

LRB-2021-45
21/01698/FLL - S42 application to modify Condition 5
(hours of deliveries) of permission 12/00823/FLL, 92 Atholl
Road, Pitlochry

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**LRB-2021-45
21/01698/FLL - S42 application to modify Condition 5
(hours of deliveries) of permission 12/00823/FLL, 92 Atholl
Road, Pitlochry**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No
☒ ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input checked="" type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input checked="" type="checkbox"/> |

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Condition 5 still states that deliveries are not permitted on Sundays. We would like to be able to make deliveries of fresh products to this shop on Sundays.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

In September 2021 we received an enforcement notice, Enf ref 21/00157/PLACON Alleged Breach of Condition 5, following complaints from members of the public due to a change in our delivery schedule, leading to 0200 to 0300 deliveries since 19 July to this branch, which was in violation of condition 5 of application 12/00823/FL. The shortage of HGV drivers is well known nationally, and Greggs is not immune from this issue, which is the reason we had to change our delivery schedule.

After some discussion with the enforcing officer we agreed verbally that an application covering Mon - Sat 07.00 - 21.00 would be submitted, however we were looking at how we could achieve a Sunday delivery within the same time window as part of the submission/approval. We have permission to trade seven days a week in this busy town, that attracts a lot of seasonal visitors, especially during the summer months. We were granted 07.00 - 19.00 Mon-Sat but still no deliveries on a Sunday.

This is a small shop with very limited space for storage, thus leading to a need for Sunday deliveries. There is not enough room to make a double-delivery on a Saturday from a Health and Safety and food safety point of view; it has an impact on the shop causing space issues for the staff and can lead to blocked fire exits and escape routes. As well as this, from a retail/sales perspective we have a lack of space to keep products over as well as the impact on the availability of the range and the freshness. This in turn has a major impact on sales on Sundays and Monday mornings, as we do not have the bread/rolls to make sandwiches, and we have no fresh cakes to sell and we have limited savouries to sell due to lack of freezer space.

We believe the complaints received about noise will almost certainly have been made during our previous night/early morning deliveries and not after the recent changes. We would ask that the decision to exclude Sundays be removed from Condition 5, so that we can keep this shop fully stocked and ready for trading seven days a week with a full range of Greggs' fresh and savoury products, without compromising the health and safety of our staff.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No
☐ ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

12_00823_FLL-DECISION_NOTICE-482524
 12_00823_FLL-COMMITTEE_REPORT-480645
 21_01698_FLL decision notice dated 09.11.2021
 21_01698_FLL-REPORT_OF_HANDLING-1720993
 Application form dated 20.09.2021
 PHOTOGRAPHS OF ATHOLL ROAD
 Copy email 18.11.21
 PITLOCHRY LOCATION

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

23.11.2021

PERTH AND KINROSS COUNCIL

Greggs Plc
FAO Mrs Sara Humphries
St Albans House
1-11 St Albans Road
Stafford
ST16 3DP

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 3 August 2012

Town and Country Planning (Scotland) Acts.

Application Number **12/00823/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 8th May 2012 for planning permission for Alterations Pitlochry Post Office 92 Atholl Road Pitlochry PH16 5BL subject to the undernoted conditions.

Development Quality Manager

Conditions Referred to Above

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent
2. All plant or equipment including any air conditioning condensers, ventilation systems associated with the operations of the development be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 07.00 and 23.00 hours daily, or Noise Rating 25 between 23.00 and 07.00 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and /or calculated and plotted on a rating curve chart.
3. An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed prior to the commencement of the use and shall be operated and maintained such that cooking odours are not exhausted into or escape into any neighbouring residential premises
4. Hours of operations shall be restricted to Monday to Saturday 07.30 to 17.30hrs and on Sunday 09.00 to 17.30hrs.
5. Hours of deliveries shall be restricted to between 07.00 and 17.00hrs Monday to Saturday and no deliveries on a Sunday and at no other time.
6. The air conditioning units shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s^{1.75} between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application

7. Prior to the commencement of works on site, full details of the material of the door frames shall be submitted for the further written agreement of the Council as planning authority.

Reasons for Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent
- 2-6. In order to safeguard the residential amenity of the area.
- 7 .In order to safeguard the character and appearance of the Conservation Area

Justification

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

Notes

- 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 approval of your application Ref no 12/00823/FLL is for planning permission only. It does not include any approval for your related application for Listed Building Consent Ref no 12/00824/LBC, nor your related application for Advertisement Consent Ref no 12/00825/ADV. You should therefore not commence work until you have received Listed Building Consent and Advertisement Consent. Carrying out alterations without Listed Building Consent is an offence.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

12/00823/5

12/00823/6

12/00823/1

12/00823/4

Perth and Kinross Council
Development Management Committee – 1 August 2012
Report of Handling by Development Quality Manager

Alterations at former Pitlochry Post Office,
92 Atholl Road, Pitlochry PH16 5BL

Ref. No: 12/00823/FLL
Ward No: 4 - Highland

Summary

This report recommends approval of the application for external alterations as the development is considered to comply with the provisions of the Development Plan and there are no material considerations apparent which outweigh the Development.

BACKGROUND AND DESCRIPTION

- 1 The application refers to a currently unoccupied retail premises at 92 Atholl Road, in the centre of the Pitlochry Conservation Area. Permission is sought for external alterations comprising the installation of automatic sliding doors to the front and the installation of air conditioning condensers towards the rear of the building.
- 2 The application site comprises a ground floor unit of a substantial terraced building which accommodates predominantly retail units at ground floor level with residential properties on the two levels above. The terrace is Listed Category B and retains much of its original character and appearance.
- 3 The façade of the unit is very traditional with a timber sign board above a tripartite window. The drawings and supporting information indicate that the existing timber mullions dividing the window panes would be retained with the sliding doors being located inside, behind the mullions.
- 4 Amended drawings were submitted showing a revised positioning of the proposed air conditioning units. The units are now shown to sit off the top of the wallhead, predominantly above eaves level.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010

- 5 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

- 6 The relevant paragraphs of the above document for this application are as follows:
- Paragraphs 45 - 51 Economic Development
 - Paragraphs 52 - 65 Town Centres and Retailing

DEVELOPMENT PLAN

- 7 The Development Plan for the area consists of the Approved TAYplan 2012 and the Adopted Highland Area Local Plan. The Perth and Kinross Proposed Local Development Plan is a material consideration.

TAYplan 2012

- 8 Whilst there is no policy which is directly applicable, the text relating to town centres is relevant. It states 'the region's town centres are where many businesses, services and facilities are located and are some of the most accessible locations by a range of transport modes. Protecting and enhancing the vitality and viability of all centres, and particularly town centres, directly contribute to providing good quality places and to the region's economic competitiveness. Therefore the mix and quality of town centres and their land uses have a critical role in delivering the vision and objectives of this Plan'.

Highland Area Local Plan 2000

- 9 The application site is situated within the centre of Pitlochry in an area designated for town centre uses. It is also located within the Pitlochry Conservation Area.
- 10 The principal relevant policies are, in summary.

Policy 5: Design

- 11 The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to: -
- (a) The use of appropriate and high quality materials.
 - (b) Innovative modern design incorporating energy efficient technology and materials.
 - (c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
 - (d) Ensuring that the proportions of any building are in keeping with its surroundings.
 - (e) Ensuring that the development fits its location.
 - (f) The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for all development proposals.

Policy 78: Town Centre Uses

- 12 Inset map 4 identifies the town centre where uses including shops, offices, restaurants, public houses and hotels are considered acceptable.
- (a) Changes of use away from these uses will be discouraged unless it can be demonstrated that the proposals will not adversely affect the vitality and viability of the town centre.
 - (b) Retail developments outwith these areas will be resisted unless it can be demonstrated that they meet local needs and will not adversely affect the town centre.

- (c) Proposals for the alteration of shop fronts and erection of signs must be in keeping with the existing character of surrounding properties
- (d) Residential development will be encouraged on upper floors

PERTH AND KINROSS COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN 2012

Members will be aware that on the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

Under the LDP the principal relevant policy is:-

- 13 Policy RC1 applies which is similar in wording to Policy 60 referred to above under the local plan.

OTHER POLICIES

- 14 None.

SITE HISTORY

- 15 There are two associated applications relevant to the current proposal. Listed Building Consent has been applied for under reference 12/00824/LBC whilst Advertisement Consent is under reference 12/00825/ADV. Both of these applications can be considered under delegated powers under the Scheme of Delegation and therefore it is not necessary to refer them to the Development Management Committee for determination.

CONSULTATIONS

Scottish Water

- 16 No objection.

Environmental Health Manager

- 17 There are several flatted residential properties above and adjacent to the proposed site which have the potential to be affected by noise from operational use and deliveries. Due to the indication of heating/baking equipment on the submitted drawings, there is also the potential for residents to be affected by cooking odours.
- 18 Given the air conditioning units are to be mounted onto the building, noise and vibration could be transmitted through the structure to residential properties. There is no indication on the plans with regard to any extraction outlet.
- 19 To prevent loss of amenity and/or the creation of nuisance, a number of conditions relating to restriction of noise levels; provision of an appropriate ventilation system;

hours of operation; hours for deliveries; and limits of vibration generated by the air conditioning units, are recommended.

REPRESENTATIONS

- 20 A total of 10 representations from 8 representees have been received. Concerns were raised initially regarding the inaccuracies of the submitted drawings. Revised plans were requested and received. The application was then re-advertised, neighbours were re-notified as were those who had submitted representations at that time.
- 21 Summary of Issues raised by objectors in respect of the revised drawings under consideration:
- Impact on other similar uses in Pitlochry
 - Potential for odour nuisance
 - Potential for noise and vibration nuisance
 - Sliding doors not in keeping with Listed nature of building
 - Impact on residential amenity
 - No change of use application lodged
 - Waste disposal

These issues are all raised in the Appraisal section of this report.

- 22 A number of issues which are not planning matters were also raised. These included:
- Fire barrier provision/fire escape concerns
 - Health and safety issues
 - Potential impact on integrity of slate roof

ADDITIONAL STATEMENTS

23	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	None
	Report on Impact or Potential Impact	None submitted.

APPRAISAL

Policy

- 24 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are outlined in the policy section above.

Land Use

- 25 The established use of the planning unit is as Class 1 (Shops) as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997. The proposed use as a cold food takeaway with ancillary elements of hot food sales and seating is not considered to take the use outwith Class 1. In arriving at this conclusion, regard was had to Circular 1/1998 which states "Shops selling cold food, such as sandwiches, for consumption off the premises fall within Class 1. A sandwich bar does not cease to be in the shops class merely because it also sells hot drinks, or if a few customers eat on the premises". This approach has been taken for many years and is also adopted by numerous other authorities. It is therefore appropriate and reasonable to maintain this consistent approach. No change of use in planning terms would occur as a result of this development.
- 26 Policy 78 of the Highland Area Local Plan and Policy RC1 of the Proposed Local Development Plan both encourage ground floor uses including Class 1 in this town centre area. The current land use is therefore in compliance with the above policies.

Impact on Town Centre

- 27 The objections raised by neighbouring businesses regarding the effect on similar existing local businesses do not raise any planning concerns. The presence of competition between businesses in a particular area is not a relevant material planning consideration and therefore is not an issue which has any bearing on this recommendation. If anything the presence of another business in the area may serve to enhance other similar businesses and competition can be considered beneficial. Scottish Planning Policy 2010 published by the Scottish Government states in paragraph 45 that Planning Authorities should "*support development which will provide new employment opportunities and enhance local competitiveness*". It also states that "*vacant and obsolete commercial....property can act as a constraint to economic growth of towns...authorities should therefore adopt a proactive approach to encouraging the reuse of buildings*".
- 28 The approval of this application will ensure a currently vacant premises in a key location in the centre of Pitlochry is occupied and this can only be welcomed.

Amenity

- 29 There are residential properties on the upper floors of the application site and within adjacent premises. It is therefore necessary to consider the impact which the proposed development may have on the residential amenity of these properties. There is potential for noise and odours to disturb residents, and perhaps even vibration from the proposed condenser units. However given the location it is likely that background noises are relatively high during daytime hours. Environmental Health have been consulted on the proposal and offered no objection subject to conditions controlling ventilation, noise, vibration, delivery times and operational hours. I am satisfied that subject to these conditions there will be no detrimental impact on residential amenity or the amenity of adjacent businesses.

Built Heritage

- 30 This property is a category B listed building and is located within the Pitlochry Conservation Area. The proposed alterations to the shop front include the installation of sliding doors in the central section. No objection to this in principle has been raised by my colleagues in Conservation, provided that the existing mullions are retained. The drawings and supporting information indicate that this will be the case, the doors being located behind the mullions. Details of the material of the door frames should be submitted for further approval. This can be adequately covered by condition.
- 31 The revised drawing and plan shows two air conditioner units installed externally on a single storey annex to the rear of the building. The units will be attached to the wall of the annex at a high level. Despite the units protruding above the eaves line of the annex they will not be seen easily from any public place. The units at this location will not have any significant impact on the character and appearance of the conservation area.

LEGAL AGREEMENTS

- 32 None required.

DIRECTION BY SCOTTISH MINISTERS

- 33 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 34 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Highland Area Local Plan and TAYplan. I have taken account of material considerations, including the Proposed LDP which only serves to add weight to a recommendation of approval. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 All plant or equipment including any air conditioning condensers, ventilation systems associated with the operations of the development be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 07.00 and 23.00 hours daily, or Noise Rating 25 between 23.00 and 07.00 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and /or calculated and plotted on a rating curve chart.

- 3 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed prior to the commencement of the use and shall be operated and maintained such that cooking odours are not exhausted into or escape into any neighbouring residential premises.
- 4 Hours of operations shall be restricted to Monday to Saturday 07.30 to 17.30hrs and on Sunday 09.00 to 17.30hrs.
- 5 Hours of deliveries shall be restricted to between 07.00 and 17.00hrs Monday to Saturday and no deliveries on a Sunday and at no other time.
- 6 The air conditioning units shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s^{1.75} between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.
- 7 Prior to the commencement of works on site, full details of the material of the door frames shall be submitted for the further written agreement of the Council as planning authority.

Reasons

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2-6 In order to safeguard the residential amenity of the area.
- 7 In order to safeguard the character and appearance of the Conservation Area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This approval of your application Ref no 12/00823/FLL is for planning permission only. It does not include any approval for your related application for Listed Building Consent Ref no 12/00824/LBC, nor your related application for Advertisement Consent Ref no 12/00825/ADV. You should therefore not commence work until you have received Listed Building Consent and Advertisement Consent. Carrying out alterations without Listed Building Consent is an offence.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 10 letters of representation

Contact Officer: Christine Brien

Date: 13 July 2012

Nick Brian
Development Quality Manager

If you or someone you know would like a copy of this document in another language or format, (On occasion only, a summary of the document will be provided in translation), this can be arranged by contacting the
Customer Service Centre
on
01738 475000



Council Text Phone Number 01738 442573



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100475043-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☒ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

12/00823/FLL

Date (dd/mm/yyyy): *

03/08/2012

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Condition 5 stipulates that "Hours of deliveries shall be restricted to between 07.00 and 17.00hrs Monday to Saturday and no deliveries on a Sunday and at no other time." We are seeking to vary these times to Mon-Sat 13:00 to 21:00. If possible we would also like to achieve a Sunday delivery within the same time frame. Space is very restricted within the shop, which is not large enough to take a double delivery on a Saturday without causing safety problems with fire exits.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="B3 Muckleston Business Centre"/>
First Name: *	<input type="text" value="Sara"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Humphries"/>	Address 1 (Street): * <input type="text" value="Eccleshall Road"/>
Company/Organisation	<input type="text" value="Greggs plc"/>	Address 2: <input type="text" value="Muckleston"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Market Drayton"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="TF9 4FB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="92 ATHOLL ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5BL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="758199"/>	Easting	<input type="text" value="293898"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Our logistics team have discussed the issue with your enforcing officer.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

111.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Greggs retail bakery shop

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 80%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 80%;" type="text" value="0"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? * ☐ Yes ☒ No
 (e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☐ Yes ☒ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

RG Campbell & JG CampbellBonskeid Home Farm, Bonskeid Home Farm, Pitlochry, PH16 5NP

Date of Service of Notice: *

20/09/2021

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mrs Sara Humphries

On behalf of:

Date: 20/09/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Sara Humphries

Declaration Date: 20/09/2021

Payment Details

Online payment: 035176

Payment date: 20/09/2021 14:48:42

Created: 10/11/2021 11:40



Greggs Plc
Mrs Sara Humphries
B3 Mucklestone Business Centre
Eccleshall Road
Mucklestone
Market Drayton
TF9 4FB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **9th November 2021**

Town and Country Planning (Scotland) Acts.

Application Number **21/01698/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 20th September 2021 for planning permission for S42 application to modify Condition 5 (hours of deliveries) of permission 12/00823/FLL at 92 Atholl Road Pitlochry PH16 5BL subject to the undernoted conditions.

David Littlejohn
Head of Planning and Development

Conditions referred to above

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

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

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

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

- 4 Hours of operations shall be restricted to Monday to Saturday 07.30 to 17.30hrs and on Sunday 09.00 to 17.30hrs.

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

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

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

- 6 The air conditioning units shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s^{1.75} between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.

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

Justification

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

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan and Document Reference

01

REPORT OF HANDLING

DELEGATED REPORT

Ref No	21/01698/FLL	
Ward No	P4- Highland	
Due Determination Date	19th November 2021	
Draft Report Date	9th November 2021	
Report Issued by	JHR	Date 09.11.2021

PROPOSAL: S42 application to modify Condition 5 (hours of deliveries) of permission 12/00823/FLL

LOCATION: 92 Atholl Road Pitlochry PH16 5BL

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This application seeks to modify Condition 5 (hours of deliveries) which are attached to the planning permission granted under 12/00823/FLL. The hours granted in the permission restrict delivery times to 07:00 – 17:00 Monday-Saturday and no deliveries permitted on Sundays.

The applicant wishes to change the permitted hours to Monday – Saturday 13:00 – 21:00 and also asks that Sunday deliveries are permitted during the hours 13:00 – 21:00.

SITE HISTORY

12/00823/FLL Alterations 3 August 2012 Application Approved

12/00824/LBC Alterations 9 August 2012 Application Approved

12/00825/ADV Display of advertisement 9 August 2012 Application Approved

19/02096/ADV Display of signs 19 February 2020 Application Approved

19/02097/LBC Alterations 19 February 2020 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 10: City, Town and Neighbourhood Centres

Policy 56: Noise Pollution

OTHER POLICIES

None

CONSULTATION RESPONSES

Environmental Health (Noise Odour) - cannot support an extension of the hours until 21:00 and Sunday deliveries. However they are able to support a change of hours day-time hours to assist with servicing and deliveries to the site.

REPRESENTATIONS

None

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

The determining issues in this case are whether: - the variation of condition 5 would be consistent with the relevant provisions of the Development Plans; or if an exception to these provisions is justified by other material considerations.

Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from that subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks to alter Condition 5 (hours of deliveries) which are attached to the planning permission granted under 12/00823/FLL.

Policy Appraisal

The site is located within the town and neighbourhood centre of Pitlochry where Policy 10: City, Town and Neighbourhood Centres is applicable. Policy 56: Noise Pollution is also of relevance.

Residential Amenity

During the pandemic restrictions on hours of delivery were relaxed to allow businesses to continue to operate. During the period 5/8/2020 – 11/8/2021 a total of 5 complaints were received by the Environmental Health Service. These complaints relate to deliveries taking place between the hours of 01:30 – 03:30 and disturbing neighbouring residents. It is clear from these complaints that deliveries cannot take place at this location without affecting the residential amenity of neighbouring properties. On this basis Environmental Health are unable to support an extension of the hours until 21:00 and Sunday deliveries

However, Environmental Health can support a change of hours to what is classed as day-time hours between 0700 and 1900 Monday to Saturday only. On this basis condition 5 should be modified to daytime hours and this is considered to strike the right balance between the operation of the site and neighbouring residential amenity and would ensure compliance with Policy 10: City, Town and Neighbourhood Centres and Policy 56: Noise Pollution.

Other applicable conditions on application 12/00823/FLL should be reapplied.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is approved subject to the following conditions:

Conditions and Reasons

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

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

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

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

- 4 Hours of operations shall be restricted to Monday to Saturday 07.30 to 17.30hrs and on Sunday 09.00 to 17.30hrs.

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

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

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

- 6 The air conditioning units shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s^{1.75} between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.

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

Justification

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

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

Sara Humphries

From: John Russell [REDACTED]
Sent: 18 November 2021 15:01
To: Sara Humphries
Subject: RE: Decision Notice for Planning Application Reference 21/01698/FLL

Hi Sara,

I discussed both the extension of time beyond 19:00 and the Sunday deliveries with Environmental Health but they were unable to support the amendments.

While you are entitled to submit a further application to vary the condition it is unlikely to be supported. The alternative is to appeal to the local review body.

Kind regards,

John Russell
Development Management Planning Officer - Planning and Development Perth & Kinross Council Communities Pullar House, 35 Kinnoull St, Perth, PH1 5GD
T [REDACTED] 38 475310
[REDACTED]: JRussell@pkc.gov.uk
<https://protect-eu.mimecast.com/s/9naaCBLo0tl6PWPfz2XJ7?domain=pkc.gov.uk>
Follow us

-----Original Message-----

From: Development Management <DevelopmentManagement@pkc.gov.uk>
Sent: 18 November 2021 13:36
To: S [REDACTED]
Subject: RE: Decision Notice for Planning Application Reference 21/01698/FLL

Good Afternoon,

I acknowledge receipt of your email and would advise that it has been passed to the case officer who will respond to your enquiry in due course.

Kind Regards

Lu

L Pentley | Support Assistant |
Perth and Kinross Council | Planning & Development | Pullar House | 35 Kinnoull Street | Perth | PH1 5GD

-----Original Message-----

From: [REDACTED]
Sent: 16 November 2021 09:31
To: Communities Planning <Planning@pkc.gov.uk>
Subject: RE: Decision Notice for Planning Application Reference 21/01698/FLL

FOR THE ATTENTION OF JOHN RUSSELL

Dear John

Thank you for sending me a copy of the decision notice relating to our above application for varying planning condition 5 relating to servicing and deliveries to the premises. In addition to extended delivery times, we had requested for deliveries to be made on Sundays as well.

We are grateful that you have extended the delivery times Monday to Saturday 0700 to 1900, however are a little disappointed that Sundays have not been included in this timeframe. The complaints received prior to our application all related to deliveries between 0130 and 0330. We have changed our delivery route to be able to accommodate the new timings, however, that doesn't help with the lack of storage space in the shop and the need to make deliveries on Sundays.

I would appreciate your advice as to whether you think a further application to vary this condition would be in order.

Regards
Sara Humphries
Greggs plc
[REDACTED]

-----Original Message-----

From: planning@pkc.gov.uk [mailto:planning@pkc.gov.uk]
Sent: 10 November 2021 10:50
To: [REDACTED]
Subject: Decision Notice for Planning Application Reference 21/01698/FLL

Please see attached

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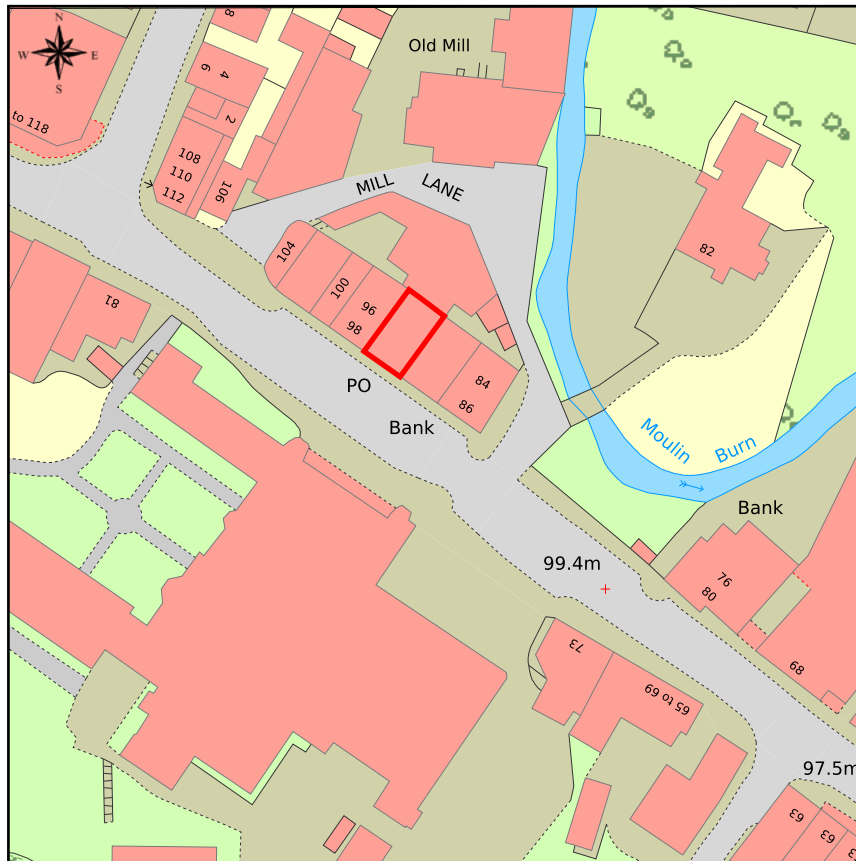
PHOTOGRAPHS OF ATHOLL ROAD, PITLOCHRY



IMAGE 001: Greggs shop in centre of terrace



IMAGE 002: Atholl Road to the South East of Greggs shop.



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0m 10m 20m 30m 40m 50m 60m

Scale: 1:1250, paper size: A4

LRB-2021-45
21/01698/FLL - S42 application to modify Condition 5
(hours of deliveries) of permission 12/00823/FLL, 92 Atholl
Road, Pitlochry

PLANNING DECISION NOTICE *(included in
applicant's submission, pages 175-177)*

REPORT OF HANDLING *(included in applicant's
submission, pages 179-184)*

REFERENCE DOCUMENTS *(included in
applicant's submission, page 188)*

**LRB-2021-45
21/01698/FLL - S42 application to modify Condition 5
(hours of deliveries) of permission 12/00823/FLL, 92 Atholl
Road, Pitlochry**

REPRESENTATIONS

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 21/01698/FLL

Our ref DAT

Date 21 October 2021

Tel No 01738 476481

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

21/01698/FLL RE: S42 application to modify Condition 5 (hours of deliveries) of permission 12/00823/FLL 92 Atholl Road Pitlochry PH16 5BL for Greggs Plc

I refer to your letter dated 11 October 2021 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I have no objection in principle to the application but recommend the under noted condition be included on any given consent.

Comments

The applicant is applying for a modification of Condition 5 (hours of deliveries) which are attached to the planning permission granted under 12/00823/FLL. The hours granted in the permission restrict delivery times to 07:00 – 17:00 Monday-Saturday and no deliveries permitted on Sundays.

Noise

The applicant wishes to change the permitted hours to Monday – Saturday 13:00 – 21:00 and also asks that Sunday deliveries are permitted during the hours 13:00 – 21:00.

During the pandemic restrictions on hours of delivery were relaxed to allow businesses to continue to operate and I note that 5 complaints were received by this Service during the period 5/8/2020 – 11/8/2021. These complaints relate to deliveries taking place between the hours of 01:30 – 03:30 and disturbing neighbouring residents. It is clear from these complaints that deliveries cannot take place at this location without affecting the residential amenity of neighbouring properties and therefore I would be unable to support deliveries being allowed out with normal day-time hours.

As such, whilst I cannot support an extension of the hours until 21:00 and Sunday deliveries, I would be happy to support the change of hours to what is classed as day-time and generally granted on other permissions as standard practice.

Therefore, whilst I have no objection to the application, to protect the residential amenity of nearby properties I would recommend the following condition be attached to any given consent.

Condition

EH02 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.