

# **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 29 June 2021 at 10.00am.

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

In Attendance: D Littlejohn, K Smith, A Condliffe, A Findlayson, S Panton, J Scott, D Salman, L Reid, G Bissett and C Stewart (all Communities); G Fogg, L Brown, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor R McCall and T McEwan.

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 1 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>
21/00383/IPM	5(1)(i)
21/00624/FLL	5(2)(i)

## **5. APPLICATIONS FOR DETERMINATION**

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

- (i) 21/00383/IPM - S42 application to modify Condition 8 (sustainable development) and Condition 16 (residential occupation) of permission 15/01157/IPM, land adjacent to Huntingtowerfield and Ruthvenfield – Report 21/105 – Almond Valley Limited**

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

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

**Conditions**

1. Plans and particulars of the matters set out in the subsequent conditions shall be submitted for consideration and approval by the planning authority as specified below and the development shall be carried out in accordance with those approvals.  
Reason: To ensure that the matters referred to are given full consideration.
2. The site layout plan, phasing plan and housing numbers submitted as part of permission 15/01157/IPM are purely indicative and are not approved at this stage.  
Reason: The application is for planning permission in principle only at this stage.
3. The submitted Delivery Strategy (Plan 17) is hereby approved. Notwithstanding this approval, no further development beyond Phase 1A shall commence on any further Phase or development approved as part of any application for Approval of Matters Specified in Conditions, until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan unless otherwise agreed in writing by the Planning Authority.  
Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring appropriate economic and social benefits to the area.
4. As soon as possible after each of the phases of the development approved under condition 3 above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.  
Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.
5. No development shall commence on each phase until further plans and particulars have been submitted and approved in writing by the Planning Authority in respect of

the following matters to coincide with the delivery plan to be secured under the legal agreement:

- a) The delivery of the development in phases associated with the areas prescribed in the submitted Masterplan/delivery plan.
- b) Details of all cut and fill operations.
- c) Full details of the proposed means of disposal of foul water to serve the development.
- d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
- e) The siting, design, height and external materials of all buildings or structures.
- f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
- g) Details of any screen walls/fencing to be provided.
- h) Details of all landscaping, planting including structural planting and screening associated with the development.
- i) Details of play areas and the equipment to be installed.
- j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
- k) Detailed specification of all street and footpath lighting.
- l) Detailed specification of noise mitigation measures to be incorporated along properties that face the A85 and Cross Tay Link Road.
- m) Detailed plan of public access across the site (existing, during construction and upon completion).
- n) Detailed flood risk assessment at each phase as specified in the delivery plan. The development shall be implemented in accordance with these approved details.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

6. In pursuance of condition 5 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul drainage system shall be submitted to and approved in

writing by the Council as Planning Authority in consultation with Scottish Water, Scottish Environment Protection Agency and Nature scot. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

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

7. In pursuance of Condition 5 d), disposal of surface water:-

- a) All storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
- b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in Appendix 9.2 (Scheme Drainage Strategy) of the Environmental Statement (forming part of planning application 15/01157/IPM). The agreed detail shall thereafter be implemented prior to the completion of the development.
- c) The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
- d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the River Almond and East Pow Burn. The discharge of any surface water drainage to the Perth Town Lade will be limited to 50% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.

Reason: In the interests of best practice surface water management; to avoid undue risk to public safety and flood risk.

8. In pursuance of condition 5 f), each application for the Approval of Matters Specified in Conditions involving buildings, shall include a detailed scheme demonstrating 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 approved scheme has been installed and operating.

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

9. In pursuance of condition 5 j), each application for the Approval of Matters Specified in Conditions or for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

10. In pursuance of condition 5 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the applications for the Approval of Matters Specified in Conditions for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables and pipelines substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the

development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

11. In pursuance of Condition 5 h) no works in connection with any phase of development hereby approved shall take place until such time as the structural landscaping works relevant to that phase as shown on the structural planting plan have been completed in full, prior to each phase.

Reason: To ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the amenity of the area and existing residents.

12. In pursuance of condition 5 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of development, will be submitted for the written approval of the Council as Planning Authority and show:-

- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
- c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all ability users etc.
- d) Any diversions of paths – temporary or permanent – proposed for the purposes of the development.
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.

Reason: In the interest of sustainable transportation.

13. In pursuance of condition 5(n) a detailed flood risk assessment should be submitted with the details of the first and subsequent phases of development, or as part of each application for the Approval of Matters Specified in Conditions, for the approval of the Planning Authority.

Development should only commence subject to an acceptable level of risk and specification of the appropriate mitigation, specifically the avoidance of built development within any areas assessed as at risk, based on up-to-date flood statistics, design flood estimation techniques, design flow statistics and channel configuration. The approved mitigation shall be implemented prior to the completion of the approved

phase of development and retained thereafter to the satisfaction of the Planning Authority.

Reason: To secure an up to date assessment of flood risk and the appropriate mitigation given that phases of development are programmed over 17 years, as best practice in flood risk assessment and mitigation may change over this time and as some aspects of risk can only be assessed at the detailed planning stage.

14. Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, the number of residential (Class 9) dwellings constructed shall not exceed 1,500 units.

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

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

Reason: To ensure the technical specification of the drainage system for the site accords with Perth and Kinross Local Development Plan.

16. The occupation of residential units is restricted in line with the following transport and access infrastructure requirement trigger points:

a) No development shall be occupied until a scheme of enhanced active speed limit signing and speed reduction measures has been implemented on the A85 in the vicinity of the existing Tibbermore Crossroads. The details of this scheme will require to be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland, and thereafter implemented to the satisfaction of the Planning Authority.

b) No residential units within Plot H5 (Phase 1B) or operation of the 'Local Centre' and no more than 90 residential units are permitted to be occupied until a new active travel lane crossing, as approved in writing, to an agreed design and specification of the Planning Authority, in consultation with the Council Structures team is delivered, connecting to all elements of the occupied site.

- c) No residential units within Plot H5 (Phase 1B) and no more than 340 residential units are permitted to be occupied until the new vehicular lane crossing as approved in writing, has been delivered to the satisfaction of the Planning Authority, in consultation with the Council Structures team.
- d) No more than 200 residential units are permitted to be occupied until such time as a detailed design and specification for the following works has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland:
  - i) pedestrian connections and public transport facilities in the form of footways, crossings and bus stops on and along the A85;
  - ii) new roundabout on the A85 connecting to the site and the Tibbermore Road;
  - iii) closure of the north and south minor road approaches to the existing A85 Tibbermore crossroads.
- e) No more than 403 residential units, comprising 340 units within Phase 1/1 A and a further 63 units within Phase 1B (Plot H5), are permitted to be occupied until the following works, as approved in writing under Condition 16 d) have been delivered to the satisfaction of the Planning Authority, in consultation with Transport Scotland:
  - i) pedestrian connections and public transport facilities in the form of footways, crossings and bus stops on and along the A85;
  - ii) new roundabout on the A85 connecting to the site and the Tibbermore Road;
  - iii) closure of the north and south minor road approaches to the existing A85 Tibbermore crossroads.

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

17. No more than 700 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Perth and Kinross Local Development Plan, has been designed, approved and contract let to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport



Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

18. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to the junction in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

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

19. No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

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

20. Prior to approval of further applications for the Approval of Matters Specified in Conditions for the southern portion of the application site; details of the lighting within the site likely to impact on the A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reasons: To ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished.

21. Prior to approval of further detailed applications for the Approval of Matters Specified in Conditions for the southern portion of the application site; details of the barrier/boundary fencing and frontage landscaping treatment along the A85 trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

22. No more than 300 residential units of the Almond Valley Village Development approved by virtue of this planning permission in principle shall be occupied prior to the delivery of a new local centre unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure delivery of infrastructure essential to serve the development is provided in a timely manner.

23. Castle Brae East shall not be used at any time by construction traffic associated with the development.

Reason: In the interests of pedestrian and traffic safety, residential amenity and protection of Huntingtower Castle.

24. Prior to approval of further applications for the Approval of Matters Specified in Conditions, a Public Transport Plan shall be submitted for written approval to this Council as Planning Authority and fully implemented to the satisfaction of this Council prior to the occupation of the 50th dwelling. The Public Transport Plan will set out what additional services will be provided, how the contribution funding will be used and how the developer will seek to promote sustainable travel.

Reason: In the interest of sustainable travel.

25. Prior to the completion of 1,000 dwellings and every 6 months during construction, the River Almond, East Pow Burn and Perth Town Lade for a distance of 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development shall be inspected and cleared of any impediments arising as a result of the development likely to create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.

Reason: To reduce the risk of flooding.

26. No works shall take place within 25 metres of any flood apparatus constructed as part of the Perth Flood Prevention Scheme or Almondbank Flood Protection Scheme without the prior written approval of Perth & Kinross Council Flooding Team.

Reason: To maintain the integrity of the Perth Flood Prevention Scheme defences.

27. Unless otherwise agreed in writing by the Planning Authority, the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

28. Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

29. Prior to the commencement of development, the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Council's Flooding Team.  
Reason: To reduce the risk of flooding.
30. A 5m maintenance strip must be retained either side of any flood protection apparatus and the watercourses along the River Almond, East Pow Burn and Perth Town Lade.  
Reason: To allow suitable access to the watercourse and flood protection apparatus for maintenance purposes.
31. Mitigation measures submitted as part of the Environmental Statement supporting planning application 15/01157/IPM shall be incorporated into subsequent applications for the approval of matters specified in conditions attached to this consent and thereafter fully implemented.  
Reason: To ensure environmental impacts are satisfactorily mitigated.
32. The Ecology and Habitat Surveys undertaken in respect of the Environmental Statement and associated Environmental Impact Assessment Addendum submitted with this planning application and application 15/01157/IPM shall be updated and resubmitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.  
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
33. As part of each phase of development, the mitigation measures specified in Appendix 11.5 (Report to Inform Habitat Regulations Appraisal) of the Environmental Statement submitted with planning application 15/01157/IPM and associated updated Habitats Regulations Appraisal (Plan 14 dated March 2021) supporting this application shall be fully implemented and updated as required.  
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
34. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall

be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

35. As part of each application for the Approval of Matters Specified in Condition or phase of development, the recommendations contained within the Tree and Woodland Survey submitted with the Environmental Statement (Chapter 15) shall be adhered to in full. In particular the recommendations for Root Protection Area (RPA) and dwelling standoff distances shall be followed.

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

36. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan (SAMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency, Transport Scotland and Nature Scot as required. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

37. Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed by the developer at its expense as the ECOW ('Ecological Clerk of Works') for the site. This appointment shall be subject to the prior written approval of the Planning Authority. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage. The ECOW shall oversee in consultation with the Planning Authority and Nature Scot, the implementation of all

ecology related planning conditions throughout the construction of the development. The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) In the event that any protected species are found on site to ensure that work is suspended in that location and that a species protection plan is implemented.
- d) Notification to the Planning Authority if there has been a requirement to stop or alter works in relation to this condition.
- e) Submission of a monthly report for the review of the Planning Authority in consultation with the Scottish Environment Protection Agency and Nature Scot during construction operations.
- f) Amendment of the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

38. As part of any application for the Approval of Matters Specified in Conditions or for each phase of development, following consultation with Perth and Kinross Heritage Trust and Historic Environment Scotland, a plan detailing the sensitive design of the development to protect and maintain the setting of the scheduled monument at Huntingtower Cairn shall be submitted to and approved by the Planning Authority in agreement with Perth and Kinross Heritage Trust and Historic Environment Scotland.

Reason: In order to maintain the setting of a Scheduled Monument at Huntingtower Cairn.

39. As part of any application for the Approval of Matters Specified in Conditions or for each phase of development 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: In the interest of protecting archaeological interest within the site.

40. Prior to the commencement of works on site, and in support of any application for the Approval of Matters Specified in Conditions, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. 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; a) The nature, extent, and type(s) of contamination on the site. b) Measures to treat/remove contamination to ensure the site is fit for the use proposed. c) Measures to deal with contamination during construction works. d) Condition of the site on completion of decontamination measures. Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

41. Prior to commencement of any development works, a Radiological Walkover Survey report shall be submitted for the consideration of the planning authority and shall be carried out to a methodology submitted and approved in consultation with SEPA.

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

42. As part of each application for the Approval of Matters Specified in Conditions, a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

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

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

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

44. No development shall take place at the eastern end of Phase H16 as shown in the submitted Masterplan of planning application 15/01157/IPM until the results of a detailed noise assessment and mitigation are known and agreed by the Planning Authority.

Reason: To prevent potential noise pollution of future residential properties and protect the amenity of existing business operations.

45. A scheme of mitigation to minimise impact on air quality shall be submitted to the Planning Authority as part of any application for the Approval of Matters Specified in Conditions. The approved scheme shall be implemented before the occupation of that phase of the development all to the satisfaction of the Council as Planning Authority.

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

46. For each application for the Approval of Matters Specified in Conditions or for each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: In the interests of the sustainable disposal of waste.

47. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection. Bin Dimensions: Capacity (240 litres), Width (580mm), Height (1100mm), Depth (740mm).

Reason: In the interests of the sustainable disposal of waste.

48. Prior to the commencement of development, an Energy Statement shall be submitted in writing for the approval of the Planning Authority. This statement shall include a review of the potential for the provision of, and/or

extension to, a heat network to serve the development, including the possibility of linkages to LDP2 allocated sites M70 and H319.

Reason: To investigate the potential for district heating opportunities for the development in association with neighbouring strategic sites, in satisfying the site allocation requirements of Perth and Kinross Local Development Plan 2019 (LDP2).

### **Justification**

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

### **Procedural Notes**

The existing Section 75 tied to planning permission 15/01157/IPM is required to be updated and/or modified in respect of the 90 dwelling unit threshold originally consented in advance of the required delivery of the A85 roundabout. Consent shall not to be issued until the Section 75 Agreement has been modified, signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
2. Display of notice: A notice must be displayed on or near the site while work is carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
3. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.



4. The applicant should take note of the information and advice contained within the consultation responses from Scottish Water.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. 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 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.
7. 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.
8. This permission continues to require to be tied by a Section 75 legal obligation associated with this planning permission, which relates to:
  - Delivery of a site for a 2 stream primary school;
  - Primary school financial contributions;
  - Transport infrastructure contributions;
  - Public transport improvement;
  - Delivery of key transport infrastructure (including the new A85 roundabout);
  - Affordable housing provision;
  - Open space provision and maintenance;
  - Sports pitches and pavilion provision and maintenance;
  - Play area provision and maintenance;
  - Structure planting delivery; and

- Delivery of associated community facilities including community woodland

A copy is available to view on the Council's [Public Access portal](#) or at the Registers of Scotland [www.ros.gov.uk](http://www.ros.gov.uk).

9. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with the limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

### **Environmental Impact Assessment (Eia) Decision**

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Addendum '2' dated February 2021. The public had opportunity to participate in the decision-making process through notification of the EIA supplementary information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.
3. The EIA addendum provides a brief summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal with scoping out of all other elements. The significant effects on the environment are identified to be directly linked to baseline planning permission 15/01157/IPM and two AMSC planning submissions 19/01430/AMM and 19/01433/AMM. In terms of significant parameters, the addendum's focus is primarily on climate change and traffic and transport impacts.
4. The Planning Authority is satisfied that the background EIA Statement, the 2019 EIA Addendum '1' and current EIA Addendum '2' submission (all now forming the EIA Report) is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the original EIA Statement and both the Addendum 1 and 2 submissions, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable

significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.

6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

## **(2) Local Applications**

- (i) **21/00624/FLL - Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period), Dunkeld and Birnam Railway Station, Birnam – Report 21/106 – The Craft Diner**

Mr Cevik and Mrs Schmid, applicants, address 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, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.  
Reason: In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.
3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all

windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

5. No advertising shall be displayed adjacent to the A9 trunk road.

Reason: To ensure that there will be no distraction to drivers on the A9 trunk road and that the safety of the traffic on the A9 trunk road will not be diminished.

6. Prior to the completion or bringing into use of the development, whichever is the earlier, the container shall be coloured Pantone 3537C (Dark Green) or similar, as shown on plans 05 and 06 hereby approved. Thereafter, the colouring shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of protecting the special character of the Listed Building.

7. Permission is hereby granted for a limited period until 30th June 2024 and after this date the container and decking area shall be removed and the site shall be reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority.

Reason: In view of the nature of the proposed development.

### **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. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. An application for Building Warrant may be required.
4. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
5. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
6. 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.
7. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.
8. 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 colouring of the container.
9. The applicants should make themselves aware of the proposed alignment options and current status of, and associated alterations to access arrangements that would be brought about by, the A9 Dualling Pass of Birnam to Tay Crossing Scheme.  
More information may be found at:  
<https://www.transport.gov.scot/projects/a9-dualling-perth-to-inverness/>

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

- (i) **20/00007/PAN - Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works, land south of Newhouse Farm, Perth – Report 21/107**

Councillor Illingworth requested that screening be taken into consideration.

Councillor James requested that security be taken into consideration, along with access for fire and rescue services.

Councillor Wilson requested that visual impact and landscape, scale design and layout, relationship with nearby land uses, construction and operational noise, traffic during the construction stage, transport implications, servicing and maintenance, and noise and light pollution all be taken into consideration.

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

**(ii) 20/00008/PAN - Formation of A9 slip road and junction to B8062 road infrastructure including landscaping, drainage and associated works at land north east of Shinafoot House, Auchterader – Report 21/108**

Councillor Simpson requested that consideration be given to the safety and convenience of other road users. Councillor Gray also requested that consideration be given to road safety.

Councillor Wilson requested that consideration be given to visual impact, scale design and layout, landscape, transport implications, volume of traffic, and impact on agriculture in the area.

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