i)
22/00711/FLL	5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **22/00102/FLM Erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works, Knappilands, Strathallan, Crieff**

Mr I Richmond, applicant, addressed the Committee and answered Members' questions.

Resolved:

Grant, subject to the following conditions, terms 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.

Contamination

2. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall 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 measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason – In order to deal with any potential contamination of the site as a result of it's former use.

Residential Amenity

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. Should any aspect of the development result in verified noise complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for a Noise Impact Assessment by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter any agreed mitigation measures shall be implemented to ameliorate the nuisance.

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

5. The poultry buildings shall not be occupied (or otherwise become operational) until an operational plan for the management and control of potential nuisances (including noise, odour, air quality (dust), flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to, the operation of the poultry buildings hereby approved, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

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

6. No deliveries or uplifting shall take place between the hours of 11:00pm and 6:30am on any day.

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

7. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning, if necessary, e.g., on an infrared signal which detects persons to the rear of the vehicle.

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

8. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health,

within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Operational Management Plan must be submitted to the council within a specified agreed timescale.

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

Roads and Access

9. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a minimum distance of 15 metres from the edge of the carriageway.

Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

10. Prior to commencement of any development on site, a detailed design for the proposed secure covered cycle parking facility for a minimum of 6 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

11. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) 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 known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) monitoring, reporting and implementation arrangements;
- (n) arrangements for dealing with non-compliance; and
- (o) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason – in the interest of proper site management.

Landscape

12. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, 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 – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

13. 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.

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

Biodiversity

14. The conclusions and recommended action points within the supporting ecology surveys submitted and hereby approved (drawing numbers 22/00102/29 and 22/00102/30) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

15. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 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 shall not commence until after such written agreement has been issued by the Council.

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

16. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

17. 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.

18. Lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.
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. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
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. 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 a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

8. 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.
9. 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. In accordance with 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.
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 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.

(ii) 22/00832/FLM Formation of a 49MW battery energy storage facility comprising battery storage units, ancillary buildings, vehicular access, landscaping and associated works, Land 140 metres North East of Jamesfield Organic Centre, Newburgh

Ms C Quinney, objector to the application, and Mr P Kavanagh, applicant, via audioconference, addressed the Committee and answered Members' questions.

Resolved:

Grant, subject to the following conditions, terms 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.

Noise

2. All hereby approved 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 the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

3. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 2. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with Condition 2 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

Lighting

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

Roads and Transport

5. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of 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 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 TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety.

6. The proposed route for any abnormal loads on the trunk road and local road networks must be approved by the relevant roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. The details of any abnormal load movements required, including any accommodation measures necessary, shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Transport Planning. Any request for approval shall be submitted at least two months prior to the proposed load movement.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured traffic management consultant. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and Transport Planning. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e. battery storage containers, transformers, customer switch rooms, DNO Switchgear etc) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Biodiversity

9. The detailed landscaping and planting report (plan 22/00832/22) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The

approved scheme shall thereafter be maintained, 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 – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

Private Water Supply

10. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, 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 or replacement 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 – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby approved commencing, a Soil Management Statement shall be submitted to the Planning Authority for approval in writing, this Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed statement.
- Reason – In the interests of soil protecting and management in accordance with Policy 51 of the LDP2.

Facility Lifespan

12. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.
- Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the

character of the countryside, the visual amenity of the area and nature conservation interests

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.

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. An application for Building Warrant may be required.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
6. 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.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
8. 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. In accordance with 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.

9. 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 a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

10. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

11. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

(iii) **22/00746/FLM Formation of an up to 49.99MW energy storage compound comprising battery storage units, ancillary buildings, landscaping and associated works, Land 60 metres North of Abernethy Cemetery, Newburgh Road, Abernethy**

Ms C Quinney, objector to the application, Mr A Pringle, applicant, and Mr D Grierson, agent, addressed the Committee and answered Members' questions.

Motion (Councillors E Drysdale and D Cuthbert)

Refuse, as the application is contrary to:

- (1) the Perth and Kinross Local Development Plan 2 (2019) Policy 1B(b): Placemaking as the proposal would be predominant and visible within the wider landscape area, and;
- (2) the Perth and Kinross Local Development Plan 2 (2019) Policy 50: Prime Agricultural Land as the proposal involves the loss of prime agricultural land. It has not been satisfactorily demonstrated the proposal is necessary in this location.

Amendment (Councillors B Brawn and B Leishman)

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

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.

Noise

2. All hereby approved 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 the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
3. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 2. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with Condition 2 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation

of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Lighting

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

Roads and Transport

5. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of 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 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 TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety.

6. The details of any abnormal load movements required, including any accommodation measures necessary, shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Councils Transport Planning team. Any request for approval shall be submitted at least two months prior to the proposed load movement.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the local or trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured Traffic Management Consultant. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Councils Transport Planning team. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e., battery storage containers, transformers, DNO Switchgear, perimeter fencing etc) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as

agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Biodiversity

9. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

Private Water Supply

10. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, 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 or replacement 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 – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby

approved commencing, a Soil Management Statement shall be submitted to the Planning Authority for approval in writing, this Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed statement.

Reason: In the interests of appropriately managing prime quality soils and minimising the long-term impacts of developing the site in accordance with Policy 51 of the LDP2.

Archaeology

12. Development shall not commence until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

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

Facility Lifespan

13. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, and or at the end of life for the development (50 years from the commencement of electricity storage) it shall be deemed to have permanently ceased to be required. In either event the development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.

Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

Justification

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from relevant policies 1B and 50 of the LDP2.

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. An application for Building Warrant may be required.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
6. 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.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
8. 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.

9. 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 a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
10. 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.
11. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
12. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
13. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

In terms of Standing Order 21.5 a roll call vote was taken.

5 members voted in accordance with the Motion as follows:
Councillors D Cuthbert, E Drysdale, I James, C Reid and Bailie Williamson.

7 members voted in accordance with the Amendment as follows:
Councillors H Anderson, B Brawn, D Illingworth, B Leishman, Bailie C McLaren, Councillors I Massie and G Stewart.

In terms of Standing Order 24.1, Councillor K Harvey was unable to participate in the taking of a decision on this item due to leaving the Chambers during discussion.

Resolved:

In accordance with the Amendment.

COMMITTEE ADJOURNED FOR A SHORT BREAK AT THIS POINT

(2) Local Applications

(i) 22/00334/FLL Erection of shelter building and acoustic fence, formation of clay pigeon shooting range and earth bunds (in part retrospect), Crieff Hydro Hotel, Ferntower Road, Crieff

Mr R Percival, Mr A Birnie, Ms A Crichton, objectors to the application, addressed the Committee and answered members questions. Mr K Campbell, General Manager of Crieff Hydro Hotel, James Denholm, agent, both for the applicants, addressed the Committee and were joined by Mr D Chapman, agent, to answer Members' questions.

Motion (Councillors B Brawn and C Reid)

Grant, subject to the following conditions and terms:

Conditions

1. Permission is hereby granted for a limited period until 22 September 2025.
Reason – In view of the nature of the proposed development, and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.
2. Noise from operations on site shall not exceed L_{A90,1 hour} background noise level plus 5dB (A) when measured at any residential property.
Reason – In order to safeguard the residential amenity of the area.

3. No clay pigeon shooting is hereby permitted on site until a 1.5-metre-high acoustic fence is installed in line with the recommendation of Noise Assessment L-8112C-DJC-RGM dated 20 January 2022 and drawing No 04 and 07.
Reason – In order to safeguard the residential amenity of the area.
4. No clay pigeon shooting is hereby permitted on this site until the enclosure from which shooting will take place has been acoustically insulated in accordance with drawing 05 such that the walls, roof, and external wing walls of the enclosure have been clad with noise insulating material, the details shall be first submitted to and approved in writing by the Planning Authority in consultation with Environmental Health.
Reason – In order to safeguard the residential amenity of the area.
5. Within one month of the completion of the following mitigation measures; acoustic insulation of the shooting enclosure and erection of acoustic fence at the approved locations; a Noise Impact Assessment shall be undertaken by a suitably qualified person and the Report submitted to, and approved in writing by, the Planning Authority. The Report shall summarise the findings of the Noise Impact Assessment and make recommendations for further mitigation works if the noise of shooting is found to be over 55dB at the nearest noise sensitive property. Once approved, any required mitigation must be implemented in accordance with the approved details within 30 days, unless otherwise first agreed in writing by the Planning Authority.
Reason – In order to safeguard the residential amenity of the area.
6. No clay pigeon shooting shall take place on the site other than between the hours of 10:00 to 17:00 hours Monday to Friday and 11:00 hours to 17:00 hours Saturday and Sunday.
Reason – In order to safeguard the residential amenity of the area.
7. No clay pigeon shooting shall take place unless and until the exclusion zone is clearly marked out on site, and warning signs are erected on the access track to the site, details of which shall first be approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to the first use of the development and retained in place for the duration of the use of the land for clay target shooting.
Reason – In order to safeguard the general public
8. Only low noise cartridges as referenced in the Noise Impact Assessment (plan ref 09) shall be used for the clay

pigeon shooting and all shooting at the site must be within the shooting enclosure at all times.

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

9. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to conduct a noise assessment to verify compliance with the CIEH men shooting noise level below 55dB(A) and condition 1 above. The assessment will be conducted to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with CIEH 55dB or condition 1, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
- 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.

Amendment (Councillors D Cuthbert and B Leishman)

Refuse, as the proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 8(c): Rural Business and Diversification and Policy 56: Noise Pollution, as there has been a failure to satisfactorily demonstrate that noise annoyance will not occur at noise sensitive receptors.

In terms of Standing Order 21.5 a roll call vote was taken.

7 members voted in accordance with the Motion as follows:
Councillors B Brawn, D Illingworth, I James, Bailie C McLaren, Councillors I Massie, C Reid and G Stewart

6 members voted in accordance with the Amendment as follows:
Councillors H Anderson, D Cuthbert, E Drysdale, K Harvey, B Leishman and Bailie M Williamson.

Resolved:

In accordance with the Motion.

(ii) 22/00711/FLL Erection of visitor centre comprising crannog roundhouse, demonstration structures, café/retail, museum/office, car and coach parking, landscaping and associated works, Land 60 metres south east of Drummond House, Kenmore

Mr William Duff, objector, via audio conference, addressed the Committee and answered Members' questions. Mr N Grant and Mr M Benson, applicants, addressed the Committee and were joined by Mr S Mackellar, agent, to answer Members' questions.

Resolved:

Grant, subject to the following conditions, terms 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 any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction and in accordance with the mitigation outlined within the approved tree survey (doc ref:52). Protection measures, once in place, shall remain in place for the duration of construction.
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. All trees on site, other than those marked for felling on the approved plans, shall be retained.
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be 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 – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 103 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.
Reason – In the interests of protecting environmental quality and of biodiversity.
6. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.
Reason – In the interests of protecting environmental quality and of biodiversity.
7. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to and approved in writing by the Council as Planning Authority. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
- (a) pollution prevention safeguards including surface water drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
 - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
 - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.
 - (e) measures to cater for waste water during construction
- The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.
Reason – In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.
8. Prior to the commencement of development on site a Site Biodiversity Action Plan which lists opportunities for Biodiversity Enhancement shall be submitted to and approved in writing by the Planning Authority. The Action Plan shall include details of quantity, locations,

techniques, timescales and monitoring arrangements for the biodiversity enhancement measures outlined within the Ecological Impact Assessment Report (doc ref: 103). The Action Plan, as approved in writing, shall be fully implemented for the lifetime of the development.

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

9. 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 150mm outside diameter being blanked off at the end of each working day.

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

10. Prior to the commencement of development a detailed statement shall be submitted for the approval of the Council as Planning Authority which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The approved measures shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason – In order to demonstrate compliance with both Policy 32 of the local development plan and the carbon emissions reduction set by Scottish Building Standards.

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 an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

12. 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 the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
13. No amplified music or speech shall be permitted in any external area at any time.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
14. 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 the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
15. 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 within the cafe 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 the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
16. 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 residential amenity; to ensure a satisfactory standard of local environmental quality.
17. The maximum number of events held within any external area shall be restricted to 15 per calendar year. Up to three events per calendar year must cease operation by 2230hrs. The remaining twelve events must cease operation by 2100hrs.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
18. The use of chainsaws shall be restricted to one hour per day. This hour-long period is restricted to between 0900-1700 Monday to Friday only. Any use of chainsaws out with these hours or for prolonged periods shall be discussed in advance with the Planning Authority and details of acoustic screening to be utilised shall be submitted for the written approval of the Planning

Authority. The acoustic screening, as agreed in writing with the Planning Authority, shall remain in place for the duration of the chainsaw use.

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

19. Between 0700hrs and 2300hrs noise from the premises shall not exceed L A90,1 hour background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics, when measured at any residential property in accordance with BS4142:2014.

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

20. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise 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.

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

21. In the event, that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to be approved in writing by the Planning Authority. Thereafter recommendations/mitigation measures along with timescales for implementation will be submitted to the Planning Authority within 28 days of the assessment. All mitigation measures shall then subsequently be implemented in accordance with the agreed timescales.

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

22. Prior to the commencement of the development hereby approved, full visibility splays of 120 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.

Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

23. Prior to occupation and/or use of the development hereby approved the applicant shall promote a Traffic Regulation

Order (TRO) for a reduced speed limit on the A827 for a distance to be agreed with the Council as Roads Authority. The speed limit on the A827 public road shall be reduced to the agreed limit and distance prior to the occupation and/or use of the development.

Reason – In the interests of road safety.

24. Prior to commencement of any development on site, a detailed design for the proposed secure cycle parking facility for a minimum of 30 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

25. No part of the development shall be occupied until a Staff Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transport Planning. The STP 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, the system of management, monitoring, review, reporting and the duration of the plan.

Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

26. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) 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 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 developer '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 TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason – In the interest of proper site management.

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. 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.
6. 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/>.
7. 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.
8. The developer should be aware of the regulatory advice under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 contained within SEPA's consultation response dated 21 July 2022.
9. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
10. 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.

6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) 22/00018/PAN – Residential development, formation of open space, landscaping and associated works, land 350 metres north west of Davies Park, Springfield Road, Kinross.**

Due to lack of time, Members were encouraged to submit any comments they may have on the proposal of application notice to the relevant planning officer.

No comments have been received.

- (ii) 22/00019/PAN – Change of use from agricultural land to form extension to caravan park, land 200 metres north east of Erigmore Caravan Site, St Mary's Road, Birnam**

Due to lack of time, Members were encouraged to submit any comments they may have on the proposal of application notice to the relevant planning officer.

Bailie McLaren requested that due consideration is given to waste management and developer contributions.