

# **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 28 July 2021 at 10.00am.

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

In Attendance: D Littlejohn, K Smith, A Condliffe, C Brien, D Salman, L Reid, G Bissett and H Donaldson (all Communities); G Fogg, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor R McCall and C Reid.

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 29 June 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:

<b>Planning Application No.</b>	<b>Item No.</b>
20/00359/FLL	5(2)(i)
20/01433/FLL	5(2)(ii)
21/00580/FLL	5(2)(iii)

## **5. APPLICATIONS FOR DETERMINATION**

### **(1) Major Application**

- (i) 21/00235/FLM - Perth - Installation of a 49.9MW energy storage facility comprising 50 battery storage container units, ancillary equipment, erection of a control building, siting of 2 container units for office/store use, formation of boundary treatments, landscaping, parking and associated**

**works, land 90 metres south west of Noah's Ark, Old Gallows Road, Perth – Report 21/115 – The Energy Workshop Ltd And Rossco Properties**

**Grant**, subject to the following direction, 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.

**Roads and Access**

2. 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 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 to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

### **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 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

4. Noise from the battery storage compound shall not exceed 5dB(A) Leq above the background (LA90), 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.

5. A continuous acoustic barrier shall be constructed in the location identified in Drawing No. EW/01/04 (Plan 11). Notwithstanding Plan 11, prior to commencement of the development, a detailed scheme for the acoustic barrier shall be submitted for the further approval of the Council as Planning Authority and shall be implemented in full in accordance to approved plan. The detailed plan shall include full material specifications, thickness, heights across the length of barrier and all sound reduction calculations.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ an independent consultant, approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 3 and 4. 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 conditions 3 and 4, noise mitigation measures shall be included with the noise assessment, specifying timescales for implementation of the required mitigation and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation measures 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.

7. Prior to the installation of any external lighting, a scheme for the details of all external lighting shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and shall be controlled to only be triggered by motion within the fenced boundaries of the site. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme. Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

### **Cultural Heritage**

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 safeguard and appropriately record archaeology in the area.
9. In association with condition 8; prior to the commissioning and operation of the development, scope for Battlefield interpretation material (consistent with approach being pursued through the wider Perth West MU70 allocation), shall be investigated and submitted by the applicant for agreement in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Any agreed interpretation recommendations shall

thereafter be undertaken and/or implemented within 6 months of the operation of the development, to the satisfaction of the Council as Planning Authority.  
Reason: To ensure appropriate preservation, recording and enhancement of the historic environment.

### **Landscape**

10. Prior to the commencement of the development hereby approved, a detailed boundary landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as 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 by the site operator.

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

11. Prior to the commencement of the development hereby approved, and in association with Condition 10, additional enhanced boundary landscape treatment proposals for screen planting beyond the eastern and northern extents of the site boundary (on land within the landowners control) shall be submitted for the written agreement of the Council as Planning Authority. 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 by the site operator.

Reason: In the interests of visual amenity, biodiversity enhancement and to ensure long term compatibility with the wider MU70 Perth West site designation future land uses.

12. 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: In the interests of visual amenity and to ensure the satisfactory long-term implementation of the proposed planting scheme.

### **Biodiversity**

13. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 3: Results, in the submitted Preliminary Ecological Appraisal Report, IMTeco Ltd, June 2021.

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

14. 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.

### **Drainage**

15. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

### **Finishes**

16. Prior to the commencement of the development 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. 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.

### **Project Lifespan and Site Aftercare**

17. 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 brought into an agreed condition 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, to ensure no adverse impact on the visual amenity of the area and a satisfactory standard of local environmental quality.

### **Justification**

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

### **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 planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has four months to consider the information. You should therefore submit the required information more than 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.

5. An application for Building Warrant may be required.
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 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.
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. 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.
10. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> 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.



**(2) Local Applications**

- (i) 20/00359/FLL - West Kinfauns - Erection of 15 dwellinghouses and associated works, land north east of Highland Distilleries, Kinfauns Holdings, West Kinfauns – Report 21/116 – Ogilvie Homes Ltd**

Mr Windsor, objector to the applicant, and Mr McGarvie, agent on behalf of the applicant, addressed the Committee via audio conference and answered members questions.

Motion (Councillors B Brawn and D Illingworth)

Grant, subject to the conditions and informatives contained in Report 21/116.

**Amendment (Councillor W Wilson and T Gray)**

**Refuse, as the proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), firstly, in relation to road safety and Policy 1B(a) as it fails to create a sense of identity which develops a coherent structure of streets, spaces and buildings, which is safely accessible from its surroundings; in particular, the proposal for several accesses on to the main road could have been avoided; and, secondly, Policy 1A in respect of its adverse impact on amenity as the built development could have been set further back but as proposed it does not contribute positively to the surrounding built and natural environment.**

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

3 members voted for the Motion as follows:  
Councillors B Brawn, D Illingworth and I James.

10 members voted for the Amendment as follows:  
Councillors C Ahern, M Barnacle, R Brock, A Forbes, T Gray, T McEwan, L Simpson, R Watters, M Williamson and W Wilson.

**Resolved:**

In accordance with the Amendment.

THERE WAS A FIVE MINUTE RECESS AT THIS POINT.

COUNCILLOR C AHERN LEFT THE MEETING AT THIS POINT.

**(ii) 20/01433/FLL - Garth - Erection of a dwellinghouse (in part retrospect), New House, Garth, Fortingall, Aberfeldy – Report 21/117 – Mr and Mrs Bruce and C Strickland**

Ms Polakowska, on behalf of Glenlyon and Loch Tay Community Council, objectors; Mr Young, objector; and Mr Johnston, agent and Ms Strickland, applicant, addressed the Committee via audio conference and answered members questions.

**Resolved:**

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

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
3. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.  
Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
4. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated

construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local Planning Authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

5. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason: In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

6. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason: In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the 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 implemented.

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.

8. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason: In order to take account of the flood risk from the adjacent watercourse.

9. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS), including details of the receiving drain, has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.  
Reason: To ensure the provision of effective drainage for the site.
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 commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.  
Reason: To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.
11. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document reference 15) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to the submitted Ecological Assessment and Full Bat Survey Report, Jenny Wallace Ecology, 31 May 2021.  
Reason: In the interests of protecting environmental quality and of biodiversity.
12. Prior to occupation of the approved development at least three swallow nest boxes shall be provided on the completed dwellinghouse.  
Reason. In the interests of protecting environmental quality and of biodiversity.
13. Prior to commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that

demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building: a) the technology types; b) illustrate, through technical calculations, that these will meet at least the 10% reduction; c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

### **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 approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

6. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
7. 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.
8. 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.
9. 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.
10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
[https://www.pkc.gov.uk/media/24772/Flood-Risk-and-RA/pdf/Flood\\_Risk\\_and\\_FRA\\_-\\_June\\_2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-RA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)
11. 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.
12. 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.

13. 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 ground levels to the rear of the proposed house which resulted in an Amended Proposed Site Plan (Document 12) and Amended Proposed Site Sections (Document 13). Documents 02 and 07 are superseded. A Preliminary Ecological Appraisal (Document 14) and an Ecological Assessment and Full Bat Survey (Document 15) were also submitted and added to the list of associated documents.
14. 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](mailto: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.

COUNCILLOR A FORBES LEFT THE MEETING AT THIS POINT.

**(iii) 21/00580/FLL - Kinnesswood - Erection of a dwellinghouse, land north of Bonaly Cottage, Main Street, Kinnesswood – Report 21/118 – Mr T McGregor**

Mr Morris, on behalf of Portmoak Community Council, objectors, addressed the Committee via audio conference and answered members questions.

**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 development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's

Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.  
Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow

3. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

4. Prior to the commencement of the development 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. 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.

5. Prior to the commencement of any development on site, full details, including a scaled elevation of the proposed boundary wall, including the section of re-built stone boundary wall, along the eastern boundary with Main Street shall be submitted to and approved in writing by the Council as Planning Authority. For the avoidance of doubt, the new section of wall shall be constructed in natural stone to match the existing wall; a sample of which shall be submitted to and approved in writing by the Council as Planning Authority. The wall detail, as agreed in writing, 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.

6. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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



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

Reason: In order to deal with any potential contamination of the site as a result of its former use.

7. 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 the interests of protecting environmental quality and of biodiversity.

8. 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. Protection measures, once in place, shall remain in place for the duration of construction.

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

9. Prior to the commencement of development 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.

### **Justification**

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

### **Procedural Notes**

The planning permission decision notice shall not be issued until such time as the existing Section 75 Legal Agreement has been either updated via a Modification of the Planning Obligation or a Minute of Variation.

In the event the applicant does not complete the necessary update to the existing legal agreement within a 4-month period from the date the agent/applicant is advised of the need for the revisions, the application may be refused under delegated powers without any further discussion with the applicant.

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
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 development proposals may impact on existing Scottish Water assets that run close the site boundary. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via the Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.
  9. For reasons of sustainability and to protect the public sewer from potential future flooding, Scottish Water will not accept any surface water connections into the combined sewer system.
  10. 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](mailto: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.

COUNCILLOR M BARNACLE LEFT THE MEETING AT THIS POINT.

**(3) Proposal of Application Notices (PAN)**

- (i) 21/00010/PAN - Blairgowrie - Erection of a sports facility to include swimming pool, external sports pitch, vehicular access, parking, landscaping and associated works, Blairgowrie Recreation Centre, Beeches Road, Blairgowrie – Report 21/119**

Councillor Brawn requested that parking be taken into consideration, with specific regard taken to signage for temporary car parking during the construction period. Councillor McEwan echoed Councillor Brawn's comments and added that he would like Electric Car parking bays to be considered.

Councillor Wilson requested that the relationship with nearby land uses, transport implications, tourism and the economy, active travel, and sustainability and assessment all be considered.

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

- (ii) **21/00011/PAN - Bridge of Earn - Residential development, access, landscaping, SUDs and associated works at land 150 metres south west of Kintillo Cemetery, Bridge of Earn (LDP2 site H14) – Report 21/120**

Councillor Illingworth requested that amenity space and access routes be considered.

Councillor Wilson requested that the principle of need, visual impact, scale, design and layout, relationship with neighbouring land uses, transport and public transport implications, noise, and landscape and visual impact all be considered.

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